Mislaid foundations and lost opportunities: Hedley Bull and Just War theory.

Abstract

This article explores the reasons for the absence of a systematic engagement with the tradition of Just War in the political theory of Hedley Bull, despite his recognition of war as a key institution of international society and his engagement with normative aspects of international relations and the thought of Hugo Grotius, a key figure in the Just War tradition. Building on work emphasising both Bull's problematic reading of Grotius and the impact of philosophical and methodological hostility to certain forms of ethical theorising in Bull's work, the article argues that his rejection of Just War is neither plausible not beneficial to Bull's engagement with war as an institution. Additionally, the article considers the potential for and benefits of engagement between English school theory and the Just War tradition for efforts within the English school to more effectively establish its normative dimension.

Introduction

This article aims to explore what, on the face of it, ought to be an important and interesting topic in the international theory of Hedley Bull – the role, influence and significance of the Just War tradition. The reasons for this potential interest are several. Firstly, Bull identifies war as one of the five institutions of an international society and the interaction between this institution and another – international law – has been shaped by the Just War tradition in many ways (Bull, 1977: 127-61, 184-99). Secondly, Bull was interested in and wrote about Grotius, a major figure in the development of Just War thinking and in relation to international law (Bull, 2000 [1966]: 95-117; Bull, 190: 65-94; Jeffery, 2006). Thirdly, normative and ethical debates are often seen as central to the

English school and it is difficult to escape the influence of Just War when we turn our minds in this direction in relation to war. Bull (1979a: 595) certainly saw war as '… an inherently normative phenomenon; it is unimaginable apart from rules by which human beings recognize what behavior [sic] is appropriate to it and define their attitudes toward it.' Fourthly, limitations on the use of violence are one of the defining characteristics, alongside rules about property and the status of contract and promise, of an international society that provides the centrepiece of Bull's contribution to international theory (Bull, 1977: 3-52). Debates over what form those limitations can, do and ought to take almost inevitably engage with notions prominent in the Just War tradition.

Yet we search in vain for an extensive discussion of Just War in Bull's principal writings and this is an intriguing absence. Bull was, of course, well aware of the extent, significance and sophistication of the Just War tradition and, coincidentally, his major work, *The Anarchical Society*, was published in the same year as the first edition of Michael Walzer's *Just and Unjust Wars*, the most influential contemporary re-statement and defence of the importance of Just War thinking (Walzer, 2000). Bull, indeed, reviewed *Just and Unjust Wars* for World Politics (Bull, 1979a). Therefore, the task of this article is to explain an absence and consider the implications of this for how we understand Bull as an international political theorist. For this absence is not the result of oversight or part of the unfinished project to look in detail at the idea of world society and expand on the more solidarist strands many see evident in Bull's last works before his untimely death (Bull, 1983). Instead, Bull's neglect of the Just War tradition is deliberate and, the article suggests, is indicative of key tensions in Bull's approach to theorising international relations and the methodology he adopted. His ambivalence, even hostility, to Just War theory reinforces the idea of a fundamental tension between the empirical

and the ethical in Hedley Bull's work that can also be seen in, for example, his conceptualisation of order (Williams, 2006: 13-34).

The article proceeds in three main stages, the first looking at Bull's arguments about war as an institution of international society and the connections between this and his understanding of Grotius. The second main section focuses on Bull as a moral sceptic, at least when it comes to Natural Law as a basis for ethical claims and how he locates Just War in relation to Natural Law. Thirdly, the article looks at whether Bull can be read as some sort of Just War theorist, at least when it comes to *jus ad bellum* restrictions on the resort to war, via his claims about war as an institution of an international society predicated on the maintenance of order amongst states. Finally, the conclusion will expand on the claim that Bull's engagement, or lack of it, with the Just War tradition reinforces the idea of him as wrestling with a fundamental indecisiveness when it comes to embracing the ethical and normative significance of his theory. It will also suggest that overcoming flaws in Bull's thought in this regard is important if the ethical and normative strand of English school theory is to progress and to respond effectively to both the political challenges of contemporary forms of international political violence and the theoretical challenges of reforming English school theory.

War as an institution of international society

Much has been written about what constitutes an 'institution' of international society, and there remains a good deal to be resolved in terms of rendering the concept precise within English school theory (Buzan, 2005: 161-204). There are various lists of institutions, but Bull's has the virtue of brevity, listing only five: balance of power, international law, diplomacy, war and the special responsibilities of the great powers (Bull, 1977: 101-232). This article does not contribute to debate over what constitutes an

institution of international society or to assess whether Bull's list is the 'right' one, in comparison with those drawn up by others. Instead, this section will look at how Bull saw the institution of war as operating and how he connected this to a wider notion of a Grotian tradition or conception of international society. This will hopefully elucidate to some extent what Bull meant by the idea of an institution, and the idea of war as such an institution in particular, but the emphasis is on how this account might expect us to see Bull engaging with Just War theory.

Bull (1977: 74) defined an institution as '… not necessarily … an organisation or administrative machinery, but rather a set of habits and practices shaped towards the realisation of common goals.' Given this definition it is easy to understand the controversy within English school theory over what should be included and what excluded, with the state being perhaps the most fundamental area of debate. Indeed, it is notable the Benedict Kingsbury and Adam Roberts argued that Bull saw the state as just such an institution and, indeed, the 'principal institution of international society' despite its absence from Bull's list of five. What is also notable is that they see Grotius as the source of this institutional view (Kingsbury and Roberts, 1990: 26). Bull himself reiterates this – describing Grotius's work as of 'cardinal' importance because it established the paradigm of a rule-bound society of states (Bull, 1990: 71-2). Bull's account of Grotius, and especially his conflation of the notion of an analytical tradition of thinking about rule-governed inter-state behaviour with a historical lineage of thought directly traceable to Grotius is, at least, problematic if not plain wrong (Jeffery, 2006: 124-7). Bull's reputation as a historian of political thought is not the central issue for this article, although elements of this flawed reading will return later in the article.

