

# Hedley Bull and Just War: missed opportunities and lessons to be learned?

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## Introduction

This paper 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, of course, 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.<sup>1</sup> Secondly, Bull was interested in and wrote about Grotius, a major figure in the development of Just War thinking, especially, but not solely, in relation to international law.<sup>2</sup> Thirdly, normative and ethical debate 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 certainly saw war as ‘... an inherently normative phenomenon; it is unimaginable apart from rules by which human beings recognize what behavior is appropriate to it and define their attitudes toward it.’<sup>3</sup> Fourthly, limitations on the use of violence are seen by Bull as one of the defining characteristics, alongside rules about property and the status

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1 Hedley Bull (1977), *The Anarchical Society: a study of order in world politics*, London: Macmillan, 127-61, 184-99.

2 Hedley Bull (2000 [1966]), ‘The Grotian Conception of International Relations’ in Kai Alderson and Andrew Hurrell (eds), *Hedley Bull on International Society*, Houndmills: Macmillan, 95-117. Hedley Bull (1990), ‘The Importance of Grotius in the Study of International Relations’, in Hedley Bull, Benedict Kingsbury and Adam Roberts (eds), *Hugo Grotius and International Relations*, Oxford: Clarendon, 65-94.

3 Hedley Bull (1979), ‘Recapturing the Just War for Political Theory’, *World Politics* 31 (4), 595.

of contract and promise, of an international society that provides the centrepiece of his contribution to international theory.<sup>4</sup> Debates over what form those limitations can, do and ought to take almost inevitably engage with notions prominent in the Just War tradition, whether in relation to the *jus ad bellum* principles covering the resort to war or this *jus in bello* strictures on the conduct of war.

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. Bull, indeed, reviewed *Just and Unjust Wars* for *World Politics*.<sup>5</sup> Therefore, the task of this paper is not to review and assess Bull as a Just War theorist, considering his contribution to the tradition, but, instead, to explain an absence and consider the implications of this absence for how we understand Bull as an international political theorist. For this absence is not, the paper will try to argue, 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.<sup>6</sup> Instead, Bull's neglect of the Just War tradition appears deliberate and, the paper suggests, indicative of key tensions in Bull's approach to theorising international relations and the methodology he adopted. His ambivalence, perhaps even hostility, to Just War theory reinforces the idea of a

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4 Bull, *Anarchical Society*, 3-52.

5 Bull, 'Recapturing the Just War'.

6 Hedley Bull (1983), *Justice in International Relations: the Hagey lectures*, Ontario: University of Waterloo.

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.<sup>7</sup>

The paper 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. This might lead one to expect Bull would follow this through to look at Grotius as a Just War theorist or, at least, at Grotius's influence on Just War theory. However, this move is not made and the second main section attempts to explain this, principally by considering Bull as a moral sceptic, or at least as a sceptic 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 paper 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.

### **War as an institution of international society**

Much has been written about the idea of 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.<sup>8</sup> There are various lists of institutions, but Bull's has the virtue, at least, of brevity – listing only five: balance of power, international law,

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7 John Williams (2006), 'Order and Society', in Richard Little and John Williams (eds), *The Anarchical Society in a Globalized World*, Houndmills: Palgrave, 13-34.

8 E.g. Barry Buzan (2005), *From International to World Society? English School Theory and the Social Structure of Globalisation*, Cambridge: Cambridge University Press, 161-204.

diplomacy, war and the special responsibilities of the great powers.<sup>9</sup> This paper does not plan to contribute to the 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 famously 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.'<sup>10</sup> 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.<sup>11</sup> Bull himself reiterates this – describing Grotius's work as of 'cardinal' importance because it established the paradigm of a rule-bound society of states.<sup>12</sup> Bull's understanding of the role of war as a practice shaped towards

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9 Bull, *Anarchical Society*, 101-232.

10 Bull, *Anarchical Society*, 74.

11 Benedict Kingsbury and Adam Roberts (1990), 'Introduction: Grotian thought in international relations', in Bull, Kingsbury and Roberts (eds), *Hugo Grotius and International Relations*, 26.

12 Hedley Bull (1990), 'The Importance of Grotius in the Study of International Relations', in Bull, Kingsbury and Roberts (eds), *Hugo Grotius and International Relations*, 71-2.

the realisation of common goals is, as he notes, different from Grotius's emphasis on war being just only in response to an injury to a state's rights.<sup>13</sup> Instead, Bull 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.'<sup>14</sup> These are to enforce international law, to preserve the balance of power and '... more doubtfully ... to bring about just change.'<sup>15</sup>

Bull's connection, in an approving way, of war to two of the 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.<sup>16</sup> Additionally, and by extension, there are times when it is indeed 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 saw as a central element of the Grotian view of the role of war as an institution<sup>17</sup> and which he echoes, if, as noted, in a somewhat distorted way in his admission of the idea of 'just change'. Bull

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13 Bull, 'The Importance of Grotius', 76.

