

Notes

Preface

1. I. Berlin, *The Crooked Timber of Humanity* (New York: Vintage Books, 1992), pp. 1–2.

Chapter 1 International Thought

1. See M. Oakeshott, *On Human Conduct* (Oxford: Clarendon Press, 1975), pp. 112–17.
2. Oakeshott, *On Human Conduct*, pp. 124–27.
3. *Oxford English Dictionary On-Line* <<http://www.oed.com/>>.
4. *Oxford English Dictionary On-Line* <<http://www.oed.com/>>.
5. T. Hobbes, *Leviathan*, ed. M. Oakeshott (Oxford: Blackwell, 1946), ch. XIV.
6. Hobbes, *Leviathan*, p. 104.
7. C. Perry, “The Relation between Ethics and Political Science,” *International Journal of Ethics*, vol. 47 (January 1937), pp. 163–79.
8. M. Keen, *Medieval Europe* (London: Penguin Books, 1991), p. 100.
9. M. Oakeshott, *The Voice of Liberal Learning* (Indianapolis, IN: Liberty Fund, 2001), p. 179.
10. A. Toynbee, *The World and the West* (New York: Oxford University Press, 1953), pp. 8–10.
11. H. Reiss (ed.), *Kant: Political Writings*, 2nd enl. ed. (Cambridge: Cambridge University Press, 1991), p. 18.
12. Fray Bartolome de Las Casas and Francisco de Vitoria. See the brief, penetrating discussion in J.H. Parry, *Europe and a Wider World 1415–1715*, 3rd ed. (London: Hutchinson, 1966), pp. 59, 168–69. Also see C. Brown, T. Nardin, and N. Rengger (eds.), *International Relations in Political Thought* (Cambridge: Cambridge University Press, 2002), pp. 231–41 and J. McManners, “The Expansion of Christianity,” in *The Oxford History of Christianity* (Oxford: Oxford University Press, 1993), pp. 315–19.

13. Barbara Tuchman, *The March of Folly: From Troy to Vietnam* (New York: Ballantine Books, 1985).
14. N. Machiavelli, *The Prince*, tr. and ed. G. Bull (Harmondsworth, UK: Penguin Books, 1961), ch. XXV.
15. H. Butterfield, "The Tragic Element in Modern International Conflict," in *History and Human Relations* (London: Collins, 1951), pp. 9–36.
16. See Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace* (New York: Knopf, 1960).
17. G. Vlastos, *Socrates: Ironist and Moral Philosopher* (Ithaca: Cornell University Press, 1991), pp. 212–13.
18. T. Hobbes, *Man and Citizen (De Homine and De Cive)*, ed. B. Gert (Indianapolis, IN: Hackett, 1991), p. 258.
19. "Pericles' Funeral Oration," Thucydides, *History of the Peloponnesian War*, tr. and ed. Rex Warner (Harmondsworth: Penguin Books, 1972), pp. 143–50.
20. H. Bull, *The Anarchical Society*, 2nd ed. (London: Macmillan, 1995), part III.
21. H. Grotius, *De Jure Belli ac Pacis Libri Tres*, tr. Francis Kelsay (Oxford: Oxford University Press, 1925); H. Reiss (ed.), *Kant's Political Writings*, 2nd enl. ed. (Cambridge: Cambridge University Press, 1991); and Hobbes, *Man and Citizen*.
22. Bull, *The Anarchical Society*, Preface.
23. H. Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958).
24. H. Arendt, *The Origins of Totalitarianism* (New York, Harcourt Brace, 1951).
25. T. Nardin and D. Mapel (eds.), *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992).
26. See M. Oakeshott, *Rationalism in Politics and Other Essays*, new and exp. ed. (Indianapolis, IN: Liberty Press, 1991), pp. 19–21.
27. Quoted by M. Wight, *International Theory: The Three Traditions*, ed. G. Wight and B. Porter (Leicester: Leicester University Press, 1991), p. 5.
28. Wight, *International Theory*, p. 6.
29. H. Bull, "International Theory: The Case for a Classical Approach," in K. Knorr and J.N. Rosenau (eds.), *Contending Approaches to International Politics* (Princeton, NJ: Princeton University Press, 1969).

Chapter 2 Conversing with Thrasymachus: Voices of Realism

1. M. Oakeshott, "The Political Vocabulary of the Modern European State," *Political Studies*, vol. 23 (1975).
2. A. Watson, *Diplomacy: The Dialogue of States* (London: Allen & Unwin, 1982).
3. G. Grube (tr.), *Plato-Republic*, rev. C. Reeve (Indianapolis, IN and Cambridge: Hackett Publishing, 1992), Book I, pp. 1–31.
4. *Oxford English Dictionary On-line Edition* <<http://dictionary.oed.com>>.
5. Thucydides, *History of the Peloponnesian War*, rev. ed. tr. Rex Warner (New York: Penguin Books, 1972), pp. 400–08.
6. Thucydides, *Peloponnesian War*, p. 405.

7. Thucydides, *Peloponnesian War*, p. 407.
8. N. Machiavelli, *The Prince*, tr. George Bull (London: Penguin Books, 1975).
9. President Woodrow Wilson, "Fourteen Points," point I. Reprinted in L. Snyder (ed.), *Historic Documents of World War I* (New York: Van Nostrand Company, 1958), p. 164.
10. G. Mattingly, "Machiavelli," in J.H. Plumb (ed.), *The Italian Renaissance* (Boston: Houghton Mifflin, 1987), p. 191.
11. See the penetrating discussion of *virtù* in M. Fleisher, "A Passion for Politics: The Vital Core of the World of Machiavelli," in Fleisher (ed.), *Machiavelli and the Nature of Political Thought* (London: Croom Helm, 1973), pp. 114–47.
12. N. Machiavelli, *The Discourses* (Harmondsworth: Penguin Books, 1970).
13. See E.F. Guarini, "Machiavelli and the crisis of the Italian republics," in G. Bock, Q. Skinner, and M. Viroli (eds.), *Machiavelli and Republicanism* (Cambridge: Cambridge University Press, 1990), p. 33.
14. W. Shakespeare, *Hamlet*, Act III.
15. T. Hobbes, *Leviathan*, ed. Michael Oakeshott (Oxford: Blackwell, 1946), ch. 13.
16. Hobbes, *Leviathan*, p. 82.
17. Hobbes, *Leviathan*, ch. 18, p. 112 (original emphasis).
18. Hobbes, *Leviathan*, ch. 13.
19. Thomas Hobbes, *Man and Citizen (De Homine and De Cive)*, ed. B. Gert (Indianapolis, IN: Hackett, 1991), 258 (original emphasis).
20. Hobbes, *Man and Citizen*.
21. Hobbes, *Leviathan*, p. 83.
22. Hobbes, *Leviathan*, p. 232.
23. The two most prominent realist thinkers of that era were E.H. Carr, *The Twenty Years' Crisis, 1919–1939* (New York: Harper Torchbooks, 1964) and Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (New York: Knopf, 1960).
24. Thomas C. Schelling, *The Strategy of Conflict* (Cambridge, MA and London: Harvard University Press, 1980).
25. See J. von Neumann and O. Morgenstern, *Theory of Games and Economic Behavior* (Princeton, NJ: Princeton University Press, 1944). This is the seminal work of game theory which expounds two-person zero sum games as well as cooperative and coalition games. The logic is instrumental and utilitarian, like modern economic analysis, with no consideration of ethics.
26. See J.R. Lucas, *Responsibility* (Oxford: Clarendon Press, 1995). Also see M. Weber on the ethic of responsibility in "Politics as a Vocation," in H.H. Gerth and C. Wright Mills (eds.), *From Max Weber: Essays in Sociology* (New York: Oxford, 1958), pp. 120–28.
27. Schelling, *The Strategy of Conflict*, p. 20.
28. Schelling, *The Strategy of Conflict*, pp. 207–08.
29. Schelling, *The Strategy of Conflict*, pp. 123–31. An earlier version of this analysis is presented in R. Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 1990), pp. 64–67.

30. J. Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), pp. 46–48.
31. K. Waltz, *Theory of International Politics* (New York: McGraw-Hill, 1979), p. 73.
32. Waltz, *Theory of International Politics*, ch. 9.
33. *Oxford English Dictionary On-line* <<http://www.oed.com/>>.
34. Carr, *The Twenty Years' Crisis*, pp. 153–54.
35. Carr, *The Twenty Years' Crisis*, p. 160.
36. Carr, *The Twenty Years' Crisis*, p. 168.
37. Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (New York: Knopf, 1960).

