

Conversations with Professor Philip James Allott

by
Lesley Dingle¹ and Daniel Bates²

Fourth Interview: Cambridge (1980-2004), retirement (2004 - present) & scholarly works

Date: 15 April 2011

Between February and April 2011, Professor Allott was interviewed five times at his room off stairway F at Trinity College to record his reminiscences of almost sixty years of a varied career which was spent initially in various capacities at the FCO, and in later years in the Faculty of Law at Cambridge.

The interviews were recorded, and the audio version is available on this website with this transcript of those recordings. The questions and topics are sequentially numbered in the three interviews for use in a database of citations made across the Eminent Scholars Archive to personalities mentioned therein.

Interviewer: Lesley Dingle, **her questions and topics are in bold type**

Professor Allott's answers are in normal type.

Comments added by LD, *in italics*.

All footnotes added by LD.

75. Professor Allott this is our fourth interview and if we complete the chronology of your academic life perhaps we can then talk about your books and your general views on international law in one consolidated section at the end. Firstly, just to return to a comment you made at the end of the third interview when you said you'd like to talk about your meeting with Robert McNamara and Henry Kissinger.

Yes, I thought we'd go out of chronological order completely. Just to mention four people who I happened to meet. There was no substance at all in their meeting it was a symbolic thing for me.

The first was Jean Monnet³ the great instigator of the European Integration process. When I was in Brussels, it must have been 1973, the head of our mission, Sir Michael Palliser⁴, Head of the Mission in Brussels, asked me to deliver an invitation to Monsieur Monnet who was staying in a hotel in the centre of Brussels. I think he probably did it on purpose in order that I should physically meet the man, the great man, and that's really all it consisted of. I remember to this day, it was called the Hotel Metropole perhaps, in the middle of Brussels. In the big public rooms there, very dark, and out of the darkness he approached me and I approached him and all that really happened was that he said "Monnet"

¹ Foreign & International Law Librarian, Squire Law Library, Cambridge University

² Freshfields Legal IT Teaching and Development Officer, Faculty of Law, Cambridge University

³ Jean Omer Marie Gabriel Monnet (1888-1979).

⁴ See Q37 fn 46



and I said “Allott” and that was about the extent of our conversation. But he being really the cause of the whole European business, I thought it was quite exciting to meet him.

The second was after the Law of the Sea Conference. It must have been in the middle of the 1980s. I went to a conference in Hawaii on the Law of the Sea organised by the University there. An odd thing happened, again in one of the public rooms. I went in, not big public rooms, just some room open to the public, I went in and somebody was playing the piano, a Chopin mazurka, and I was pleased to discover that it was Elizabeth Mann, the youngest daughter of Thomas Mann⁵, the great German writer. Elizabeth Mann, Mann-Borghese⁶ as she was known then, was sort of a great environmentalist and Law of the Sea person, and since I’ve always had a bit of an obsession with Thomas Mann, this was to me an amazing event to hear her playing a Chopin mazurka, in this incredibly unlikely place in Hawaii. It moved me greatly. That’s the closest I ever came to Thomas Mann himself on whom I spent far too great a part of my life.

The third occasion was, I guess, in 1994 when I went to a conference in Stockholm organised by the UNDP [*United Nations Development Programme*] about poverty and future organisation of the world. One of the other people taking part was Robert McNamara⁷, who I think had probably just ceased being head of the World Bank and of course very famously he’d been Secretary of State for Defense in America during the Vietnam War, and before that President of the Ford Motor Company. Well, we happened to be on the same little working group he and I and there was a dinner in the evening with us all sitting at circular tables, as you sometimes do, and he insisted that I sit beside him and then we were terribly impolite because we didn’t talk to anybody else at this table throughout the whole dinner. I’m ashamed to say I can’t remember what we talked about except that I did ask him the idiot question “Have you decided how and why it all went wrong in Vietnam?” He said “Well, it’s interesting you should ask me that, I’m writing my memoirs and I’ve asked myself the same question and I don’t know the answer”. Then of course later, he published his memoirs⁸ and did, I think, in later life begin to apologise for all the awfulness of Vietnam.

Then the final one, the fourth one, was when I went to a plenary meeting of the Pontifical Academy of Social Sciences in The Vatican, and another participant in that was Henry Kissinger⁹. That must have been in 2007. He was giving a speech and I was giving a speech to the plenary. Really odd, we were staying in the hotel they have in the Vatican for Bishops and Cardinals and so on attending the election of the Pope, and Kissinger was staying there. I think he was staying there for two or three nights and, forgive me if I’ve said

⁵ Thomas Mann (1875-1955), 1929 Nobel Prize laureate

⁶ Elizabeth Mann-Borghese (1918-2002). Youngest daughter of Thomas Mann and sister-in-law to W. H. Auden.

⁷ Robert Strange McNamara, (1916-2009). American business executive, eighth Secretary of Defense (under Presidents J. F. Kennedy and L. B. Johnson, 1961-68)

⁸ *In Retrospect: The Tragedy and Lessons of Vietnam*. (with Brian Van De Mark.) New York, Times Books, 1995.

⁹ Henry Alfred Wolfgang Kissinger, (b. 1923), German-born American political scientist, diplomat, and recipient of the Nobel Peace Prize. National Security Advisor and later Secretary of State in the administrations of Presidents Nixon and Ford.



this before, you'll have to check, I remember one of his assistants saying when he arrived "This is ridiculous, I can't stay here" because of course it was rather spartan with no mini bar and no television and no room service. But apparently he did stay, and I then saw rather a lot of him. We had breakfast together one morning, again, I'm afraid, very rudely not talking to anybody else. Just one other person at the table whom we rather ignored and then he kept coming up to me in coffee breaks and so on. It was very odd, and again I'm afraid I can't remember what we talked about, which you never do on occasions like that, although people do when they write their memoirs, always remember the conversation completely word for word, totally unbelievable. Eventually, when he got back to New York, I sent him my *Health of Nations*¹⁰ book and an assistant wrote a very nice letter back saying "He remembered with pleasure our discussions in Rome".

