

RESEARCH ARTICLE

Schwarzenberger, Ukraine, and the Standard of Civilisation

Carmen Chas

Department of International Relations, Universidad Pontificia Comillas, Madrid, Community of Madrid, Spain

Abstract

Georg Schwarzenberger's examination of the 'standard of civilization' is one of the most prominent aspects of his theory of International Relations. It is connected to his account of the role of power in international society and its influence on international law, and offers a nuanced perspective of the role of civilization in international society. Rather than dismiss international law as something that is purely begotten to national interests, Schwarzenberger depicts it as something that can, under the right conditions, can rise above them. At the same time, he accounts for the role of power and politics within it. This paper re-discovers Schwarzenberger's analysis of the standard of civilization. Through a detailed examination of his works, it unveils the ethical and moral aspects of his realist theory and works, which challenge the conventional portrayal of realism as a theory devoid of ethics. This paper also engages with Schwarzenberger's account of this concept and highlights its contemporary relevance. It does this through a joint analysis of the literature that has arisen following the start of the Russo-Ukrainian war concerning arms control and disarmament, which exemplify the nuances of Schwarzenberger's conceptualization of the standard of civilization. In doing this, the paper reveals the joint and often conflicting roles of ethics, morality, and power on international law. The paper concludes by asking whether there can be a scope for law in a sphere as permeated by power as international society. It highlights how Schwarzenberger's reading of the standard of civilization reveals its paradoxical nature, whereby the necessities of war are a facet of state sovereignty whilst the laws of humanity being linked to the standard of civilization. In doing this, the paper argues for the necessity of paying attention to both rather than one or the other.

Keywords

Georg Schwarzenberger, Standard of Civilisation, International Law, Realism, Classical Realism, International Relations Theory

Corresponding author: Carmen Chas (mcchas@comillas.edu)

Author roles: Chas C: Conceptualization, Investigation, Methodology, Project Administration, Resources, Writing – Original Draft Preparation, Writing – Review & Editing

Competing interests: No competing interests were disclosed.

Grant information: The author(s) declared that no grants were involved in supporting this work.

Copyright: © 2025 Chas C. This is an open access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

How to cite this article:

For printed version: Chas Carmen. "Schwarzenberger, Ukraine, and the Standard of Civilisation". *Stosunki Międzynarodowe – International Relations* 61, (2025): 77–94. Printed 2025. <https://doi.org/10.12688/stomiedintrelat.18258.2>.

For online version: Chas C. **Schwarzenberger, Ukraine, and the Standard of Civilisation.** *Stosunki Międzynarodowe – International Relations* 2025, 5:24 <https://doi.org/10.12688/stomiedintrelat.18258.2>

Introduction

Georg Schwarzenberger's examination of the 'standard of civilization' is one of the most prominent aspects of his theory of International Relations and International Law. His analysis of this concept, however, is not of mere historical interest; it is connected to his account of the role of power in international society and its influence on international law. Here, Schwarzenberger offers a nuanced perspective of the role of civilization in international society and critiques its ideological use. In doing this, he engages with the effects of the standard of civilization on international law and establishes it as an important aspect of international relations that must be accounted for if aiming to understand the conflicting roles of ethics and power. He also engages with the horror associated with the use of certain weapons and the necessity of establishing higher standards of conduct in international law. Rather than dismiss international law as something that is purely begotten to national interests, he depicts it as something that can, under the right conditions, can rise above them. At the same time, he accounts for the role of power and politics within it.

Schwarzenberger was one of the most prominent jurists of his day. He was one of international law's most "clear-sighted, intellectually honest and erudite" exponent and critic.¹ Like Hans J. Morgenthau, he was a German Jewish émigré trained in the legal science of Weimar Germany. Schwarzenberger attended the Universities of Heidelberg, Frankfurt, Berlin, and Tübingen, as well as the London School of Economics.² He studied under Carlo Schmid and Gustav Radbruch, was actively involved with the Social Democratic Party, obtained a second doctorate under H.A. Smith upon his arrival in the United Kingdom, and played a major role at the University College London's Faculty of Laws.³ Schwarzenberger critiqued those who were devoted to the development of international law by means of judicial decisions—such as Hersch Lauterpacht, was not unafraid to engage in controversy, and frequently crossed the border between international law and international relations.⁴ He also developed an appreciation for the sociology of law and was considered to be one of Britain's main exponents of political realism.⁵ He was therefore an outsider within British international legal circles in many ways, has been

¹ M. Mendelson, "In Memoriam: Professor Georg Schwarzenberger (1908–1991)," *British Year Book of International Law* 63 (1992): 22.

² Mendelson, "In Memoriam: Professor Georg Schwarzenberger (1908–1991)."

³ Mendelson, "In Memoriam: Professor Georg Schwarzenberger.": L.C. Green, "Georg Schwarzenberger (1908–1991)," *American Journal of International Law* 86, no. 2 (1992): 341; S. Steinle, "Georg Schwarzenberger (1908–1991)," in *Jurists Uprooted: German-Speaking Émigré Lawyers in Twentieth-Century Britain*, eds. J. Beatson and R. Zimmerman (Oxford University Press, 2004), 664.

⁴ Mendelson, "In Memoriam," 24, 25; Steinle, "Georg Schwarzenberger (1908–1991)," 663.

⁵ C. Navari, *The International Society Tradition: From Hugo Grotius to Hedley Bull* (Palgrave MacMillan, 2021), 137–139.

dismissed as a misanthropic lawyer that rejected international law, and has been largely forgotten today despite the magnitude of his oeuvre.⁶

Throughout the following pages, this paper will explore Schwarzenberger's analysis of the standard of civilization. It engages with his account of this concept and highlight its contemporary relevance. In doing so, this paper reveals the joint and often conflicting roles of ethics, morality, and power on international law. It will also engage with the literature that has arisen following the start of the Russo-Ukrainian war concerning arms control, disarmament, and allegations of violations of international humanitarian law (IHL), which exemplify the nuances of Schwarzenberger's conceptualization of the standard of civilization. The paper does this in five steps. First, establishes Schwarzenberger's conceptualization of the standard of civilization, and its influence in the creation and development of international law. Second, it tackles the paradoxical relationship of the standard of civilization and the necessities of war, which highlights the limits of ethics in international society. The paper will then engage with the social environment of international law and its influence on the role and functions of the standard of civilization. Finally, the paper will bring these different aspects of Schwarzenberger's thought together in order to explore the continued relevance of his account of the standard of civilization. The Russo-Ukrainian war will be engaged with throughout all of these sections as an example and case with which to understand this contemporary relevance.⁷

It is important to note that this paper does not aim to interrogate the critiques of the standard of civilization, which have highlighted how it was used to deny equal rights to the political communities of Asia, Africa, and Oceania.⁸ Instead, it aims to use this concept, as analyzed by Schwarzenberger, to interrogate the political application of international law—particularly IHL. The Russo-Ukrainian war represents a key case in this regard due to its strong impact on arms control, disarmament, and the *jus in bello* internationally. The methodological approach of this article will therefore be, by necessity, a hermeneutical one.⁹ This paper also aims to use the concept of the 'standard of civilization' to dialogue with the literature on the 'taboo' underlying the non-use of certain weapons. In doing so, this paper seeks to highlight

⁶ Cryer, "International Law and the Illusion of Novelty: Georg Schwarzenberger," 470.