Bull's understanding of the role of war as a practice shaped towards the realisation of common goals is, as he notes, different from what he sees as Grotius's emphasis on war being just only in response to an injury to a state's rights (Bull, 1990: 76). Instead, Bull (1977: 188) cites three ways in which international society '… has sought to assign to some kinds of war a positive role in the maintenance of international order.' These are to enforce international law, to preserve the balance of power and '… more doubtfully … to bring about just change.' (Bull, 1977: 189)

Bull's approving connection of war to two other institutions of international society – international law and the balance of power – highlights the complex and inextricable entanglement of the various institutions of international society, contributing to the problem of analytical specificity and clarity about their nature. It also points to a normative tension about war, and also about the other institutions, although there is not space to explore this in detail here. This is that war must, in certain circumstances, be normatively desirable – i.e. it upholds certain norms, rules or even laws of international society.[1] By extension, there are times when it is right to go to war because war can contribute to the attainment of ethically desirable outcomes or conditions in international society, recognising that an international society is an ethically superior condition of international life to an international system. Ultimately, war may be 'just', which Bull (2000: 98-102) saw as a central element of the 'Grotian' view of the role of war as an institution and which he echoes, if, as noted, in a somewhat distorted way in his admission of the idea of 'just change'. Bull may have seemed sceptical about the claims advanced in the 1970s about the justice of wars in the name of national self-determination from colonial oppression or against *apartheid*, and what he labelled the 'acquiescence' of international society in the 1961 annexation of Goa by India, the 1962 seizure of West Irian by Indonesia and the role of India in the creation of Bangladesh in

1971, but he recognised that they were symptomatic of the enduring power of the appeal to justice (Bull, 1977: 198-9).

Bull's doubts about this function of just change reflect his views about the fragility of international order in the second half of the twentieth century. What it shows, though, is that Bull cannot avoid the ethical significance of war and thus the need to grant it ethical status within the overall concept of international society. His discussion of Grotius also reinforces the idea, inherent in the logic of the concept of order Bull deploys of an ethic of international society (Williams, 2006). As Edward Keene (2002) has shown, Bull's idea of *an* international society is historically problematic because of the neglect of colonialism and the creation of parallel international societies in the relationships between colonial powers, colonies and other, intermediate, forms of political hierarchy. Understandings of order in an 'inter-sovereign state' international society were clearly different from those in a 'sovereign to non-sovereign' relationship. As Keen (2002: 40-59) stresses, Grotius commented extensively on this situation, as he was bound to given the circumstances in which he was writing and the causes he was addressing, yet Bull's principally second-hand and partial reading of Grotius (Jeffery, 2006: 129-30) causes him to neglect Grotius's own discussion of these circumstances. The influence of Grotius on political and legal reasoning justifying colonialism is thus missing from Bull's account.

Bull is instead keen to limit debate about the ethic of international society to the issue of international law, rather than fully recognising and exploring the relationship between law, justice and an overarching ethical schema. For example, Bull (2000: 99) identifies in the pluralist view of international society, to which he generally subscribes, a recognition that while 'it is a part of ethics to distinguish just from unjust causes of war it is no part of international law.' Yet his discussion of Grotius as the originator of solidarism is cast

solely in terms of law, ignoring the ethical challenge that he sees pluralism as laying down to solidarism – 'Grotius, by contrast, insists that it is the province of law to determine the proper causes for which war may be fought.' (Bull, 2000: 99) That Bull believed this to be the case may, again, attest to a limited reading of Grotius because, as Jeffery (2006: 1-50) emphasises, one of the principal features of Grotius's body of work is its contribution to theology and the inescapable role of a theological conception of law, including in relation to the laws of war and peace. To strip this out, as Bull does, is to risk eviscerating Grotius's understanding of justice and war.

Bull's analysis of Grotius's contribution to the idea of international society includes recognition of the normative content and ethical significance of that society via what he sees as Grotius's deployment of the domestic analogy by which international society is not a distinctive and separate ethical world, but is instead in important ways like a state where private violence is largely proscribed and legitimate violence is cast in terms of law enforcement (Bull, 2000: 109-12). Thus there must exist either authoritative law-making institutions or widespread consensus on what the law is and who may enforce it and ideally both. This latter requirement is important because it helps show a society of states relates to '… the great society of all mankind, *magna communitas humani generis.'* (Bull, 1990: 72; Bull, 2000: 112) This opening to the idea of a 'world society' is something that has been much debated in relation to Bull in particular and the English school more generally (e.g. Wheeler and Dunne, 1996; Williams, 2005, Buzan 2005: 10-15). It is notable that Bull sees in Grotius an approach that can be read as a precursor to the kind of human rights-based cosmopolitanism that is characteristic of a considerable amount of the English school work of recent years that has advocated the development of an ethically cosmopolitan approach to the idea of world society (Bull, 1990: 84-5; Bull, 2000: 112). Bull's mention of India's involvement in the secession of Bangladesh from

Pakistan in 1971 also offers a link to the *cause célèbre* of English school solidarists of the last eighteen years – humanitarian intervention (E.g. Wheeler, 2000; Bull, 2000: 108, 114-5. See Jeffery, 2006: 15, 135-8 for a discussion of the fallacious nature of this claim). The influence of Just War categories, criteria and questions on this debate has been immense and undeniable.

Therefore it seems strange, if not perverse, that Bull makes so little use of the Just War tradition in his analysis of war as an ethically significant and normatively laden institution of international society beyond recognising the basic Just War distinction between *jus ad bellum* and *jus in bello*, although he even declines to use those terms (Bull, 1977: 188, 199).[2] It is therefore necessary to move on and consider the reasons for this scepticism about the utility of the Just War tradition to further Bull's analysis and defence of the importance of international society.