So those were four very odd events of no substantive significance, but those to me are very important people and they support one of my views which is the enormous importance of individuals in the history of the world. It's the Thomas Carlyle¹¹ view of the history of the world that oddly enough there are probably great forces in history that are uncontrollable and unpredictable, but there are also great people in history that Carlyle calls world historical figures and it is quite interesting to meet such people.

76. To return, Professor Allott, to the point we reached in the third interview in the chronology of your career. There were two other sabbaticals while you were a lecturer. In '95 you were a member of the Hauser Global Law School Program in New York.

Well perhaps I can distinguish [*them*]. The one I went to in Dalhousie was the Bertha Wilson Distinguished Visiting Professor in Human Rights. I can't remember how long that was, but it was a matter of weeks. I gave a series of lectures and since human rights is certainly not my thing, I will speak against it, I've never had anything to do with human rights, it was a little bit odd. All I can remember of that is I suggested to the students that we might create a completely new list of human rights since the old list is both boring and wrong. That became a bit controversial. I remember that I suggested, for example, that there should be a right to appreciate beauty and the students got agitated about that because in a wonderful modern way of the young, they thought "Oh my goodness, that would exclude un-beautiful things and people". So that was the end of that particular new human right. But Dalhousie was a very nice place. Incredibly Scottish still and very very charming people.

I'll mention again the Ganshof van der Meersch Chair in Brussels. That was not a chair in the ordinary sense. You gave a very grand lecture to a very large number of people, and that turned into a major article of mine, on seeing the European Union as a revolutionary phenomenon, a failed revolution. I changed the title of it when I eventually republished it. 1997 - "The crisis of European constitutionalism: reflections on the revolution in Europe"¹². Later when I republished it I think I called it a "half revolution" meaning that it had half failed.

¹⁰ 2002, CUP.

¹¹ Thomas Carlyle (1795-1881), Scottish satirical writer, essayist, historian and teacher.

¹² *Common Market Law Review*, 34, 439-490.



The Hauser Global Law Program, which technically I think I am still a member of, is a characteristically American idea at New York University school of Law. Financed by the Hauser family, which was literally to establish a sort of global law faculty¹³, people from different countries on a visiting basis, they were not there permanently and then bring lots of graduate students from everywhere. As I say, it was typically American and an ambitious idea and it excited me because I'd spent my life trying to create a globalised version of everything including a university. So at first sight it seemed to me a most marvellous idea that you would have a globalised law school, and that has continued to the present day. I've been there several times on that, and then you do go for weeks or a semester or something and they put you up in an incredibly efficient American way. They have an apartment house that you stay in, and that I've enjoyed very much as I enjoy teaching American students who are of course graduates or post graduate students, often a good deal older.

Then I spent in 1980 I think it was a year, a true sabbatical, at University of Stanford in Northern California, and again I think I may have mentioned this and I mentioned that was very useful intellectually, but a bit of a problem functionally because the person who'd invited me was no longer there.

77. Faculty promotion.

I'll just say one word about promotion in the Faculty, which is a bit of a sensitive subject. I became, a Reader and a Professor extremely late in life, for reasons that I don't know. Admittedly for a very long time I didn't apply, and so one, not knowing the underlying reason, one has had to construct reasons for oneself. The most optimistic reason is that my work has been rather obscure and I suppose it wasn't completely obvious to people on committees what on earth I was doing. In those days becoming a professor was a huge event in one's life. Nowadays, they seem to become Professors in their late 30s, or even younger, it's absolutely extraordinary. At Oxford now, anybody who wants to call themselves a Professor can do so. It's been devalued enormously, so that I must have thought, that certainly until my book *Eunomia*¹⁴ was published and became known, it just wasn't worth applying.

There may be less optimistic explanations than that. I've always thought the fact that there is a certain feeling, not against Trinity College, but about the sort of privileged status of Trinity College - that decent people in other colleges with wives and families probably need a Professorship rather than fellows of Trinity College who are bachelors. Knowing the way universities work that is probably a consideration, to be perfectly honest, although I've always got on terribly well with other members of the faculty.

That's all I'll say on that subject. It never made much difference quite honestly in the outside world because of course in America you're always referred to as Professor. They have no idea; they can't imagine that one would not be a Professor.

78. Professor Allott, looking back on your academic life, all in all are you pleased you made that momentous switch in 1973 - you were already a very senior Civil Servant?

Yes, it's a very difficult question.

¹³ Started 1994. <http://www.law.nyu.edu/global/abouthauser/index.htm>

¹⁴ 1990, OUP.



79. You could perhaps have ended up as the next Chairman of Coutts Bank¹⁵?

Exactly, well I'm not quite as grand...well, I wouldn't have anything to do with money, but you do, in old age, begin to think whether, when the junction in the road appeared, whether you took the right road. You certainly ask yourself and I have to say two things. One is that there's an enormous amount I missed about my previous life and again I might have mentioned this before, particularly that everything you did then was important in a way, every single word that you uttered or wrote mattered. People were relying on it and suddenly you go to university and nobody cares tuppence what you say or do about anything. I find that terribly difficult.

Secondly, the judgment I make of the choice that I made will depend, is still pending, depending on whether all that I've spent the last thirty, whatever it is, years on all depends on the effect it has eventually. In other words, you quite rightly in your paper identified "a mission", a coherent mission, and it all depends on whether that succeeds or not. That may happen after I've departed this existence, but obviously we're going to come back to that. So I'm still undecided. I've not wasted a moment since I left the Foreign Office, it's true to say. I've, as it were, devoted night and day on the academic side of life to what you rightly call a mission. So I can't complain, I chose to do all this and, as I mentioned at least once before, I could have taken another road even within the academic life and become a rich practising lawyer, so it was really a choice of three things.

80. There are still some aspects we could talk about which may have been important influences during the course of your career, and I'm thinking here of the three items in "Who's Who?" - your high culture, fine arts and gardening. I wonder whether you could say whether they have been important to your career?

Yes, they've been absolutely, they sound rather pompous. Gardening sounds very normal, everybody gardens. But to put high culture and the fine arts is obviously slightly provocative because most people would put golf and classic cars or something, but it is true that for me they are infinitely important.