⁷ Active policy suggestions are, however, beyond the scope of this article. They will therefore not be actively explored due to its nature as a theoretical examination of Schwarzenberger's account of the standard of civilisation.

⁸ H. Bull, "Foreword," in *The Standard of 'Civilisation' in International Society*, ed. G.W. Gong (Clarendon Press, 1984), 7, 8.

⁹ The hermeneutical method's historical understanding of phenomena and conceptualization of tradition and of a fusion of horizons allows us to understand Schwarzenberger's thought as part of the realist tradition whilst bringing it into dialogue with the contemporary arms control and disarmament literature surrounding the Russo-Ukrainian war; H.G. Gadamer, *Truth and Method*, 2nd ed. (Continuum, 2006), 282, 283, 305; H.G. Gadamer, "The Universality of the Hermeneutical Problem," in *Philosophical Hermeneutics* (University of California Press, 2008), 8, 9.

the continued utility and relevance of Schwarzenberger's juxtaposition of the standard of civilization with the necessities of war and how, despite the apparent abandonment of the standard of civilization, it remains prominently relevant today.

The standard of civilization

The standard of civilization is an expression of the assumptions that are used to distinguish those who belong to a society from those that do not.¹⁰ It is linked to the rules of warfare and the *jus in bello*. A standard of civilization is appealed to when human rights are systematically violated or when civilians are harmed by armed combatants.¹¹ It has a significant impact on the behavior of states in wartime. The more "civilized we have become over time", the more the "violent and bloody realities of armed conflict become ever more abhorrent and objectionable and are to be avoided at almost any cost".¹² The standard of civilization has played a prominent role in the formation of the rules of warfare. It forbids barbarous punishments and allows belligerents to punish war criminals, refuse to accept the defense of superior orders, or allow for the position of an individual as head of state to create immunity.¹³

The standard of civilization is profoundly affected by sovereignty. Although the object of war is to impose the will of a belligerent state on the enemy by force, the laws of war aim to restrain them. This conflict gives rise to the paradoxical relationship between the necessities of war and the standard of civilization.¹⁴ Schwarzenberger illustrates this relationship as a tug-of-war that gives rise to four types of rules of warfare.¹⁵ The first type prohibits acts that contravene the standard of civilization but serve no military purpose, and do not conflict with the necessities of war.¹⁶

The second type are rules that subordinate possible tactical advantages to the overriding demands of civilization and which, in doing so, limit warfare when the considerations of civilization demand priority over military interests.¹⁷ The third type of rules seek to attain a compromise between the standard of civilization and the

¹⁰ G.W. Gong, *The Standard of 'Civilisation' in International Society* (Clarendon Press, 1984), 3.

¹¹ Gong, *The Standard of 'Civilisation' in International Society*, 11.

¹² B. Bowden, "What Price Peace? On the Dialectical Relationship Between Civilization and War," *International Journal of Peace Studies* 16, no. 1 (2011): 9.

¹³ G. Schwarzenberger, *A Manual of International Law*, 5th ed. (Stevens & Sons Limited, 1967), 210, 211.

¹⁴ Schwarzenberger, *A Manual of International Law*, 5th ed. (Stevens & Sons Limited, 1967), 196, 197.

¹⁵ G. Schwarzenberger, "From the Laws of War to the Law of Armed Conflict," *Journal of Public Law* 17, no. 1 (1968): 63, 64.

¹⁶ Schwarzenberger, *A Manual of International Law*, 5th ed., 197; G. Schwarzenberger, *International Law as Applied by International Courts and Tribunals, Volume II: The Law of Armed Conflict* (Stevens & Sons Limited, 1968), 10, 11.

¹⁷ Such as the rules proscribing the use of poison and poisonous weapons; Schwarzenberger, *A Manual of International Law*, 197; Schwarzenberger, *International Law as Applied by International Courts and Tribunals, Volume II: The Law of Armed Conflict* (Stevens & Sons Limited, 1968), 11.

necessities of war.¹⁸ The final type are subject to the overriding necessities of war and serve a purely admonitory purpose. They cover up the impossibility or unwillingness of belligerents to subordinate the necessities of war to binding legal obligations.¹⁹ They are a purely formal compromise, and the lack of legal safeguards make them little more than an ideological cover.²⁰ The rule of force is supreme: they cannot safeguard the minimum standard of civilization.²¹

These rules are linked to international society. The emergence of states “from savagery to civilization”, Schwarzenberger argues, was accompanied by the double-standard practice of making distinctions between nations against which states “practised unlimited warfare and others to whom they meted out a more humane treatment”.²² Civilized states treated “those whom they considered to be barbarians not as fellow-humans but as part of nature to be used as they saw fit”.²³ This highlights the relativity and political use of *civilization*.²⁴ The “canons of chivalry and mercy,” Schwarzenberger writes, “did not prevent the pillage, raping, burning and killing that formed a traditional part of, for instance, the Anglo-French wars of the Middle Ages or the Anglo-Scots border wars”.²⁵ The standard of civilization and necessities of war therefore are “rationalizations of conflicting social forces in international society”.²⁶ They assume complementary functions on a legal level: one is positive and regulative and the other is limiting or purely negative. The more one advances, the more the other recedes. Although their actual contents is controlled by the standard of civilization, their scope is determined by the necessities of war.²⁷ The standard of civilization and the necessities of war are, then, rationalizations of the conflicting forces in international society.²⁸ Their test comes when the duties

¹⁸ Such as the rules that allow for emergency repairs of man-of-war warships in enemy harbours provided their firepower is not increased; Schwarzenberger, *A Manual of International Law*, 197–199.

¹⁹ Schwarzenberger, *A Manual of International Law*, 199.

²⁰ W.E. Scheuerman, “Realism and the Kantian Tradition: A Revisionist Account,” *International Relations* 26, no. 4 (2012): 461.

²¹ Schwarzenberger, *International Law as Applied by International Courts and Tribunals, Volume II: The Law of Armed*, 11, 12.

²² G. Schwarzenberger, “The Law of Armed Conflict: A Civilised Interlude?,” in *The Year Book of World Affairs 1974*, eds. G.W. Keeton and G. Schwarzenberger (Stevens & Sons, 1974), 297.

²³ Cicero’s description of slaves as *res animate* employed a similar ideology; Schwarzenberger, “The Law of Armed Conflict: A Civilised Interlude?,” in *The Year Book of World Affairs 1974*, 297, 298.