Scepticism and distrust – Bull on Just War

The principal reason for Bull's scepticism about Just War lies in his emphasis on its indebtedness to Natural Law and his distrust of this approach to political theory. This, indeed, is a consistent theme of Bull's work throughout his writing and whilst his hostility to Natural Law is somewhat tempered in his late work, it is ever-present. Thus whilst Bull's scepticism about the significance of ethics, and particularly universal ethical claims, in international relations declines somewhat, his pluralism is in part explicable by his enduring scepticism about the possibility of foundational ethical claims rooted in a sense that all such claims ultimately hark back to some sort of Natural Law basis. Bull's philosophical realism and the influence of legal positivism on his approach to normative and ethical questions render such bases methodologically inadmissible in Bull's political theory. The influence of his undergraduate philosophy lecturer, John Anderson, has

been highlighted as the source of this intellectual bent on Bull's part. It is also seen as

important to Bull's rejection of the theological dimension of Grotius's thinking, a rejection

that also coloured his engagement with Martin Wight's work which he found over-

indebted to Wight's Christianity (Jeffery, 2008).

One of Bull's earliest works, *The Control of the Arms Race*, contains some of the

clearest hostility towards claims of ethical universalism. Bull's 'pluralism' – the idea that

the diversity of human societies' ethical views renders substantive universal ethical

claims impossible – is very boldly stated (Bull, 1965: 20-1).

> There are no moral arguments to be propounded nor moral criteria to be
> identified that are beyond dispute: for those we employ we create and do
> not discover. The moral doctrines which unite particular societies or social
> movements are different and often incompatible; they reflect the
> existence of different ways of life, and of conflicts among them. … In
> facing the question of the morality of war, then, we should recognize that
> the only moral criteria we are able to employ are parochial ones; that they
> reflect what is in ourselves rather than what is in nature[3]

This comes close to an also paradigmatic statement of moral relativism on a radically

communitarian basis. Indeed, Bull is saved from a position of outright moral scepticism

in which the relevance of moral and ethical debate to international relations is rejected,

by his insistence that it remains vital to those communities that they ask themselves their

own ethical questions in order to maintain their own ethical integrity. This applies just as

well to military matters as it does to other political activity, even if this is, '… talking to

ourselves, about ourselves.' (Bull, 1965: 21)

Whilst Bull's argument on this point loses such crystal clarity in his later work, the

hostility to the idea of natural rights and Natural Law remains. In the two essays making

up *Justice in international Relations*, often seen as one of the most solidarist of Bull's

works, he nevertheless argues that (Bull, 1983: 12), '… whatever case might have been

made out at earlier periods in history for such a doctrine of the natural or inherent rights of sovereign states or of independent political communities it cannot be acceptable now.' His defence of the responsibility to defend and extend 'the idea of the rights and duties of the individual person' and of 'the growth of a cosmopolitan moral awareness' is couched in terms which see it as a distinctly liberal and Western view (Bull, 1983: 12). Whilst it may be of growing significance and may attract growing support in non-Western societies as the interdependence of political communities grows, Bull argues that this cannot blind us to the historical and geographical specificity of these ideas. The commitment of liberals to fulfilling the responsibility to extend the role of human rights is not the product of some natural or universal ethical impulse, but is the logical requirement of liberalism itself. '[G]iven the developing liberal tradition of the Western democracies, some degree of commitment to the cause of human rights on a world scale must follow. *Our own moral premise requires it.*' (Bull, 1983: 13, emphasis added) But, as he notes, '… when we come to formulate our own ideas about justice in international relations, we should … not proceed as if our own ideas were bound to command general assent.' (Bull, 1983: 11)

This position marks Bull out from Grotius, argues Jeffery (2006: 30), for whom the idea of human law, natural law and divine law existed in a hierarchical relationship, ascending to divine law, so that the question of the justice of war could not be considered outside of universal frameworks, whether those are the frameworks of natural law identifiable by all as a result of rational reflection on the state of nature, or divine law as revealed by the word and will of God. Grotius's emphasis on religious, or at least Christian, unity and the centrality of ideas of love, moderation and toleration in divine law help ensure the inclusiveness and flexibility of such frameworks, but they cannot be stripped out (Jeffery, 2006: 3-11; 43-7).

This distrust of Natural Law and ideas of natural rights, whether for states or individuals, is key to Bull's scepticism about Just War. This scepticism means that the role of Just War in his understanding of international society has to be restricted as he argues can be seen in Grotius, for him the principal source of an international society approach. He argues that Natural Law comes across most clearly in Grotius's work in his '… exposition of the doctrine of just war. The distinction between just and unjust causes of war is one which Grotius takes to be apparent to all men [sic], by virtue of their endowment with reason.' (Bull, 1990: 87) The ability to identify these rules *a priori* via universally endowed reason is the defining feature of Natural Law that Bull identifies as central to Grotius's thought (Bull, 1990: 78).

In a review of Brian Midgley's 1975 *The Natural Law Tradition and the Theory of International Relations,* and a subsequent exchange, Bull's hostility to the admissibility of Natural Law claims about ethics comes across clearly (Bull, 1979b). Bull is scathing in his account of Midgley's argument which is variously described as 'bizarre' (Bull, 1979b: 177), 'startling' (Bull, 1979b: 175), and 'avowedly dogmatic and profoundly reactionary' (Bull, 1979b: 172). He also confirms his rejection of Natural Law as a valid approach to moral questions, especially in international relations (Bull, 1979b: 181):

> Moral disagreements can be resolved only by reference to moral rules whose validity we assume. To establish the validity of these rules we can appeal only to other rules, whose validity is established in the same way.: there are no rules that are valid independently of human will, that are part of 'nature'. The natural law theory, with its insistence that moral truth is apparent to all men [sic] by virtue of the light of reason, cannot readily accommodate the fact of moral disagreement, so prominent in the domain of international relations, or the clash of values and ways of life which it expresses. … [M]en [sic] in world politics are in conflict about the most basic moral ends, and that when this occurs there is sometimes no rational way of choosing between them.

