

PREFACE TO THE REISSUE

Let there be no kind of question about it: this book dates. It speaks, for instance, as if of an existent Switzerland whose women still don't vote; and of de Gaulle as a man of the day. It dates in a further more important respect, to be touched on later. Also, it errs. It misspells computer and it misquotes Genesis. Besides, it exaggerates. On page 103 the word library should have been bookcase, at most. And it puzzles. Though couched in words not all of them Anglo-Saxon it yet eschews that latest *lingua franca* condemned, by some, as sociologese. Worse, it resists classification. For even a bad book can be in a class by itself.

Having then no category, has it perhaps an explanation? This, like many others of its ilk, will be found in history, in this case the author's. Disliking, however, the first personal pronoun, he will sometimes use initials: for, known at one time to friends as YM, for young man, and being now rather older, it is as ROM that he may hereinafter appear.

While still very much YM this now ROM had had a post in Geneva, with a privileged, ringside, view. While there he had noticed what Reinhold Niebuhr would later express for him as the difference between the children of darkness and the children of light. His sympathies were with these latter, the men of good will. Alas that, for their understanding of things, they were often, like himself, so poorly equipped. It was, he felt, a problem about which something ought to be done. What precisely, and by whom, he had not then decided.

But when, in 1924, he learnt that someone, his Geneva predecessor, had been elected in London to a chair of International Relations, the point of this novel development seemed to him unmistakably clear. What could have been more specific, as a designated subject-matter, than the relations, or relationships, between the members of the 'society' of sovereign states – the relationships whose legal aspects were the concern of international law (a subject which, as a student, he was

himself officially deemed to have 'done'). Had geography not previously existed, it would have been possible, he supposed, for a university to call it into being simply by prescribing its creation as the responsibility of the incumbent of a teaching post, and this whether there yet existed books in the subject or not. And, if geography, why not, comparably, international relations? As the earth's face had all along been there, so, equally, 'out there' for someone to study, was the society of sovereign states. As the coexistence of men in society had invited the invention of sociology, so the perceived coexistence, in a 'society', of the historically-given plurality of sovereign states had now provided the occasion for the invention of international relations.

The term 'international society' in this book's title refers thus to a phenomenon presupposed by the very possibility of a functioning system of international law. In strictness this was a law obtaining not, as might be suspected, between nations, but between sovereign states: so that it was of states, not of nations, that the 'society' in question was composed. But whereas the law described as international was understood by ROM as genuinely law, the 'society' within which it applied was, by contrast, not genuinely a society. For those 'persons' of which it was composed were such not in point of fact but only in point of theory. And whereas relations among living individuals could be social indeed, those between mere personified abstractions could be social, it seemed to him, only in idea. 'International society' was thus neither strictly international nor strictly a society. Yet, as a subject for systematic study, it became more engrossing the more searchingly it was observed. That humanity as a whole was potentially a true community might be conceded. But those sovereign states? These, when one thought of it, could become a quasi-community at best. And this notwithstanding the term 'international community' not infrequently used as if with reference to something consisting of sovereign states. Clearly here was a field in which there was thinking to be done. And hence, as it seemed to him, the creation of the chair. Not that it had at that stage occurred to him to see himself as a possible successor, for the second time, to the illustrious Philip Noel-Baker. Yet that is what he was eventually to be.

A curious appointment? Indubitably: resulting from a bizarre application. Regarding the latter, all that ROM can in retrospect say is that there is nothing like a brace of unexpected examination successes to imbue a fledgling with an over-flattering impression of his own capabilities. With that on the one hand, and his plain ignorance, of many things, on the other, the yet sufficiently youthful law don volunteered to forgo his pleasant Oxford prospects, and was taken at his word. By whom? By, he supposed, the University of London. For, as if in the medieval sense a 'realist', he conceived that institution as if itself a living person, whose wishes in appointing him it was for him to strive to satisfy, including presumably the wish that he should set himself to evolve, if need be out of next to nothing, the discipline whose possible existence appeared to him postulated in the very naming of his chair. And, having so readily attributed expectations to the personified abstraction that was now his employer, it was possibly a little illogical that, when his inaugural lecture was delivered on the hundred and twenty-fifth anniversary of the Battle of Trafalgar, he should have paused to ponder on the precise identity of that other such intangible to which the great Nelson had imputed expectations. Yet so he did, in performance of what, that day, he conceived to be his duty.

And on what else did he on that occasion pause to ponder? In particular, on the proper purpose of what he was now to be about. What would this teaching be for? What, for that matter, had his Oxford teaching been for? Law schools, like those of medicine and like military academies, were geared in their arrangements to the turning out of what might be termed their finished products. Each year at, for instance, Sandhurst there was held the passing-out parade at which the sword of honour was presented to the individual most nearly approaching the pertinent ideal. For the army, for medicine, for the bar, standardised curricula based on generations of experience were accepted as both normal and virtually indispensable in the training of those destined for participation as professionals in a relevant form of life. What else could international relations as a university subject be for, if not for the preparation of those destined for participation in the relevant form of life? And what manner then of finished product was it that this

new subject was purposed to produce? In that October discourse the still YM described his ideal product as 'the perfect local expert in foreign affairs' – about whom it was point number one that he would never in fact be finished. His teachers might have put him on a road, with map to read, sandwiches to munch and something to imbibe, but would not ever have escorted him to his destination. Nor indeed would he ever get there. An *unfinished* product, in short. And so is it still today. Nowadays ROM prefers another term for it, but his animal is still essentially the same one. Nowadays the sword-of-honour winner at his passing-out parade is known as the 'connoisseur'.