Chapter 3 *Martin Wight, Realism, and the Good Life*

1. Martin Wight, “Why is there No International Theory?” in H. Butterfield and M. Wight (eds.), *Diplomatic Investigations* (London: Allen & Unwin, 1966), p. 33. Wight is referring to classical political thought and so am I.
2. For criticisms of Wight along not dissimilar lines, see Roy Jones, “The English School of International Relations: A Case for Closure,” *Review of International Studies*, vol. 7 (January 1981), pp. 1–10 and N.J. Rengger, “Serpents and Doves in Classical International Theory,” *Millennium: Journal of International Studies*, vol. 17, no. 2 (Summer 1988), pp. 215–18.
3. See, e.g., Wight’s various essays in *Systems of States*, ed. H. Bull (Leicester: Leicester University Press, 1977).
4. Anarchism or a completely stateless condition is a very rare topic of political theory. See H. Read, *The Philosophy of Anarchism* (London: Freedom Press, 1940).
5. Wight, “Why is there No International Theory?” p. 18.
6. “Why is there No International Theory?” pp. 20, 33.
7. “Why is there No International Theory?” p. 22.
8. “Why is there No International Theory?” p. 19.
9. “Why is there No International Theory?” pp. 19, 26.
10. These are the ironical words of Michael Donelan. He is critical of the traditional separation of international theory and political theory on the Kantian grounds “there is now a primordial community of mankind.” See Michael Donelan (ed.), *The Reason of States* (London: Allen & Unwin, 1978), p. 77.
11. Thomas Hobbes, *Leviathan*, ed. Michael Oakeshott (Oxford: Blackwell, 1946), p. 82.
12. Wight, “Why is there No International Theory?,” pp. 31–32.
13. Hobbes, *Leviathan*, p. 83.
14. Arnold Wolfers, *Discord and Collaboration* (London: Johns Hopkins University Press, 1965), p. 238.
15. Hobbes, *Leviathan*, p. 84.
16. Wight, “Why is there No International Theory?,” p. 33.
17. See Hedley Bull, “Martin Wight and the Theory of International Relations: The Second Martin Wight Memorial Lecture,” *British Journal of International Studies*, vol. 2 (1976), pp. 101–16. Wight’s meanings of these terms are used throughout this essay.

18. Cardinal Richelieu, as quoted by H. Butterfield. "Raison d'État: the Relations Between Morality and Government" (The First Martin Wight Memorial Lecture. University of Sussex, 1975).
19. J. Bodin, *Six Books of the Commonwealth*, tr. M.J. Tooley (Oxford: Blackwell, 1955), book One, pp. 1–6.
20. Gerhard Ritter, *Frederick the Great*, tr. Peter Paret (Berkeley, CA: University of California Press, 1968), p. 70.
21. J.H. Herz, "Rise and Demise of the Territorial State," *World Politics*, vol. 9 (1957), pp. 473–93.
22. See the excellent discussion of Bentham's international theory in Nancy L. Rosenblum, *Bentham's Theory of the Modern State* (Cambridge, MA: Harvard University Press, 1978). These quotations are from ch. 5.
23. Rosenblum, *Bentham's Theory of the Modern State*, ch. 5.
24. R.J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986), pp. 123–25.
25. Wight, "Why is there No International Theory?," p. 24.
26. M. Wight, "An Anatomy of International Thought," *Review of International Studies*, vol. 13 (1987), pp. 225–26.
27. Wight, "An Anatomy of International Thought," p. 226.
28. Immanuel Kant, "Idea for a Universal History with a Cosmopolitan Purpose" and "Perpetual Peace: A Philosophical Sketch," both reprinted in Hans Reiss (ed.), *Kant's Political Writings* (Cambridge: Cambridge University Press, 1970), pp. 47, 104.
29. Wight, "An Anatomy of International Thought," p. 226. See also Kant, "Perpetual Peace," p. 105.
30. Kant, "Perpetual Peace," p. 105.
31. Kant, "Idea for a Universal History with a Cosmopolitan Purpose," p. 47.
32. Bull, "Martin Wight and the Theory of International Relations," pp. 104–05.
33. Wight, "Why is there No International Theory?," pp. 24–26.
34. Wight, "An Anatomy of International Thought," p. 227.
35. I refer to Hegel's well-known remark that "the owl of Minerva spreads its wings only with the falling of the dusk," in T.M. Knox (tr. and ed.), *Hegel's Philosophy of Right* (Oxford: Oxford University Press, 1952), p. 13.
36. See Wight's various essays in *Systems of States*.

Chapter 4 Martin Wight's Theology of Diplomacy

1. Martin Wight was a founding member of "The British Committee on the Theory of International Politics," what later came to be known as the "English School."
2. Martin Wight, "Why is there No International theory?," in H. Butterfield and M. Wight (eds.), *Diplomatic Investigations* (Cambridge, MA: Harvard University Press, 1968), p. 22.
3. H. Nicolson, *The Evolution of Diplomatic Method* (London: Constable, 1954).
4. For further discussion see Nicolson, *The Evolution of Diplomatic Method*, p. 10.

5. Martin Wight, "Western Values in International Relations," in Butterfield and Wight, *Diplomatic Investigations*, p. 127.
6. Martin Wight, *Systems of States*, ed. Hedley Bull (London and Leicester: Leicester University Press, 1977), pp. 53–56, 130–31.
7. The pope and the archbishop of Canterbury, among other religious leaders, still dispatch envoys, e.g., to the Middle East and other such places.
8. C. Hibbert, *The English: A Social History* (London: Paladin, 1988), p. 98.
9. G. Mattingly, *Renaissance Diplomacy* (Boston: Houghton–Mifflin, 1955), p. 23.
10. See *Oxford English Dictionary On-Line* <<http://www.oed.com/>>.
11. See *Oxford English Dictionary On-Line* <<http://www.oed.com/>>. Also C.T. Onions (ed.), *The Oxford Dictionary of English Etymology* (Oxford: Clarendon Press, 1976), p. 270.
12. See Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon, 1975) and Robert Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 1990).
13. Wight, "Why is there No International Theory?" p. 32.
14. M. Wight, *International Theory: The Three Traditions* (London: RIIA and Leicester University Press, 1991).
15. As indicated later in this essay, Martin Wight's international thought, in this regard, is similar to that of Reinhold Niebuhr and Herbert Butterfield. The following passage by Reinhold Niebuhr could have been written by Martin Wight: "The Biblical conception of man includes three primary terms: (a) he is made in the image of God, (b) he is a creature, and (c) he is a sinner. His basic sin is pride. If this pride is closely analyzed, it is discovered to be man's unwillingness to acknowledge his creatureliness. He is betrayed by his greatness to hide his weakness. He is tempted by his ability to gain his own security to deny his insecurity, and refuses to admit that he has no final security except in God. He is tempted by his knowledge to deny his ignorance. (That is the source of all 'ideological taint' in human knowledge.)" "Christian Faith and Natural Law," reprinted in Paul Sigmund (ed.), *St. Thomas Aquinas on Politics and Ethics* (New York: Norton, 1988), pp. 222–23. Also see R. Niebuhr, *Beyond Tragedy* (New York: Scribners, 1937). For Herbert Butterfield's theological diplomacy see *Christianity, Diplomacy and War* (London: Epworth, 1953) and *Christianity and History* (London: Bell, 1949). Also see Paul Sharp, "The English School, Herbert Butterfield and Diplomacy," in S. Mawby (ed.), *Discussion Papers on Diplomacy*, Netherlands Institute of International Relations, 2002 <<http://www.clingendael.nl/cli/publ/diplomacy/pdf/issue83.pdf>>.
16. For an example of such misunderstanding see Michael Nicholson, "The Enigma of Martin Wight," *Review of International Studies*, vol. 7 (January 1981), pp. 15–22. Also see the reply by Alan James, "Michael Nicholson on Martin Wight: A Mind Passing in the Night," *Review of International Studies*, vol. 8 (April 1982), pp. 117–24.
17. See the insightful comments on this point in Roger Epp, "The 'Augustinian Moment' in International Politics: Niebuhr, Butterfield, Wight and the

- Reclaiming of a Tradition,” *International Politics Research Occasional Paper*, vol. 10 (Aberystwyth: Department of International Politics, 1991).
18. H. Bull, “Introduction: Martin Wight and the Study of International Relations,” in Martin Wight, *Systems of States* (London and Leicester: Leicester University Press, 1977), pp. 11–12. Bull is referring to Wight’s essay “The Church, Russia and the West,” *Ecumenical Review*, vol. 1 (Autumn 1948).
 19. “Pelagius,” *Encyclopaedia Britannica*, vol. 14 (1960), p. 448. Peter Brown, *Augustine of Hippo* (Berkeley and Los Angeles: University of California Press, 1969), p. 325. Also see R.F. Evans, *Pelagius: Inquiries and Reappraisals* (New York: Seabury Press, 1968).
 20. Hans J. Morgenthau, *Scientific Man versus Power Politics* (Chicago: University of Chicago Press, 1946). Morgenthau’s anti-Pelagianism is discussed by Michael Oakeshott, *Religion, Politics and the Moral Life* (New Haven and London: Yale University Press, 1993), pp. 103–05.
 21. Reinhold Niebuhr, “Christian Faith and Natural Law,” p. 223.
 22. Michael Oakeshott, *The Politics of Faith and the Politics of Scepticism*, ed. by Timothy Fuller (New Haven and London: Yale University Press, 1996), pp. 23–24.
 23. The adjective “traditional” has been required in the past century owing to the politicization of some Christian churches around the idea of a political Christ. One is here referring to “the reinterpretation of religious values as political values” rather than merely “the involvement of religion with politics,” which has been the relation throughout the long history of Christianity. E. Norman, *Christianity and the World Order*, the BBC Reith Lectures, 1978 (Oxford: Oxford University Press, 1979), p. 4.
 24. St. Augustine, *The City of God*, tr. Marcus Dods and reprinted in R.M. Hutchins (ed.), *Great Books of the Western World* (Chicago: Encyclopaedia Britannica, 1952), pp. 129–618.
 25. Wight, “Why is there no International theory?” p. 26.
 26. Bull, “Introduction: Martin Wight and the Study of International Relations,” p. 11.
 27. Wight, *International Theory*, p. 268.
 28. Harold Nicolson as quoted in Wight, *International Theory*, p. 180.
 29. Wight, *International Theory*, p. 180.
 30. Wight, *International Theory*, pp. 186–87.
 31. Wight, *International Theory*, p. 187.
 32. Wight, *International Theory*, p. 187.
 33. Wight, *International Theory*, pp. 187–88.
 34. Wight, *International Theory*, p. 191. See G.F. Kennan, *Realities of American Foreign Policy* (London: Oxford University Press, 1954), pp. 35–36.
 35. Herbert Butterfield, *Christianity, Diplomacy and War* (London: Epworth Press, 1953), p. 75.
 36. Edmund Burke, “Letters on a Regicide Peace,” in F.W. Raffety (ed.), *The Works of the Honourable Edmund Burke*, vi (Oxford: Oxford University Press, 1928), pp. 156–61.
 37. Wight, *International Theory*, p. 180.
 38. M. Wight, *De systematibus civitatum*, in *Systems of States*, p. 34.

