

The Concept of Law and International Society

Paper

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Introduction

Coming from a legal tradition rather than political science, I have taken great interest in Hedley Bull's seminal work from 1977, *The Anarchical Society. A Study of Order in World Politics*. I see it as an attempt to further establish the British school of international relations or the International Society approach as a mediation between hard core realism and soft idealism. Thus, it resembles similar attempts within the legal field to establish a better position than legal positivism (according to which law is simply the decisions made by state authorities) and natural rights theories (according to which law is attached to the individuals prior to any state formation).

In his attempt to do this, Bull relies quite substantially on H.L.A. Hart's concept of law, developed in *The Concept of Law*,¹ an ingenious analysis of law rejecting traditional legal positivism as represented by 19th century John Austin without advocating natural rights theory. In Bull's presentation of the international society, law plays a role, and law is conceived of in an almost purely Hartian way. Hart's conception of law definitely has some insightful points and they are well suited for understanding international society. However, it also has some shortcomings, and these are also taken over by Bull. Besides, Bull's use of the Hartian concept of law in international relations has some problematic implications. As these issues, as far as I am informed, have not been dealt with in a more systematic way, this is what I shall do in the present paper. Firstly, I will show how Bull takes over Hart's concept of law, and secondly, recount his innovative use. Thirdly, I shall point out some major problems in Hart's concept law, and fourthly, some additional problems in Bull's work when importing Hart's concept of law. Lastly, I shall sketch out some ideas for improving the concept of law – with the possible result of strengthening the International Society understanding of international relations.

1. Bull takes over Hart's concept of law

A. Law as the union of primary and secondary rules

Even though Bull does not explicitly accept Hart's idea of law as the union of primary and secondary rules as the only possible way to conceive law, he is inclined to use it in his understanding of international law.

Hart's exposition goes like this: The first four chapters of *The Concept of Law* could be renamed "Why Austin was wrong". Hart strongly argues against the idea that law can be conceived of as mere orders backed by threat from a sovereign, the one who is not bound, to subjects, the ones that are bound, which is roughly the Austinian conception. Without requiring morals to be included – which is the natural law approach – Hart points out that according to the Austinian model it is impossible to distinguish between the gunman ordering someone to hand over his money and the tax collector who is similarly asking persons to hand over money. In both situations, the threatened is 'obliged to' obey the order, but in the gunman situation it does not make sense to apply the word 'obligation' or 'duty'. In the gunman situation, the person is obliged to obey – otherwise he will face unpleasant consequences – but he has no obligation to do so. By this analytic distinction, Hart rejects the Austinian gunman model of law. A conception of law that is not able to account for the difference between a robber and a tax collector does not get things right

¹ H.L.A. Hart, *The Concept of Law*, Clarendon Press, 1961 with a second edition including a postscript, Oxford University Press, 1994.

and it'd better be abandoned. Hart rejects it without introducing any notion of morality, which is important for Hart. He maintains that there is no necessary connection between law and morals.

Instead he embarks on "A Fresh Start"² indicating that law is not merely rules but the union of two types of rules, which he calls primary and secondary. The primary rules are the rules of obligation: You are not supposed to kill, you should keep your promises, you should buy and not steal things that you need etc. All societies have primary rules, even though of course the content may differ (see below). But there are problems with primary rules: Which ones are actually prevailing? how do you make new rules? and how is it decided whether in fact an act was an infringement of a rule or not? These shortcomings point to secondary rules which Hart divides into three: Rules of recognition, i.e. rules regulating which primary rules prevail, rules of change, how to get rid of obsolete rules and have new rules, fit to the present situation, and lastly, rules of adjudication, rules dealing with the issue of deciding concrete cases, when does a rule apply and when is a rule violated.

According to Hart, this understanding of law is simply more correct, and besides it enables us to understand that the concept of law does not necessarily require a centralized state dishing out orders. Thus, it enables us to understand that less centralized societies may have law, even if they do not live up to the Austinian definition. In 'primitive' or less centralized societies there is law, even if the secondary rules may not be as advanced as in European centralized states. And in international law, obviously without a sovereign giving orders, there are primary rules of obligation. Thus, the Hartian conception of law gives a better understanding of law world wide as it does not restrict law to be a phenomenon of only centralized states.