High culture really means the best of civilisation and it is certainly part of my general mission to rescue the best of civilisation. Not only European civilisation but any civilisation, because the human race has climbed up this terribly difficult slope to improve itself and there's reason to believe it is now sliding down backwards on that slope towards low culture. So high culture, in the traditional sense, which somebody said is "The best that human beings have thought and done", is immensely important. So I do spend a vast amount of my spare time and free time on literature and the arts and philosophy and all these things, and I would say that this is what people in this particular university always used to do.

University now is so professionalised that there are very few generally educated people left, but with our predecessors, it was expected that you would have a major interest in high culture and the fine arts, everybody did. So it's a slightly generational thing - one may be part of one of the last generations to attach such enormous importance.

The fine arts again is a possible road I could have followed because from the early 20s I was very keen on that and used to go to Italy a lot, as everybody did in those days. I did at one time think of specialising in the History of Art, beside my other academic work, but I've

¹⁵ See Q 37 in the second interview for context.



never really had time to write about it. In old age I keep thinking when I can finish this wretched stuff that I work on, the missionary thing, that I would get back to writing books on the History of Fine Arts about which I then knew quite a lot in my 20s. So that's the sort of thing I hold in front of me.

As far as gardening is concerned, that is again immensely important to me both as a sort of physical recreation - when you've spent most of your life sitting reading and writing, to do something physical is immensely important. But I do have a sort of Francis Bacon or Cicero view of gardening, that it is a sort of philosophical activity in that you are creating something in association with nature and it's immensely humbling because sometimes nature doesn't co-operate.

I've been very keen on the engineering side of gardening. I've had a number of gardens which I've reconstructed by hand and I remember, oddly enough, that when I finished writing *Eunomia* was exactly the moment that I completed a garden in a house I then had, which had taken twenty years to create. I did feel that was incredibly symbolic, because a garden is a huge ordering thing and to have brought order into these two different fields at almost the same moment, I do remember thinking it was of interest to me, but to no-one else on earth. So, gardening is incredibly important. It's a humbling activity but it is also a source of pride as well.

81. And beauty.

Yes, exactly. You become more and more aware of the beauty of nature and that's incredibly important. Very many of the people in high culture and the fine arts have been passionate about gardens, including Francis Bacon, one of my great heroes of this college.

Yes, so those things in "*Who's Who?*" under interests are absolutely genuine. They are the pastimes, as you might say, that I've genuinely had.

82. Professor Allott I know most of your retirement has been occupied with recasting your work into your novels and we'll talk about that later, but is there anything else that has occupied your latter years? Perhaps your travelling or your country house?

I see I've just drawn up for this college web page, something that is close to a complete list of my scribblings and I have done a surprising amount since 2004 in the way of writing, I didn't realise that. But in academic retirement I suppose I'm typical of what everybody does once you get invited to talk at all sorts of things of which I now only go if I'm paid to do it. Certainly so long as they pay the travel. So that you're in the marvellous position that you can do exactly what you want and only what you want which is very good. So that I think, probably disappointingly as so many academics say, my life has not changed as much as it should have done. It's a most marvellous liberation, retiring, when you don't have the timetable of lectures and teaching, and reading PhD dissertations and all the rest of it.

So strictly speaking one should throw that all over board and go and do lots of interesting things, but it's not only me, it's true of most academics, they just go grinding on. Utterly ridiculous, they shouldn't do it, whereas people in other lines of business do become completely liberated when they retire and do something completely different, you know, start a little business or travel round the world or something. But academics I'm afraid, senior academics, are terrible. We must have got into some sort of mad obsessional habit of writing and speaking, it's dreadful. So I keep telling myself, and I've told people a million times, I'll



go off and paint, which I used to do years ago, and throw up all this stuff, get rid of it all, but I haven't yet managed it.

83. This brings us to your very long publishing career which spans forty years from 1971 to 2011, a very complex scholastic journey, which I've described as "a mission". As you said in your Alec Roche¹⁶ Lecture, 2006, your public intellectual life has been devoted to and I quote "a revolutionary transformation of the idea of international society". Perhaps Professor Allott we can talk about this by generalising the discussion into three parts. A general view, then some reference to recurring themes, and then perhaps long term solutions and other relevant items. I wonder how the pursuance of your ideas has evolved and crystallised over forty years?

Well, I think it's worth mentioning that when we had a retirement conference for me in 2004, it was placed under the aegis of something that I had said, namely that at the age of sixteen I had written on a paper "This is not the way the world should have been".

Unfortunately I can't find that piece of paper now, but I did, when I was at school, write that. I wrote it on my birthday in 1953, and in the way you do at that sort of age of sixteen I was struck by the fact it was five hundred years to the day since the sack of Constantinople on 29th May 1453. At that time it was thought that the sacking of Constantinople had led to The Renaissance in Western Europe because of the exile of scholars, very advanced scholars, from Constantinople. Now, obviously, the view of the origins of The Renaissance are much more complicated. But I thought "Oh my goodness, isn't that interesting?" an interesting co-incidence at that age. I didn't know what it meant, but looking back, as we did at that conference, in a way everything that I've done since has been derived from that, because even when one was in the Foreign Office one is seeking to make things better.

Certainly when I started there, the British being then still seeming to be powerful in the world, it seemed to have a special responsibility for the world. In the negative sense, we'd created most of the chaos of the world ourselves throughout British history and so the British seemed, and I think the ruling powers of Britain recognised, that it had an exceptional responsibility. Because of the two world wars, continental Europe was in such a mess that you couldn't assume that continental Europe would take any of the responsibility. The United States for a long time, since at least the beginning of the twentieth century, had been determined to destroy the British Empire. They could never fathom why on earth the British, a tiny little island, should be involved all over the world. It's one of the great sadnesses of history that the Americans took that view and that the British Empire was dissolved so quickly and so badly under American pressure. We were also ruined by the War of course, we couldn't really afford the Empire, but one feels that it could have been done in a better way if the Americans had co-operated with us instead of trying to get rid of us and destroy us.