Midgley, giving as good as he got (Midgley, 1979), may stand as a particularly clear exponent of a Thomistic version of Natural Law, but Bull's points here and those already cited stand as clear evidence of a methodological and political rejection of naturalist claims about ethics in international relations. We make the ethics of international society and ethical judgement has to be made in the specific circumstances and set against the specific context of individual cases. It is, therefore, perhaps little wonder that the search for general principles for determining the justice of the recourse to and the conduct of war find little favour with Bull.

This commitment to Natural Law, seen by Bull as a carrying 'overtones of the political theory of medieval Latin Christendom' (Bull, 1990: 87) might, on the face of it, damn Grotius's work in its entirety. But Bull seems to see this polluting influence as being confinable, principally to Grotius's discussion of Just War. Grotius's recognition of other, earthly, sources of law derived from the agreement and conduct of states means that he can provide a bridge to the positivist international legal tradition that becomes dominant in the nineteenth century and also, importantly, a lesson in how to handle the idea of mixed sources of law that Bull sees as reappearing in international law after World War One and accelerating after 1945 (Bull, 1990: 79-80; Kingsbury and Roberts, 1990: 26-38.) Again, this reading may be flawed, with Jeffery (2006: 83) arguing that Wolff and Vattel are better seen in this light, and that the idea of a Grotian tradition is significantly detached from the thought of the man himself (Jeffery, 2006: 51-138).

Leaving this to one side, for Bull, Natural Law and the domestic analogy, which underpin how he sees the influence of Just War in Grotius, are already in decline in Grotius's thinking, one of the reasons for his significance (Bull, 2000: 110):

> [A]lthough Grotius' view of international relations concedes so much … to the domestic analogy … it may be argued that his own originality, his 'contribution', was to have assisted the movement of thought in a direction opposite to this. The place of the domestic model in *De Jure Belli ac Pacis* may be seen as a medieval residue; its novelty as lying in the stirrings it contains towards the conception of international society as a unique society …. From this perspective what is remarkable in Grotius is not that he 'qualified' such notions as those of the laws of war, neutrality, alliances and sovereignty with the solidarist doctrine of just war which he inherited and adapted from the Catholic tradition. What is noteworthy is rather that he recognized these notions at all ….

This multiplicity of sources of law, which Kingsbury and Roberts tellingly refer to as 'Grotius' pot pourri of sources' (Kingsbury and Roberts, 1990: 36) and which is reflected in the post-1918 developments in international law Bull emphasises, adds to the problems Bull sees in Just War. Rejecting the claim that Just War is inevitable as a part of Natural Law might lead one to expect Bull to look favourably on the principal contemporary restatement of Just War theory, Walzer's *Just and Unjust Wars*, which he acknowledges adopts the kind of 'mixed sources' approach Bull sees in Grotius (Bull, 1979a: 596). However, Bull finds Walzer's non-naturalist approach to be a fundamental problem because it fails to deliver exactly the kind of clear basis for ethical judgement that Natural Law might provide but which Bull rejects as inadmissible in a pluralist international society.

Thus Bull's review of Walzer opens by discussing the reasons for the neglect of Just War prior to Walzer's restatement and seeing in this evidence of the disappearance of any acceptable *a priori* moral foundations on which Just War can be rebuilt. Having noted that, when it comes to Just War, he can think of '… no work by any philosopher in the English-speaking world, writing from a secular point of view, that is of importance', Bull (1979a: 589) carries on to argue that, 'What deters us from embarking upon serious inquiry into these matters … is the feeling that arguments about the morality of war … are a matter of mere opinion.' As with his critique of Grotius's account of Just War, so

Bull notes that (1979a: 590), 'The great debates about just war that took place in Europe in medieval and early modern times took place against the background of common moral authorities: divine law as revealed in the scriptures, and natural law as evident in the light of reason. … Today, … neither the old basic premises of moral argument, nor any new ones, command comparable acceptance.'

The legacy of Anderson's philosophical realism, empiricism and deep hostility to religious authority is clear(Jeffery, 2008: 54-9, 64-6). However, that Walzer does not try to put in place such foundations, not that he does not succeed in achieving what Bull clearly saw as an impossible task, is his principal criticism. 'This disdain of foundations is the cardinal – and it appears to me the most vulnerable – feature of Walzer's position.' (Bull, 1979a: 591) Bull's review of Walzer's book is therefore of significance for how we understand Bull's international political theory as a whole, because it tells us a good deal about Bull's own views about the nature of political theory and in particular the nature of international ethical theorising. Bull demands foundations upon which ethical claims can be made and these must satisfy empiricist criteria and fit within a philosophically realist position that is hostile to the idea of rational deduction as a basis of knowledge (Jeffery, 2008: 57-8). He is impatient with Walzer's argument that he is engaged in 'practical ethics', instead seeing in Walzer, not surprisingly, a liberal, human rights view of ethics but decrying the fact that this is clearly open to challenge but that Walzer fails to offer a sustained and detailed defence. 'Walzer's position may be disputed from various perspectives. What makes him vulnerable, however, is that he does not provide us with the foundations of his own position, and thus does not have anything to say as to why we should listen to him rather than to someone whose outlook is fundamentally different.' (Bull, 1979a: 598)

Walzer is thus left, in a position analogous to Bull's critique of Grotius's views of the sources of war, adrift and unable to explain why it is that in this particular set of circumstances it is this particular set of rules, principles, experiences and judgements which should carry the day rather than another (Kingsbury and Roberts, 1990: 28-38). Natural Law brought Just War theory that kind of clarity, but that was a product of a medieval Christendom that is no longer relevant, argues Bull. Positive international law might have provided an alternative, and very different, way of ruling definitively on the resort to and conduct of war, but post-1918 international society has backed away from a strictly positivist approach and, in any case, we cannot conflate ethics and law.