As a matter fact, both Hart and Bull hesitate as regards international law where they find no secondary rules. This discussion will be left for later, presently it suffices to state that Bull accepts this conception of law as against the 'orders backed by threats' concept and other theories as well, such as Myres MacDougall's legal realism and Kelsen's formalism. Bull also accepts the idea that law is a 'body of rules',³ rules which according to Hart must be divided into two categories.

B. The minimum content of natural law: protection of persons, promises, and property

When introducing the primary rules of obligation, Hart hints that there are certain minimum conditions as to their content: There must be some form of restriction on the free use of violence, theft and deception, together with "various positive duties to perform services or make contributions to the common life".⁴ The restrictions are further elaborated in a chapter called "The Minimum Content of Natural Law". Hart, who claims to be a legal positivist, still sees some connection between human nature and law, based on what he labels truisms:⁵

- (i) Human vulnerability. Human beings are vulnerable and can hurt and even kill each other. Therefore we need certain rules to limit and regulate the use of violence. Human beings as a species are different from, say, giraffes (this is not Hart's example) which are not able to fatally hurt each other. Giraffes may need norms, but they do not need norms regulating inter species violence.
- (ii) Approximate equality. Human beings are fairly equal in strength. There are no giants, nor dwarfs, and even a physically weak person can kill the strong e.g. by use of poison or with a swift cut of the knife when the stronger is sleeping.

² Hart, 1994, Ch. V, subsection 1.

³ Hedley Bull, *The Anarchical Society. A Study of Order in World Politics*, Macmillan Press, 1995, 2nd edition (1st edition 1977), p. 122.

⁴ Hart, 1994, p. 91.

⁵ Hart, 1994, p. 194.

- (iii) Limited altruism. Human beings are not predominantly selfish, but we are not all together angels either. The role of law is consequently not merely to hold down violence (as the Austinian concept entails), but must also facilitate the social.
- (iv) Limited resources. There are limited resources, therefore we need rules regarding the distribution of resources.
- (v) Limited understanding and strength of will. Human beings do have *some* understanding of their situation, but only to some degree, and in order to prevent total violence, self destruction, and random appropriation of goods, we need rules.

As a consequence *all* societies will have rules pertaining to the protection of person, property and promises. The rules may vary, but no society will allow for random killings of any member of society or for random appropriation of any wanted good. Similarly all societies will protect words in some relations, promises as to the exchange of goods and services as an example.

Bull assumes the same understanding of the minimum content of law. When introducing the concept of order, he states that all societies pursue goals and that certain of these goals stand out as elementary and primary: the protection of persons, promises and property. He refers to “many sources, but see especially H.L.A. Hart”.⁶ Later he simply refers to the protection of persons, promises and property as “the common goal of social life”,⁷ and when discussing the maintenance of order in world politics he also refers to “the common interest in the elementary goals of social life”, reiterating the three goals.⁸

So far, Hart and Bull agree that law can be understood as a union of primary rules of obligation and secondary rules of recognition, change and adjudication, and that the primary rules by way of the human character imply protection of persons, property and promises. Bull brings this notion of law into international relations – which may entail problems, see below.

C. Binding law

According to Hart, law is not binding because of some intrinsic, metaphysical character. “The proof that ‘binding’ rules in any society exist, is simply that they are thought of, spoken of and function as such”,⁹ and Bull continues along the same line: “The fact that these rules [i.e. the disputed rules of so-called international law] are believed to have the status of law, whatever theoretical difficulties it might involve, makes possible a corpus of international activity that plays an important part in the working of international society.”¹⁰ For Hart the validity of primary rules does not hinge on actual behaviour, and Bull observes that it does not make any sense to require people to breathe, eat and sleep, whereas rules requiring them not to kill, steal or lie make sense as some people are likely to engage in this kind of anti-social behaviour.¹¹ In fact, to lie may not be a good example. Probably everybody is lying every now and then, and to my knowledge, lying is usually not penalized in contradistinction to stealing and killing. See also below as regards problems with the protection of persons, property and promises as the minimum content of natural law. At any rate, Bull takes over Hart’s point that the mere fact that we generally talk about certain rules as ‘law’ is a much better indicator of whether a certain phenomenon is, in fact, law rather than testing according to some philosophically contrived definition.

⁶ Bull, 1995, p. 4 including end note 2, p. 309.

⁷ Ibid., p. 18.

⁸ Ibid., p. 51.