Such being the unattainable destination, what then should be the route? And with whom must the beginner keep in step? To guide him here ROM had only his own rather peculiar experience. His legal studies, unavoidably compressed, had been preceded and, he believed, facilitated, by a fleeting flirtation with the then fashion in Oxford philosophy. And when, being paid to teach it, he had later returned to the law, it was essentially as an exercise in applied, if not very highbrow, philosophy that he had found its presentation most rewarding. For what more hopeful way of access to activity in the courts than a grounding not just in what the judges had said and done but in the esoteric thoughtways on which in general they so conservatively depended? For was it not, in part at least, the very artificiality of its associated mental mannerisms that lent its social value to the law?

Yet what had this teacher's way with his old love the law to do, when he came to it, with his wooing of a new one, in International Relations?

For the answer he must revert to the morning in that Geneva summer of fifty years ago when, under the invigorating aegis of A. E. Zimmern, at his School of International Studies, he made his audacious début as an expositor of international affairs. And with what was it that he then began? With what else, goodness me, than with the notion of sovereignty, then as now the source of so much confusion for the average man? For, in his view then as now, the linguistic analysis that was later to have so lively a ride in other places was the unequalled medium of communication for the introduction, at under-

graduate, if not at sixth-form level, of the subject for which provision had so recently come to be made for the first time in an English university.¹ To him that elucidating of concepts which was, in his experience, so fructifying a didactic method for the purveying of one kind, the lawyer's, of traditionally stylised speech and thinking seemed the natural choice for the examination of that other, possibly less mysterious but hardly less non-popular, kind in terms of which, at the diplomatic level, the work of the world was done.

A historian, an economist, a political scientist or a theologian 'switching over' to international relations would not improbably have been seen developing this subject each in a different way. And it may be that, being human, he would equally little have avoided what has been called 'epistemological self-righteousness' in his judgments on ways not his own. In ROM's case, given the circumstances of his appointment to the control of an autonomous department; given his conception of the nature of the need; and given his unfamiliarity with alternative methods, it would hardly have occurred to him to envisage the thing being attempted in any other way. The desire to understand international affairs was, he judged, a single, distinctive, desire. So too was the desire to aid those having that first desire. The want of a discipline specialised to the needs of this sort of teacher and that sort of student seemed so plainly what those must have had in mind who had backed the provision of place for such a subject in their university. Only where international relations was to be accommodated as a subject, nay a discipline, in itself, with the society – so-called – of sovereign states as its subject-matter, could someone of his peculiar antecedents have hoped to be of help. He certainly had not, even were it only by implication, been invited, let alone offered, to develop the subject of international relations on assumptions any other than his own.

Philosophy as first revealed to him had appeared designed as a training for life, a tempering of the mind's cutting edges at a still impressionable stage of its maturation. It was concerned, as it were, to furnish the guardians whose role in his ideal

¹ The British, *alias* the Welsh, as in this at least the more advanced nation, had had it, if under a different label, since 1919. See Brian Porter (ed.) *The Aberystwyth Papers: International Politics 1919-1969* (Oxford University Press, 1972) *passim*.

city-state Plato had so suggestively delineated. Law teaching was comparably organised to produce a specific breed of professional adult. And now international relations. Here again, every bit as much as in the teaching of law, the grounding in philosophy seemed germane. The question, as now he sees it, is not whether the recourse to a philosophic methodology in respect of certain issues was an admissible option; but whether their consideration, in just such a manner, was avoidable in the appreciation of certain sorts of situation, whether by self-styled philosophers or not. Almost might one say to the aspiring teacher of international relations: Take care of the philosophical issues and those commonly differentiated as scientific will take care of themselves. Almost might one say this, but obviously not quite.

Meanwhile, what else might ROM be thinking to say to the said aspiring teacher? This above all, that he will do well to distinguish sharply in his thinking between his service to his colleagues and senior students, his service to the world, and his service to his beginners. Much writing done by teachers is for the comradely consideration of their academic peers. Much talking that they do is for the guidance of the peoples and the statesmen of the world. Yet it is specifically the beginners in international relations that some at any rate of them will have been engaged more especially to teach; and it is in aid – need he say it? – more particularly of these that ROM would claim to have written his book. Had some such book been available in 1930, he knows just what he would have done with it. He would have made it required reading for all with whom he would himself be having to deal. An odd book? Very possibly. No one would be likely to have written anything of the kind who had not found, or felt, it incumbent upon him to burrow his way through, for the purposes of his job, to the elementals of a subject which, though the business of everybody in general, had in practice been the business of nobody in particular, and in which his students, failing help from him, might have to start, as it were, as he perforce had had to, to all intents from scratch.

Rereading the thing at eighty, he finds himself wishing that something on the same sort of lines, though preferably in words of fewer syllables, might have been brought within his purview

at eighteen, if not at eight – especially if by someone himself an aspirant to connoisseurship. He would have difficulty in seeing how any teacher sharing his conception of the nature of the discipline could fail to feel the need for some such book. The case for it is thus the case for a certain sort of teaching subject, conceived in a certain sort of way. This way not being universally accepted, it would be surprising were the book to have been found universally acceptable. It asks to be judged for what it is.

Is it a modest book? Only in the limitations of its scope, as a first-year primer. Otherwise, not modest at all. For all its quiet reception hitherto, its author still believes it important. He can in honesty say that he has done his best to doubt this, but so far without success. And anyway it is others' judgment, not his, that matters here. And here it is not modest, but ambitious. It aspires to attract the evaluation of the philosophers, whose blessing on it might have put it on the map, even as their rejection of it, if sufficiently resounding, might have put it on the bookstalls. He has waited long for that evaluation. 'Now', said a friendly senior, on the occasion of his migration to London, 'you'll have time to write your book.' The foundations for something of the sort had been laid during a precious interlude in 1926, spent mostly in the Widener Library at Harvard; so that some of the preliminary thinking had already been done. Elaborations there would be, and further development of certain ideas, before at last the book managed to get itself completed, at speed, in 1959. So there is a sense in which it was a dated book from the day of its appearing. It reflected in the sixties thinking done, or at any rate embarked upon, in the twenties.