But surely Bull, too, is left stranded between a view of Just War as a product of Natural Law and a product of mere opinion, even if well-informed opinion. He concludes his review of Walzer by noting that, 'Walzer has provided us with his opinions about just and unjust wars. He has done it elegantly, some times movingly, and with a measure of theoretical and historical depth. But if the discussion of just war is to be more than simply an exchange of opinions, some foundations must first be established.' (Bull, 1979a: 599) But can Bull provide those foundations any more effectively than Walzer? His repeated and consistent acknowledgement of the ethical significance of war, both in itself and within international society, surely leaves him with no choice but to attempt this task (Bull, 1965: 20-4; Bull, 2000: 98). Can we, therefore, recreate Hedley Bull as a Just War theorist?

Bull as a Just War theorist?

As noted at the start of this article, casting Hedley Bull as a Just War theorist is a rather tall order. Certainly I do not intend to try to make a claim that he can be seen as major contributor to the tradition of Just War theory. Instead, the purpose of this section is not

to pretend that a sheep is really a goat, but instead to suggest that Bull *does* have a conception of when war is just and that this must, by the force of his own argument against Just War, necessitate some foundational claims. These are not, evidently, of a Natural Law variety and are, in fact, highly complex and ambiguous. It is this ambiguity that is most interesting, though, as it tells us more about the troubled relationship between the philosophical realism of Bull's position and his commitment to the normative and ethical importance of how we think about international relations. In doing this, the article also hopes to say something about how the English school as a whole can think about ethics in a more effective fashion.

One thing that can be said with some certainty, though, is that this exploration of Bull as a Just War theorist is unlikely to extend far into the realm of *jus in bello*. Bull is sceptical about the effectiveness of the formal rules of war – his term for *jus in bello* – seeing them as having little force in and of themselves, with observation being a matter of calculation of interests in specific circumstances (Bull, 2000: 102; Bull, 1977: 199). He saves his most damning criticism for what Walzer sees as the central *jus in bello* principle: non-combatant immunity. 'Of course, that principle appears to have gone down the drain in the twentieth century, as non-combatant soldiers [sic], munitions workers, workers helping to feed and clothe soldiers, and finally whole populations, have been incorporated in the class of combatants.' (Bull, 1979a: 593) This reflects the legacy of Anderson and the position that it is what actually happens, what is empirically knowable, that matters in understanding conflict, not what has been agreed ought to happen (Jeffery, 2008: 68).

However, it is the acknowledgement of the existence of '… tacit rules of the game improvised under the discipline of the fear of war' that gives us some grounds for hope in

this endeavour (Bull, 1977: 199). For whilst Bull is clearly correct to see in Just War theory a long legacy of Natural Law thinking and claims about natural rights, a position which has gained even greater ground in many current discussions of the Just War (e.g. Elshtain, 2004; McMahan, 2004; Rodin, 2004; Téson, 2005; Kaufman, 2005), the notion of norms and rules is not necessarily hostile to Just War. Indeed, if war is a regulatory institution of international society, comprehensible only in terms of the rules and norms that grant it meaning and located within an overall schema of an international society that generates order amongst sovereign states, and which is itself connected to a wider, universal human community, then Bull, too, is making foundational claims. We are being asked to understand war in a specific way and that this is no matter of mere opinion, it is, for Bull, a matter of fact.

Therefore, Bull's philosophical realism extends into the realm of social interaction – these are real rules, they do really exist and they do matter in how states and other international actors behave. It may be a world of our making, and the extent and effectiveness of rules – their 'thickness' to borrow a term from Walzer (1994; also Buzan, 2005: 154-8) – may be affected by the level of civilisational homogeneity, but these rules and norms do exist and are effective independently of what we choose to think about them. They do not stem from fundamental and universal moral 'truths', but they are authoritative and their observance and breach does matter in shaping and directing behaviour and in enabling us to judge the quality of that behaviour as rule-affirming, rule-breaking or rule-amending, amongst other possibilities (Finnemore and Sikkink, 1998; Wheeler, 1999).

This article is not the place to engage in a detailed assessment of Bull's methodology. The relationship between Bull's approach and social constructivism, for example, has

been discussed elsewhere (e.g. Dunne, 1995). The similarities are more than skin deep, enabling the development of social constructivism to be used to good effect in refining the methodological underpinnings of English school theory (Buzan, 2005: 102-8). What is important to this argument is that the recognition of the norm-bound and ethically significant character of war as an institution of international society means that Bull possesses, at the very least, some sort of theory of the *jus ad bellum*. As his identification of three purposes of war notes, war is legitimate to preserve the balance of power, to enforce international law and to promote just change and this provides in some way shape or form a set of *jus ad bellum* criteria, at least in relation to the notion of 'just cause'. He connects law enforcement to the classic just cause claim of Just War theory – self-defence – and sees in the post-1945 period the principal challenge of warfare being the way in which states' monopoly over the legitimate use of violence has been effectively challenged by non-state and sub-state groups – a debate about legitimate authority, a second *jus ad bellum* notion (Bull, 1977: 198-9). Bull also notes the problem of proportionality, a classic *jus ad bellum* principle, in a nuclear era. The 'moral cost' of asymmetric nuclear use is noted (Bull, 1977: 191), and the resort to general nuclear war is classed as demonstrating the collapse of international society, rather than the operation of an institution legitimised by its contribution to the existence and maintenance of such a society (Bull, 1977: 198).