39. Hedley Bull, "Introduction" to Wight, in *Systems of States*, p. 18.
40. See M. Wight, "Western Values in International Relations," in Butterfield and Wight, *Diplomatic Investigations*, pp. 92–102, and M. Wight, "*De systematibus civitatum*," in Wight, *Systems of States*, pp. 21–45. Elsewhere I have argued that global international society is a society of states and statesmen but not, or at least not yet, a society of humans. See R. Jackson, *The Global Covenant* (Oxford: Oxford University Press, 2000), pp. 23–25.
41. *The Oxford English Dictionary, Compact Edition* (Oxford: Oxford University Press, 1971).
42. Wight, *International Theory*, p. 189.
43. *The Prince*, tr. George Bull (Harmondsworth: Penguin Books, 1962), pp. 49–50.
44. I. Kant, "Perpetual Peace," in H. Reiss (ed.), *Kant: Political Writings*, 2nd ed. (Cambridge: Cambridge University Press, 1991), pp. 93–130.
45. A well-known recent example of this quasi-religious sort of thinking is F. Fukuyama, *The End of History and the Last Man* (New York: Avon Books, 1992).
46. H. Butterfield, *Christianity, Diplomacy and War*, pp. 102–25.
47. M. Wight, "The Balance of Power," in Wight and Butterfield, *Diplomatic Investigations*, p. 172.
48. Wight, *International Theory*, p. 156 (original emphasis).
49. Martin Wight, *Power Politics*, 2nd ed. (London: Penguin Books and Royal Institute of International Affairs, 1986), p. 89.
50. G.F. Hegel, *Philosophy of Right*, tr. T.M. Knox (Oxford: Clarendon Press, 1949).
51. The first barbarism is the Saracens, the second is the Albigensian heresy, and the third is the Turks under the Ottoman Empire. See R.G. Collingwood, *The New Leviathan* (New York: Crowell, 1971), pp. 375–87.
52. Adolf Hitler, *Mein Kampf*, as quoted by Wight, *International Theory*, p. 210.
53. Wight, *International Theory*, p. 195.
54. Wight, *International Theory*, p. 195.
55. Hitler to Ciano, as quoted by Wight, *International Theory*, pp. 90–91.
56. Wight, *International Theory*, p. 200.
57. Wight, *International Theory*, pp. 46–47.
58. Lenin as quoted by Wight, *International Theory*, p. 92.
59. Stalin as quoted by Wight, *International Theory*, p. 23.
60. Wight, *International Theory*, p. 47.
61. As quoted by Wight, *International Theory*, p. 47.
62. See R. Stevenson, "The Evolution of Pacifism," *International Journal of Ethics*, vol. 44 (July 1934), pp. 437–51.
63. See *The Gold Coast Legislative Council* (Oxford: Oxford University Press, 1947), *British Colonial Constitutions 1947* (Oxford: Oxford University Press, 1952).
64. President Sukarno as quoted by Wight, *International Theory*, p. 42.
65. Quoted by Wight, *International Theory*, p. 42.
66. Wight's work in this regard is similar to that of Isaiah Berlin.
67. M. Wight, *British Colonial Constitutions* (Oxford: Oxford University Press, 1952).

68. Alexander Hamilton, *The Federalist* No. 6 reprinted in R.M. Hutchins (ed.), *Great Books of the Western World*, vol. xliii, *American State Papers* (Chicago: Encyclopaedia Britannica, 1952), p. 39.
69. Mattingly, *Renaissance Diplomacy*.
70. Wight, "Western Values in International Relations," p. 130.
71. Wight, "Western Values in International Relations," p. 130.
72. Wight, "Western Values in International Relations," p. 131. Here Wight may be alluding to the discussion of the proverb by Kant in the Appendix to *Perpetual Peace*. See Reiss (ed.), *Kant: Political Writings*, p. 123.
73. See Butterfield, *Christianity, Diplomacy and War* and *Christianity and History*.
74. Wight, "Why is there No International Theory?"
75. Quoted by A. Coll, "Normative Prudence as a Tradition of Statecraft," *Ethics and International Affairs*, vol. 5 (1991), p. 45.
76. "You will have guessed that my prejudices are Rationalist, but I find I have become more Rationalist and less Realist . . . during the course of giving these lectures." Wight, *International Theory*, p. 268.
77. Wight, *International Theory*, p. 243.
78. See Niebuhr, *Beyond Tragedy*. Also see J.D. Barbour, "Niebuhr versus Niebuhr: The Tragic Nature of History," *The Christian Century* (1984), pp. 1096–99.
79. See Butterfield, *Christianity, Diplomacy and War* and *Christianity and History*.
80. For a similar view see Roger Epp, "The 'Augustinian Moment' in International Politics: Niebuhr, Butterfield, Wight and the Reclaiming of a Tradition."

Chapter 5 Changing Faces of Sovereignty

1. A.P. d'Entrèves, *Natural Law* (London: Hutchinson, 1970), p. 67.
2. The expression is Laski's. See H. Laski, *A Grammar of Politics* (London: Allen & Unwin, 1978).
3. J.L. Briefly, *The Law of Nations* (London: Oxford University Press, 1938), p. 40.
4. F.H. Hinsley, *Sovereignty* (New York: Oxford, 1966), p. 26.
5. Hinsley, "The Concept of Sovereignty and the Relations between States," in W.J. Stankiewicz (ed.), *In Defense of Sovereignty*, (New York: Oxford University Press, 1969), 275.
6. See R. Falk, "The Grotian Moment," *International Insights*, vol. 13 (Fall 1997), pp. 3–34 and my reply to that claim in chapter 8.
7. Sir George Clark, *Early Modern Europe* (New York: Oxford, 1960), pp. 27–28.
8. E.H. Kantorowicz, *The King's Two Bodies* (Princeton, NJ: Princeton University Press, 1957).
9. Clark, *Early Modern Europe*, p. 28.
10. M. Keen, *Medieval Europe* (Harmondsworth, UK: Penguin Books, 1991), p. 262.
11. J.H. Elliott, "A Europe of Composite Monarchies," *Past and Present*, no. 137 (November 1992), pp. 48–71.

12. J. Canning, *A History of Medieval Political Thought, 300–1450* (London: Routledge, 1996), p. 84.
13. As quoted by Canning, *Medieval Political Thought*, p. 19.
14. This is a modification of the notion of *universitas* theorized by M. Oakeshott, “The Rule of Law,” in his *On History and Other Essays* (Oxford: Blackwell, 1983); also see M. Oakeshott, *On Human Conduct* (Oxford: Clarendon Press, 1975).
15. Wight, *Systems of States*, p. 47
16. Keen, *Medieval Europe*, p. 12.
17. Canning, *Medieval Political Thought*, pp. 181–82.
18. Canning, *Medieval Political Thought*, p. 185. Also see Keen, *Medieval Europe*, p. 314.
19. M. Wight, *Systems of States* (Leicester, Leicester University Press, 1977), p. 151.
20. See J. Vincent, “Realpolitik,” in J. Mayall (ed.), *The Community of States* (London: George Allen & Unwin, 1982), pp. 73–85.
21. J. Burckhardt, *The Civilization of the Renaissance in Italy*, vol. 1 (New York: Harper & Row, 1958), pp. 120–42.
22. S. Wolin, *Politics and Vision* (Boston: Little, Brown, 1960), p. 143
23. See Norman Davies, *Europe: A History* (London: Pimlico, 1997), p. 490.
24. M.J. Tooley (tr.), *Bodin: Six Books of the Commonwealth* (Oxford: Blackwell, n.d.).
25. Tooley, *Six Books of the Commonwealth*, book I, ch. 10, p. 49.
26. Wight, *Systems of States*, p. 151. A similar view is taken by Keen, *Medieval Europe*, pp. 314–21.
27. F.H. Hinsley, “The Concept of Sovereignty and the Relations between States,” in Stankiewicz, *In Defense of Sovereignty*, p. 285.
28. “Well into at least the seventeenth century, the juristic, theological and overtly political works of medieval scholastics continued to be prime sources for the discussion of political thought . . . The writings of . . . Hugo Grotius (1583–1645), amongst very many others, illustrated this trend.” Canning, *Medieval Political Thought*, p. 186.
29. See A. Osiander, *The States System of Europe, 1640–1990* (Oxford: Clarendon Press, 1994), pp. 27–28.
30. Wight, *Systems of States*, p. 152.
31. Osiander, *The States System of Europe*, p. 120.
32. J.N. Figgis, *The Divine Right of Kings* (New York: Harper Torchbooks, 1965).
33. M.N. Shaw, *Title to Territory in Africa* (Oxford, Clarendon Press, 1986), p. 17.
34. W.E. Hall, as quoted by Wight, *Systems of States*, p. 115.
35. James Madison in *The Federalist*, no. 10, reprinted in R.M. Hutchins (ed.), *Great Books of the Western World* (Chicago: Encyclopaedia Britannica, 1952), vol. 43, pp. 49–53.
36. Wight, *Systems of States*, p. 159.
37. Figgis, *The Divine Right of Kings*, p. 63.
38. Jennifer Jackson Preece, “Ethnic Cleansing as an Instrument of Nation-State Creation,” *Human Rights Quarterly*, vol. 20 (1998), pp. 817–42.
39. See Jennifer Jackson Preece, *National Minorities and the European Nation-States System* (Oxford: Clarendon Press, 1998).