Thinking – yes indeed. If respectability attaches only to research then ROM must resign himself to remaining disreputable to the last. For while others have been researching, he, idle fellow, has been indulging in reflections – on the predicament of those charged at the elementary level with the teaching of this subject. What were they to put as reading matter into the hands of their recruits? Or, alternatively, what were they to begin by trying, for the benefit of those beginners, to purvey? The book was put together as one man's tentative answer to these questions. His conclusions were in essence an elaboration

of the statement: We are what we are, and we conceive things as we do, and that is why our world is what it is.

But what, it may be asked, about the intrinsic difficulty of the book: one does not put on to calculus those who have yet to learn their rule of three? Philosophy, linguistic analysis and all that: are these indeed a beginner's bread and butter? It may well be that the book is indeed a bit hard for the average freshman, on his own. But must it therefore be dismissed as unsuited to his basic need? Is it not rather that the average beginner should not be left to digest it unassisted? What are teaching arrangements for, if not to spare the average beginner the necessity of beginning on his own? There is no point in making the subject more difficult than it need be; but there is every point in keeping it as difficult as it essentially is, even for a busy teacher. Doubtless it is not the sort of material that can be assimilated, even by the teacher, at a hand-gallop. But this is hardly the same thing as being too difficult absolutely.

In the author's view, if the student could really do equally well, at the outset of his career, with no such book as this, it is hard to see why he should particularly want it later on. Had such a book to be denied to first-year students, but prescribed either for sixth-formers or for graduates, but not for both, it is for the former that ROM would prefer to see it prescribed. For it is these towards whose better understanding of the world it can, he believes, offer the more timely help. And the book was conceived under the influence of the possibly naive belief that the world might have a better chance of becoming a better place if the better people in it could come to understand it better. As his better people ROM was thinking essentially of Niebuhr's 'children of light'. If the issues explored in the book are withheld from these, they will not therefore be wholly neglected. But it might be a pity to leave them a monopoly of the children of darkness. Yet that is what some educationists might appear to be willing to do. There is one venerable university in particular which ROM used at one time to hope that he might live to see providing for international relations. For all its ivy-mantled syllabuses, it was not so old, he believed, as to have lost all control of its faculties. But the years have passed, and, his horizons having contracted, what you may now hear him saying is that his dream is of a Britain

where the subject has been accepted in all the universities but one.

True, there may well be some, the hard-line professionals, who could be irked by the insufficiently rigorous 'research-procedures' of the author. William Fox's¹ description of his work as in Thomas Kuhn's sense 'pre-scientific' is not resented, even if to the unwary the suggestion of something antediluvian may thereby be conveyed. Science had its origins as an outgrowth of philosophy. And man's appreciation of his environment is in its earliest phase scientifically unaware. But what more fitting than that a book for the beginner should meet him on the ground where he is presumably still most at home? Given the choice, ROM would have preferred the adjective a-scientific, as excluding the implication of some sort of logical, if not temporal, priority where none is involved. The a-scientific, under whatever name, is not a stage that anyone should wish to outgrow. The issues considered in the book are many of them by their very nature resistant to the scientific approach. Yet none the less crucial for that. What sort of a connoisseur could he hope to become who opted to ignore them?

Were these chapters presently being rewritten the author might well be having rather more to say on his subject of connoisseurship, since that, after all, is the very kernel of his message. The social need for a due supply of persons worth consulting on foreign affairs seems to him self-evident. His own form of education had left him in this respect virtually illiterate.² And not all of those of his contemporaries whose field of study had been wider appeared to him in better case. He had the conviction, articulated later by Brock Chisholm, that 'never yet in the history of the world' had there been 'enough mature people in the right places'. He thinks, in early 1975, of Britain's approaching referendum, and of the extent to which the central issue of sovereignty is even now, in public debate, imperfectly explained. As well, almost, it seems to him, might the captain of a liner in dangerous waters put to a vote of his passengers his choice of a course to steer, instead of focusing on his charts. To claim that the

¹ W. T. R. Fox, *The American Study of International Relations* (Institute of International Studies, University of South Carolina, 1968) p. 99.

² Along with English, Greek and Latin, his pre-war subjects had been mathematics, physics and Dutch. To these the war had added the typical accomplishments of the infantryman.

referendum procedure was democratic – a doubtful point – would in no way be to establish its rationality.¹

For words of wisdom on almost any other sort of subject it is to the specialisers therein that men would instinctively tend to turn. Yet on international problems there are all too many who, without having specialised at all, assume without blushing the role of the voluntary consultant to the statesmen of the world on their station and its duties. Not that connoisseurship is something that one either has or hasn't. It is, like its opposite, innocence, a matter of degree. Everyone who pontificates on matters international from a political platform, a parson's pulpit or an editorial chair, lays claim by implication to a share of it. Many historians have it in abundance. Some laymen and some clergy have very little of it at all. And even those of us who are disposed to credit men in holy orders with a sagacity of their own may believe that the addition of a little more connoisseurship might even for them have made for a little more of wisdom. Given the opportunities and consequent responsibilities that are theirs, it may be regretted that such people's grasp of certain essentials is not more profound than it sometimes seems.