The 'thickness' of Bull's conception of order does change through his writings, adding to the potential interaction between Bull and Just War theory, if the blinkers of his Natural Law vision of Just War can be lifted. In *Control of the Arms Race,* US-Soviet arms control is located within the context of international order and the ability of arms control to contribute to or undermine other elements of international order, and vice versa. This is redolent of the importance Bull attaches to order and the role of institutions like

diplomacy and great power management, both of which are in play in arms control

negotiations, but his account lacks discussion of any substantive shared ethical basis for

order in the Cold War (Bull, 1965: xiii-xxx).

Justice in International Relations is much less clear cut on this, as is often noted, seeing

the development of growing influence for ideas of universal human community. Earlier

pieces can be seen as tracking in this direction. The changes between Bull's account of

the relationship between order and justice first published in 1971, which provides the

basis for chapter four of *The Anarchical Society*, are indicative of this trend towards an

increasingly complex and nuanced view of the relationship between inter-state

institutions of international society. There is movement away from understanding these

as orbiting around the central goal of an empirical condition of order, and towards seeing

order as more value-laden and increasingly connected to appeals for cosmopolitan

justice (Bull, 1971; Bull, 1977: 77-98). This may have been based, in Bull's view, on the

fact of the rising number and impact of such arguments, but alongside that empirical

observation must also go recognition of the growing influence and acceptance of the

kind of philosophical claims that underpin and inspire such appeals.

Can we, though, see in this a way to connect Bull to the richness and sophistication of

the Just War tradition without letting Natural Law in by the back door? One way in which

this might be done is to appeal to the idea, most commonly associated with George

Mavrodes, that Just War principles can be seen as just the kind of 'rules contracted into

under the discipline of the fear of war' that Bull regards them as being (Mavrodes, 1985

[1975]). Mavrodes essentially argues Just War 'rules' are contractual – they are entered

into voluntarily by the parties to war out of an identification of their own self-interest in

observing them. Their force is dependent upon both parties abiding by their obligations

and thus the breeching of the rules by one party frees the other from any obligation to continue to observe the rules, although they may see an interest in doing so. The rules may become durable over time as a result of continued observation and may become a starting point for re-negotiation in future conflicts or an inspiration to other parties engaging in war. What this serves to do is to break the link between Just War and Natural Law, and in ways which stress the status of Just War principles as regulatory norms that ought, on the face of it, to be highly appealing to Bull.

Mavrodes' approach is interesting, but what is intriguing, though, is that moving to such an approach is at odds with Bull's English school theoretical framework. I have found no sign that Bull was aware of Mavrodes' argument, but he would, it seems likely, have been bound to reject it in any case. This is despite his observation on *jus in bello* rules that '… the duty to abide by the rules of war must be made reciprocal, for it is only on the understanding of reciprocity that any prospect exists of their being observed.' (Bull, 2000: 102) As Bull argues in his review of Walzer, 'The distinction between moral rules and rules that are better described as procedural or customary is not always easy to draw.' (Bull, 1979a: 595) This uneasiness is connected, I want to argue, to fundamental English school claims about the multiplicity of theoretical trends and traditions at work in international relations and how this might help to explain both the problems with Bull's rejection of Just War theory and also how stronger connections might be built.

Bull constructs the tripartite framing schema for the English school's theorising of international relations in such a way that he holds open a door to just the kind of foundational ethical claims that he demands of Just War theory, but is so unwilling to admit as a result of his philosophical inheritance. Moving to a contractual understanding of Just War is not a viable move for Bull to have made and the reasons why are telling in

terms of the problems he faced in connecting the rule-based understanding of regulatory institutions to a consistent ethical theory. As with Bull's ambiguity over the ethical status and normative demands of the concept of order, so we can see in relation to Just War a repetition of the ethical indecisiveness of Bull's thought (Williams, 2006).

The English school's famous classification of international system, international society and world society, in which elements of all three are always in play, is one that Bull holds to and to which he made significant contributions (Wight, 1991). The idea of ethical solidarism, as with so much about international society, has its roots in readings of Grotius, with Bull seeing his conception of international society being characterised by '… the actual or potential solidarity of international society in defining and enforcing its own rules.' (Bull, 1990: 87) But as we have seen, it is here where Bull sees the legacy of medieval Natural Law thinking as being at its strongest in Grotius. Thus for international society to be solidarist requires just the kind of acceptance amongst states of universal and authoritative sources of ethics, whether divine or natural, that Bull rejects so clearly as a relic of the medieval world. Universal agreement amongst states that would create a solidarist international society is thus exceptionally unlikely, even if growing interdependence is creating limited pressure in some quarters in this direction (Bull, 1983).

These pressures, though, are only at play because of changes in the way in which the world works. For Bull, they do not herald a return to a medieval consensus on the origins and sources of universal ethical principles, and that those who see in human rights such a set of principles are misguided. As we have seen, those who accept the claims of universality made by human rights are bound to promote them and seek to fulfil the responsibilities they create. But they should not assume that everyone else shares their

view or feels the ethical force of these imperatives. States are especially unlikely to respond to these imperatives and whilst the realm of solidarism is more likely to be found in world society, and the hints that Bull gives of the subordinate status of international society to a world society of humankind, he clearly does not subscribe to the existence of such a society as significant in the dominant patterns of conduct and debate in international relations (Wheeler and Dunne, 1996; Bull, 1977: 86-93). His methodological commitment to philosophical realism and a real world thus demands that he treat such ethical solidarism with grave suspicion.