40. For the origins and development of this practice in the emergence of independent states in the new world see Fred Parkinson, "Latin America," in Robert H. Jackson and Alan James (eds.), *States in a Changing World* (Oxford: Clarendon Press, 1993), pp. 240–61. Also see A. Kacowicz, "The Impact of Norms in the International Society: The Latin American Experience" (Delivered at the Leonard Davis Institute Conference on International Norms, Hebrew University, Jerusalem, Israel, May 26–27, 1997).
41. As Fred Parkinson remarks, "The principle of *uti possidetis juris* was a great help in enabling the region to weather the storm of state succession." Parkinson, "Latin America," p. 241.
42. A. Pellet, "The Opinions of the Badinter Arbitration Committee," *European Journal of International Law*, vol. 3 (1992), pp. 178–85.
43. E. Gellner, *Nations and Nationalism* (Oxford: Blackwell, 1993), p. 74.
44. Jennifer Jackson Preece, "Minority Rights in Europe: From Westphalia to Helsinki." *Review of International Studies*, vol. 23 (January 1997), pp. 75–92.
45. Alexander Hamilton, *The Federalist*, no. 6.
46. That is not to suggest that the Americans turned away from war in their continent. They obviously did not. They fought the British Empire in the north and Spain and the Mexican Republic in the south. But the most important wars for them were their wars of territorial conquest as they moved the frontier westward, and most important of all the American Civil War, which kept the Union together.
47. K.J. Alter, "Who Are the 'Masters of the Treaty'? European Governments and the European Court of Justice," *International Organization*, vol. 52 (Winter 1998), pp. 121–47.
48. N. MacCormick, "Liberalism, Nationalism and the Post-Sovereign State," *Political Studies*, vol. XLIV (1996), p. 555.
49. For an argument that sovereignty is a bargaining resource that is being shared among EU states see Robert O. Keohane, "Hobbes's Dilemma and Institutional Change in World Politics: Sovereignty in International Society," in H-H. Holm and G. Sorensen (eds.), *Whose World Order: Uneven Globalization and the End of the Cold War* (Boulder, Co: Westview, 1995), pp. 165–86.
50. MacCormick, "Liberalism, Nationalism and the Post-Sovereign State," pp. 561–67.
51. Quoted by J.H.H. Weiler, "European Neo-constitutionalism: In Search of Foundations for the European Constitutional Order," *Political Studies*, vol. XLIV (1996), pp. 520–21.
52. Weiler, "European Neo-Constitutionalism," pp. 526–28.
53. MacCormick, "Liberalism, Nationalism and the Post-Sovereign State," p. 555.
54. This argument is presented and rejected by Weiler.
55. Weiler, "European Neo-Constitutionalism," p. 518.
56. U. Preuss, "Two Challenges to European Citizenship," *Political Studies*, vol. XLIV (1996), pp. 543–44.
57. Keohane, "Hobbes's Dilemma," p. 177.
58. Keohane, "Hobbes's Dilemma," p. 177.

59. H. Bull, *The Anarchical Society*, 2nd ed. (London: Macmillan, 1995).
60. James Madison in *The Federalist*, no. 51, reprinted in Hutchins, *Great Books of the Western World*, vol. 43, pp. 162–65.
61. D.M. Frame (tr.), *The Complete Essays of Montaigne* (Stanford: Stanford University Press, 1958), book 3, ch. 13, p. 816. This translation is from P. Burke, *Montaigne* (Oxford: Oxford University Press, 1981), p. 33.
62. See Oakeshott, *On History and Other Essays*, p. 145n.
63. Frame, *The Complete Essays of Montaigne*, book 3, ch. 13, p. 816.

Chapter 6 *Knots and Tangles of International Obligation*

1. Patriotism might be included in the list, but that would be a mistake. Patriotism is not a civic duty: it is not something that a state can demand and require of its citizens and subjects; it is something that it can only hope to cultivate, encourage, praise, and honor. Patriotism is not a moral duty or legal responsibility; it is a political passion. That is evident in the *Oxford English Dictionary* definition: “One who disinterestedly or self-sacrificingly exerts himself to promote the well-being of his country; ‘one whose ruling passion is the love of his country.’” *Oxford English Dictionary Online* <<http://dictionary.oed.com/entrance.dtl>>.
2. This pluralist feature of human conduct is explored with characteristic brilliance by I. Berlin, *The Crooked Timber of Humanity* (New York: Vintage Books, 1992).
3. See the insightful investigation of the idea in J.R. Lucas, *Responsibility* (Oxford: Clarendon Press, 1995).
4. These are an abridgement of definitions of “obligation” available in the *Oxford English Dictionary Online* <<http://dictionary.oed.com/entrance.dtl>>.
5. D.D. Raphael, *Problems of Political Philosophy*, 2nd ed. (London: Macmillan, 1990), ch. 7.
6. Aristotle, *The Politics*, rev. ed., tr. T.A. Sinclair (London: Penguin Classics, 1981).
7. This is the core of a famous definition of sovereignty and law by J. Austin, *The Province of Jurisprudence Determined* (Cambridge: Cambridge University Press, 1995).
8. T. Hobbes, *Leviathan* (Oxford: Blackwell, 1946), ch. 13.
9. Monism is defined as “Any theory . . . that assumes a single ultimate principle, being, force, etc. rather than more than one.” See *Oxford English Dictionary Online* <<http://dictionary.oed.com/entrance.dtl>>.
10. This jurisprudential concept of pluralism should be distinguished from political science concepts that emphasize societies consisting of multiple cross-cutting affiliated groups, and from anthropological concepts that emphasize societies consisting of a diversity of ethnic or cultural groups. See D. Nichols, *Three Varieties of Pluralism* (London: Macmillan, 1974).
11. For a general discussion with various points of view see S. Caney, D. George, and P. Jones (eds.), *National Rights, International Obligations* (Oxford: Westview, 1996).

12. "Perpetual Peace: A Philosophical Sketch," in H. Reiss (ed.), *Kant: Political Writings*, 2nd ed. (Cambridge: Cambridge University Press, 1991), pp. 102–05.
13. These are usually listed as the primary sources or bases of international law. See M. Akehurst, *A Modern Introduction to International Law*, 6th ed. (London: Allen & Unwin, 1987), ch. 3.
14. See the critique of this conception by former U.S. senator D.P. Moynihan, *On the Law of Nations* (Cambridge, MA: Harvard University Press, 1990).
15. "Comment on 'Treaties as Binding International Obligation,'" *ASIL Insights*, The American Society of International Law (December 1997) <<http://www.asil.org/insights/insight25.htm>>. Also see F.L. Kirgis, "Treaties as Binding International Obligation," *ASIL Insights*, The American Society of International Law (May 1997) <<http://www.asil.org/insights/insight9.htm>>.
16. "Comment on 'Treaties as Binding International Obligation,'" *ASIL Insights* (December 1997) <<http://www.asil.org/insights/insight25.htm>>.
17. See J.H. Jackson, "Helms-Burton, the U.S. and the WTO," *ASIL Insights* (The American Society of International Law) (March 1997).
18. See D. Hendrickson, *Peace Pact: The Lost World of the American Founding* (Lawrence: University Press of Kansas, 2003).
19. "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence."
20. G. Schwarzenberger and E.D. Brown, *A Manual of International Law* (London: Professional Books, 1976), p. 551.
21. See L. Gross, "The Criminality of Aggressive War," *The American Political Science Review*, vol. 41 (April 1947), pp. 205–25.
22. See R. Tuck, *The Rights of War and Peace* (Oxford: Oxford University Press, 1999), pp. 115–18.
23. Kant, "The Metaphysics of Morals," in Reiss, *Kant: Political Writings*, p. 172.
24. Thomas Hobbes, *Man and Citizen (De Homine and De Cive)*, ed. B. Gert (Indianapolis, IN: Hackett, 1991), 258 (original emphasis).
25. Hobbes, *Man and Citizen*, p. 260.
26. Hobbes, *Man and Citizen*, pp. 176–78.
27. Hobbes, *Leviathan*, pp. 117–18.
28. Kant, "The Metaphysics of Morals," p. 133.
29. Kant, "The Metaphysics of Morals," p. 165 (emphasis added).
30. Kant, "The Metaphysics of Morals," p. 172.
31. See L. Mulholland, *Kant's System of Rights* (New York: Columbia University Press, 1990).
32. Kant, "Perpetual Peace: A Philosophical Sketch," p. 103 (original emphasis).
33. One of the best discussions is still J.L. Brierly, *The Law of Nations*, 2nd ed. (Oxford: Oxford University Press, 1936).
34. International Law Commission <<http://www.un.org/law/ilc/texts/decfra.htm>>.
35. See K.T. Jackson, "International Jurisdiction," in C. Gray, *The Philosophy of Law: An Encyclopedia* (New York and London: Garland Publishing, 1999), vol. I, pp. 431–33.