And how, it may be asked, are we to know our connoisseur? The truth is that such a person will be relied on by the rest of us, whether he poses as an authority or not. Enough for present purposes that we should know, in the relevant universe of discourse, the ring of what is genuine when we hear it. Charlatanry too is a matter of degree. The connoisseurship which we can none of us neglect is that of connoisseurship itself, the capacity, that is, for not being 'conned'. He with the strongest, or most strongly-voiced, opinions may be the man with the fewest that are authentically his own. Your connoisseur will understand that this is so.

He will know too that among his own endowments he has both a sense of truth and a sense of expediency, and that in his personal, social and political life it is by the second of these that he is likely to be led – unless, that is, he happens to be a rather exceptional fellow. His sense of expediency will advise him not only on what to do and to say, and on when to say

¹ Or is the trouble simply, in this case, the absence of relevant charts? Where else, in such conditions, unless with the 'sovereign people', should wisdom be found? A gamble? Necessarily yes.

nothing, but even on what to believe. He will know that, like the rest of us, he has within him a reality principle and a pleasure principle, and that it is by the second of these that he is the more likely to be guided – unless, that is, he happens to be. . . . His pleasure principle will incline him toward believing some things irrespective of their possible truth or falsity. His reality principle will counsel him to admit to doubting some things that it would give him pleasure to believe.

Your connoisseur will be aware, intellectually, of the difference between matters of fact and matters of doctrine; and will appreciate that it is the habit of the latter to attire themselves in the garments (might one have said the habits?) of the former. He will, if wise, cultivate the habit of looking for the confusions to which this may lead.

Knowing that his information comes to him through channels few of them free from ideological pollution, he will, before ingesting what he hears and reads, address to himself an SOS – a warning to sample other sources. And, having done that, he may know to mark the original story with the initials SOB, meaning that it consists of strategically opportune beliefs, somebody's personal or party strategy having enjoined that he be influenced to assimilate something not necessarily true. Sometimes what comes to him arouses in him a degree of scepticism for which he at first may find it hard to account. On reflection, however, he may find it appropriate to mark it a double phi, meaning philosophically phoney. For he will forever be cultivating his adelphi, that is, his aptitude for the detection of elementary lapses into the philosophically inadequate.

In converse with do-gooders, such as crusaders whether for or against this or that, he will have in his mind a label marked SMADS, meaning the social misdemeanour of attempted diplomatic sleight-of-hand. He will know that the resolutions of, say, the UN General Assembly are very few of them binding, so that to refer to them as 'decisions' may well be misleading, however unintendedly. He will know too that, were the British Parliament, for example, to legislate away the traditional freedom of parents to provide for their children the education of their choice, this could not constitute a violation of the Universal Declaration of Human Rights, since that instrument is not mandatory even for those states which were

parties to its formulation. He will know that what the document lists are not in reality rights which humans have as humans, but simply those which it is considered that, if not already having them, they ought 'by rights' to be given – a rather different thing. He will know incidentally that, notwithstanding its opening words, the parties to the UN Charter are states, mostly fully sovereign states, not peoples as those opening words suggest. And when the cry is for 'Justice for A', or 'Justice for B', he will demonstrate his originality by suggesting that justice be sought *as between* the claims of A and B. And he will keep in mind the words of Mr Harold Wilson: 'Britain's record will be judged at the bar of history, and not before the United Nations Committee on Colonialism'.¹

Your connoisseur is not a know-all. His self-confidence is nearer akin to that of the experienced physician, having a background in science, but applying a trained intuition to individual case after case. In international relations, however, even more than in medicine, it is the likely uniqueness of each new situation that gives its characteristic flavour to the diagnostic process in which connoisseurship is applied. No use saying, 'this is Suez, or this is Munich, over again'. Historical situations do, it is said, recur; but not very frequently and never in carbon-copy form. Scientific though it become, international relations will never, on this view of it, become a policy science. It will never assume to tell the statesman just what to do. No one can spare the statesman the exercise of a connoisseurship, and a judgment, of his own.

No doubt some of what has here been said is controversial. It cannot ask to be uncritically conceded. Appeal was indeed made, boldly, in the book's first preface, for a judgment upon its contentions, to the searchers, by professional commitment, after wisdom – to the philosophers in short. To these the appeal was made. But answer came there none. For all that they, its best qualified potential evaluators, have had to say about it, it might never have come to their attention. And it could be that it simply hasn't. ROM must hope that this is so. Meanwhile his must no doubt, to that extent, continue to be the loneliness of the long-distance runner.

Even while a tutor in jurisprudence, ROM could scarcely

¹ *The Times*, 24 May 1968.

have avoided such a question as that of the authenticity of international law, as law in more than name. What answer convincing to himself could he offer to such as had their doubts of this? Not prepared to supply at second hand some radically inadequate 'solution', he had brooded on this question until he felt that he had thought it through. And the same is true of the range of other conundrums that he saw it as incumbent upon him, for the purposes of his teaching, to try, agreeably to his own requirements, to answer. Whether his handling of these in the book has succeeded or not, he finds it impossible to doubt the relevance of the questions considered to the needs of an inquiring beginner. Could anything, for instance, have been more pertinent in this sense than the question of the nature of the binding force of law – of any law – as law? Though it was possibly a shade egotistical, even arrogant, to be claiming to have disposed, as it were on a postcard, of that long-lived disputation, with respect whether to law in general or, in particular, to international law, it would surely have been silly, not to say socially irresponsible, once such a glimpse of the obvious was thought to have been had, for diffidence to be suffered to leave it in a drawer. So, instead, it was put into the window, on p. 110.

That, however, was only one aspect of the wider question of the relation between legal thinking and the reality upon which it sometimes had a bearing. There have been those who would propose to study and teach law as a species of behavioural science, centring not on what the judges might think and say, but simply on what they did. So too there might be some who in their approach to international relations would affect to disregard the curious 'private language' of diplomacies, in favour of real events. But not your connoisseur.