Of course we'd been paying back loans from the Americans up until a few years ago, we'd been reimbursing the Americans for the cost of the war, it seems incredible. Long after Germany had been reimbursing, and the IMF and the World Bank in a way were partly engineered by the Americans to destroy Sterling. To replace Sterling by the Dollar. So there was a sense in which we saw ourselves as, as a British Prime Minister once said, "We saw ourselves as Greece in relation to Rome" the Americans being Rome. In other words, we

¹⁶ Alexander George Roche (b. 1931). Legal Officer, International Atomic Energy Agency, Vienna (1960-62), Legal Officer Food and Agricultural Organization of the United Nations, Rome (1962-67).



were to old civilisation, the Americans were Rome the new civilisation, and they didn't like to consult us about things, but they knew that we had more experience, just like Greece and Rome. We were the old civilisation, they were the new and they were feeling their way in the world.

That was important to me and that obviously declined, the sense of us being a community, factually it had disappeared. The image of us being quite important continued long after the end of the British Empire, because we were rather experienced in all these things. I always took that view and felt that it was our job to do our best in all these things. One was terribly critical of a lot that went on in the Cold War as I mentioned before. The Cold War seemed like a sort of lunacy in a way, but it suited the Americans extremely well, and for a long time it suited the Russians to have the world organised in two camps or three camps, but it didn't really suit us at all. We didn't like being an adjunct of the United States we never really liked it or accepted it, but we were actually an adjunct of the United States.

At the ordinary level of civil service and diplomats, we got on very well with the Americans and worked with them endlessly on all UN things. We jointly ran lots of things at one's level, not the highest political level, but at the every day level of diplomacy and international diplomacy we worked terribly closely with them. I remember in the UN, because we always used to sit a couple of seats away from them, we were constantly in touch and occasionally when something was suddenly put to a vote we would look to each other and put a thumb up or a thumb down to decide what to do. So that was a good side of it. At that level we were enormously influential and did a lot of good I think.

When I did leave the Foreign Office, as I said in the introduction to the Preface to *Eunomia*, it seemed that one's task was to rethink the whole thing. Not only had it led to two world wars and a nuclear stand off, in which humanity could destroy itself at a moment's notice, the social and economic nature of the world was so disgraceful that some people were living in luxury and eighty percent or ninety percent of the world was living in abject misery and poverty which is crazy. So taking an historical view, something had gone wrong in the development of the world. Two world wars had completely messed up the development of the world, which, had it progressed beyond 1870 when Germany and the United States came on the scene in a normal way, who knows what the world would have been like?

84. It seems quite a remarkable coincidence, the publication of *Eunomia* coinciding with the tumbling of the Berlin Wall, and the prospect of a new world order. Were you immensely hopefully, Professor Allott, at that point?

Yes, it was extraordinary. I remember whichever President it was at that point in time, I forget, or I certainly remember Mr Clinton¹⁷ saying it, I don't know whether he was President or not, because people started saying "New world order" and I had a mixed feeling about that. On the one hand, "Oh isn't it marvellous, using the subtitle of my book!", on the other hand it quickly became clear that there wasn't a new world order in that sense at all. It was pie in the sky. After the wall came down in Berlin and then the Soviet Empire collapsed there was a general assumption that all would now be for the best in all possible worlds. But of course it took about two minutes to realise that this was not going to happen and the world was now going to go on, but in a much more complicated and more chaotic way. The Cold War had simplified the world into three camps, but now they'd disappeared, those camps, and we were now faced with the same old chaos in a completely uncontrollable way which of

¹⁷ William Jefferson "Bill" Clinton (b. 1946). 42nd President of the United States (1993-2001).



course we're now living through all those years later when now the present situation is infinitely troubling.

Also as a third reaction to 1990, [*I took the view*] “Oh my goodness, I've wasted my time, everybody now will think this and will think my book is very uninteresting because everybody is talking about a new world order” and I thought it was going to be a revolutionary event so I was worried that I'd been writing about the wrong world, as it were, and that this new, benevolent world would need a different book. So it was a bit of a relief to discover that nothing had changed.

85. There was some criticism of your book, *Eunomia*. I'm thinking of Martti Koskenniemi¹⁸ - he called it a “baroque aesthetic”. Did this surprise you, Professor Allott?

Oh no, no. Not at all. It was a very very peculiar book.

86. Did it spur you on?

It pleased me in a way because, as I think I say somewhere in the book – probably the Preface, that it is not a book to join in with other academic books. It's supposed to be totally different; it's supposed to be like books in the past, written by people, and I hesitate to suggest an equation, but just in terms of style, books by Bacon¹⁹ or Locke²⁰ or Hobbes²¹ or Rousseau²² or Kant²³ or people like this, which are not academic books. They don't have footnotes. They are supposed to be a congealing or an amalgam of a vast amount of what's gone on before. So they're not in anyway what people have been saying about international law or what people have been writing about international relations, that was of no interest to me whatsoever.

What I'd done, before the book was published, was to spend fifteen years reading and reading in every conceivable field that might have any relation to the project and I see in my website, that has just been created, I've sort of summarised the project in two sentences which is a bit depressing; thirty something years of work you can summarise in two sentences. But I shall quote them: “The main focus of the academic work has been the philosophical reconceiving of the international system as the society of all human societies and of all human beings and of international law, as the law of that society. This work is involved in the investigation of society and the constitutionalism at three levels, national, regional and global in the context of social and legal and general philosophy”.

¹⁸ Martti Antero Koskenniemi (b. 1953). Professor of International Law and Director of the Erik Castrén Institute of International Law and Human Rights at the University of Helsinki. Visiting Goodhart Professor of Legal Science (2008-09).

¹⁹ See Q53 fn. 26, 3rd interview

²⁰ John Locke (1632-1704). English philosopher, known as the Father of Liberalism.

²¹ Thomas Hobbes (1588-1679). English philosopher. Liberal thinker: all legitimate political power must be based on the consent of the people who should be free to do whatever the law does not explicitly forbid.