²⁴ Gong, *The Standard of ‘Civilisation’ in International*, 74.

²⁵ Schwarzenberger, “The Law of Armed Conflict: A Civilised Interlude?,” 298.

²⁶ G. Schwarzenberger, “Functions and Foundations of the Laws of War,” *Archiv für Rechts- und Sozialphilosophie* 44, no. 3 (1958): 355.

²⁷ Schwarzenberger, “Functions and Foundations of the Laws of War.”

²⁸ G. Schwarzenberger, *The Frontiers of International Law* (Stevens & Sons, 1962), 260.

of civilization conflict with the necessities of war and the need to impose the will of the victor on the defeated.²⁹

The influence of the standard of civilization on the rules of war bears a passing resemblance to taboos. Bentley's characterization of taboos as socially constructed expectations that actors should not engage in, permit, or acknowledge prohibitively unacceptable behavior highlights why this is the case.³⁰ Generational non-use of certain weapons can lead for an aura of "fear and seemingly instinctive revulsion to take root" concerning the use of certain weapons.³¹ Similarly, the use of certain devices or means of destruction can be incompatible with the standard of civilization due to the incongruity between means and ends, excessive inhumanity, or treacherous nature of certain weapons.³² Although in principle states are entitled to apply any means of compulsion to achieve their objectives, the dictates of humanity prohibit the use of "unnecessary violence, and the canons of chivalry demand a certain amount of fairness in offence and defence, and some degree of mutual respect between the opposing forces".³³ These formative factors led to the development of the rules of war.³⁴ Force and violence, however, remain the most direct means by which to cause the breakdown of civilized life.³⁵

The literature on the nuclear taboo highlights this aspect of the standard of civilization. Nuclear weapons are "abhorrent and unacceptable weapons of mass destruction".³⁶ This horror makes nuclear weapons run against the principles of and feelings of civilized warfare.³⁷ That this same language is repeated in treaties prohibiting the use of conventional weapons is significant. The indiscriminate nature of landmines has made their use in combat appear immoral.³⁸ Landmines became a form of 'technology non grata' due to their impact on combatants and non-combatants

²⁹ Schwarzenberger, "Functions and Foundations of the Laws," 352.

³⁰ M. Bentley, *Syria and the chemical weapons taboo: Exploiting the forbidden* (Manchester University Press, 2016), 14.

³¹ R. Price, "International norms and the mines taboo: Pulls toward compliance," *Canadian Foreign Policy Journal* 5, no. 3 (1998): 114, 115.

³² Schwarzenberger, *A Manual of International*, 201.

³³ Schwarzenberger, "The Law of Armed Conflict," 293.

³⁴ Schwarzenberger, "From the Laws of War to the Law of Armed," 63.

³⁵ G. Schwarzenberger, "Neo-Barbarism and International Law," in *The Year Book of World Affairs 1968*, eds. G.W. Keeton and G. Schwarzenberger (Frederick A. Praeger, 1968), 191.

³⁶ N. Tannenwald, "Stigmatizing the Bomb: Origins of the Nuclear Taboo," *International Security* 29, no. 4 (2005): 5.

³⁷ D. Kovacevic *et al.*, "Gas, Power, and Norms: Competing Logics for the Declining use of Chemical Warfare," *The Nonproliferation Review* 26, no. 3–4 (2019): 252; T.C. Schelling, "An Astonishing Sixty Years: The Legacy of Hiroshima," *The American Economy Review* 96, no. 4 (2006): 929, 930.

³⁸ M.P. Cottrell, "Legitimacy and Institutional Replacement: The Convention on Certain Conventional Weapons and the Emergence of the Mine Ban Treaty," *International Organization* 63 (2009): 228; P. Rowe, *Defence: The Legal Implications. Military Law and the Laws of War* (Brassey's Defence Publishers, 1987), 128.

alike.³⁹ This is also the case with cluster munitions, whose stigma is linked to their indiscriminate nature, wide area of effect, and legacy on non-combatants and combatants alike.⁴⁰ The influence of the perceived horror brought about by the use of certain weapons is not new. The revulsion against the unlimited character of warfare led to the formation of the idea that “war could be reduced to a game that was played in accordance with fixed rules” or, alternatively, “a technique of civilised if violent settlement of international conflicts”.⁴¹ The effect of this history was considerable: pre-1914 international lawyers regarded international law as a powerful civilising agency and argued for the incorporation of the minimum standards in the international law of peace and war.⁴²

Having established these core aspects of the standard of civilization, we will now turn to its edges and limits, and how it becomes mired by the necessities of war.

The necessities of war

The standard of civilization played a key role in the formation of the *jus in bello* through the ethical considerations and practical, down-to-earth motivations concerning the effectiveness of armies.⁴³ Power and morality here, much like for Carr and Morgenthau, operated in tandem, with power being characterized as a dialectic of power and morality.⁴⁴ It is these complex, Janus-faced considerations that shaped the laws and customs of war.⁴⁵ The background threat of physical force is always present in systems of power politics due to how armed forces are instruments of power politics. This makes them part of the pattern of tactics in the international field.⁴⁶ It gives the standard of civilization an air of paradox, whereby it attempts to act as the nexus between the role of force and rule of law in states of war.⁴⁷

The standard of civilization is not the only factor preventing the outbreak of certain types of violence in combat; the potential loss of political influence brought

³⁹ N. Cooper, “Humanitarian Arms Control and Processes of Securitization: Moving Weapons Along the Security Continuum,” *Contemporary Security Policy* 32, no. 1 (2011): 145.

⁴⁰ Cluster Munition Coalition, *Cluster Munition Monitor 2018* (ICBL-CMC, 2018), 3.

⁴¹ Schwarzenberger, *The Frontiers of International Law*, 72.

⁴² G. Schwarzenberger, “The Standard of Civilisation in International Law,” *Current Legal Problems* 8, no. 1 (1955): 222.

⁴³ Schwarzenberger, “From the Laws of War,” 63, 64; G. Schwarzenberger, *International Law and Order* (Stevens & Sons, 1971), 171, 172.

⁴⁴ S. Molloy, “Dialectics and Transformation: Exploring the International Theory of E.H. Carr,” *International Journal of Politics, Culture, and Society* 17, no. 2 (2003): 293, 294; S. Molloy, “Realism: A Problematic Paradigm,” *Security Dialogue* 34, no. 1 (2003): 80.

⁴⁵ Schwarzenberger, *International Law and Order* (Stevens & Sons, 1971), 171, 172.

⁴⁶ G. Schwarzenberger, “Peace and war in an international society (I),” *International Social Science Bulletin* 1, no. 3–4 (1949): 66, 67; G. Schwarzenberger, *Power Politics: A Study of World Society*, 3rd ed. (Stevens & Sons Limited, 1964), 158.