Essential to ROM's understanding of that 'reality', or phenomenon, which he conceived it as his responsibility to study and, if possible, to explain, was the role of a certain group or cluster of conventional assumptions – the ideas, namely, on the basis of which the official business of the governments of sovereign states with one another was customarily carried on. The importance of these shared assumptions lay not in their possible plausibility but in their prevalence, as orthodox, in the relevant milieu. These ideas were few, and though artificial,

elementary enough; and comparable with that sort of a set of conventional conceptions in terms of which there was wont to go on that mode of activity universally familiar as the playing of a game. To this set of shared assumptions necessary to the ordered conduct of the relations *inter se* of sovereign states it seemed to him sensible to affix the label 'diplomatic theory' – it being, for him, merely a particular variety of something more generic, namely, 'socially prevalent social theory' (SPST) – the sort of theory concerning society on whose prevalence in society (its social prevalence) any at all congenial coexistence of the members of that society was dependent.

Counterpart, in the case of domestic society, to his 'diplomatic theory' in the international realm, was something that in a lecture on John Austin in 1932 ROM had referred to as 'logically pre-legal' constitutional theory¹ – the theory according to which the individual, for instance, being endowed with free will, was responsible for his choices, even while subject to the requirements, positive and negative, of the appropriate system of law. The existence of the law, and its bindingness upon the members of the society, who, because endowed with freedom of will, were qualified in fact, though in law not free, to transgress the law's requirements – these were the sort of ideas that ROM was thinking of in speaking of his SPST. And as, for domestic purposes, there was required the prevalence, as orthodox, of ideas about the relations of municipal law to the freedom of the individual, so for international purposes there was necessary the prevalence, likewise as orthodox, of ideas about the relation of international law to the sovereignty (that is, the constitutional insularity) of the sovereign state. For it was by its quality of being constitutionally self-contained, or insular, that the sovereign state was identifiable as being indeed a sovereign state.²

And in this, dare he say it, ROM believes that John Austin might have been with him. Poor Austin! In place of his true opinion as developed in what he personally wrote, the world has largely accepted, since his death, the unhappy paraphrase attempted by his admirer Sir Henry Maine. 'One would walk

¹ W. Ivor Jennings (ed.), *Modern Theories of Law* (Oxford University Press, 1933) pp. 192, 201.

² See also Manning in *The Aberystwyth Papers*, op. cit., pp. 305–10.

far', wrote ROM, 'were Austin alive today, to hear him reply to his critics: but one would also go some distance to hear him acknowledge the flowers of his friends.'¹

And now, poor ROM. He too, but while, happily, still in circulation, has been honoured, in guileless generosity, and on point after point, with positions not his own. His lily-ponds simile, or metaphor, has even been appreciated as if some sort of a model!² His plea is that, should any hereafter think to quote his views, they do it from his writings, and not from those even of his warmest well-wishers: not even, for instance, he would hope, where the topic is games.

When others speak of 'games theory', they as often as not are referring to that branch of 'strategic theory' which deals with the winning, or the not-too-badly-losing, of games. As there are games and games, so there are strategies and strategies, as indeed there are a range of different strategies for the playing of any particular game. But in all such cases it is the working of the given system, rather than the deepened understanding, or the replacement, thereof, that is in question. In *The Nature of International Society* there is much about games, but about game theory in the sense just recognised there is nothing at all. That on-going process which is the quasi-social coexistence of those quasi-persons, the sovereign states, in their quasi-society is game-like enough in that it presupposes the sufficiently general and sufficiently unqualified acceptance of the appropriate set of conventional assumptions. To each game its own set of orthodox, though artificial, assumptions. The business of the book was, and is, to highlight the identity, the point, and the logical status of the relevant assumptions if only so that those seeking the improvement, through its reform, of the inherited system may appreciate just what it is that they must be wishing to preserve and see in what sorts of peril it may be. But it was not the inherited set-up only that might find itself in peril. There was also that newfangled system, the game-within-a-game, whose playing had its focus in New York. The question of the nature of the United Nations' authority and of whether it would ever acquire very much of it was touched

¹ Ibid., p. 184.

² Michael Banks in Alan James (ed.), *The Bases of International Order* (Oxford University Press, 1973) pp. 188–209.

upon in passing. Dating the book, in this connection, was its concern to question the necessary immorality of recalcitrance in face of what was known, colloquially, as 'moral' pressure. Who, in these days, would think it other than platitudinous to insist that resolutions, for instance, of the General Assembly might, or might not, be intrinsically deserving of respect? The theoretical possibility was indeed specifically allowed for that this bold product of human inventiveness, this burgeoning *apparat*, might gather unto itself, with time, such a quantum of working moral capital that its originator, man the player, might become with respect to its arduously negotiated formulations, now no longer the mere let's-pretender, but himself the more-than-half-believer – the pagan prone before the calf of his own erecting, *homo* not just *ludens*, but *autodeludens*, witness to his own self-conditioning, Simple Simon the successfully self-deceived. Writing, however, in 1975 rather than in the 1950s, it might have seemed less necessary to stress, so plain must it by now have become, the precariousness, by ordinary tests of fairness, truth and kindly feeling, of much that currently results, in word if not in action, from proceedings by the fabled East River. What in this matter dates the book is the note of guarded hopefulness that went with the ostensible detachment of the analysis. The guardedness might now be rather the more in evidence, the hopefulness rather less. The old Geneva hand, with his memories of a set-up attuned rather to the unremitting search for reconciliation than to the accentuating of division, had sensed from the earliest moment the contrast that must assert itself between the climates of the two assemblies – those respectively of the first and second 'leagues'.¹ But the full import of that contrast he had hardly then divined. He believes himself to see it better now.