⁹ Hart, 1994, p. 231.

¹⁰ Bull, 1995, p. 130.

¹¹ Ibid., p. 131.

2. Bull's interesting and innovative use in IR

As a lawyer I find it commendable that Bull pays attention to law and admits its relative importance and that he, when introducing law in the comprehension of international relations, makes an effort to conceive it in an adequate way. And Hart's concept of law obviously applies better to international law and in fact to any other type of law than the Austinian concept which closely links the concept of law with law within the centralized, modern state. Interestingly, both succeed in presenting a better alternative than natural law and traditional legal positivism (Hart) and than the IR schools of realism and liberalism (Bull). Hart may have been more ambitious – he calls his concept “a fresh start”¹² – but Bull seems to have been more successful in building up a new school of thought.¹³ For some reason Hart has accepted the classification of his position as a branch of legal positivism,¹⁴ thereby in fact making the proclaimed fresh start less fresh.

Be it as it may, Bull's innovative idea is to import Hart's minimum content of natural law into the international sphere. Persons, promises and property in domestic law become states, treaties and territories in international law. In international law the protection of persons and the restriction of violence imply the protection of messengers and envoys, i.e. physical persons representing the states *and* the protection of states, requiring a just cause to engage in violence against other states. Promises are treaties between states, and the protection of property also entails protection of individual property in international law as well as protection of the ‘property’ of the state, i.e. recognition of sovereignty.¹⁵ Bull thus expands and translates the minimum content of primary rules in a society to the society of states, even to the world order,¹⁶ which he regards as prior to international order, the term ‘international’ referring to relations between states and ‘world’ referring to the community of mankind, as I understand it. The main point here is that Bull is of the opinion that the basic goals of society, the minimum content of law, have the same feature in what could be called first order societies, i.e. societies of human beings, and second order societies, i.e. societies of societies, in this particular case the international society of states.

When Bull discusses international law and domestic law, he concludes that they “in fact have a great deal in common”,¹⁷ indicating that there are many similarities as well as differences. But he does not consider whether the minimum content of law in a society of states may differ from that in a society of human beings, even though Hart pointed out that important features of the basic condition of societies of human beings are human vulnerability and equality in size, features that are *not* similar in the society of states, which Hart also points out.¹⁸

To my understanding it sounds probable that second order societies have some similar features compared with first order societies. After all, they are in the last resort made up of human beings. But there are also differences, which even Bull points out, stating that a ‘final blow’ is not possible against a state in contradistinction to the quick kill of a human being,¹⁹ (with the possible exception of small states having nuclear power), but he does not take this into consideration when discussing the minimum content of law.

3. Hart's problems

A. Law is more than rules

¹² Hart, 1994, pp. 79 f.

¹³ Even though he may have disliked the term ‘school’, Bull, 1995, p. vii in the Foreword by Stanley Hoffmann.

¹⁴ Hart, 1994, Postscript, pp. 244 f.

¹⁵ Bull, 1995, pp. 18-19.

¹⁶ *Ibid.*, p. 19.

¹⁷ *Ibid.*, p. 130.

¹⁸ Hart, 1994, pp. 198, 218 f.

¹⁹ Bull, 1995, p. 48.

Hart rightly criticizes the Austinian version of legal positivism for not making the important distinction between the two types of rules which Hart labels primary and secondary rules. However, at the same time he takes over the implicit assumption that law is first and foremost rules, which is not necessarily the case.

In his view, first we have primary rules, and I understand his 'first' as being historical as well as logical. In less centralized societies, we find law in the shape of primary rules, often labeled customary law, imprecise, static rules, but rules and law, nevertheless. In modern societies we can, according to Hart, similarly distinguish between primary and secondary rules, such as rules of adjudication, i.e. rules regulating the way in which concrete cases are decided by using the (necessarily disputed and not always precise) primary rules.

However, one may question this 'genesis of law'. Maybe rules are not primary and adjudication secondary, maybe it is the other way round: Human beings make decisions and realize that in order to make reasonable and well suited decisions, the decisions ought to cohere somehow, they ought to make up rules. Ironically, Hart comes from a common law tradition with what is often referred to as an inductive way of reasoning (from concrete cases to rules), and yet he insists that rules are primary, whereas a Danish legal philosopher, Alf Ross, coming from a more continental tradition²⁰ with a deductive way of reasoning, points out that decisions rather than rules are primary, at least historically.²¹ A better way of conceiving law seems to be not to appoint neither rule nor decision/adjudication as primary, but accept that in order to make law, rules *and* single decisions are necessary, neither of them being primary.