14 Bull, *Anarchical Society*, 188.

15 Bull, *Anarchical Society*, 189.

16 The extent of the ability to 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, 'The Grotian Conception', 97.

17 Bull, 'The Grotian Conception', 98-102.

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.<sup>18</sup>

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, a fragility it is easy to imagine him identifying today, if for somewhat different reasons. 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, even if he is reluctant to recognise this fully, of an ethic of international society.<sup>19</sup> Bull is keen to limit this debate 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 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.’<sup>20</sup> 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.’<sup>21</sup>

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18 Bull, *Anarchical Society*, 198-9.

19 Williams, ‘Order and Society’.

20 Bull, ‘The Grotian Conception’, 99.

21 Bull, ‘The Grotian Conception’, 99.

Bull's analysis of Grotius's contribution to the idea of international society includes Grotius's 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.<sup>22</sup> 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*.<sup>23</sup> 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.<sup>24</sup> 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.<sup>25</sup> 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.<sup>26</sup> The influence of Just War categories, criteria and questions on this debate has been immense and undeniable.

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22 Bull, 'The Grotian Conception,' 109-112.

23 Bull, 'The Importance of Grotius', 72; Bull, 'The Grotian Conception', 112.

24 E.g. Nicholas J. Wheeler and Timothy Dunne (1996), 'Hedley Bull's Pluralism of the Intellect and Solidarism of the Will', *International Affairs* 72 (1). John Williams (2005) 'Pluralism, Solidarism and the Emergence of World Society in English School Theory', *International Relations* 19 (1). Buzan, *From International to World Society?* 10-15.

25 Bull, 'The Importance of Grotius', 84-5; Bull, 'The Grotian Conception', 112.

26 E.g. Nicholas J. Wheeler (2000), *Saving Strangers: Humanitarian intervention in international society*, Oxford: Oxford University Press. For Bull on Grotius as an advocate of humanitarian intervention see Bull, 'The Grotian Conception', 108, 114-5.

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.<sup>27</sup> 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 still 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.

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

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<sup>27</sup> Bull, *Anarchical Society*, 188, 199. They do appear just once in the literature surveyed for this paper. See Bull, 'The Grotian Conception', 102.

the diversity of human societies' ethical views renders substantive universal ethical claims impossible – is very boldly stated.

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<sup>28</sup>

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.'<sup>29</sup>

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, '... 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.'<sup>30</sup> His defence of the responsibility to defend and extend 'the idea of the rights and duties of

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28 Hedley Bull (1965), *The Control of the Arms Race: Disarmament and arms control in the missile age (second edition)*, New York: Frederick A. Praeger, 20-1. 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.

29 Bull, *Control of the Arms Race*, 21.

30 Bull, *Justice in International Relations*, 12.

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.<sup>31</sup> 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.*'<sup>32</sup> 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.'<sup>33</sup>

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, indeed, he argues can be seen in Grotius, 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.'<sup>34</sup> The ability to identify these rules *a priori* via universally

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31 Bull, *Justice in International Relations*, 12.

32 Bull, *Justice in International Relations*, 13 (emphasis added).

33 Bull, *Justice in International Relations*, 11.

34 Bull, 'The Importance of Grotius', 87.

endowed reason is the defining feature of Natural Law that Bull identifies as central to Grotius's thought.<sup>35</sup>

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.<sup>36</sup> Bull is scathing in his account of Midgley's argument which is variously described as 'bizarre',<sup>37</sup> 'startling',<sup>38</sup> and 'avowedly dogmatic and profoundly reactionary'.<sup>39</sup> He also confirms his rejection of Natural Law as a valid approach to moral questions, especially in international relations:

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.<sup>40</sup>

Midgley, giving as good as he got,<sup>41</sup> 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

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35 Bull, 'The Importance of Grotius', 78.

36 Hedley Bull (1979), 'Natural Law and International Relations', British Journal of International Studies 5 (2).

37 Bull, 'Natural Law', 177.

38 Bull, 'Natural Law', 175.

39 Bull, 'Natural Law', 172.

40 Bull, 'Natural Law', 181.

41 E.B.F. Midgley (1979), 'Natural Law and the 'Anglo-Saxon' – Some Reflections in Response to Hedley Bull', British Journal of International Studies 5 (3).