Nor is that the only contrast that asks to be noticed here. In the world in general too, the arena, that is, in which the game of diplomatics is played, there has come what ROM has felt as a notable change of climate. The picture of international society presented in these chapters was of something, the inherited system, which, with all its insufficiencies, was at least a going concern, whose disappearance, should this happen, mankind might, it was suggested, have reason to

¹ *The Times*, 12 October 1944.

regret. What, were they to lose it, could men hope to conjure into existence in its place, and how? The bias of the book was melioristic, bourgeois, reformist perhaps, but in no sense revolutionary. Its mood was that of the conservationist with his distrust of the bulldozing developer whose feasibility study has yet to be commissioned. Even so, the note of warning in it was so muted as to be barely perceptible.

Then, hardly had the page proofs gone back to the printer when there came what, occurring just a little sooner, might have motivated a change of emphasis in the book. With India's seizure of Goa, for centuries Portuguese, that legal order saluted in several chapters was given something of the aspect of the Chinese paper tiger. Merely as a violation of international law, India's deed was doubtless not unprecedented, though there was obvious novelty in the aplomb with which it was done. The spirit of Goa might long have been stirring beneath the tranquil surface of affairs: but now it had emerged. ('Who cares for you?', said Alice, 'You're nothing but a pack of cards!'¹) But when had anything of such studied abnormality been absorbed by the international establishment with comparable calm? When previously had the guardians of political order so obediently said so-be-it to the ethics of disorderly insurrection? It was the passivity with which the event was witnessed that made the episode so significant. The chips being down, the way of the transgressor was revealed as not hard after all. It was, to coin a phrase, rather as if the scheme of things entire, as portrayed in *The Nature . . .*, had been shown up as 'inoperative'. By a not unsympathetic reviewer the book was described on its appearance as 'quite deeply pessimistic', in promising so little improvement in the perilous existing order of things. Had its completion not preceded Goa it might well have seemed more so. (Unblinker, not pessimistic, was the adjective that ROM would have preferred.)

Questions that at that point anyone with a serious concern for the future of international order might well have been prompted to ask himself included: What now is the outlook for international law?; and, assuming the definitive devaluation, if that is what this means, of international law, what in such case is the outlook for international society? What becomes

¹ Lewis Carroll, *Alice's Adventures in Wonderland* (Macmillan, 1928) p. 170.

now, for instance, of territorial integrity, especially that of the smaller and weaker sovereign states? Are treaties from henceforth mere scraps of paper? Is it now truly to be the war of all against all? ROM's own momentary loss of poise erupted in lines of barely printable verse:

. . . Back to the jungle it seems is the cry, while anarchy's flag is unfurled.

Smash all the idols, and break all the china, and spit in the eye of the world.

Prove that the law is a pup you can play with whose barking is worse than his bite.

Show that there's nothing you can't get away with provided your timing is right.

Yesterday still there were civilised standards which had the endorsement of all.

Not the most mighty were wanting in scruples respecting the rights of the small.

Landmarks were landmarks, and neighbours were neighbours, and . . .

Of which enough is no doubt enough.

Maybe the future historian of our times, noting all the spate of killings and kidnappings and hijackings that the world has witnessed since, say, the death of Mahatma Gandhi may pause to consider how many, or how few, of these had occurred during the five years immediately preceding Goa as compared with any five-year period since. *Post . . . ergo propter . . .* ? Not necessarily: yet, to one worried observer at least, the violence that happened after Goa seemed somehow less incongruous, less inordinate, less out of key, than it might have done in the relatively less unstable times before. Certainly when there was later a shocking case of it there came to him, his mind reverting to Goa, the sad reflection – 'If whoso feels resentful is no longer to be curbed/life will *not* be uneventful, or our slumbers undisturbed.'

What Goa had made manifest was not just the readiness of a particular country to flout the international law by which even the unpopular had supposedly been protected, but the *un*-readiness of the generality of other countries to react with

standard-pattern disapprobation to what had so been done. Even Hitler, when in 1936 he reoccupied the Rhineland, forbore to declare openly his indifference to what the law might have to say: he did so far pay lip-service to the mores of Old Europe as to put up a semblance of a case. Nor did other states simply turn a blind eye to what they lacked the will physically to oppose. The appearances, on that occasion, were to that crucial extent saved.

How otherwise now! Was it not rather as if some beautiful young woman, apprehended in the theft of a neighbour's infant, were not only to be pardoned by the Queen, but allowed to keep the baby? Or perhaps as if in a game without a referee some player, flagrantly offside but the darling of an excitable crowd, were suffered unhindered by his indulgent fellow-players to go on and score, and keep, his try!?

The difference was noticed earlier between men's sense of truth and their sense of expediency. The child in the story of the Emperor's clothes, being politically, socially, and even academically without ambition, was able it seems to be guided by his sense of truth. In the purely personal comment he is giving here on Goa the author would most happily be seen as such a child. His may or may not be the conventional wisdom. ('The belief that fashion alone should dominate opinion has great advantages: it makes thought unnecessary'.¹) Nor is it necessarily the verdict of officialdom. Yet to have striven to see and reflect the truth is not necessarily to have found it. It behoves him therefore to mention here what he sees as a possible, if precarious, alternative view: namely, that Goa mattered really very little, being a storm in a teacup, a nine days' wonder, a little local bust-up, a non-event – rather as when under any ordinary legal system recourse is officially had, simply as a matter of routine and in the public interest, to the discretionary non-recognition of the evidence of the perpetration of a crime.

The reality, internationally, of the rule of law was on this view affected by Goa neither in one way nor the other. This, though ROM respects it, seems to him an implausible view. It is not his.