The idea of world society as being inevitably solidarist is a controversial one and Bull's, and others, assumptions in this direction have been the subject of critique, although they remain highly influential in English school theory (Williams, 2005). Setting this to one side, what we can see is that the multiplicity of sources of norms, of ethical schemas and of imperatives for action that Bull saw Grotius as wrestling with and with which Bull himself had to wrestle, offers a route into debate for universalist, even quasi-Natural Law, claims such as human rights. Thus Bull cannot go down the route Mavrodes offers of seeing Just War as contractual, because he cannot see how Just War can be divorced from Natural Law and Natural Law, or its analogue in human rights claims, has a role to play in the debates and conduct of contemporary international relations. He is right to dismiss an easy distinction between contractual or procedural rules and moral rules because for many the value of the procedural lies in its connection to a wider, and deeper, understanding of the moral. Bull, and Mavrodes, may not share such philosophical positions but they are required to recognise their empirical force even as they may decry their philosophical paucity. If we are to study the rules, norms and ethics of war we have to do so, argues Bull, in a way that is a true reflection of the facts of that debate and of the context in which it is located. Amongst those facts, for Bull, has to be

the existence and operation of a sphere of world society understood by him in predominantly cosmopolitan terms and recognised as being the location of a source of universalist ethical imperatives against which the value of an international society of state must in part be judged.

The complexity and ambiguity as to definitive moral authority that Bull and others see in Grotius and which Bull sees in Walzer is therefore also present in Bull and the English school more generally. Bull's limited account of a *jus ad bellum* highlights this because of the way that he cannot, despite his own methodological preferences, ultimately separate out the dynamic, contextually specific, pragmatically amended and intersubjectively created and understood norms and rules of war in international society from a grand ethical theory. Order is entangled with justice, international society is entangled with world society and this holds true even if we adopt the far more precise and carefully worked out understanding of these two arenas of international political life to be found in Buzan (2005).

Bull's rejection of Just War may, therefore, ultimately come back to personal distaste. It is unusual for Bull to offer a clear statement of his personal views on ethical matters in his work, much preferring the voice of the detached analyst, rather than the committed advocate.[4] But on Just War theory he did venture some pretty trenchant views (Bull, 1965: 21):

> War has its own ethic, its own distinguished apologists and its own place
> in the honour and esteem of many human societies of which our present
> fears and interests cannot rob it. But it appears to me, here, now,
> something evil, in which any kind of acquiescence is in some measure
> morally degrading. Organized violence itself, and the habits and attitudes
> associated with threatening it and preparing for it, are ugly and alien.

Certainly, it is difficult, on this account, to see really good reasons why Bull rejected engaging with the most venerable and arguably the most sophisticated intellectual tradition for thinking about the ethics of violence in international relations. Many of the criticisms that Bull levels at Just War are ultimately applicable to his own theory, at least to some extent.

Conclusion

Bull's position on Just War is further evidence of the ethical and normative indecisiveness of his thought that can be found in other areas, such as his account of order (Williams, 2006). A rejection of Natural Law is a part of this, as Bull is clearly and consistently unwilling to accept the idea of pre-social ethics rooted in some sort of universally attainable knowledge about right and wrong. But he remains unable, as all in the English school are, to leave ethical and normative issues and questions alone. Bull's insistence on foundational claims is unusual, though, with many in the English school able to build sophisticated and insightful ethical accounts of international political phenomena like humanitarian intervention without feeling the need to make such claims, or recognising that the effect and impact of such claims are mediated through circumstance and context.[5]

Bull struggles, though, to see how to consistently and coherently incorporate the kind of foundational ethical claims he believes are essential to a schema like Just War into the philosophically realist methodology that is so important to his account of international society and the workings of its various institutions. This is perhaps partly why he tends to shunt ethical questions into the 'world society' category, contributing to the problems with that concept that Buzan (2005: 6-62) exposes so effectively. This, however, is no solution to the problem, merely its deferral. The English school, especially those most

strongly influenced by Bull, need to find a better answer to this question than he did, because, as we have seen, Bull did, in fact, possess a theory of the *jus ad bellum* and did take a view on the *jus in bello*, even if this view is largely to dismiss it as a relic of a previous age. That position is no longer tenable. Indeed it was not tenable in the 1970s. Issues of 'collateral damage' and non-combatant immunity are very much on the agenda of international society today and therefore Bull would have had to confront them. Rejecting the tools of the Just War tradition to help with this enquiry until such time as definitive answers to the question of the validity of Natural Law are available is a perverse, if not irresponsible, approach. These questions are too important to be left until that happy day dawns (whatever the definitive answer turns out to be) and the sophistication of Just War thinking offers a valuable resource to draw upon.

Overcoming the separation, inherent in Wight's tripartite classification, between different forms of ethical reasoning which are confined to different traditions of thought is the key to achieving progress in this regard. Bull's problematic understanding of the idea of a Grotian tradition compounds the problem because of his contribution to increasing the rigidity of distinction between the categories the English school deploys. An international system as morally sceptical; an international society as rule and norm governed, but where those rules and norms only very rarely arise from a solidarist ethical conception, with a 'thin' overlap of pluralist schemes focused around the value of order being the norm; and a cosmopolitan world society accepting of universalist claims has hamstrung the ethical logic of the English school, much as these categories have hamstrung its analytical capacity, too.

As Buzan and others have suggested, issues such as pluralism versus solidarism are not analogous to international society versus world society and are not even terribly

helpfully thought about in dichotomous terms. William Bain's (2007) recent discussion of a universal basis for the normative vision of the English school that aims to argue for the normative commonality that underpins both pluralism and solidarism and unites them as different strands in a common argument stands as a clear example of such an approach. It is also interesting because of the way that Bain (2007: 565-75) appeals to notions of reason and draws explicitly on a liberal tradition (both historical and analytical) of political theory that puts Locke in the centre-circle, as opposed to Grotius, that offers an alternative to the kind of normative confusion that Bain (2007: 565-7), too, sees in accounts of Grotius within the English school and that Jeffery (2006: 17-25; 85-138) sees as so damaging. Bain's emphasis on reason offers just the kind of secularised natural law that Bull was want to reject. Bull's philosophical insistence on empirical foundations for universal ethical claims, and his insistence on their inadmissibility in international society, is a part of this problem. Bull's claim does, itself, rest on a philosophical foundation – the assertion that ethics *must* be so based and that alternatives, like that outlined by Walzer in *Just and Unjust Wars*, are not ethics but only opinion. Bull does not offer a detailed defence of this stand, asserting it as though it were self-evident, which may have been the case for those subjected to the authoritarian education Anderson dispensed (Jeffery, 2008: 54-5) and it is here that the possibility of re-engagement with Just War lies, to the potential benefit of the English school's ethical dimension.