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'<sup>42</sup> 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.<sup>43</sup> Indeed, Natural Law and the domestic analogy, which underpin how Bull sees the influence of Just War in Grotius, are already in decline in Grotius's thinking, one of the reasons for his significance:

[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 ....<sup>44</sup>

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42 Bull, 'The Importance of Grotius', 87.

43 Bull, 'The Importance of Grotius', 79-80, 89. Also Kingsbury and Roberts, 'Introduction', 26-38.

44 Bull, 'The Grotian Conception', 110.

This multiplicity of sources of law, which Kingsbury and Roberts tellingly refer to as ‘Grotius’ pot pourri of sources’<sup>45</sup> 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.<sup>46</sup> 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 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.’<sup>47</sup> As with his critique of Grotius’s account of Just War, so Bull notes that, ‘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. ...

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45 Kingsbury and Roberts, ‘Introduction’, 36.

46 Bull, ‘Recapturing the Just War’, 596.

47 Bull, ‘Recapturing the Just War’, 589.

Today, ... neither the old basic premises of moral argument, nor any new ones, command comparable acceptance.<sup>48</sup>

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.'<sup>49</sup> 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. 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.'<sup>50</sup>

Walzer is thus left, in a position analogous to critiques 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

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48 Bull, 'Recapturing the Just War', 590.

49 Bull, 'Recapturing the Just War', 591.

50 Bull, 'Recapturing the Just War', 598.

the day rather than another.<sup>51</sup> Natural Law brought Just War theory that kind of clarity, but that was a product of a medieval Christendom that is no longer relevant. 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.'<sup>52</sup> 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.<sup>53</sup> Can we, therefore, recreate Hedley Bull as a Just War theorist?

### **Bull as a Just War theorist?**

As noted at the start of this paper, 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

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51 Kingsbury and Roberts, 'Introduction', 28-38; Bull, 'The Grotian Conception', 104.

52 Bull, 'Recapturing the Just War', 599.

53 E.g. Bull, *Control of the Arms Race*, 20-24; Bull, *Anarchical Society*, 188; Bull, 'The Grotian Conception', 98.

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 paper 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.<sup>54</sup> 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.'<sup>55</sup>

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.<sup>56</sup> 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

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54 Bull, 'The Grotian Conception', 102; Bull, *Anarchical Society*, 199.

55 Bull, 'Recapturing the Just War', 593.

56 Bull, *Anarchical Society*, 199.

even greater ground in many current discussions of the Just War,<sup>57</sup> 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<sup>58</sup> – 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.<sup>59</sup>

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57 An emphasis on rights characterises much recent work on Just War, e.g. Fernando Téson (2005), 'Ending Tyranny in Iraq', *Ethics & International Affairs* 19 (2); Whitley Kaufman (2005), 'What's Wrong With Preventive War? The Moral and Legal Basis for the Preventive Use of Force', *Ethics and International Affairs* 19 (3); Jean Bethke Elshtain (2004), *Just War Against Terror: The burden of American power in a violent world*, New York: Basic Books; Jeff McMahan (2004), 'War as Self-Defense', *Ethics & International Affairs* 18 (1); David Rodin (2004), 'War and Self-Defense', *Ethics & International Affairs* 18 (1).

58 Michael Walzer (1994), *Thick and Thin: Moral argument at home and abroad*, Indiana: University of Notre Dame Press. 'Thickness' is an idea also used by Buzan, *From International to World Society?* 154-8.

59 E.g. Nicholas J. Wheeler makes use of the idea of 'norm entrepreneurs' in his English school based analysis of moves towards a norm of humanitarian intervention. Nicholas J. Wheeler

This paper 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.<sup>60</sup> 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.<sup>61</sup> 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 is also opposed to this extension, identifying it as a key challenge that international society must address if its order-creating rules are not to be seriously compromised.<sup>62</sup> Thus Bull's *jus ad bellum* principles are located within the ethically charged and normatively laden context of international order via an international society.

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(1999), 'Humanitarian Vigilantes or Legal Entrepreneurs? Enforcing Human Rights in International Society', in Simon Caney and Peter Jones (eds), *Human Rights and Global Diversity*, London: Frank Cass. For the original statement of the idea of norm entrepreneurs see Martha Finnemore and Kathryn Sikkink (1998), 'International Norm Dynamics and Political Change', *International Organization* 52 (4).

