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The True Nature of International Law
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1. The post-medieval development of International Law – three phases.
1500-1750 – new world – humanist (Vitoria, Suárez, Grotius).
1750-2000 – new world – inter-state (Vattel).
2000- – new world – International Law as the true law of a true society.

2. The problem of *social philosophy* solved. *Methodenstreit*. Ideology.

Solution No. 1 – the idea of the mental model –

‘If the organism carries a “small-scale model” of external reality and of its own possible actions within its head, it is able to try out various alternatives, conclude which is the best of them, react to future situations before they arise, utilise the knowledge of past events in dealing with the present and the future, and in every way to react in a much fuller, safer and more competent manner to the emergencies which face it.’

K. Craik, *The Nature of Explanation* (1943), chap. v.

Solution No. 2 – the idea of ideas as social power –

‘The ways of thinking embodied in institutions govern the way the members of the societies studied by the social scientist behave. The idea of war, for instance, was not simply invented by people who wanted to *explain* what happens when societies come into armed conflict. It is an idea which provides the criteria of what is appropriate in the behaviour of members of the conflicting societies.’

P. Winch, *The Idea of a Social Science and its Relation to Philosophy* (1958), chap. 5.

3. The problem of *historiography* solved. *Historismus*. Historicism. *Verum ipsum factum*.
The present is the presence of the past. The present is the presence of the future.

4. Two *models of social change* (PJA, *Eunomia*, 1990/2001). **How** social change?

Three *dimensions of social self-constituting* –
real, ideal, legal.

Five *dilemmas of social self-constituting* –

identity (self/other); **power** (one/many); **will** (unity/plurality of value);
order (justice/social justice); **becoming** (new citizens/old laws).

5. Two *causes of social change*. **Why** social change?

The economy – social engine – socialised human energy – evolution / involution.

PMFS – producer, merchant, financier, society.

(society = people, resources, systems, ideas, law).

The human species – the self-evolving species – **the self-perfecting species.**

We can *want* to be better than we *are*.

the **transcendental** – the **ideal**.

6. ‘To receive interest for lending money is unjust in itself for something is sold that does not exist, and this obviously results in an inequality which is contrary to justice...according to the Philosopher [Aristotle] money was devised to facilitate exchange, so that the proper and principal use of money is its use or expenditure when exchanges are carried out. Therefore it is wrong in itself to receive a payment for the use of a loan of money – which is called usury.’ Th. Aquinas (1225-74), *Summa theologica*, qu. 78.

7. ‘Thus it is manifest that the best political community is formed by citizens of the middle class, and that those states are likely to well-administered, in which the middle class is large, and larger if possible than both the other classes, or at any rate than either singly; for the addition of the middle class turns the scale and prevents either of the extremes from being dominant.’ Aristotle (384-322 BCE), *Politics*, IV.11; 1295.

8. ‘That being so, what standard may be taken as suitable for ruling? The answer is that nothing is equal to imitating Heaven. Heaven’s actions are all-inclusive and not private-minded, its blessings substantial and unceasing, its revelations abiding and incorruptible.’ Mo Ti (? 4th cent. BCE), *The Book of Mo Ti* (E. Hughes).

‘...will they distrust our statement that no city could ever be blessed, unless its lineaments were traced by artists who used the heavenly model?’ Plato (c.427-347 BCE), *Republic*, vi.500 (tr., P. Shorey).

Tat tvam asi (‘that art thou’: ‘you are that’). Chandogya Upanishad (8th- 6th cent. BCE).