⁴⁷ Schwarzenberger, “Functions and Foundations,” 351.

about by certain types of violence can also play a role.⁴⁸ Parties to a conflict know that, should legal restraints be disregarded “such lawlessness is likely to set a chain of negative reciprocity in motion”.⁴⁹ In cases where one side need not fear retaliation, however, “it may be tempted to ignore the postulates of the standard of civilisation”.⁵⁰ Schwarzenberger’s argument on this point echoes again the literature examining the non-use of nuclear weapons.⁵¹ Problems arise when this logic of precedent is eroded. The Russo-Ukrainian war illustrates the dangers this presupposes. Dialogue on nuclear arms control between the U.S. and Russia has hit a wall, and both countries are engaged in nuclear modernization programs.⁵² The war has also been depicted as a stress test for systems of deterrence, particularly in relation to Russian threats of nuclear escalation and its withdrawal of its ratification of the Comprehensive Nuclear Test Ban Treaty.⁵³

The use and development of weaponry following the start of the Russo-Ukrainian war also highlights how national interests can limit the effectiveness of a standard of civilization concerning inhuman weapons. Countries with nuclear arsenals are engaging in vast nuclear modernization programs despite prior commitments to nuclear arms control. Efforts to develop hypersonic missiles and the continuous testing of anti-satellite weapons by a number of states also stand out in relation to these efforts.⁵⁴ The Russo-Ukrainian war has also heightened nuclear risk, with this conflict remaining at risk of becoming “nuclear at any moment because of a rash decision or through accident or miscalculation”.⁵⁵ To what degree, then, Schwarzenberger asks, can the standard of civilization be applied in international law and conflicts?⁵⁶ The irregular standards that govern the *jus in bello*—with weapons such as flamethrowers, napalm, nuclear weapons, chemical weapons,

⁴⁸ G. Schwarzenberger, *The League of Nations and World Order: A Treatise on the Principle of Universality in the Theory and Practice of the League of Nations* (Constable & Co Ltd., 1936), 177.

⁴⁹ Schwarzenberger, *International Law and Order*, 172, 173.

⁵⁰ Schwarzenberger, *International Law and Order*.

⁵¹ T.E. Doyle II, “Preserving the Nuclear Taboo after a Nuclear First-Use Event: A Nuclear Ethical analysis,” *The Nonproliferation Review* 28, no. 1–3 (2021): 143.

⁵² S. Bugos, “Despite challenges, US-Russian nuclear arms control has its benefits,” *Bulletin of the Atomic Scientists* 78, no. 6 (2022): 334; Kristensen *et al.*, “Russian nuclear weapons, 2025,” *Bulletin of the Atomic Scientists* 81, no. 3 (2025): 208; Kristensen *et al.*, “United States nuclear weapons, 2025,” *Bulletin of the Atomic Scientists* 81, no. 1 (2025): 55.

⁵³ M. Budjeryn, “Distressing a system in distress: global nuclear order and Russia’s war against Ukraine,” *Bulletin of the Atomic Scientists* 78, no. 6 (2022): 341, 342; P. Podvig, “Preserving the nuclear test ban after Russia revoked its CTBT ratification,” *Bulletin of the Atomic Scientists* 80, no. 2 (2024): 75.

⁵⁴ Bulletin of the Atomic Scientists, “2024 Doomsday Clock Statement,” *Bulletin of the Atomic Scientists*, 2024, <https://thebulletin.org/doomsday-clock/2024-statement/>.

⁵⁵ Bulletin of the Atomic Scientists, “2025 Doomsday Clock Statement,” *Bulletin of the Atomic Scientists*, 2024, <https://thebulletin.org/doomsday-clock/2025-statement/>.

⁵⁶ Schwarzenberger, “The Law of Armed,” 293.

and biological weapons being subject to different reservations—highlight the profound problems it faces. Only certain uses and types of lethal force are delegitimized, whilst others are legitimized and made acceptable.⁵⁷

The relativity of the meaning of civilization plays a further role in the weakness of the standard of civilization. What may appear to others and ourselves as “reasons may be nothing more than post hoc rationalizations for shadowy motives”.⁵⁸ Political, technological, and military factors can “widen the gap between the super-Leviathans and the Leviathans of yesterday”.⁵⁹ The necessities of war engulf any remaining restraints that were imposed out of regard for the standard of civilization.⁶⁰ The impact of reciprocity is considerable. Should any state that is able to produce or acquire such weapons insist on either possessing or using them, it will, in doing so, practically force other states to equip themselves in the same way for the purpose of retaliation.⁶¹

This relativity stems from its origins in international law. For Schwarzenberger, international law as we know it is the product of “the experience gained in international affairs in the last three centuries of European history” and has its origin in the breakdown of the medieval system.⁶² Medieval Europe had the defining features of a community: codes of honour and chivalry reflected generally accepted standards of behaviour of the upper strata of society, universities shared basic philosophical and scientific outlooks, and Latin constituted a common bond between scholars.⁶³ As long as international law applied only to European states, “their common Christian background and tradition nourished continuously and imperceptibly the more formal and technical aspects of their relations”.⁶⁴ Indigenous peoples, however, could not meet these standards of civilisation, which were built on European conception of the shape civil society, the state, laws, and private property ought to take.⁶⁵ The standard of civilisation therefore emerged as an imperial concept associated with the

⁵⁷ A. Karp, “Small Arms: Back to the Future,” *The Brown Journal of World Affairs* 9, no. 1 (2002): 180, 181; N. Shah, “Gunning for war: infantry rifles and the calibration of lethal force,” *Critical Studies on Security* 5, no. 1 (2017): 82.

⁵⁸ A. McQueen, “Political realism and moral corruption,” *European Journal of Political Theory* 19, no. 2 (2020): 148.

⁵⁹ G. Schwarzenberger, “Hegemonial Intervention,” in *The Yearbook of World Affairs*, eds. G.W. Keeton and G. Schwarzenberger (Stevens & Sons Limited, 1959), 253, 254.

⁶⁰ Gong, *The Standard of ‘Civilisation’*, 89.

⁶¹ Schwarzenberger, *International Law and Order*, 175.

⁶² G. Schwarzenberger and G.W. Keeton, *Making International Law Work*, 2nd ed. (London: Stevens & Sons, 1946), 1.

⁶³ Schwarzenberger, *Power Politics: A Study of World Society*, 29.

⁶⁴ Schwarzenberger, *A Manual of International*, 15.