But what difference had the Goa episode then in reality

¹ Bertrand Russell, 'On Being Modern-Minded', in *Unpopular Essays* (Allen & Unwin, 1950) p. 89.

made? Granted that it may hardly have done very much for the actual strengthening of international law and order, is it certain that it will have left them significantly the weaker? This depends entirely on what kind of a condition one judges them previously to have been in.

In the world as in the 1920s, and long thereafter, ROM had thought to understand it, governments had scrupled to place themselves in overt confrontation with the requirements of international law. The atmosphere as he then had seemed to sense it was one in which propriety and a reputation for it were diplomatically at a premium. (After Goa he found this less easy to suppose.) Yet his, after all, had been merely the impressions of a single observer with no special pretensions to virtuosity as a connoisseur. He could just possibly have been wrong. Might it be that already, well before the crucial point in time, his cheerfully cherished conception could have lost such validity, if any, as it once might have had? As Suez is nowadays said merely to have made apparent a British debility going back to the 1940s, could it be that the old-style legal order had long ago gone away with the wind, an unsung casualty of the war – so that the game of let's-play-sovereign-states could no longer now be proceeding on its erstwhile official assumptions?

True, in the absence of governmental arrangements on the global basis, the existence of world-scale law had been a thing to marvel at and be thankful for; and granted that the time-honoured order of things might well have been worth defending, had its friends been more energetic in its defence – by which of these friends in particular must the duties of its defenders have in practice been undertaken? Whose eye was without its beam? It is not only the dwellers in glass houses that had better not throw stones: it could also be those whose neighbours they suspect of having stored more stones than they! What if the rest of the establishment were conscious of having themselves become so pot-like in appearance as to have jeopardised their one-time entitlement to call a kettle black?

Or, alternatively, what if with the latter-day membership explosion in the once so exclusive club of sovereign states the balance of sympathies among the generality of these were now no longer with the supporters of the law? Or suppose, for that matter, that the law itself had ceased to count for quite so

much even with those who might formerly have been expected to put up for it a fight? Or, what if, even with them, it had never in reality counted for quite so much as it had seemed to?

What makes practicable the actual playing of a game is the willingness of those who are to share in it to have their choices effectively channelled by a set of rules. A game without a referee is possible only so long as it suits enough of the players, for the sake of their game, to impose upon themselves the needed minimum of discipline. That *sine qua non* removed, whether long since or not, though things may seem to be continuing, they are doing so only in appearance: for in place of let's-play-sovereign-states it has now become – if indeed it had not already long since been – a game of let's-merely-play-at-playing-let's-play-sovereign-states. (While a transition from the first game to the second may have happened imperceptibly, it does not follow that a converse passage from the second back to the first could come about at all.)

Imagine just for one moment the London Zoo with the perimeter fence intact but with all internal barriers done away with. A society of a sort there no doubt would be, but one whose prototype would be the jungle. Now international society stripped altogether of law might not be exactly the Hobbesian war of all against all. Yet basically things would presumably be scarcely less fluid than in the cageless zoo. There might no doubt be lesser and larger struggles for ascendancy, with perhaps the emergence of some sort of a pecking order locally here and there: and presently it may well be that the weaker elements might more and more be gobbled up, until a final showdown ensued among a remaining mammoth few, with, who knows, the establishment at last, to make up for all the suffering, of a unitary governmental structure for the whole. So it might be that in the long perspective of history some hypothetical super-Goa-type happening would appear as having marked the dawn of the millennium. It would be seen as having sounded the knell of the sort of social and international order that men had theretofore endured – and as having signalled not just the loss, by some, of their patience with the restraints put upon them by the law, but, more importantly, the renunciation, by others, of their responsibility to posterity for the safeguarding of a heritage

deemed no longer worthy of preservation. As the Spaniard Ortega y Gasset had once put it – 'Civilisation is not just there; it is not self-supporting: and if you want to make use of the advantages of civilisation but are not prepared to concern yourself with the upholding of civilisation, you are done.'¹

The idea of an international society disembarrassed of its legal system is not of course strictly analogous to that of a zoo without cages. And either idea is in any case very different from what there is now. Goa did not in fact drop the curtain on international law. What, on the theory here being tentatively entertained, the incident would seem at the most to have done was to illuminate as from a different angle the less orderly setting in which the system now obtained. It was not that either international law as a legal system, or even the set of assumptions at the basis of it, need itself be said to have changed. It was rather the milieu in which it applied that now invited, nay demanded, reappraisal. The society itself was still the same one, only people's perception of it was different. And, within it, the credibility-rating of law, as authentically law – as opposed, say, to gut-reaction prejudice – had dropped, by the look of things, to an all-time low. (This, incidentally, on either, or any, view of Goa.)

Ordinarily it is in the very nature of a game that people play it only because they have chosen to, except at certain sorts of schools. The game of international diplomacy is by contrast one in which participation is inescapable. As man is born to trouble, so are states to involvement in the international process. They play as congenial conscripts not volunteers. For they the sovereign states are power structures coexisting willy-nilly in never-ending competition for very existence. That game of power politics which no one of them is in a position to opt out of has been well described as the politics of not being overpowered. Ultimately the name of their game is not respectability, or correctitude, but survival, simply that. Yet their 'law' is still their 'law', and, where that law can so be construed as to tell in some government's favour, there is nothing to debar it from insisting, as in the olden time, on what it claims to be its rights. And in the absence of a 'supreme court' with compulsory jurisdiction to declare whose views are wrong, there

¹ *The Revolt of the Masses* (Allen & Unwin, 1932) p. 97.

are virtually no limits to the resource, nay the cynicism, with which a state's advisers may exploit ambiguities latent in this or that provision in some instrument adducible as possibly bearing on its case. Thus was it in the past, and thus does it look like being in the future.