²² See Q6, fn. 9, 1st interview

²³ Immanuel Kant (1724-1804). Professor of philosophy at Königsberg, Prussia. Philosopher and anthropologist



Although those are just two simple little sentences they do actually summarise the whole thing which starts from the idea that what's wrong with the world can't be repaired politically or diplomatically or by ingenious new systems, but it can only be repaired by changing all the ideas on which it is based and the ideas on which it's based are unconscious, or certainly subconscious, in relation to actors in the system. The actors in the system, politicians and diplomats and economic operators, obviously have no idea where the ideas came from that they use the whole time "The State", "The Nation", "Democracy", "Capitalism". Everybody just has to accept them and then they operate them and they turn these ideas into reality, that's their job. But that means that they are conditioned and limited by the ideas that there happen to be. And so the view I'd taken, even when I was in the Foreign Office, was that it's the ideas that have to be changed which condition and determine the behaviour of governments and economic operators and so on.

So the revolution, as I say a hundred times, would be in the mind and not in the streets. It would be getting people to see that there is an alternative way of seeing everything and I've encapsulated that on the first page of *Eunomia* as imagining an international society of all human societies and all human beings, not a society of states. The true international society is all human societies and all human beings just as that's what a nation is. A nation isn't its government, it's a society of all the people and all the societies within it. So one way I've always expressed it is that extrapolation to the global level of our best ideas of society at the national or sub-global level. That means looking into all the ideas that have made national society which have been accumulated over the course of some three or four thousand years.

The human mind had worked enormously on the problem of living together in society and it's made very great progress. Very clever things have been written and said about it and then the great criticism people have made of *Eunomia* that it's impractical. They always say "Well, what do you mean, what would change?" and so you have to explain the role of ideas, not only in the way people behave, but in changing the way people behave. I always use the example of Rousseau, because it's a famous question whether Rousseau caused the French Revolution. The correct answer is that he didn't cause it, but he made available ideas which turned out to be useful when the thing happened. In other words, reality then slotted in to what Rousseau and Hobbes and Locke and Kant and the others had been saying. These ideas were sitting there, obviously they were not known to politicians and diplomats, but when you had to explain the changing reality they were there.

So that's always what I said what my mission is, to create a coherent set of ideas which will be sitting there when the time comes and of course now in old age I believe the time seems to be coming through what is called "Globalisation". In other words, globalisation is actually the extrapolation of social phenomena to the global level and government is now taking place regionally and globally to a huge extent. Culture is now hugely global. The economy is almost totally global and so one is getting a little bit excited that everybody would be able to see that you do need a theory to fit the whole of this. It can't simply be a society of states any longer. There must be something as complex as we have to explain national society. I've always said it takes about a fraction of a second suddenly to switch your mind into this new way of looking at it, this social way of looking at it. You just suddenly say "Oh my goodness, yes, at the global level it's just a social problem".

We've had three or four thousand years of thinking about the social problem and that, I think, now is beginning to happen. People do see that this must happen and that it's ridiculous to go on thinking that international law is the law between states or international



society is the society of states, it's ridiculous. So when people say "how do you get from here to there?" I don't worry about it. It will happen. That's why I've started writing novels of course with the aim of trying to get to people who don't normally read extremely boring books published by OUP or CUP.

87. I wondered about that, Professor Allott, because it seemed to me your two novels published in 2005 and 2008, your *Invisible Power* are like a biblical parable, a deep message told in an everyday format telling the story in another way to another audience. I wondered at what point in your career you decided on this very interesting strategy?

Well, I mean it's partly out of despair in a sense that very very few people understood all these reams and reams of writing that I've done on more or less the same thing in a hundred different contexts. Also, the academic enterprise seems to be not useful. People as you know are reading books less and less. Even young academics now very rarely read a book from cover to cover. Very rarely. The new method, as you know, is to take bits, photocopy bits, or copy and paste bits and I think it's terribly unusual for them to read from cover to cover and as Martti Koskenniemi and the other people who have reviewed the book have said, they put it slightly more politely, that *Eunomia* is more or less unreadable. I've often wondered about the Japanese translation of it, because I think Hazlitt²⁴ said this of William Godwin²⁵ that "it would have been quite a good idea to put it into English first!". Because it is so difficult to read and many people from Ronald Macdonald's²⁶ review onwards have said that it "reads a bit like something from the bible".

A marvellous analysis of it has just been done by a young scholar called McDonald, I think, for his PhD in which he does a rhetorical analysis of it. He does it very well. It [*Eunomia*] is written in a very peculiar style and it assumed, now completely laughably, that people would read it all, because you mustn't miss a single sentence. As Martti Koskenniemi kept saying, it's constructed so that one sentence is followed by a second sentence changing one word from the previous sentence and then the third sentence changes another word, so you've got to read it absolutely carefully to understand it. But that was [*done*] completely conscious[ly], it's supposed to be a [*whole*] thing - a great structure of ideas. It is not supposed to be an academic book.

People are beginning to understand it, and a former student of mine Iain Scobbie²⁷ has written a marvellous essay on it for a book going to be published by Elgar Press²⁸ next year in a to be a handbook on the theory of international law, something like that. I don't

²⁴ Hazlitt, William (1778–1830). Novelist, philosopher and artist.

²⁵ William Godwin (1756–1836) journalist, political philosopher and novelist and founder of philosophical anarchism. Was used as a character in Hazlitt's book, *The Spirit of the Age: Or, Contemporary Portraits*, 1825.

²⁶ Ronald St. John Macdonald (1928–2006), Canadian jurist, Dean of Law, University of Toronto (1967–72) and Dalhousie (1972–79).

²⁷ Iain Scobbie, Sir Joseph Hotung Research Professor in Law, Human Rights and Peace Building in the Middle East, School of Oriental & African Studies

²⁸ Edward Elgar Publishing <http://www.e-elgar.com/>. Iain Scobbie, "The holiness of the heart's affection: Philip Allott's theory of Social Idealism". In: Orakhelashvili (ed), *The Research Handbook on Theory and History of International Law*, Edward Elgar, Cheltenham.



agree with all of it, but I admire him very much, and he's made an enormous effort to understand the whole thing and to communicate it. This theory of mine eventually came to be called "social idealism". I'm now perfectly satisfied with that as a title - "Social Idealism". The idealism obviously fits it into a huge philosophical tradition which says that reality is formed from ideas on one hand, and, going back to Plato, that the ideas can be ideas of the good. In other words, that ideas not only construct reality, but can be a force for changing reality, which is called an ideal.