In addition to this critique, rules not being primary to adjudication, Ronald Dworkin has criticized Hart for not paying attention to principles.²² Rules behave in an either/or fashion, whereas principles are more plastic and fluid. Dworkin argues – convincingly, I believe – that a legal system also contains principles that may be used in a less strict fashion than rules, and that judges in order to reach the right decision often make use of principles as rules regularly do not solve the problem at hand. Law, therefore, is not well understood as 'first rules, then decisions', but rather as a complex mixture of decisions, rules and principles. This approach does not render Hart's concept of law obsolete, his distinction between two types of rules and his idea of a minimum content of natural law are still valuable. But they are, according to the present view, insufficient.

Lastly – and this is also partly comprised in Dworkin's critique – Hart does not see rights as an intrinsic part of law. Here he sides with traditional legal positivism: Rights are rules which are enacted by the legislator, or rather which may be enacted by the legislator. Dworkin points out that courts when deciding hard cases (hard cases being the ones without an immediate, self-evident result) employ rights.²³ Rights are not merely privileges dished out by the sovereign legislator, but are somehow inherent in the legal system, found and engaged by the judges. One could even argue that rights in some primary form are part of the minimum content of natural law, as human beings have an innate sense of rights (see also below). Without going further into this complicated issue, it suffices to state that law is more than just rules – indicating that in order adequately to grasp the role of law in international relations, the concept of law as taken over from Hart must be improved.

B. The protection of persons, promises and property

Hart's attempt to establish a minimum content of natural law is interesting as his attempt has some empirical leanings in contradistinction to the rationalistic method of setting up self-evident axioms from

²⁰ Scandinavian law is usually categorized as a special branch of continental law, see K. Zweigert and H. Kötz, *An Introduction to Comparative Law*, Clarendon Press, 1998, 3rd edition, p. 277.

²¹ Alf Ross, *Om ret og retfærdighed* [On Law and Justice], Nyt Nordisk Forlag Arnold Busck, 1971 (1st ed. 1953) p. 108.

²² Ronald Dworkin, *A Matter of Principle*, Harvard University Press, 1985, and *Law's Empire*, Fontana, 1986.

²³ Ronald Dworkin, *Taking Rights Seriously*, Duckworth, 1977.

which the more definite content can be deduced. As a matter of fact, Hart still employs terms from the rationalistic vocabulary: There is a “distinctive *rational* connection between natural facts and the content of legal and moral rules”, and he labels the points ‘truisms’, which connote logic, rationalism and necessary connections.²⁴ In this regard, Bull has a better comprehension using the term ‘empirical equivalent’, and even though the term is somewhat imprecise – what is an equivalent? – it emphasizes the empirical background of the idea,²⁵ indicating that by empirical studies we may get a better understanding.²⁶

I shall briefly sketch out an improvement of the attempt to establish a minimum content of natural law, the way I understand it from newer empirical research:

Firstly, human beings live in groups. We are social beings like ants, wolves and chimpanzees and unlike turtles, polar bears and tigers. Hart does not make the mistake of the rationalistic natural rights philosophers in establishing the ‘natural law’ on the basis of the individual, but he does not take ‘group’ as one of the truisms of natural law, either. He rather assumes ‘group’ as an incidental phenomenon, thus forfeiting the option of analyzing the importance of group in his concept of law.

Secondly, ‘property’ and ‘promises’ may not be a very precise characteristic of natural law. Allocation of resources is a question for any human society, and human beings have a knack for reciprocity, which *may* result in promises regulating the allocation, just like property *may* be the way of securing some kind of distribution. However, in hunter societies like the inuit the rule seems rather to be that the successful hunter is required to share his bag – this being a very functional solution under hard natural conditions. In brief, the more general ‘reciprocity’ seems a better candidate for the minimum content of natural law.

Thirdly, as indicated above, Hart does not count ‘rights’ as part of the natural law. And of course the rationalistic construction of rights, such as Locke’s rights to freedom, security and property, cannot form part of the minimum content, the truisms. However, human beings seem to have a conception of rights, similar to chimpanzees but in contradistinction to baboons and most other species. The minimum content does not seem to entail certain specific rights, but rather a rights handling capability, a knack of rights.