36. See E.A. Posner, "Do States have a Moral Obligation to Obey International Law," *Stanford Law Review*, vol. 55 (2003), pp. 1909–10.
37. That must be qualified in countries that hold referendums, such as Switzerland and the United States.
38. Quoted in T. Strong, "History and Choices: The Foundations of the Political Thought of Raymond Aron," *History and Theory*, vol. 11 (1972), p. 186.
39. For an excellent discussion and critique see R. Stromberg, "The Idea of Collective Security," *Journal of the History of Ideas*, vol. 17 (April 1956), pp. 250–63.
40. M. Wight, *Power Politics*, 2nd ed. (Harmondsworth: Penguin Books, 1979), pp. 217–18.
41. Martin Wight, *International Theory: The Three Traditions* (London: Leicester University Press for The Royal Institute of International Affairs, 1991) and Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 2nd ed. (London: Macmillan, 1995).
42. M. Donelan, *Elements of International Political Theory* (Oxford: Oxford University Press, 1990).
43. See, e.g. R. Fletcher, *The Conversion of Europe: From Paganism to Christianity, 371–1386 A.D.* (London: HarperCollins, 1997).
44. See "The Claims of the Papacy" and "The Christian World-View and Its Implications for the State" in J. Canning, *A History of Medieval Political Thought* (London and New York: Routledge, 1996), pp. 29–43. Also see the lengthy analysis of *regnum* and *sacerdotium* in J.B. Morrall, *Political Thought in Medieval Times*, 2nd ed. (London: Hutchinson University Library, 1960).
45. Quoted by J. Bowle, *Western Political Thought: From the Origins to Rousseau* (London: Methuen, 1961), p. 374.
46. "Government, as by a father; the claim or attempt to supply the needs or to regulate the life of a nation or community in the same way as a father does those of his children." See *Oxford English Dictionary Online* <<http://dictionary.oed.com/entrance.dtl>>.
47. See W. Bain, *Between Anarchy and Society: Trusteeship and the Obligations of Power* (Oxford: Oxford University Press, 2003).
48. See I. Hannaford, *Race the History of an Idea in the West* (Washington, D.C.: The Woodrow Wilson Center Press, 1996).
49. D. Hay, *Europe: The Emergence of an Idea* (Edinburgh: Edinburgh University Press, 1968).
50. See Ali Mazrui, *Towards a Pax Africana* (Chicago: University of Chicago Press, 1967).
51. See J. Jackson Preece, "Ethnic Cleansing as an Instrument of Nation-State Creation: Changing State Practices and Evolving Legal Norms," *Human Rights Quarterly*, vol. 20, no. 4 (1998), pp. 817–42.
52. See J. Jackson Preece, *National Minorities and the European Nation-States System* (Oxford: Oxford University Press, 1998).

53. This is evident from the international law definition of the sovereign state: a defined territory, with a permanent population, under one supreme government, that is independent of all other such governments.
54. Bernard Williams, *Ethics and the Limits of Philosophy* (London: Routledge, 1985).
55. I. Berlin, *The Crooked Timber of Humanity* (New York: Vintage Books, 1992), pp. 79–80.
56. See R. Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 1990).

Chapter 7 Jurisprudence for a Solidarist World: Richard Falk's Grotian Moment

1. Richard Falk makes the “Grotian moment” argument in various writings. However, I shall confine my references to the succinct statement of the argument in his essay “A New Paradigm for International Legal Studies: Prospects and Proposals,” in R. Falk, F. Kratochwil, and S.H. Mendlovitz (eds.), *International Law: A Contemporary Perspective* (Boulder, CO and London: Westview Press, 1985), pp. 651–702.
2. Martin Wight, *International Theory: The Three Traditions* (Leicester: Leicester University Press, 1992); Hedley Bull, *The Anarchical Society*, 2nd ed. (London: Macmillan, 1995).
3. For an incisive account of his thought see Richard Tuck, *The Rights of War and Peace* (Oxford: Oxford University Press, 1999), ch. 3.
4. Richard Tuck, *Hobbes* (Oxford: Oxford University Press, 1989), pp. 20–23.
5. Garrett Mattingly, *Renaissance Diplomacy* (New York: Dover Publications, 1988), p. 245 (original emphasis).
6. Mattingly, *Renaissance Diplomacy*, p. 246.
7. *De Jure Belli ac Pacis Libri Tres*, tr. Francis Kelsey (Oxford: Oxford University Press, 1925).
8. Martin Wight, *Systems of States*, ed. Hedley Bull (Leicester: Leicester University Press, 1977), p. 127.
9. Hedley Bull, “The Importance of Grotius in the Study of International Relations,” in H. Bull, B. Kingsbury, and A. Roberts (eds.), *Hugo Grotius and International Relations* (Oxford: Clarendon Press, 1990), p. 65.
10. Other Grotian commentators can be found in Bull, Kingsbury, and Roberts, *Hugo Grotius and International Relations*.
11. Bull, “The Importance of Grotius,” pp. 65–66.
12. B.V.A. Roling, “Are Grotius’ Ideas Obsolete in an Expanded World,” in Bull, Kingsbury, and Roberts, *Hugo Grotius and International Relations*, pp. 281–300.
13. Grotius also distinguished “divine volitional law” or the law of God.
14. Hedley Bull, “Natural Law and International Relations,” *British Journal of International Studies*, vol. 5 (1979), p. 171.

15. See L. Gross, "The Peace of Westphalia," *The American Journal of International Law*, vol. 42 (January 1948), pp. 20–41.
16. G. Mattingly, *The Armada* (Boston: Houghton Mifflin, 1959).
17. Falk, "A New Paradigm," p. 663.
18. Bull, *The Anarchical Society*, chs. 6, 11, 12, and 13.
19. Falk, "A New Paradigm," pp. 653–59.
20. Falk, "A New Paradigm," p. 657.
21. Falk, "A New Paradigm," p. 666.
22. Falk, "A New Paradigm," p. 673.
23. Falk, "A New Paradigm," pp. 674–80.
24. Falk, "A New Paradigm," p. 655.
25. Falk, "A New Paradigm," p. 666.
26. See E.L. Jones, *The European Miracle: Environments, Economics and Geopolitics in the History of Europe and Asia* (Cambridge: Cambridge University Press, 1981), esp. chs. 6–7.
27. See Immanuel Wallerstein, *The Modern World-System* (New York: Academic Press, 1974). Also see some of the essays in H. Bull and A. Watson (eds.), *The Expansion of International Society* (Oxford: Clarendon Press, 1984).
28. See Myers S. McDougal and associates, *Studies in World Public Order* (New Haven: Yale University Press, 1960).
29. See R.H. Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990).
30. Bull, *The Anarchical Society*, ch. 11.
31. J.L. Brierly, *The Law of Nations*, 2nd ed. (Oxford: Oxford University Press, 1938), p. 30.
32. This argument is made at length in Robert Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 2000).

Chapter 8 *Dialogical Justice in World Affairs*

1. T. Hobbes, *Leviathan* (Oxford: Blackwell, 1946), p. 83.
2. J.R. Lucas, *On Justice* (Oxford: Clarendon Press, 1980), p. 16.
3. See Susan M. Lloyd (ed.), "Synopsis of Categories," *Rogot's International Thesaurus*, 3rd ed. (New York, 1962), pp. xvii–xx.
4. N. Machiavelli, *The Prince*, tr. G. Bull (Harmondsworth: Penguin Books, 1961).
5. Martin Wight, *International Theory: The Three Traditions* (Leicester and London: Leicester University Press, 1991), p. 106.
6. H. Reiss (ed.), "The Metaphysics of Morals," *Kant: Political Writings*, 2nd enl. ed. (Cambridge: Cambridge University Press, 1991), pp. 131–75.
7. R.G. Collingwood, *The New Leviathan* (New York, 1971), ch. XXXV.
8. John Rawls, "Justice as Fairness," in P. Laslett and W.G. Runciman (eds.), *Philosophy, Politics and Society* (Second Series) (Oxford: Blackwell, 1972), pp. 132–57. Also see *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), esp. ch. II.