So it's idealist in the two philosophical senses - that it looks at reality as a simple structure of ideas, and also that reality contains the possibility of its self-perfecting, which is the Platonic idea. So I want to apply that now, and that's at the root of democracy and indeed of capitalism. Those are idea systems that contain the possibility of their own self perfecting. That's what they are - very very clever. One wants to have that available now at the global level - a structure of ideas which contains the possibility of its own self perfecting. That's the message I want to get across.

So those novels are about a group of people who decide that they want to do this. They want to get people to understand what the international and social systems are generally like but then to change it and improve it and they realise that you have to do that subtly. You can't just shout at governments. They'll never change. They just have a vested interest in all the existing power structures. So you have to somehow subvert all of them and so this is a conspiracy of some rich and good people who are going to subvert government from within and plant these new ideas. In the latest one that I've got half way through at the moment, the third one, they've got to succeed - they have to prevent world war three which seems to be looming. I'm yet to discover quite how they do it, but in the course of it they suddenly cause millions of people to see things in a new way and the hero of it becomes very famous. He's always had Christ-like tendencies and now he sees himself as a redeemer.

88. This must be Greg?

Well, it's... I don't know whether I'll be able to finish it. I've got to try. I've just finished chapter ten out of twenty of it and we shall see. But that's the point of them really; it's to get people thinking about this. They don't have to accept what I'm suggesting, but it's just to get people thinking.

So far that's been about the only success I've had - that people in the Law of the Sea, people in environmental law, people in obviously global forms of law have begun to think socially. It's obvious. Think of environmental law - you can't possibly [*not*] think of it and I took this view about the Law of the Sea. I wrote a few articles on the Law of the Sea because I became very excited by that - it's a thing shared by the whole world, [*so*] it's got to be sorted out by the whole world, got to be run by the whole world.

I tried to suggest that the Law of the Sea convention concealed a very good philosophy within it. It was done by very tough bargaining among governments but sort of concealed a hidden message of a slightly better view of the world. So it's seeping in, in that sense, and this global economic crisis at the moment has caused lots of people to think and write about how on earth we live externally with things we couldn't possibly tolerate internally - degrees of chaos.

89. Would you recommend this technique to others who might have difficulty with contentious or complex issues?



Yes.... I wouldn't recommend it to academics, although academics I think may be going through a crisis and not only the famous one about how to finance the universities and so on.

[For] academics in the humanities it's a very difficult question - there are now tens of thousands of journals, tens of thousands of books, which nobody can possibly read. I think young academics may be beginning to ask themselves "What am I doing?". Fortunately most of them still don't have a missionary purpose, a missionary zeal. They see their job as teaching their assigned teaching and producing the books and articles that you're expected to produce. But I do wonder whether the time will come when some of them say "What on earth am I doing? Nobody reads what I write. I have no effect on anything". That will not lead them into novel writing I don't think, but it will be quite an interesting crisis.

90. In your *Invisible Power 2* there is some very beautiful prose and I'm thinking of chapter fifteen when Greg is on the north Norfolk shore. Was it something of a release to be able to write in this way unencumbered by facts?

Yes, enormously. You're so right. I was just thinking the other day when I was writing that I popped in something completely preposterous and I said to myself "God, you could never put that in the American Journal of International Law!" When you're writing creatively you can say anything. It's marvellous. That is a huge joy of it. In the second one, *Invisible Power 2*, I have this huge annex which is designed really to a general education - to suggest that behind these very simple goings on there must be the whole of civilisation and accumulated human thought. It's just to remind people that behind these very ordinary goings on of life there's a vast wealth of human experience and human thought which nobody's aware of.

In the past, people, particularly in these universities, would have known about it, what Greece and Rome and China and India contributed and so on, people wouldn't have known very much, but would have known. Now you can't rely on that so that was the symbolic purpose of it, to remind people how incredibly interesting the background to everyday things is, because people accept everyday things as if they were just sitting there - as if they'd come out of nowhere, and [yet] they've all been created by human beings thinking. It's amazing, so I've said a million times "Why should we stop thinking?" - all our predecessors have thought and things have sort of changed, for better or for worse they've changed. Why do we stop?

That's why I've been so obsessed by the awfulness of 20th century philosophy, about which I've written fiercely, because at the very worst moment, when people were behaving in a most unspeakable manner, philosophers said "Well, philosophy's a matter of words and you can more or less think what you like, anybody can think anything they like, there's no such thing as truth, good is just a polite name for pleasure" and so on. That was a terrible thing to be saying and it wasn't correct because philosophy is not just simply words, it's constructing a view of the world and a view of the mind which is useful, and if you stop doing it, everything will decline. So that's why I have an absolutely obsessional interest and that, I tell you, is a very uphill task. [But] even philosophy now is beginning to change and people are getting back much more to substantive philosophy which means eventually getting back to Plato and Aristotle from which all Western philosophy comes. So there are signs that that is beginning to change.



91. Professor Allott that brings us to some of the themes which reoccur in your works and I wondered whether you'd like us to stop at this point and deal with these in a further interview or would you prefer to carry on?

We could carry on a bit longer perhaps.

92. You've already mentioned that it was fundamentally to change society and international law that your publications were directed over forty years of publishing, and certain topics are recurring themes in your books and your papers. I wonder if I could ask you to comment specifically on some of these and to learn if you've observed any improvements towards your preferred position over the time during your career?

So if we look at them, perhaps over some broad headings, starting perhaps with the global level, where you diagnosed that the world and the general political and social situations were in a dreadful mess during the 20th century. I'm thinking here of the wars, the ruthless tyrants, the conflicts and so forth. In your New World you talk about a "new world disorder" that is still very much with us, and in your 2006 Alec Roche Lecture you sum it up as the "Madness of the International World".

Yes, I've always used the word "madness" to describe it and I don't think that's a peculiar or provocative word to use. Then people say "What do you mean by madness?" and it is living within a reality which is unreal, dangerous, undesirable in the long term, and I think the human race, particularly in the 20th century, did, sort of, go mad. The human race became a danger to itself because it was living in a reality which could only lead to self harming and self destruction, which is using the crude word, "mad". Madness is what Foucault's²⁹ analysis said is a thing you define conventionally. It's not an absolute state. But if you define it conventionally it must involve that - it is going into a reality which in the end is self harming and self destructive.