⁶⁵ B. Buchan and M. Heath, “Savagery and civilization: From terra nullius to the ‘tide of history’,” *Ethnicities* 6, no. 1 (2006): 20.

civilising mission of European states and their purported superiority, was one-sidedly imposed upon the rest of the world, and was profoundly linked to practices of inclusion and exclusion.⁶⁶ It set the benchmark for “the ascent of non-European states to the ranks of the ‘civilized’ family of nations”.⁶⁷ Critical literature has also highlighted how this state of affairs continues today.⁶⁸

Though Schwarzenberger’s analysis of the relativity of the idea of civilisation differs from current postcolonial literature, he nevertheless highlights some of its problematic aspects. The way he addresses this relativity differs slightly from Carr, for who critiqued the association of reason with Western civilisation.⁶⁹ Civilisation implies “a contrast with groups of a rationally less calculable character” through its emphasis on reason and organisation and affects the “relation of man to nature and of man to man”.⁷⁰ The frames that were used to construct the idea of civilisation were “European-American standards of living and the implied conceptions of values”.⁷¹ ‘Civilization’ here reflected the liberal norms of the European Civilization of the nineteenth century.⁷² ‘Civilised’ states were expected to prohibit practices like slavery, piracy, polygamy, infanticide, and barbarous penal practices as well as guarantee the rights of life, dignity, property, freedom of travel, commerce, and religion.⁷³ Civilisation, barbarism, and savagery, however, cannot exist in a pure state: all groups and states show characteristics of all three. They are relative and can be affected by the point of view of the observer. Whilst one of them tends to predominate, their

⁶⁶ Y. Zhang, “The Standard of ‘Civilisation’ Redux: Towards the Expansion of International Society 3.0?,” *Millennium: Journal of International Studies* 42, no. 3 (2014): 677; L.H. Liu, “Shadows of Universalism: The Untold Story of Human Rights around 1948,” *Critical Inquiry* 40, no. 4 (2014): 394; T.E. Aalberts, “Rethinking the Principle of (Sovereign) Equality as a Standard of Civilisation,” *Millennium: Journal of International Studies* 42, no. 3 (2014): 776.

⁶⁷ B. Bowden, “In the Name of Progress and Peace: The ‘Standard of Civilization’ and the Universalizing Project,” *Alternatives: Global, Local, Political* 29, no. 1 (2004): 51.

⁶⁸ L. Hamourtziadou and S. Khan, “War crimes and crimes against humanity: Decolonizing discourses of international justice,” *Journal of Global Faultlines* 8, no. 2 (2021): 148; A. Anghie, “The Evolution of International Law: colonial and postcolonial realities,” *Third World Quarterly* 27, no. 5 (2006): 750, 751; D.Z. Cass, “Navigating the Newstream: Recent Critical Scholarship in International Law,” in *Traversing the Divide: Honouring Deborah Cass’s Contributions to Public and International Law*, ed. K. Rubinstein, 1st ed. (ANU Press, 2021), 234–241.

⁶⁹ H.L. Karkour and E.H. Carr, *Imperialism, War and Lessons for Post-Colonial IR* (Palgrave Macmillan, 2022), 11.

⁷⁰ Schwarzenberger, “The Standard of Civilisation in International Law,” 216.

⁷¹ G. Schwarzenberger, *William Ladd: An Examination of an American Proposal for an International Equity Tribunal*, 2nd ed. (Constable & Co LTD, 1936), 59.

⁷² Gong, *The Standard*, 47.

⁷³ J. Donnelly, “Human Rights: A New Standard of Civilization?,” *International Affairs* 74, no. 1 (1998): 5; G. Simpson, *Great Powers and Outlaw States Unequal Sovereigns in the International Legal Order* (Cambridge University Press, 2004), 256; Y.S. Stivachtis, “‘Civilizing’ the Post-Soviet/Socialist Space: An English School Approach to State Socialization in Europe The Cases of NATO and the Council of Europe,” *Perspectives* 18, no. 2 (2010): 11.

relationship is never static, “for the civilising process—and any movement in the opposite direction—is continuous”.⁷⁴ Civilisation is, as such, a dynamic phenomenon that moves forward to fuller co-operation or backward to more complete exploitation: no group is entirely civilised or uncivilised, but only more or less civilised.⁷⁵

Modern military technologies therefore expose the prominence of the necessities of war over the standard of civilization.⁷⁶ Here, the lack of influence of the standard of civilization is linked to the marginal profit that states could reap by adapting more quickly to the changing requirements of war or through the possession of a temporary monopoly of superweapons.⁷⁷ States must prepare for their own defense on the assumption that inhuman weapons might be used in breach of their solemnly pledged word of other states.⁷⁸ Allegations and counter-allegations concerning the use of anti-personnel landmines in the Russo-Ukrainian war highlight this idea. Russia’s continued use of these weapons represents “[t]he greatest emerging challenge to the emerging norm against these weapons”.⁷⁹ Allegations concerning the use and transfer of these weapons by states party to the Anti-Personnel Mine Ban Convention in contravention to its text are also noteworthy. This is the case for Ukraine, who was confirmed to have used them in January 2023 and remained in non-compliance with its article 4 obligation to destroy its stockpile in 2024, and Belarus, who transferred them to Russia.⁸⁰

Even if states are prepared to forego specific types of armaments, their “*potentiel de guerre*” would differ according to the number of potential warriors they could arm with clubs and spears, the degree of their industrialisation and the preservation of the know-how of the production of prohibited weapons”.⁸¹ The formal notice of Lithuania to withdraw from the Convention on Cluster Munitions (CCM) following the start of the Russo-Ukrainian war represents an example of this.⁸² So does the decision of Poland, Lithuania, Estonia, and Latvia to withdraw from the Anti-Personnel Mine Ban Convention owing to the increased military threat posed

⁷⁴ Schwarzenberger, “Neo-Barbarism and International Law,” 191.

⁷⁵ Schwarzenberger, “The Law of Armed,” 296.

⁷⁶ G. Schwarzenberger, “The Law of Air Warfare and the Trend towards Total War,” *University of Malaya Law Review* 1, no. 1 (July, 1959): 120–136.

⁷⁷ Schwarzenberger, *Power Politics: A Study of World*, 158, 159.

⁷⁸ Schwarzenberger, “Functions,” 59; Schwarzenberger, *International Law*, 176.

⁷⁹ International Campaign to Ban Landmines, *Landmine Monitor 2022* (ICBL-CMC, 2022), 7.

⁸⁰ International Campaign to Ban Landmines, *Landmine Monitor 2023* (ICBL-CMC, 2023), 8–10; International Campaign to Ban Landmines, *Landmine Monitor 2024* (ICBL-CMC, 2024), 8.

⁸¹ Schwarzenberger, *Power Politics: A Study of*, 404, 405.

⁸² International Campaign to Ban Landmines, *Landmine Monitor 2024*, 9.

by Belarus and Russia.⁸³ Finland also highlighted when announcing its intention to withdraw from this Convention due to Russia's "long-term threat to Europe" and its intention to "safeguard Finland's independence and territorial integrity".⁸⁴ The Russo-Ukrainian war therefore shows how norm against the use of cluster munitions "has not sunk in everywhere".⁸⁵ The complete abandonment of all weapons contrary to the standard of civilization faces the problem posed by outsiders and "adequate guarantees for the observance of agreements on the regulation of armaments".⁸⁶ It is only in exceptional cases that awareness of the greater disadvantages of the use of such weapons can create inhibitions against their use.⁸⁷

Schwarzenberger's analysis of the influence of the standard of civilization in international life and law, however, does not remain limited to an account of conflicting relationships with the necessities of war. It is to this critical analysis, which hinges on the limits of international law and its social context that we will now turn.