60 E.g. Timothy Dunne (1995), 'The Social Construction of International Society', *European Journal of International Relations* 1 (3).

61 E.g. Buzan, *From International to World Society?* 102-8.

62 Bull, *Anarchical Society*, 198-9.

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.<sup>63</sup> *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 a condition of order, and towards seeing order as more value-laden and increasingly connected to appeals for cosmopolitan justice.<sup>64</sup>

The three 'just causes' Bull admits and his defence of states as 'legitimate authorities' are not alone in being seen in *jus ad bellum* terms. Bull notes the problem of proportionality, a classic *jus ad bellum* principle, in a nuclear era, for example. The

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63 Bull, *Control of the Arms Race*, especially xiii-xxx.

64 Hedley Bull (1971), 'Order Vs. Justice in International Society', *Political Studies* 19 (3). Bull, *Anarchical Society*, 77-98.

'moral cost' of asymmetric nuclear use is noted,<sup>65</sup> 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.<sup>66</sup>

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.<sup>67</sup> 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 breaching of the rules by one party frees the other from any obligation to continue to observe the rules, although they may continue to 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

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65 Bull, *Anarchical Society*, 191.

66 Bull, *Anarchical Society*, 198.

67 George I. Mavrodes (1985), 'Conventions and the Rules of War', in Charles R. Beitz *et al* (eds), *International Ethics*, Princeton: Princeton University Press.

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.'<sup>68</sup> 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.'<sup>69</sup> 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 pluralism. 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.<sup>70</sup>

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

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68 Bull, 'The Grotian Conception', 102.

69 Bull, 'Recapturing the Just War', 595.

70 Williams, 'Order and Society'.

to and to which he made significant contributions.<sup>71</sup> The idea of ethical solidarism, as with so much about international society, has its roots in 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.’<sup>72</sup> 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.<sup>73</sup>

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

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71 It originates, of course, with Martin Wight. Martin Wight (edited by Brian Porter and Gabriele Wight) (1991), *International Theory: the three traditions*, Leicester: Leicester University Press.

72 Bull, ‘The Importance of Grotius’, 87.

73 Bull, *Justice in International Relations*.

international relations.<sup>74</sup> 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.<sup>75</sup> 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 fruitfully 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.

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

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74 E.g. Wheeler and Dunne, 'Hedley Bull's Pluralism of the Intellect and Solidarism of the Will'. Also Bull, *Anarchical Society*, 86-93.

75 Williams, 'Pluralism, Solidarism and the Emergence of World Society'.

and carefully worked out understanding of these two arenas of international political life to be found in Buzan.<sup>76</sup>

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.<sup>77</sup> But on Just War theory he did venture some pretty trenchant views:

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.<sup>78</sup>

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.<sup>79</sup> 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

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76 Buzan, *From International to World Society?*

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

78 Bull, *Control of the Arms Race*, 21.

79 Williams, 'Order and Society'.

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.<sup>80</sup>

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 his 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 exposes so effectively.<sup>81</sup> This, however, is no solution to the problem, merely its deferral, and 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.

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80 E.g. Wheeler, *Saving Strangers*, which 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 Allen Buchanan and Robert O. Keohane (2004), 'The Preventive Use of Force: A cosmopolitan institutional perspective,' *Ethics & International Affairs* 18 (1); Lee Feinstein and Ann-Marie Slaughter (2004), 'A Duty to Prevent', *Foreign Affairs* 83 (1).

81 Buzan, *From International to World Society?* 6-62.

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. 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. Bull's insistence on philosophical 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, 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.<sup>82</sup> Bull, it seems, 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.<sup>83</sup>

But the Just War tradition has never really been the kind of ethical theory that Bull sees it as being, as his account of Grotius should have caused him to understand. Neither, arguably, 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, and 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.<sup>84</sup> Yet these approaches are not at one another's throats as might be expected if Bull's methodological claims about ethics were widely shared and 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

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82 Bull, *Anarchical Society*, 3-22.

83 Bull, 'The Importance of Grotius', 75-8 on the importance of the Peace of Westphalia in this regard.

84 The most detailed attack on the idea of the human right to self-defence providing a basis for a collective right than can create a just cause for war and sustain other Just War arguments comes in David Rodin (2002), *War and Self-Defense*, Oxford: Oxford University Press. For a critical survey of some contemporary Just War work see John Williams (2006), 'The Borders of Just War', paper to the Annual Conference of the British International Studies Association, Cork. Also available in working paper format at <http://eprints.dur.ac.uk/archive/00000236/>

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.