9. Lucas, *On Justice*, ch. 1.
10. *Nicomachean Ethics*, tr. T. Irwin (Indianapolis, IN: Hackett, 1985), book 5, section 2, pp. 117–19.
11. Rawls, *A Theory of Justice*, p. 3.
12. Hobbes, *Leviathan*, p. 94.
13. G. Grube (tr.), *Plato-Republic*, rev. C. Reeve (Indianapolis, IN and Cambridge: Hackett Publishing, 1992), book I.
14. *Remota justitia quid sunt regna nisi magna latrocinia?* This is the opening sentence in Lucas, *On Justice*, p. 1.
15. *An Enquiry Concerning the Principles of Morals*, ed. C.W. Hendel (New York: Bobbs-Merrill, 1957), p. 39 (emphasis added).
16. I make that argument at length in *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 2000).
17. Hobbes, *Leviathan*, ch. 13.
18. Hobbes, *Leviathan*, p. 83.
19. Alan James, *Sovereign Statehood: The Bases of International Society* (London: Allen & Unwin, 1986).
20. “In the world as it is, the final arbiter of things political is power.” Robert G. Gilpin, “The Richness of the Tradition of Political Realism,” in Robert O. Keohane (ed.), *Neorealism and Its Critics* (Cambridge, MA: Harvard University Press, 1987), p. 304.
21. E.H. Carr, *The Twenty Years’ Crisis, 1919–1939* (New York: Harper Torchbooks, 1964), p. 102.
22. Carr, *The Twenty Years’ Crisis*, p. 97.
23. *Oxford English Dictionary On-line* <<http://www.oed.com/>>.
24. Grube, *Plato-Republic*, Book I.
25. *Oxford English Dictionary On-Line* <<http://www.oed.com/>>.
26. Helsinki Final Act (August 1975) <<http://www.osce.org/docs/english/1990–1999/summits/helfa75e.htm>>.
27. See N.L. Rosenblum, *Bentham’s Theory of the Modern State* (Cambridge, MA: Harvard University Press, 1978), p. 101 (emphasis added).
28. Rawls, *A Theory of Justice*, pp. 378–79.
29. Hobbes, *Leviathan*, p. 98.
30. North Atlantic Treaty Organization, Article V.
31. H. Bull, *Justice in International Relations* (Waterloo, Ontario: University of Waterloo, 1984), p. 14.
32. See H. Shue, *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy* (Princeton, NJ: Princeton University Press, 1980), pp. 22–29.
33. See R. Jackson, “Can International Society be Green?” in R. Fawn and J. Larkins (eds.), *International Society after the Cold War* (London: Macmillan, 1996), pp. 172–92.
34. UN decisions and actions on compensation of adversely affected states are collected in D. Bethlehem (ed.), *The Kuwait Crisis: Sanctions and Their Consequences*, part I (Cambridge: Grotius Publications, 1991).

35. The United States Patriot Act is available on-line at <<http://www.usdoj.gov/oig/special/0307/final.pdf>>.
36. Bull, *Justice in International Relations*, p. 14.
37. The International Criminal Court is available on-line at <<http://www.un.org/law/icc/>>.
38. For example, see J. Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999).
39. *Nicomachean Ethics*, book 5, section 8, pp. 134–35.

Chapter 9 Lifting the Veil of Ignorance: John Rawls's Society of Peoples

1. John Rawls, *A Theory of Justice* (Harvard: Harvard University Press, 1971) and *Political Liberalism* (New York: Columbia University Press, 1993).
2. John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999).
3. Among the important subjects left out are Rawls's discussions of "burdened societies" and "distributive justice among peoples."
4. I have been influenced by Cornelia Navari, "Rawls and the English School," *International Studies Association Conference Papers* (Chicago, 2001). I have also benefited from the comments of Will Bain and Miki Fabry on an early draft.
5. Rawls, *The Law of Peoples*, pp. 32–34, pp. 39–42. Whenever the reader of Rawls's text encounters a capitalized word that is not the first word in a sentence or a proper noun, which is a frequent occurrence, it is an encounter with one of his stipulated definitions. Rawls's practice of capitalizing his concepts gives his text, perhaps unintentionally, the solemn appearance of a pronouncement or proclamation from on high.
6. John Rawls died in 2002. According to one obituary writer: "Margaret Drabble [the Oxford novelist and philosopher] even used Rawls's concept of the 'veil of ignorance' as the basis for a dinner party game played by exiled intellectuals in her novel *The Witch of Exmoor*." John Rawls, *The Telegraph On-line* <www.telegraph.co.uk>, November 27, 2002.
7. Rawls, *The Law of Peoples*, p. 3.
8. Rawls, *The Law of Peoples*, p. 10.
9. Rawls, *The Law of Peoples*, pp. 32–33. Rawls makes positive reference to Rousseau's *The Social Contract* and it is clear that he wants to liberate people from their chains in his own way. This radical French Enlightenment view should be contrasted to the conservative view of Burke, which is more characteristic of the classical international society thinkers, particularly Martin Wight. See J. Welsh, *Edmund Burke and International Relations* (London: Macmillan and St. Martin's Press, 1995).
10. Rawls, *The Law of Peoples*, p. 10.
11. H. Butterfield, *History and Human Relations* (London: Collins, 1951).

12. M. Oakeshott, *Rationalism in Politics and Other Essays*, new exp. ed. (Indianapolis, IN: Liberty Press, 1991), p. 32.
13. I. Berlin, *The Crooked Timber of Humanity* (New York: Vintage Books, 1992).
14. T. Nagel, "Justice, Justice, Shalt Thou Pursue: The Rigorous Compassion of John Rawls," *The New Republic Online* <www.tnr.com>, August 8, 2002, p. 11.
15. I have in mind principally the work of Herbert Butterfield, Martin Wight, and Hedley Bull. Perhaps the most emblematic expression of it is to be found in M. Wight, "Why Is there No International Theory," in H. Butterfield and M. Wight (eds.), *Diplomatic Investigations: Essays in the Theory of International Politics* (Cambridge, MA: Harvard University Press, 1968), pp. 17–34.
16. To avoid confusion I use inverted commas whenever Rawls's conceptualized "peoples" or "states" are referred to.
17. *The Law of Peoples*, p. 46. As representative of that alternative view, he cites R. Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981) and R. Axelrod, *The Complexity of Cooperation* (Princeton, NJ: Princeton University Press, 1997).
18. Thomas Hobbes, *Leviathan*, ed. Michael Oakeshott (Oxford: Blackwell, 1946), p. 83.
19. Rawls, *The Law of Peoples*, p. 28.
20. Rawls, *The Law of Peoples*, p. 35.
21. Rawls, *The Law of Peoples*, p. 26.
22. Rawls, *The Law of Peoples*, p. 27. The word "solely" raises a question as to whether Rawls allows that governments of "peoples" can, when the occasion demands, for example, during emergencies when their security is being threatened, justify their policies and actions on exclusively prudential grounds. It would seem not.
23. S. Korman, *The Right of Conquest: The Acquisition of Territory by Force in International Law and Practice* (Oxford: Oxford University Press, 1996).
24. U.N. Charter, Article 51 and Chapter VII.
25. Rawls, *The Law of Peoples*, p. 34.
26. J.S. Mill, *Considerations on Representative Government*, ed. J.M. Robson (Toronto: University of Toronto Press, 1977), in *Collected Works*, vol. XIX, p. 546.
27. Sir Ivor Jennings, *The Approach to Self-Government* (Boston: Beacon Press, 1956), pp. 55–56.
28. R. Emerson, *Self-Determination Revisited* (Cambridge: Harvard University Press, 1964), p. 63.
29. Quoted by T. Musgrave, *Self-Determination and National Minorities* (Oxford: Oxford University Press, 1997), p. 148.
30. Jennifer Jackson Preece, *National Minorities and the European Nation-States System* (Oxford: Clarendon Press, 1998).
31. A. Cassese, *Self-Determination of Peoples: A Legal Reappraisal* (Cambridge: Cambridge University Press, 1995), p. 334.
32. See James Mayall, *Nationalism and International Society* (Cambridge: Cambridge University Press, 1990).

33. Hans Kohn, *The Idea of Nationalism*, rev. exp. ed. (New York: Macmillan, 1960).
34. "Religion and Public Reason in Democracy," in *The Law of Peoples*, pp. 149–52.
35. Rawls, *The Law of Peoples*, p. 37.
36. Rawls, *The Law of Peoples*, p. 42. H. Reiss (ed.), *Kant Political Writings*, 2nd enl. ed. (Cambridge: Cambridge University Press, 1991), pp. 102–05.
37. Rawls, *The Law of Peoples*, p. 37.
38. In that connection, Rawls makes a reference to J.L. Brierly, *The Law of Nations* (Oxford: Clarendon Press, 1963) and T. Nardin, *Law, Morality and the Relations of States* (Princeton, NJ: Princeton University Press, 1983).
39. See Chris Brown, "The Construction of a 'Realistic Utopia': John Rawls and International Political Theory," *Review of International Studies*, vol. 28 (January 2002), pp. 5–21 and A. Buchanan, "Rawls Law of Peoples," *Ethics*, vol. 110 (July 2000), pp. 697–721.
40. Rawls, *The Law of Peoples*, pp. 44, 51.
41. Rawls, *The Law of Peoples*, p. 123.
42. As indicated, this is sometimes referred to as "the domestic analogy." Rawls's international thought is shot through with domestic reasoning. He gives no indication of the difficulties, e.g. as recognized in a famous study by R. Niebuhr, *Moral Man and Immoral Society* (New York: Charles Scribner's Sons, 1960).
43. M. Wight, *Power Politics*, 2nd ed. (Harmondsworth: Penguin Books, 1979), pp. 217–18.
44. Rawls, *The Law of Peoples*, p. 91n.
45. Rawls, *The Law of Peoples*, p. 19.
46. Rawls, *The Law of Peoples*, p. 54. One should note that Kant wrote of "republics" in this connection, not "democracies." See Reiss, *Kant's Political Writings*, p. 99.
47. T. Hobbes, *Man and Citizen (De Homine and De Cive)*, ed. B. Gert (Indianapolis, IN: Hackett, 1991), p. 258 (original emphasis).
48. Rawls, *The Law of Peoples*, p. 55 (original emphasis).
49. For an excellent review of issues see *Humanitarian Intervention: Legal and Political Aspects* (Copenhagen: Danish Institute of International Affairs, 1999).
50. Rawls, *The Law of Peoples*, p. 123.
51. M. Walzer, *Thick and Thin: Moral Argument at Home and Abroad* (Notre Dame, Indiana: University of Notre Dame Press, 1997).
52. Nagel, "Justice, Justice, Shalt Thou Pursue: The Rigorous Compassion of John Rawls."
53. I. Kant, "The Science of Right," in Reiss, *Kant's Political Writings*, p. 172.
54. Rawls, *The Law of Peoples*, p. 85.
55. Rawls, *The Law of Peoples*, p. 63.
56. Rawls, *The Law of Peoples*, p. 35.
57. Rawls, *The Law of Peoples*, p. 61.
58. Rawls, *The Law of Peoples*, p. 93.
59. R. Fletcher, *The Conversion of Europe* (London: Fontana Press, 1998), ch. 13.