The social context of international law

The nature and character of international society affect the way the idealized notion of a standard of civilization is applied. The historical context of international law has played a key role in this process.⁸⁸ The shared common values of the standard of civilization could not be taken for granted once the European family of nations developed into a world society and engulfed the rest of the world in the process of colonial and imperial expansion of European powers.⁸⁹ Entry into international society was "conditional on their fulfilling the standard of 'civilisation' of European origin either as a set of 'unspoken assumptions' or eventually as explicit rules articulated in international law".⁹⁰ The concept of civilization was grounded and linked to the

⁸³ Ministry of National Defence, "Statement by the Estonian, Latvian, Lithuanian, and Polish Ministers of Defence on Withdrawal from the Ottawa Convention," Ministry of National Defence, Republic of Poland, March 18, 2025, <https://www.gov.pl/web/national-defence/statement-by-the-estonian-latvian-lithuanian-and-polish-ministers-of-defence-on-withdrawal-from-the-ottawa-convention>.

⁸⁴ Finish Government, "Finland and the Ottawa Convention," 2025, <https://valtioneuvosto.fi/en/finland-and-the-ottawa-convention>.

⁸⁵ Cluster Munition Coalition, *Cluster Munition Monitor 2025* (ICBL-CMC, 2025), 8.

⁸⁶ Schwarzenberger, *Power Politics: A Study*, 406.

⁸⁷ Schwarzenberger, *International Law*, 175.

⁸⁸ G. Schwarzenberger, "The Province and Standards of International Economic Law," *International Law Quarterly* 2, no. 3 (1948): 406; G. Schwarzenberger, *International Law as Applied by International Courts and Tribunals, Volume I: International Courts and Tribunals*, 3rd ed. (Stevens & Sons Limited, 1957), 21; G. Schwarzenberger, "Las Naciones Unidas y el derecho internacional: el criterio determinante," *Foro Internacional* 11, no. 2 (1970): 359.

⁸⁹ G. Schwarzenberger, "International Law and Society," *The Virginia Quarterly Review* 20, no. 3 (1944): 569, 570; Schwarzenberger, *A Manual of International*, 15.

⁹⁰ Y. Zhang, "China's Entry into International Society: Beyond the Standard of 'Civilization'," *Review of International Studies* 17, no. 1 (1991): 6.

“civilizing processes that have created pacified civil societies and representative states inclined toward peace,” which, in turn, transferred the responsibility for initiating and sustaining violence to “illiberal, ‘uncivilized’ states and societies, against which the violence of the civilized can be justified”.⁹¹

The standard of civilization played a leading role in these processes. Leading nations “asserted their own superiority as standard-bearers of civilization over savages and barbarians”.⁹² Doubts, however, could be raised as to whether the obligations of “ethics and chivalry counted in actual warfare against heretics”.⁹³ Early stages of colonial expansion also faced the question of whether international law applied in relations with African or Eastern communities and when it faced rival systems of law claiming universal validity.⁹⁴ Civilization here was a term of considerable power that could be used to both commend and condemn.⁹⁵ Once a colonial power established sovereignty over several vassal states, transfers of territory between said territories constituted a domestic affair.⁹⁶ As such, native communities were “considered to be outside the pale of international law” and, unless they were recognized as subjects of international law, they were “necessarily mere objects of international settlement between subjects of international law”.⁹⁷

The lack of equality in the application of the standard of civilization remains of key relevance today. The gulf between aspiration and achievement in contemporary international society remains alive and well.⁹⁸ Carr’s critique of the harmony of interests, which is rooted on its relative nature and the impossibility of their being truly universal, highlights a similar idea.⁹⁹ Law and order, disarmament, the indivisibility of peace, and free trade were slogans of privileged groups rather than of universal interests or principles.¹⁰⁰ Though the standard of civilization and civilization-test has been incorporated into international law, its “formative influence has not affected

⁹¹ B. Buchan, “Explaining War and Peace: Kant and Liberal IR Theory,” *Alternatives: Global, Local, Political* 27, no. 4 (2002): 407, 408.

⁹² G. Schwarzenberger, “Beirut 1982,” in *The Year Book of World Affairs 1984*, eds. G.W. Keeton and G. Schwarzenberger (Stevens & Sons, 1984), 302.

⁹³ Schwarzenberger, *The Frontiers of International*, 72.

⁹⁴ G. Schwarzenberger, “The Rule of Law and the Disintegration of the International Society,” *American Journal of International Law* 33, no. 1 (1939): 63; Schwarzenberger, *International Law as Applied by International Courts and Tribunals, Volume I: International Courts and Tribunals*, 3rd ed., 79.

⁹⁵ B. Bowden, “Civilization: ‘It Means Just What I Choose It to Mean’,” *Society* 54, no. 2 (2017): 131.

⁹⁶ Schwarzenberger, *International Law as Applied by International Courts and Tribunals, Volume I: International Courts and Tribunals*, 81.

⁹⁷ Schwarzenberger, *International Law as Applied by International Courts and Tribunals, Volume I: International Courts*, 82.

⁹⁸ Schwarzenberger, “Beirut 1982,” in *The Year Book of World Affairs 1984*, 302.

⁹⁹ Molloy, “Dialectics and Transformation: Exploring the International Theory of E.H. Carr,” 293, 294.

¹⁰⁰ P. Wilson, “E.H. Carr’s The Twenty Years’ Crisis: Appearance and Reality in World Politics,” *Politik* 12, no. 4 (2009): 21–25.

the distinct and autonomous character of the civilisation-standard as an ethical test of international conduct".¹⁰¹ As such, it remains a mock-standard of civilization, with the true universality of international law being of a relatively recent date.¹⁰²

The reason for this state of affairs is simple: "International ethics, like international law, is primarily conditioned by international society, rather than the reverse".¹⁰³ This affects the standard of civilization in international law. In a society in which power is the overriding consideration, law serves the purposes of those who wield power rather than the interests of those who need protection.¹⁰⁴ The influence of power cannot be avoided through a flexible approach that gives social relations a proper legal form; it is bound to the question of sovereignty.¹⁰⁵ Justice, like law, is a social phenomenon. It is useless to discuss justice in the abstract: the shape it takes "depends entirely on the structure of the human association in which it is to be meted out".¹⁰⁶ The effects of this social context go further. There is an intimate link between the society and community character of a social group, the objects and motives of the policies of its members, and the instruments, strategies, and tactics they employ to achieve them.¹⁰⁷

The standard of civilization runs contrary to the sovereignty of states, and clashes with the idea that there is only one rule for international conduct: the end justifies the means, war is politics continued by other means, and peace is war conducted by different techniques.¹⁰⁸ International institutions and binding international treaties are equally affected by the structure of international society.¹⁰⁹ Although weapons exports to Russia have declined since the start of the conflict and exports to Ukraine have been reported according to the rules established by the Arms Trade Treaty by state parties, the lack of oversight of these transfers represents a challenge for the treaty.¹¹⁰ Transfers of cluster munitions to Ukraine have, however,

¹⁰¹ Schwarzenberger, "Beirut 1982," in *The Year Book of World Affairs*, 302.