What understanding to adopt, and sustain diplomatically, of the legal issues arising in any given situation is no mere legal matter, but a question of sagaciously deliberated political choice; and a state's concern for such name as it may have acquired for candid dealing is by no means the only consideration that it may want to bring into the reckoning in preparing its official line. Warfare waged under law is one thing: 'lawfare' waged as a mode of sublimated warfare is another. For international society remains at least *quasi*-legalistic in that even its dissemblings of its awareness of the merits of a neighbour's legal argument will be done in the apparent language of the law. A condition of things could be imagined in which, though conduct was uninhibited by any kind of legal scruple, recourse to hallowed principles continued to be a staple of those battles of wits in which the most easygoing of foreign ministries perennially engage. Might it be that our modern age, as legalistic as any in its reliance on the appropriate phraseology and in the appeals people make to what they affect to be seeing as their due, is at the same time specifically *post*-legalistic in the degree of atavistically unjudicial selectivity with which those appeals will be processed in the forum of world opinion? What society seems indeed increasingly to be saying to its members is this: 'Woe unto you if the rulebook is with you but the fans in the stands are not, for it may still be in ostensible deference to the rulebook that the outcome will be determined against you by the strident partisanship of the fans.'

The tragedy, it has been said, of the 'moralistic' approach to international relations lies not in its introducing of morals into politics, but in the fact that, human nature being what it is, it exposes each one of us to the almost irresistible temptation to rig the moral issue in his own favour. That is certainly what seems to happen when moral reasoning is called into the service of the state. The demand, for instance, for Justice with a capital J – to what does it amount? 'Justice is what we get

when the decision is in our favour.' Who has not heard warnings that if the World Court does not come out with conclusions to the taste of certain states, these latter will be liable to lose their confidence in the Court? This apparently irrespective of the intrinsic persuasiveness of the relevant rulings.

International society is such that the statesman is simply not at liberty to subordinate the demands of national security, and the policies that subserve it, to those of moral virtue. The most he can do is to parade the former clad in the latter's Sunday-best. And, as training in the use of manipulative pseudo-logic, what better than experience in the legal division at least of some countries' departments of external affairs?

'Instead of attempting to change the boy, try changing the street.' 'People are not born corrupt, but they can be born into corrupt communities.' The ethos of the society in which the sovereign states both befriend and outsmart one another is not something that it is within the power of any one of them rapidly or radically to alter. The raising of the general standards of good faith and human brotherhood is an aim for which children of light may rightly strive. But as Niebuhr suggests in another context, the effort will be the more effective if informed by a realistic sense of the depth of the problem, and the unattainability of any perfect or enduring solution.¹ The essence of the matter is however that, law or no law, international society is still not simply the jungle. There always will be standards, of a kind, even if no longer those of the civilisation known as Western.

If it is love, as some have said, that makes the world go round, it is fear of the loss of love that makes it go straight. As the child would not willingly forgo its mother's affection, so are friendships likely to be cherished in a world of sovereign states, be there legal rules or not. 'What would the neighbours say?; 'what might the headmaster do?'; and 'what would be the reaction of the international establishment?' are kindred questions, all implying the existence of what sociology might term a 'reference group'. If the League of Nations respected its Covenant more meticulously than does the United Nations its Charter this may partly be because the most powerful, high-minded, and censorious country in the world was an observer.

¹ *The Children of Light and the Children of Darkness* (Nisbet, 1945) p. 99.

and critic of, not a participant in, its proceedings. That particular reference group – the important onlooker powers – was to be notably absent from the United Nations scenario. And if in our days individual states are less punctilious than in the past in their obedience to the international parking regulations, this may partly be because of the apparent impunity with which these are, by others, being ignored. Where nothing cannot be got away with, bad behaviour drives out good.

There is indeed little magic in the functioning in these times of any typical legal order. What determines the measure of respect that it enjoys is less the law's inherent sanctity as such than the attitude of the society whose system it is. Such inducements as governments may have for conforming their behaviour to the norms of law derive in large part from what is to be expected from a certain public, the governments, namely, of other sovereign states. And here we would seem to have been witnessing what might be termed a revolution of declining expectations. For, whereas formerly the question likely to have been pondered was 'would such a course be worth the candle?', nowadays it might rather be 'what have we to fear?' It is, in short, the posture of the relevant reference group that determines, in the last analysis, the degree of effective deference accorded by governments generally to the law. Such at least is ROM's impression. There are of course other factors involved, but permissiveness is *per se* a condition not of the lax individual but of the social environment in which he is placed. And besides, law or no law, international society will still be there, with its moods and likely responses, as elements in the calculations of even the most self-willed of sovereign states – and this whatever their remaining portion of what a British statesman lately termed their 'sovereignty in the operational sense'. Not seldom the relevant reference group may consist of one important trading partner only.

Meanwhile, the Sabbath was made for man, and, desirable in many respects as the realisation, internationally, of an authentic rule of law might prove to be, legalism and good neighbourliness do not necessarily pair together – and it is in the cultivation of the latter, with its corollary of good faith, tempered with the caution born of hard experience, that international society may yet find its way through to harmony.

PREFACE TO THE REISSUE

and a not too uncomfortable kind of peace. It is a simple saying, but poetically at least a plausible one, that the reason why little birds in a nest agree is because they would fall out if they didn't. Your connoisseur will be one with a grown-up apprehension of life as this is encountered in a certain milieu. With his freedom from corrigible illusions he will unite a sober appreciation of the elements of hope. Bets are not offered, however.

C.A.W.M.

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