60. Rawls, *The Law of Peoples*, p. 93n.
61. Rawls, *The Law of Peoples*, p. 94n.
62. Rawls, *The Law of Peoples*, p. 94n.
63. Rawls, *The Law of Peoples*, p. 93.
64. Rawls, *The Law of Peoples*, p. 93.
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Index

- Ambassador 52
Arendt, Hannah 14
Aristotle 104, 143, 156
Aron, Raymond 14, 17, 113
Augustine 56, 143
 Augustinian 55–6, 143
 Augustinianism 68–72

Bacon, Francis 176
Badinter, Robert 91
Balance of power 6–7, 44–5, 63–4,
 95, 102, 114
Baseball 152
Bentham, Jeremy 46, 48, 151
Berlin, Isaiah 101, 120–1, 178–9
Bernard of Clairvaux 5
Bismarck, Otto von 9, 54
Bodin, Jean 45, 81–2, 125
Brierly, J.L. 75, 126, 137
Brown, Peter 56
Burke, Edmund 41, 49, 54–5, 71–2
Bull, Hedley 14, 16, 48, 56, 58, 61,
 69, 115, 123, 126–8, 135–6,
 153, 155
 Cosmopolitan society 123
 New medievalism 129, 135–6
 Tyranny of concepts 136
Butterfield, Herbert 59, 63, 70, 72, 158

Carr, E.H. 14, 35–6, 147
 Morality 147
 Power 147

Castro, Fidel 107
Catherine of Aragon, Queen 81
Chaucer 52
Cicero 25
Civil rights 3
 Habeus Corpus 154
 see also sovereign rights, human
 rights, natural rights
Civilization 7, 21, 55, 85–6, 171, 174
 League of Nations Covenant 86
 Rawls 170
 Standard of civilization 85,
 117, 170
 Western 85–6; *see also* religion
Civitas maxima 149
Clement VII, Pope 128
Collingwood, R.G. 64
Cosmopolis 1, 3, 7, 13–14, 44,
 47–9, 63
Cosmopolitan 12, 63, 109–11, 113,
 123, 130–1, 168, 172, 177
Cujus regio, ejus religio 42, 116, 128,
 172–3, 175

D'Entrèves, A.P. 73
Diplomacy 51–72, 149
 Classical 53, 58–65
 Machiavellian 61–2
 revolutionary 62–6
 Third World 66–7
 war 53
 see also foreign policy, statecraft

- Discourse and language 1–2, 8, 12–13,
15, 17, 50, 82, 89, 136, 174
Instrumental 50, 102, 141, 147, 149
Normative, noninstrumental 50–1,
102, 141, 148, 151, 153
Political thought 17
Politics 17
Realist 17–37, 148
- Disraeli, Benjamin 51
Donelan, Michael 115–16
- Eden, Anthony 59
Emerson, Rupert 162
Ethnonationalism 115, 118
European Court of Justice 94
European Union (EU) 74, 91,
93–7, 107
- Falk, Richard 123–38
Fideism 115–17; *see also* religion
Foreign policy 2, 9–10, 25, 27, 31,
36, 45, 53, 58, 62, 71, 145,
150, 170
plural responsibilities 150
see also diplomacy, statecraft
Frederick the Great 45
Freedom of the seas 108–9
- Gellner, Ernest 91
Gentili, Alberico 125
Great powers 5, 67, 106, 113–14,
130, 166–7
Grotius, Hugo 13, 40, 52, 55, 58, 68,
71, 108, 111, 123–30, 133,
136–8, 142
Fundamental normative ideas 127–9
Grotianism 45–6, 70, 136
War 124
- Hamilton, Alexander 54, 69, 93, 95
Helms-Burton Act (US) 106–7
Helsinki
Accords 149
- Declaration 162
Final Act 89, 197
Henry VIII, King 81, 116, 128
Herz, John 46
Hinsley, F. H. 73, 75, 82
Hitler, Adolf 8, 64–5, 71
Hobbes, Thomas 3–4, 10, 13–15, 17,
21, 23–6, 28, 31, 34, 37, 40–4,
47–8, 55, 71, 104, 109–11, 113,
125–6, 132, 139, 143–5, 147,
159, 167, 175–6
Civitas 3
Justice 24–5, 37, 139, 143–4
Moral philosophy 4
Natural law 3
Political ethics 26
Responsibilities and obligations 10,
25, 109–10, 167
Social contract 104
State of nature 24, 34–5, 42, 110,
145, 175
War 3, 6, 13, 24–5, 43,
109–10, 145
“Hobson’s Choice” 32
Hope 9, 20, 28, 56, 141, 159, 162,
167, 176
Rawls 159, 162, 167, 176
theological virtue 56–7
Wight 56
- human rights 1, 3, 7, 11, 42, 50, 102,
120, 123, 128–9, 137–8, 141,
146, 149–50, 154–5, 165, 167,
169–70; *see also* natural rights,
civil rights, sovereign rights
humanitarianism 129, 141; *see also*
human rights, humanitarian
intervention
Hume, David 144
Hussein, Saddam 8
- Imperialism 5, 7, 41, 53, 69, 75, 80,
84, 86–7, 90, 117, 126, 133, 164,
170–1

- Instrumental 2, 101, 103, 141, 144
 art (statecraft) 19, 22–3, 26–7, 30, 35, 54, 62
 calculus and calculations 8, 45, 141–2, 151
 considerations 37, 141
 device (state) 34, 160
 ideas 17
 limitations of humans 178
 justifications and judgments 18
 language and discourse 50, 102, 141, 147, 149
 law 119, 146
 questions 35, 39, 52, 141
 theory 27
 thinker 34
 world 2–3, 32, 110, 145, 148, 150
see also normative, noninstrumental, statecraft, realism
- International anarchy 1, 14, 18–19, 21, 32, 43, 48, 105, 119–20, 127, 131, 134, 147; *see also* international society, realism
- International borders 88, 90, 101, 108–10, 134, 137, 147, 150, 160
 Colonial 89, 91, 162
 Internal 90–1
 Normative significance 89, 110
- International law 1, 3, 13–14, 42, 44, 76, 81–2, 89, 98, 102–3, 105–8, 112–14, 116, 119, 125, 137, 144, 151–2, 161–2, 164–7
 Customary 119–20
 European 85
 Grotius 126–7
 International Criminal Court 155
jus soli 118
jus sanguinis 118
 Mill 171
pacta sunt servanda 95, 112, 142, 148, 151
 Rawls 158, 164–7, 171–2, 177
- Realist 146, 150
 United States 106
 utilitarian 46
see also international society, society of states, *societas*, pluralism, sovereignty, reciprocity
- International obligations
 bonds and ties between states 103, 110, 148
 normative language and discourse 102
see also normative, international law
- International society 9, 11, 46–7, 51, 54, 67, 77, 92, 105, 112, 120, 144, 149, 155, 167, 170
 Grotian Classical School 58–9, 123–4, 128, 136, 159, 165
 Mill 171
 Rawls 165, 168, 171–5, 177
 Normative dilemmas 131
 Pluralistic 114–15, 120, 129
 Third World 67
see also international law, pluralism, society of states, *societas*, sovereignty, international anarchy
- Intervention 2, 11, 42, 70, 75, 101, 146, 169–70, 172, 174, 177
 humanitarian intervention 50, 77, 108, 129
see also non-intervention, war, human rights
- Jefferson, Thomas 154
 Jesus 10, 36, 57
 jurisprudence 123–38
 world jurisprudence 136–8
jus gentium inter se 128
 Justice 139–56
 Between states 139–43
 Dialogue with power 142, 144
 Discourse 141
 Idea 143–5