¹⁰² Schwarzenberger, *International Law as Applied by International Courts and Tribunals, Volume I*, 89; Schwarzenberger, "Beirut 1982," in *The Year Book*, 302.

¹⁰³ Schwarzenberger, "Beirut 1982," 301, 302.

¹⁰⁴ Schwarzenberger, "International Law and Society," 571, 572.

¹⁰⁵ W.E. Scheuerman, "Realism and the Left: the case of H.J. Morgenthau," *Review of International Studies* 34, no. 1 (2008): 39, 40.

¹⁰⁶ G. Schwarzenberger, "The Three Types of Law," *Ethics* 53, no. 2 (1943): 95, 96.

¹⁰⁷ Schwarzenberger, "Peace and war in an international society (I)," 61.

¹⁰⁸ Schwarzenberger, "Peace and war," 62; G. Schwarzenberger, "Civitas Maxima?," in *The Year Book of World Affairs 1975*, eds. G.W. Keeton and G. Schwarzenberger (Stevens & Sons, 1975), 338, 339.

¹⁰⁹ G. Schwarzenberger, "Peace and War in International Society (II)," *International Social Science Bulletin* 1, no. 1 (1950): 26.

¹¹⁰ ATT Monitor, *ATT Monitor Report 2022* (Control Arms Secretariat, 2022), 15, 16; ATT Monitor, *ATT Monitor Report 2023* (Control Arms Secretariat, 2023), 9, 10; ATT Monitor, *ATT Monitor Report 2024* (Control Arms Secretariat, 2024), 46.

spiked despite their widespread condemnation in recent decades.¹¹¹ This usage has continued by both Ukraine and Russia throughout 2024 and into 2025.¹¹² Although this does not represent a violation of the CCM, which neither Russia nor Ukraine are parties to, their use by both in the Russo-Ukrainian war has been condemned by at least 40 states.¹¹³ That Russia has argued cluster munitions are a lawful form of munition and Ukraine began to use them following condemnations at the UN Security Council that their use blatantly disregards IHL stands out.¹¹⁴ These different cases illustrate how the standard of civilization is affected by international society, rather than the reverse.

The idea of ‘civilized’ behavior has not faded. Appeals to civilized behavior “have been a constant feature of nineteenth- and twentieth-century international relations” despite changes to international society.¹¹⁵ Schwarzenberger actively engages with this idea. Power politics in disguise are distinguished from open power politics through the opportunities they offer for ideological abuses in favor of particular national interests.¹¹⁶ The appeals of both Russia and Ukraine to the importance of observing IHL—and the non-observance of it by the other—at the U.N. Security Council highlight how this can be the case, particularly in relation to Russia’s positions vis-à-vis the Russo-Ukrainian war.¹¹⁷ This same highly ethical language can be seen in Security Council meetings concerning Ukraine. For the Russian representative, one of the key questions was that of Ukrainian soldiers: “What, then, can we say about men who are caught on the streets, only to be thrown into the blood-bath as cannon fodder with little or no training”.¹¹⁸ Ukrainian strikes against Russian energy infrastructure were also characterized as terrorist acts.¹¹⁹ Western critiques of Russia’s actions were also criticized as “anti-Russian mantras”.¹²⁰

China’s representative also highlighted the dire humanitarian situation, only to be criticized by the U.S. representative for sustaining Russia’s military-industrial

¹¹¹ “Weapon transfers, including banned cluster munitions, spike in Ukraine,” UN News, August 17, 2023, <https://news.un.org/en/story/2023/08/1139852>.

¹¹² Cluster Munition Coalition, *Cluster Munition Monitor 2025*, 16–19.

¹¹³ Cluster Munition Coalition, *Cluster Munition Monitor 2022* (ICBL-CMC, 2022), 15.

¹¹⁴ Cluster Munition Coalition, *Cluster Munition Monitor 2022*, 14, 15; Cluster Munition Coalition, *Cluster Munition Monitor 2023* (ICBL-CMC, 2023), 3, 15; Cluster Munition Coalition, *Cluster Munition Monitor 2024* (ICBL-CMC, 2024), 12, 13, 20, 21.

¹¹⁵ J. Donnelly, “Human Rights: A New Standard of Civilization?,” *International Affairs* 74, no. 1 (1998): 22, 23.

¹¹⁶ Schwarzenberger, “Civitas Maxima?,” 344.

¹¹⁷ G.A. 79/811, S.C. 138, at 1 (March 6, 2025); G.A. 79/847, S.C. 204, at 1 (April 3, 2025).

¹¹⁸ S.C. PV. 9839, at 13–14 (January 16, 2025).

¹¹⁹ G.A. 79/847, S.C. 204, at 1.

¹²⁰ S.C. PV. 9839, at 13–14.

base.¹²¹ These allegations surfaced again in July 2025, with the U.S. further highlighting the impact of Russian attacks on Ukrainian civilians, and China emphasizing its concern for the humanitarian impact of the war and denying allegations concerning lethal weapons transfers.¹²² Similarly, in a letter to the Security Council denying allegations concerning its military support for Russia, Iran held the U.S. responsible for prolonging the war through the transfer of advanced weaponry to Ukraine.¹²³ The difficulty involved in doing away with these power politics in disguise is also increased by the “common human failing to see in shining white—perhaps with a few patches of grey—the colour of one’s own fleece and those of one’s friends”.¹²⁴ So long as states insist on remaining judges of their own causes, so will, too, the borderline between law and power remain fluid.¹²⁵

Having examined the influence of the social context in which the standard of civilization operates, we will bring the different threads of this paper together in a conclusion that will highlight the contemporary relevance of Schwarzenberger’s account of the standard of civilization.

Conclusion

Schwarzenberger’s analysis of the standard of civilization reminds us that our efforts to stop violence in international society may not be as novel as we think.¹²⁶ His conceptualization of the standard of civilization can help us visualize the limits of these processes. The standard of civilization operates in a political environment in which concepts can be used for political ends.¹²⁷ Political actors can also engage in processes of self-deception where they portray acts of power as acts of morality. The function of international morality in this context is ideological. It conceals “power from itself and the actor” and the “truth about the dilemma of means and ends”.¹²⁸ The result of this analysis is therefore, by its very nature, mixed. Though Schwarzenberger credits the standard of civilization with significant achievements, he also avoids praising it as the vehicle of international law, civilization, and progress. On the contrary: he critically accounts for its darker sides. This critical edge shines brightest in his analysis of how national interests influence international

¹²¹ S.C. PV. 9839, at 18–20 (January 16, 2025).