Seeing pluralism and solidarism as more a spectrum than a bifurcation, and recognising the potential for pluralist and solidarist international societies, as Bull does, but also pluralist and solidarist world societies, as Bull does not, demands that we weaken Bull's insistence on foundational claims for ethical schemas. But that does not have to result in relativism or ethics as 'mere opinion'. Some opinions are worth more than others, some

arguments are better than others and some claims do have more appeal and are more insightful and telling than others. There are common ethical questions that all societies ask, as Bull famously argues himself in relation to order, and there is frequent overlap in the nature of the most durable and telling answers (Bull, 1977: 3-22). Understanding what is common to these durable and telling answers is a problem that can be approached from a number of different angles, none of them so far shown to be decisively superior to others. We can appeal to reason, to the divine, to the pragmatic and to the practicable, or to some combination of all. We can ask for universal standards and tests, established *a priori* even, or suggest that the rubbing together of the local and specific may provide intersubjective and contextual answers that are in flux, but within certain limits of the tolerable. As Bain notes (2007: 572-5), the English school has suffered from a problematic analysis of the foundations of normative claims and the way this has contributed to unhelpfully dichotomous portrayals of normative positions. A clear commitment to debating such foundations is welcome, and Just War offers a rich array of resources to bring to such a conversation. Alex Bellamy (2006) has noted the potential for connecting English school theory with Just War, and whilst there is not the space to discuss this in detail here, his work is indicative of how such an engagement can take place, although one that moves well beyond the focus here on Bull.

Bull, in line with his empiricism, wants a version of ethics that is like a yard-stick, which can be held up against any set of circumstances to enable definitive answers to be given about the ethicality or otherwise of the situation, the action or the actor. This is what he wants Just War to do but feels it cannot because of a combination of his scepticism about the existence of any such standards in the first place and their certain inadmissibility in international society as it has existed since the seventeenth century at least (Bull, 1990: 75-8). But the Just War tradition has never really been the kind of

ethical theory that Bull sees it as being (e.g. Rengger, 2002), as his engagement with Grotius should have caused him to understand. Neither has such a straightforward 'yardstick' approach to ethics held sway within Just War. Walzer's approach is problematic, and Bull identifies some reasons for this. The current, almost aggressive, insistence on human rights as the basis for a modernised foundational claim for Just War, to be found in some quarters, is also far from immune from criticism (Rodin, 2002; Williams, 2008). Acceptance of such a position might offer grounds for seeing Just War as a buttress to solidarism in English school normative debates, but the criticisms of such a reading of Just War strike me as too persuasive to see this as a viable line of enquiry for such an engagement. In particular, these approaches within Just War are not at one another's throats as might be expected if Bull's methodological claims about ethics were widely shared and accepted or if simple solidarist appeals to the foundational status of human rights were accepted. Dealing with mixed sources, accepting and exploring the ambiguity and also the problems and challenges that arise from such sources was, according to Bull, one of the virtues of Grotius's approach and why he remains valuable in a world where we deal with mixed sources all the time. The shared basis of Divine and Natural Law of medieval Christendom has gone, but so too has the shared basis of hard-line legal positivism of the nineteenth century. The return of either seems extremely unlikely, and therefore the way in which Just War has contributed to an understanding of how to deal with an ethics of the institution of war in such a climate is a potentially invaluable lesson for the English school as it, too, contends with a re-connection between international and world society.

Hedley Bull's contribution to the development of English school thinking about war stands, therefore, in need of revision for a variety of reasons that extend to the philosophical, methodological, historical and normative. The role of war as an institution

of international society and Bull's efforts to connect the idea of this institution to others,

such as law, stands as a key insight into the nature and operation of international society

and its distinctiveness from an international system. As Buzan and Bain, amongst

others, have argued, the dividing line between international and world society may not

be so helpfully drawn by Bull, and this article has suggested that his philosophical

approach, attested to by his failure to engage with Just War theory, despite his

possession of at least a partial theory of when war is just, plays an important role here.

English school theory owes a huge debt to Bull's work, but in this regard its future

development is better served by setting him to one side, rather than seeing his thought

as a place from which to commence our exploration.[6]

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1 The extent of the ability of international society to coalesce around action to enforce law is, of course, the basis of Bull's distinction between pluralist and solidarist (or Grotian) forms of international society (Bull, 2000: 97).

2 They do appear just once in the literature surveyed for this article (Bull, 2000: 102).

3 The second edition, cited here, differs from the first, published in 1961, only in terms of an additional introduction and the inclusion at the end of the book of an extra chapter, reproducing a 1963 article.

4 There are several fairly unflattering references to Richard Falk in *The Anarchical Society* where Bull takes Falk to task for engaging in such advocacy.

5 E.g. Wheeler (2000) offers a human rights based defence of a right to humanitarian intervention whilst restricting the circumstances in which such a right can be claimed and the ways in which it can be implemented that is closely related to the context and circumstance of each humanitarian crisis. It is also heavily indebted to classic Just War criteria, as are almost all such efforts to establish a basis for intervention. For recent and influential examples see Buchanan and Keohane (2004); Feinstein and Slaughter (2004).