- Justice—*continued*
 Normative standard 143
 Varieties 151–6
see also Hobbes, Kant, Rawls
- Kant, Immanuel 3, 4, 7, 13, 14, 41, 44, 48, 49, 55, 65, 68, 71, 105, 108, 110–13, 149, 157, 166, 168, 177–8
Cosmopolis 48
 International right 110
Jus cosmopoliticum 110–11
 Kantianism 47, 62, 65–6, 157, 168
 Social contract 111
 War 111
see also natural law, Rawls, *Cosmopolis*, cosmopolitan, solidarism
- Kennan, George 59
- Keohane, Robert 96
- Lansing, Robert 163
- Las Casas, Bartolome de 7
- League of Nations 11, 26, 86, 89, 113, 117
 Covenant 89, 117
 Mandates System 86
 Minority rights guarantees 119
see also United Nations
- Lenin, V.I. 54, 65, 71
- Locke, John 116, 154
- Lucas, J. R. 139, 143
- McDougal, Myers 133
- Machiavelli, Nicollò 9, 14, 17, 21–5, 27–8, 30–1, 34–5, 55, 68, 126, 141
 Machiavellianism 45, 61, 64
 War 28, 34
- Madison, James 97
- Magna communitas humani generis* 128
- Marx, Karl 55, 71, 132–3
- Mattingly, Garratt 54, 69, 125–6
- Mill, J.S. 14, 40, 157, 159, 170–1, 177–8
 Nationality 161
 Paternalism 170–1
- Montaigne, Michel de 98–9
- Morgenthau, Hans 56
- Mussolini, Benito 64
- Nagel, Thomas 159, 168
- National minorities 88, 91, 118, 162–3
 High Commissioner 119
- Natural law 3–4, 7, 55, 113, 129, 172
 Berlin 121
 Bull 127
 Grotius 71, 127, 136–8
 Hobbes 4
 Kant 111
 Vattel 137
 Wight 71
see also natural rights, human rights, international law
- Natural rights 3; *see also* human rights, natural law
- Nicolson, Harold 58, 60
- Niebuhr, Reinhold 56, 65, 72
- Non-intervention 128, 165, 167; *see also* intervention
- Noninstrumental 141–2
 Discourse 141
 Rules 142, 148, 152
see also instrumental, normative
- normative
 activity 148, 149
 arguments 37
 categories 31
 claims of natural law 3
 considerations and aspects 10, 30, 34–5, 141–2, 151
 dilemmas 150, 152, 159, 172
 distinctions 10, 86
 diversity and discord 109
 hierarchy 167

- premises, foundations, framework
 73, 75, 91, 99, 102–3, 105
 ideas 6, 141
 inquiry 8
 issues 8, 32, 34, 39, 170
 justifications and judgments 36, 41
 language and discourse 17, 35, 50,
 102, 148, 151
 logic 75
 questions 4, 7, 52, 141–2, 150
 reality 4
 risk 77
 standards 2, 8
 theory and thought 30, 34
 world 2, 148
see also instrumental,
 noninstrumental
 North Atlantic Treaty Organization
 (NATO) 153
 Oakeshott, Michael 57, 159, 175, 178
 pacifism 10, 66
 Christian 69
 paternalism 75, 115, 117, 119, 146
 Mill 170
see also trusteeship, League of
 Nations, United Nations
 Paul 79
 Peace 1, 2, 7, 10, 24, 31, 36, 53,
 64–6, 71, 91, 124, 131, 134,
 148–9, 153, 166–7, 173, 177–8
 Peace of Augsburg 174
 Peace of Utrecht 82
 Peace of Westphalia 82, 128, 130
 Sovereign state 24, 109
 International peace and security 5,
 59, 114–15, 155, 161, 166–7
 Perpetual peace 41, 48, 63, 111, 149
see also war, Hobbes, Kant, Wilson
 Pelagianism 56–7; *see also* politics of
 faith, religion
 Pericles 10
 Plato 14, 18, 40, 143
 Pluralism 47, 97, 115, 119–21,
 136–7, 156, 172, 174, 176–8
 Co-existence 174
 Normative principles 120
 Normative conflicts and dilemmas
 124, 129
see also solidarism, *societas*, Berlin
 Pol Pot 8
 Politics of faith 57, 63, 178; *see also*
 Pelagianism, religion
 Politics of skepticism 57, 178; *see also*
 skepticism
 Power 3–4, 9, 11, 14, 33, 34, 64, 73,
 98, 103, 113–14, 117, 131,
 140–1, 144, 146–8, 159
 Augustine 143
 Dialogue with justice 142, 144
 Hobbes 24–6, 34–5
 Kant 48, 110, 113, 142
 Discourse 50, 102, 141
 Neorealists 32
 Realists 18–21, 29, 34, 36, 43,
 101, 141–2, 145–6
 Revolutionists 64–6
 Wilson 63
see also instrumental, power politics,
 balance of power
 Power politics 26, 141, 144, 147–8
see also power, *raison d'état*, *realpolitik*,
 Hans Morgenthau, E.H. Carr
 Pufendorf, Samuel 40, 43, 111
 Race and racism 117–18
 Rationalism 40, 45, 49, 55, 68, 159
 Oakeshott 159
 Wight 71
see also realism, revolutionism
 Rawls, John 14, 32, 143, 151,
 157–79
 International law 164–7
 Law of Peoples 164–8
 normative dilemmas 172

- Rawls, John—*continued*
 normative inclusion 170
 normative questions 171
 peoples 159–64, 168–72
 rationalism 159
 religion 172–5
 society of peoples 157–79
 solidarism 167–8
 veil of ignorance 157–9, 175–9
 war 165–7, 177
see also Kant, solidarism, *Cosmopolis*,
 cosmopolitan
- Realism 3, 17–37, 39, 41, 62, 149,
 159
 Ethics 34–7, 43
realpolitik 26, 81, 101, 144–5
 skepticism 145–6
 war 36–7
 Wight 49, 68
see also rationalism, revolutionism
- reciprocity 46, 48, 58, 75, 83, 95,
 149, 160, 170–1
see also international law
- religion 5, 7, 51, 86, 115, 118–19, 158
 Christianity 80, 82, 95, 116,
 124, 128
 Islam 115–16
 Judaism 117
 Rawls 172–5
see also *fideism*, *cujus regio, ejus*
religio, religion, *respublica*
Christiana
- Respublica Christiana* 5, 41, 52, 69,
 75, 78, 79–84, 87, 105, 115–16,
 128, 136
- Revolutionism 40, 47, 65–6, 68
see also realism, rationalism
- Rex est imperator in regno suo* 83,
 116, 128
- Ritter, Gerhard 45
- Röling, B.V.A. 126
- Rousseau, Jean-Jacques 87
 general will 87
- Schelling, Thomas 27–31
 War 27–8, 30
- Seldon, John 108
- Self-determination 6, 65, 77, 84,
 86–8, 91–2, 117–18, 126, 130,
 163, 177
- Shakespeare 1, 23
- Skepticism 57–8, 145–6, 163, 170,
 178–9; *see also* politics of
 skepticism
- Smith, Adam 133
- Societas* 80–6, 88, 92–5, 97–9; *see also*
universitas
- Society of states 112, 120–1
see also state system, *societas*
- Socrates 10, 17–18, 36
- Sophocles 1
- Solidarism 47, 134, 136–7
 Richard Falk on 131
see also pluralism, *universitas*, Kant,
 Rawls
- Sovereign rights 3, 86, 93–4, 112,
 129, 154; *see also* state sovereignty
- Stalin, Joseph 8, 65
- State 104, 132
 Hobbes 147
 Power apparatus 45–6
 Responsibilities 104, 150
 War 25, 39
- State sovereignty 7, 11–13, 42,
 73–99, 105, 107–8, 112–13, 117,
 120, 129, 131, 136–8, 160, 171;
see also sovereign rights
 normative foundations 75
 normative ideal 120
 normative premise 73
- State system 77, 95, 130–2, 134–6,
 138, 151
 instrumental world in part 148
 normative world in part 148
 normative discourse 151
 regional 81
 secular 119

- suzerain 75
see also society of states
 statecraft 10, 12, 14, 18–19, 32,
 35–7, 69
 ethics 20, 22, 26, 30–1, 34, 150
 Hobbes 25
 Machiavelli 23, 30, 36–7
 Nazi 65
 Renaissance 81
 Schelling 27, 29–30
 Wilson 64, 71
see also diplomacy, foreign policy
 Suarez, Francesco 55, 125
 Sukarno 66
- terrorism 2, 11–12, 77, 141, 155
 Thucydides 9, 13–14, 17, 19, 21, 23,
 31, 33–4, 36, 40, 55, 71, 159
 Tocqueville, Alexis de 1, 16
 Tragedy 158, 178
 Trusteeship 11, 86, 170–2; *see also*
 paternalism, United Nations
- Ubi bene, ibi patria* 44
 United Nations (UN) 117
 Charter 117
 Security Council 114–5, 152,
 154–5, 166
 Trusteeship System 86
see also League of Nations
 United States (US) 27–8, 31, 63, 71,
 75, 87, 93, 106–7, 114, 117, 118,
 153, 157, 168, 175
 International Criminal Court 155
 Patriot Act 155
- Religion 174
Universitas 80–1, 83, 85, 94–6; *see*
 also societas
Uti possidetis juris 89–92, 162
 Normative foundation 91
- Vattel, Emerich de 40, 111, 126, 137
 Vincent, R.J. 46–7
 Vitoria, Francesco de 7, 125
- Wallace, Henry 66
 Waltz, Kenneth 32
- War 1, 7, 9–10, 14, 39, 42, 113–14
 Cold War 77, 115, 149
 Gulf War 90, 115, 154
 Instrumental activity 101, 103,
 145, 149
Jus ad bellum 111, 142, 149, 151
Jus ante bellum 142
Jus in bello 111, 142, 151
 normative activity 11, 13, 63–4,
 66, 105, 108–9, 116, 120,
 131–2, 140, 149, 154, 160
 normative discourse 149
 justification and ethics 6–8, 10,
 19–22, 27–8, 30, 63, 70,
 111, 142
see also peace, Grotius, Hobbes, Kant,
 Machiavelli, Schelling
- Wight, Martin 16, 39–50, 51–72, 82,
 87, 115, 123, 126, 142, 166
 Williams, Bernard 120
 Wilson, Woodrow 21, 35, 54, 63–4,
 71, 87, 162–3
 Wolfers, Arnold 43