¹²² S.C. PV. 9965, at 12–13 and 17 (July 25, 2025).

¹²³ S.C. 502, at 1 (August 6, 2025).

¹²⁴ Schwarzenberger, *Power Politics*, 16.

¹²⁵ Schwarzenberger, *Power*, 14, 15.

¹²⁶ D.P. Fidler, “The Return of the Standard of Civilization,” *Chicago Journal of International Law* 2, no. 1 (Spring, 2001): 157.

¹²⁷ Schwarzenberger, “Civitas,” 344.

¹²⁸ H.L. Karkour and D. Giese, “Bringing Morgenthau’s Ethics in: Pluralism, Incommensurability and the Turn from Fragmentation to Dialogue in IR,” *European Journal of International Relations* 26, no. 4 (2020): 1113.

morality, which help us understand how the Russo-Ukrainian war has affected the international arms control and disarmament regime.

Can there be scope for law in a sphere as permeated by power as international society?¹²⁹ Although international morality has often served as a useful weapon with which to strengthen shaky legal positions, this is not the end of the story.¹³⁰ Interests can become secondary to the ideas which they have called to their assistance. The influence of international morality can exceed that of international law in these cases, as it has access to the imagination of the public and is not limited by a technical set of rules.¹³¹ Lack of total compliance with these standards of civilization does not mean they do not exist. Price has highlighted this idea in relation to the use of anti-personnel landmines.¹³² Though declaring a weapon illegal does not mean it will not be used, it does not, conversely, mean that efforts to ban or regulate them should be abandoned.¹³³ Although the Russo-Ukrainian war has seen states pull out of the Anti-Personnel Mine Ban Convention, these states emphasized their continued commitment to IHL despite their security-motivated withdrawals.¹³⁴ The use of these weapons within the conflict has also continued to be strongly condemned by state parties to this treaty.¹³⁵

The value of Schwarzenberger's analysis of the standard of civilization extends to political realist theory at large; particularly that which has sought to re-examine and revise classical realism.¹³⁶ Schwarzenberger's analysis highlights, like that of other classical realists, how reengaging with this theory reveals a sophisticated understanding of the role of ideas in International Relations that goes beyond power alone.¹³⁷ His theory is no amoral theory of International Relations, unconscionably bound to power politics. Exploring it therefore highlights how Realism is not an "ethical void whose adherents eschew considerations of the political that are not predicated

¹²⁹ Schwarzenberger, *Power*, 199.

¹³⁰ Schwarzenberger and Keeton, *Making International Law Work*, 65, 66.

¹³¹ Schwarzenberger and Keeton, *Making International Law Work*, 64.

¹³² Price, "International norms and the mines taboo: Pulls toward compliance," 120, 121.

¹³³ A.F. Lang Jr, "Regulating Weapons: An Aristotelian Account," *Ethics & International Affairs* 37, no. 3 (2021): 309, 310.

¹³⁴ Finish Government, "Finland and the Ottawa Convention.," Ministry of National Defence, "Statement by the Estonian, Latvian, Lithuanian, and Polish Ministers of Defence on Withdrawal from the Ottawa Convention."

¹³⁵ International Campaign to Ban Landmines, *Landmine Monitor* 2024, 14.

¹³⁶ See e.g. I. Venzke, "Carr and the climate: solidarity and sacrifice in international law," *London Review of International Law* 13, no. 1 (2025): 25–46; F. Rösch, *Power, Knowledge, and Dissent in Morgenthau's Worldview* (Palgrave MacMillan, 2015); V.S. Tjalve, *Realist Strategies of Republican Peace: Niebuhr, Morgenthau, and the Politics of Patriotic Dissent* (Palgrave MacMillan, 2008).

¹³⁷ M.C. Williams, "Why Ideas Matter in International Relations: Hans Morgenthau, Classical Realism, and the Moral Construction of Power Politics," *International Organization* 58, no. 4 (2004): 633, 634.

solely on the pursuit of power”.¹³⁸ On the contrary: it highlights how engaging with classical realism is a key means through which to add depth and nuance to the discipline’s understanding of itself.¹³⁹ Furthermore, it also shows that classical realist theorists have a distinctive approach to international law and norms that differs strongly from the ethical void which is typically ascribed to them.¹⁴⁰

Where does Schwarzenberger’s realist analysis of the standard of civilization fit within this literature? Schwarzenberger highlights the conflicting nature of this concept. The necessities of war are a negative in a positive guise—they are a facet of state sovereignty, with the laws of humanity, in turn, being *pars pro toto* for the standard of civilization.¹⁴¹ It is no service to international law, however, to “pretend that the rules of warfare seriously restrain the supremacy of force in time of war”.¹⁴² Resorts to force always represent “step back in an ever-continuing civilizing process”.¹⁴³ The answer to the conflicting relationship between the standard of civilization and the necessities of war can neither be a chorus of mutual reassurances or the policy of the ostrich.¹⁴⁴ Any attempt to outlaw force that does not advance peaceful change and collective security is bound to leave international law as the single loser.¹⁴⁵ What is needed is a readjustment of the priorities of self-interest amongst superpowers. International law is, above all, an instrument of social control that can never be self-executing or operate in a vacuum.¹⁴⁶

Ethics and consent

Ethical approval and consent were not required.

Data availability

The data for this article consists of bibliographic references, which are included in the References section.

¹³⁸ S. Molloy, “Morgenthau and the Ethics of Realism,” in *Routledge Handbook of Ethics and International Relations*, eds. B.J. Steele and E.A. Heinze (Routledge, 2018), 182.

¹³⁹ S. Molloy, “Realism and reflexivity: Morgenthau, academic freedom and dissent,” *European Journal of International Relations* 26, no. 2 (2020): 338.

¹⁴⁰ Schwarzenberger’s analysis of the standard of civilisation and its relationship with the necessities of war could also be of particular value to neoclassical realism through how it juxtaposes national interests and ethical considerations. Though a full examination of this lies beyond the scope of this article, it is a possible avenue of future work.

¹⁴¹ Schwarzenberger, *The Frontiers*, 260, 261.

¹⁴² Schwarzenberger, *International Law as Applied by International Courts and Tribunals, Volume II: The Law*, 10.

¹⁴³ Schwarzenberger, *International Law as Applied by International Courts and Tribunals, Volume II*.

¹⁴⁴ Schwarzenberger, *A Manual*, 41, 42.

¹⁴⁵ Schwarzenberger, *International*, 164.

¹⁴⁶ Schwarzenberger, “The Law,” 307.