Who was I reading recently? Oh, I think it was one of the pre-Socratic philosophers, Democritus³⁰ saying a thing that a million people have said, namely that if all the world except half a dozen people were mad or ill, they would say those half a dozen people were mad or ill. They would regard themselves as sane all these mad people. That's the feeling I've always had and sometimes one used to look round say at the Security Council and General Assembly and think "this is a madhouse. It's mad" this can only lead to terrible results. But it **seems** rational. They're all dressed in beautiful suits and speaking very well, but it leads to one hundred million dead and most of the world suffering, it seems obvious that it must be mad. People think I shouldn't use such a strong word, but I think it's almost literally true. On any conventional definition of madness.

But it does put one in a difficult position. For example, on a thing like human rights...., well, a thing like war for example. I remember saying to Christopher Greenwood³¹, who was the great man on the law of war (he's now on the international court), when he was a student here, that there should be no such thing as the law of war. Don't you realise to put

²⁹ Michel Foucault (1926-1984). French philosopher, social theorist and historian of ideas. Professor of History of Systems of Thought at Collège de France. Author of "Madness and Civilisation" (1961, *Folie et déraison. Histoire de la folie à l'âge classique*).

³⁰ (ca. 460- 370 BC). Greek philosopher born in Abdera, Thrace. Pupil of Leucippus. Formulated an atomic theory for the cosmos.

³¹ Christopher Greenwood, (b. 1955), Judge of the International Court of Justice (2009 -)



the law and war together is terrible. You can't have a law of war. It's ridiculous. War is mass murder and indiscriminate destruction of property; you can't have a law of that. So I've never had anything to do with the law of war. Of course it's now a huge huge subject and it's got a classier name "humanitarian law" or something, which I still can't apply my mind to at all. I've always taken the view that in a war you should win it as quickly as possible, do anything necessary to win it. The job should be that it should stop in three weeks, but by any means it should be stopped.

Of course one isn't the first person to say that - people have been saying that since the dawn of time. War is a disgrace to the human race, but then it was bureaucratized in the League of Nations and the United Nations. Governments got together and said "I'll tell you what, let's have a bit of a system for war. We'll only go to war and murder our ordinary people by the million if we can't talk ourselves out of it for a bit". Unbelievably terrible.

I made a huge study of the origins of the First World War and it is infinitely sad. These were highly intelligent people on both sides, but somehow they got themselves into this position. It's incredible on that day in 1914³² they got tired and said "Oh dear that's right, somebody better invade somebody tomorrow" and then it was four years of unspeakable horror. As an academic, you're not supposed to be emotional about these things, but I don't see for half a second how you can be unemotional about war.

I formed very strong views on human rights as well when I was in the Foreign Office. I refused to have anything to do with them, human rights, the law of human rights, because I think that, and other people have now taken up saying this much more, that they were a very unfortunate development after the Second World War, international human rights. They reduced to a series of texts, formulas, the most ultimate human values. They devalued the highest human values. They made them stuff that lawyers work on and make money out of. That's terrible. Governments liked them because there they were and they could argue "No M'lord, look at the comma in article forty two, it's after the word "if" and that means we haven't breached human rights", incredible.

Other people are now saying this. David Kennedy³³ has written about it, that these can be dangerous figments of the imagination, and governments, as I've always written, should be terrified of human rights. They shouldn't have well paid lawyers dealing with them, they should be frightened. That's how the rights approach began in this country from mediaeval period; they were just things we shouted at the King - "I'm terribly sorry, you cannot do that". That eventually became vaguely codified in the Bill of Rights and then in the American Bill of Rights and then in the French Declaration of Rights. So it's gone downhill, but when we said it to mediaeval Kings and Tudor Kings, we meant that "I'm terribly sorry you're not respecting the fundamental values of our society, you may think you can do what you like, but you can't". Now we can't use that argument - all we can say is that you should be in breach of Article 17, paragraph 2 or something. It's ridiculous. So I feel a bit strongly about that.

93. Do you think that after the false dawn of the Berlin wall collapsing, that humans with all their cultural and political differences can really bring about a new order?

³² 28th July

³³ See Q50, fn 19, third interview



No. Well, I think the problem has changed because of globalisation. Namely, that if you left it to governments and asked international corporations, obviously nothing would ever change. They would keep drafting things, like the things we've discussed before, the friendly relations, the declaration against aggression and all that sort of ridiculous thing, but I think the whole situation is now changing so dramatically in that as more countries take off, to use a phrase that was popular a long time ago (I think it was Gene Roster [LD: *uncertain spelling*] who invented it) but then went out of fashion but now is in fashion again. Countries like China and India and Brazil and others have been taking off to join the most advanced countries. So the world is changing in that sense. Socialisation at the lower level is now going so fast, and the recent obvious events in the Middle East are connected with it, that people's expectations are changing. That was a very popular way of analysing social situations some years ago, and then again went out of favour. People in a society have expectations and it's the question of what those expectations are and who creates them. Obviously tyrannies absolutely switch off people's expectations, indeed can lead to them not having any expectations at all, but as soon as they start having expectations you're essentially in a revolutionary situation and because of the internet and Twitter and all these things I don't know about, it probably is the case that the expectations of ordinary people are changing even at the simplest level. They want cars and washing machines and all the rest of it, and then they suddenly turn round and say "Why on earth haven't we got these things? We see them on television every day of the week". It happened in Eastern Europe, they just couldn't understand. "Why have we not got all these things?" So I think something sort of revolutionary is happening in what used to be called "Revolution of Rising Expectations".

You can stop them - in China, as you know at the moment, it's desperately trying to stop this. Stop people looking at foreign television and the Internet and so on. Awful as television is, if they, on these ridiculous programmes, see all these things obviously they'd just sort of ask themselves "Why on earth don't we have them?". The fact that in the Middle East they've sat there, thirty, forty, fifty years without any real progress, is unbelievable. So I think there's a sense in which, although 1990 left the structure just as it was, the international structure is just the same as it ever was, something underneath that structure is changing, and in the direction one would want enormously. So I've been very keen on regime change. I was very keen on the Iraq War, because I think they should have got rid of all these people - all these corrupt criminals have been sitting there for thirty, forty, fifty years running these countries, it's unbelievable.