C. Restrictions or contributions

Among the ‘elements of law’, Hart notes that the human nature requires some restrictions on the free use of violence, theft and deception. This is later elaborated as the minimum content of law, the protection of persons, property and promises is easily recognized. Interestingly, Hart adds that such rules are found in primitive societies “together with a variety of others imposing on individuals various positive duties to perform services or make contributions to the common life”.²⁷ Unfortunately, Hart does not elaborate on these duty containing rules. Are they merely found in some societies or are rules requiring contributions to the common life as important as the protection of persons, property and promises? Or put in another way: Are positive contributions to the common good, to the group, as much part of the minimum content of law as the restrictions? This question links up with the problem stated above that Hart disregards the fact that human beings are a social species. Presently, I shall leave it as a hypothesis that a component of natural law includes some contribution to the group, noting that neither Hart nor Bull takes this point into the basic machinery, into the concept of law.

D. Societies without secondary rules?

²⁴ Hart, 1994, pp. 193 and 194 (my italics).

²⁵ Bull, 1995, p. 6.

²⁶ Hart also talks of the ‘still young sciences of psychology and sociology’, p. 193, thus indicating that the minimum content of natural law is as much a question of empirical science as of rationalistic thinking.

²⁷ Hart, 1994, p. 91.

As a less urgent but still relevant problem, Hart is in trouble when dealing with the option of having a society with only primary rules. On the one hand he claims law to be the *union* of primary and secondary rules. On the other hand he states that "It is plain that only a small community closely knit by ties of kinship, common sentiment, and belief, and places in a stable environment, could live successfully by such a regime of unofficial rules [i.e. primary rules]", indicating that *some* societies can and do function with only primary rules. However, as regards all other types of societies, the majority of more loosely knit societies, primary rules are insufficient: "the rules by which the society lives will not form a system, but will simply be a set of separate standards, without any identifying or common mark, except of course that they are rules which a particular group of human beings accept."²⁸

This is less convincing. *Firstly*, I doubt whether there has ever been human societies with some kind of secondary rules. As mentioned above, there is no reason to assume that rules are primary and adjudication secondary, and it is also questionable whether there are or have been societies without any rules of recognition whatsoever. Rather it seems that all societies must have some ideas of which rules are valid and why. As for rules of change, they obviously play a much more significant role in centralized societies and make the legal system much more useful as a tool of transforming society. Still, the difference seems to be a question of degree, rather than a question of either or. *Secondly*, Hart presents the law of the closely knit society without secondary rules as *isolated* rules, as if secondary rules provide the identity and the common character of the legal system. However, in a modern, centralized society with well developed secondary rules, there may not be any apparent 'common mark' either, and in societies with only primary rules, the law may still play a part in the identity making of the group.

E. No secondary rules in international law?

Hart is of the opinion that there are no secondary rules in international law, and this of course makes him doubt whether international law is law, as there can be no *union* of primary and secondary rules without the latter.²⁹ He ends up concluding that international law is "sufficiently analogous" to domestic law (borrowing a term from Jeremy Bentham), and he is open to the idea that international law may be developing secondary rules in the future and thus grow closer to the system of national law.³⁰ Bull agrees with Hart that international law has no secondary rules. "It is impossible to find rules of recognition ... impossible to find rules of changes ... and not possible to find rules of adjudication".³¹

But the observation is not correct, and it was correct neither in 1961 nor in 1977, even though, of course, one could argue that international law has actually developed to a more analogous system of law than was the case when the two writers were active. The UN Charter, Chapter VII on "Action with respect to threats to the peace, breaches of the peace and acts of aggressions" confers powers to the Security Council to make decisions in relation to the threats to peace etc. These are not primary rules, but secondary rules, mainly rules of recognition. Likewise, Chapter XIV contains rules relating to the International Court of Justice, an adjudicative body, i.e. rules of adjudication. In 1977, when Bull wrote his book, three international treaties on human rights were in force, two of them containing optional complaints procedure,³² also rules of adjudication. Obviously, the international secondary rules are not all encompassing similar to the rules in domestic law of modern states, and I am not arguing that the two types of law, national and international law, are completely similar. All I am arguing is that there are – and

²⁸ Hart, 1994, p. 92.