94. Do you envisage a new order as being some form of super state with a universal law?

No. That's again what people have accused me of. "Oh you want a super state governing the world, don't you?" Did I tell you that story about the demonstration against me in Indiana?

95. No.

I went to give a talk at the University of Indiana and outside the room there were people distributing leaflets and there were police. I didn't think much about it. Then somebody told me it is a group.

The title of my talk was something like "Towards a New World Order", a talk I'd given a million times. Apparently there's this group of extreme right wing Americans for whom the phrase "New World Order" is dynamite, because they see that as being a



conspiracy to destroy the United States, so they go round demonstrating. This was the only demonstration I've had against me, I think. These people came in and sat in the front row and in question time they started asking questions. One of them said "You're in favour of world state and destroying the United States aren't you?" And I said "Well it's funny that the one thing I'm totally and absolutely against is a world state and world government. We're unhappy enough about our own governments and states, the last thing we want to do, it's an utter nightmare, is to create a world state." So that rather silenced them. Then one said "All this stuff about human rights, that's trying to impose foreign values on America isn't it?" And I said "I'm terribly sorry to disappoint you but I've spent my life saying that human rights are a very bad thing" and that also silenced them. It was very funny.

Afterwards I was told that this group had murdered a Judge in Chicago who had decided to put one of their lot in prison or something. I hadn't known before I went out who exactly these people were, but thank goodness I'd given the right answer to these questions otherwise they might have shot me, I suppose.

That's my answer to people who say "Oh you want vast institutions" - the last thing I want. I've been writing against governments forever.

96. That is one of your preoccupations - that you place much that is wrong with the world at the door of the nation state, which is a very bad vehicle for human harmony. To quote from *Eunomia* page 24 - "Corrupt, arrogant, incompetent governments".

That's putting it mildly, to be quite honest. You have to remember, I don't know what the number would be, the number of what I called "criminal conspiracies known as governments", it's all they are. In the latest novel, one of the suggestions that I've got is to stop what I call "red carpetism". It's ridiculous that [*for*] these wicked criminals called presidents and so on, they roll out a red carpet - they should be shot. So they're going to advocate the abolishment of the tradition of red carpets at airports, because it's mad. These are criminals. They're like Mafia people - they've stolen the resources of the people, they've put it in Zurich, and they are their family then live like mediaeval potentates and we treat them as respectable people.

97. "Nowhere has human demoralising been as relentlessly practised as in the international realm inhabited by states" and that's from one of your articles in the *European Journal of International Law*³⁴.

Morality in the international system is a very great problem, because morality in national society is a problem, a huge problem. It use not to be a problem when there was a lot of religion around because one of the main functions of religion is to explain morality and enforce morality. But when religion declined, or when you get into a completely cross cultural situation where you can't rely on any particular religion, it becomes incredibly difficult to know what the basis of morality should be. So morality then remains as a rhetoric and it's a rhetoric available to governments because it's a very upmarket rhetoric, but it may be based on nothing whatsoever.

When I used to give lectures on law and philosophy and was doing the history of moral philosophy I suddenly looked at the students and realised that perhaps they had no conception of morality. If they're not religious, what on earth does it mean? Why should one do this? Or should one not do that? Why?

³⁴ 1999, *The concept of International Law*, 10, 31-50. p. 50, para 46.



It was discovered in the nineteenth century, when religion declined, there were about a thousand, or ten thousand books on the basis morality. How can you possibly find a basis, other than religion, for morality? Well that is what Plato and Aristotle wrote about enormously, The Good. Morality is not in any powerful sense available internationally and I think I may have quoted before Cavour³⁵, the Italian statesman who said “We do things internationally we’d not dream of doing nationally”. In other words, they’d be just immoral. That is a huge challenge, and my only answer to it is that morality obviously must depend on the cohesive values of a society, and until we get the self consciousness of the international system, as a society, there will not be high values shared. Human rights are not global high values, as people keep calling them; high values are much higher than that. But as soon as you’ve got a society you must almost, by definition, have a cohesion of high values. They’ll be unspoken mostly, and then some of them are embodied in the law - that’s one of the functions of the law, to embody society’s highest values.

Internationally too, when we have a human self consciousness, global self consciousness of us all belonging to a society, then it will become more obvious that there must be high values even for the whole of humanity. What they’d be I don’t decree. People keep telling me that you should draw [them] up. Not at all. Societies develop in the deepest evolutionary way a sense of their own high values and then morality becomes a deduction from these more or less unspoken high values. I think they will emerge and again a million classical philosophers have written about this problem of humanity’s intrinsic stoicism - that’s what stoicism is about, humanity’s intrinsic high values. That’s why I have these things in the novels to remind people that one or two people have thought about these problems, quite intelligent serious people have thought about them, and all this stuff is available when now we’re faced with the ultimate problem which is the high values of the whole of humanity. You can’t think of a more interesting subject for a philosopher than that, can you? How should humanity see itself as a self perfecting species? How should it imagine itself?

Perhaps we should stop there because my voice seems to be going.

98. There are quite a few more concerns which would be interesting to hear about, Professor, so all that remains for me is to thank you so much for yet another outstanding interview and I look forward very much to continuing, hopefully next week.

Well, I thank you for having the kindness to listen.

99. It’s been my pleasure and a privilege. Thank you.

Another thing in writing the third novel is I have to decide eventually who marries whom. Which is a lovely feeling of power. I think I know who’s going to marry whom.

100. Such lovely characters.

I’m afraid one of them has to die of old age, but...

101. The cardinal perhaps

No, I’m afraid the Countess is going to die eventually. Mr Gray has bought an island in the British Virgin Islands and I can’t decide whether he’s going to go mad there like Marlon Brando in that film.

³⁵ Camillo Paolo Filippo Giulio Benso, Count of Cavour (1810-1861).



102. *Apocalypse* I think it was called.
Apocalypse Now.

103. That's right.
I can't quite decide.