²⁹ *Ibid.*, p. 214.

³⁰ *Ibid.*, pp. 236-237.

³¹ Bull, p. 130.

³² The International Convention on the Elimination of Racial Discrimination, into force 1969, art. 14, and the International Covenant on Civil and Political Rights, Optional Protocol 1, into force 1976.

were at the time of the writing of the two authors – some secondary rules, and contrary to Bull's insisting, it is in fact possible to find *some* secondary rules.

As a matter of fact, this strengthens Bull's argument of an international *society*, but it also points to some uncertainty and inconsistencies in the ideas of Hart and Bull.

4. Bull's additional problems

A. Minimum content of natural law among states?

As indicated above, Bull uses Hart's disposition of the minimum content of natural law at the international level. Somewhat contradictory, Bull points out that there is an important distinction between relations among human beings and among states. The latter do not sleep and are not as vulnerable as human beings.³³ For Hart, human vulnerability is one of the 'truisms' about human nature creating the connection to the minimum content of natural law: As we are vulnerable creatures and no society of suicides, human societies will always have rules pertaining to the protection of persons. Bull does not take this non- or less-vulnerability into consideration when dealing with the minimum content of natural law, which he translates into the restriction on use of force in the international sphere. And as a matter of fact, the conception of the right to use force has varied considerably, to an extent that renders it void to speak about a minimum content. Bull mentions the element of requiring of a 'just cause' for waging war. But after the creation of the European state society and especially in the 19th century, it was generally accepted that the use of force was an attribute of sovereignty: A state could decide to go to war or use any other means that it deemed fit in order to obtain its goals. After the First World War the Kellogg-Briand Pact of 1928 changed the point of departure, and now there is a general ban on the use of force and even of the threat to use force, UN Charter, art. 2(4). The problem is to find any minimum content, from free use of violence to a very restricted use.

The lack of thorough consideration as to the problems of establishing a similar minimum content of natural law among states (or, probably, any other second order society) is not a fatal blow to the idea of an international society. But it does require some re-consideration as regards the nature of that society and the nature of human societies.

B. Which groupings

This may be a common problem for Hart and Bull. As indicated above, Hart does not take the social character of human nature into consideration when dealing with the minimum content of natural law. And Bull expands the idea of a minimum law in a society from the society of human beings to the society of states, i.e. the international society. Bull, however, acknowledges the existence of other 'groupings' such as the world society, tribes, nations, empires etc.,³⁴ but he does not go further considering the differences between a society of humans and second order societies, and he does not consider the character of the various forms of groupings and the different characters of the societies and the consequences for the 'natural law', i.e. the minimum legal regulation existing among such different kinds of societies.

As this question involves analyses of relations between many types of societies, and therefore requires a rather comprehensive study, I shall presently leave it with the mere pointing to the fact that there are some shortcomings of the concept of law as understood by Hart and Bull and that the shortcomings must be dealt with if International Society as a school wants to include law as an important aspect of societies, including the international society.

³³ Bull, pp. 47-48.

³⁴ *Ibid.*, pp. 19-21.

5. Conclusions and challenges

Summing up, I assume (1) that law in the broad sense of the term is an important aspect of societal life, not necessarily the most important and definitely not the only important aspect, but nevertheless indispensable when understanding societies. I contend (2) that Hart's concept of law (i) distinguishing primary rules of obligation from secondary rules of recognition, change and adjudication, and (ii) pointing out certain common features of law on an empirical basis (which is actually Bull's point), is a fertile and in some respect a correct way of understanding law. I also agree (3) with Bull that this concept of law can be employed in order better to understand what is going on at the international level. However, (4) there are a number of shortcomings which need to be dealt with: (a) We have to surpass the idea that law equals rules and realize that the mere distinction between primary and secondary rules, shrewdly thought out as it is, does not deliver a sufficiently general understanding of law; (b) the understanding of the minimum content of law in societies of human beings (first order societies) must be reviewed, and actual findings by anthropology, primatology and evolutionary psychology must be included in the general understanding; (c) the relations between societies must be more closely scrutinized, not merely taking for granted that the same minimum content of law applies, but analyzing which law does apply, and analyze the various forms of relations between various forms of societies. In this respect legal philosophy has not come very far, and Hart and Bull have only just begun, analyzing only a few types: 'primitive' or less centralized societies, modern, centralized societies (states) and the international society.