

## Conversations with Professor Philip James Allott

by  
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### Fifth Interview: Scholarly works

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*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.

#### **104. Apropos Professor Allott's last novel in the *Invisible Power* trilogy.**

That's a cave painting in France. It's a so-called Irish elk.

#### **105. Beautiful. Did you retrieve these by subject searching?**

No, I knew what I was looking for. Needless to say there are hundreds of things for each, and I just chose each of the people I wanted and I chose the most interesting one. But I think again it might just help the reader a little bit, instead of just a sort of philosophical discourse, to identify an actual person.

Rupert is taken to that thing that comes in the first book, the cabinet of curiosities, by Mr Gray, and invented a whole picture of civilisation, so like Edmund before him, he's taken to be instructed about the philosophy of the world.

#### **106. Is it some time before your book will appear?**

I think I've probably done half of it there, that's on page 99. So there's another nine chapters to go and the notes. If I live so long.

Right, where were we?

#### **104. Professor Allott, at the end of the fourth interview, we began to discuss some of the recurring themes in your published works. The last point you made was apropos the undesirability of formalising human rights, and earlier you said you were strongly**

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**against the advocacy of some superstate or universal law. I wonder if we could return to these topics, and in particular if you could outline how you envisage governance would be practically achieved in some new world order, bearing in mind you place many of the ills of the world at the door of what are currently called nation states.**

I always get a bit nervous when I hear the word practically, because as somebody, I think probably Hegel<sup>3</sup>, said, theory is the ultimate form of practice. People when they use the word practical usually mean sort of pragmatic materialist, factual things, but I certainly take that view which obviously goes back to Plato, that it's actually ideas that make the world, and that if you manipulate ideas, try to change ideas, you're doing the most practical thing imaginable.

And not unrelated to that is the thing I've said a million times, which is that it is not my job to suggest what, particularly the institutional forms, that this new kind of international society would have, because partly the reason I've just given, that I'm not in that business. Also because I take the view associated with the name of Edmund Burke<sup>4</sup>, that constitutions are evolutionary phenomena. He took the view when he was writing so fiercely against the French Revolution that it was crazy to attempt to create a constitutional system rationally. You can't do it. And he thought that the French, in their sort of enlightenment mode, were simply destroying the whole of a thousand years of French society, and trying to create a completely new thing intelligently and rationally. That got Edmund Burke extremely agitated, basing himself obviously on the British experience where we've never, ever planned the British constitution. It has evolved. Evolution - it's almost more than metaphorical that as challenges come down the centuries, society must respond in order to survive.

So it sounds metaphorical to say evolution, in the case of constitutions, but it is almost factually the case. Britain is the most perfect example of that, because we've been under threat since the Romans left in the year 410. Endless challenges, and the constitution is the product of those. You can identify the challenge and the response. That's the sort megahistorian Arnold Toynbee<sup>5</sup> analysed - the whole of history as challenge and response. He wrote about it in 12 volumes or whatever it was. That's certainly true of British history, it's challenge and response. So I take that view of the emerging international society, that actually its forms, particularly its institutional forms, will be the result of challenge and response, they will just emerge, and some of us may have an in advance prejudice against certain things that we do not want. Those prejudices will be based on our experience of national societies and over powerful government is one of the things which has challenged us all, certainly in Europe, and of course all over the world, for centuries.

Democracy in itself could be seen as the response to the challenge of government that regards itself as absolute and total. We were lucky in Britain in that we saw that earlier than any of the other European countries, with the possible exception of Holland. We saw that that was the great problem, how to stop somebody getting hold of government, and regarding themselves as in total power, like Louis XIV<sup>6</sup> in France. Before Louis XIV, in Britain, we'd

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<sup>3</sup> Georg Wilhelm Friedrich Hegel (1770-1831). German philosopher.

<sup>4</sup> Edmund Burke (1729 - 1797). Anglo-Irish statesman, political theorist, philosopher, Whig MP

<sup>5</sup> Arnold Joseph Toynbee, (1889-1975). Professor of Modern Greek and Byzantine History, Kings College London

<sup>6</sup> Louis XIV (1638 - 1715), known as the Sun King. King of France and Navarre (1643 - 1715).



already told our kings to stop this nonsense, you do not rule absolutely. The only one who got anywhere near it was Henry VIII<sup>7</sup>, the founder of this college, who sort of thought that he was absolute, and of course in the end did one or two absolute things, such as the English Reformation. Nobody since has been able to be absolute in this country, not even James I<sup>8</sup>.

So the development of democracy, and the theory of it, particularly by Hobbes<sup>9</sup> and Locke<sup>10</sup> in the seventeenth century, was necessary to explain how a country governs itself without an absolute monarch. In other words, how the people can govern themselves, against the threat of absolute monarchy. Other countries followed suit, as it were, and eventually democracy as it now is, with an enormous difficulty, is expanding across the world, God willing, to get rid of all these dreadful absolutist governments. Probably 70 per cent in the world I should think are either absolute governments in a single person or in an oligarchy, a party, like the Russian government is, the Soviet Communist party as it was, or Chinese Communist party as it now is. So at the global level, I don't know what institutions there will be, but as I say, one has deeply based constitutional prejudices on the matter.

**105. Globalisation is another of your recurring themes, and you've said that with globalisation, diplomacy has given way to collective government, and war has given way, and I quote, "to the management of public world order, so that uneconomic cultural and anti-social phenomena flow promiscuously across national frontiers". That was in your 2006 Alex Roche lecture.**

Yes, globalisation therefore is a very ambiguous phenomenon. On the one hand it quite obviously is an emerging socialisation of the world, everybody knows that, economically, culturally, politically, and even governmentally and administratively it's a socialising of the world. But of course the risk of it is, because it tends to therefore override national systems and national traditions, the risk of it is chaos, that it will become impossible to organise and control anything. I've been writing about that recently. I keep using the word autonomic - now world is becoming dominated by autonomic systems, that's to say systems that regulate themselves. As we've seen in the current financial crisis, the economic system now is really beyond control, things just happen. It may be happening in security now in the Middle East. Very good as it is in some ways, what's happening there, nevertheless it is a disintegration of existing horrible systems and could led to the most terrible chaos.

World culture, which we've talked about for centuries in civilisational terms - high culture - there seems now to be the possibility that the culture of the masses, popular culture, is simply taking over, and high culture is declining. Civilisation is an ordering of the mind and the spirit, in our old conception of civilisation, and that's not only a European conception but a Chinese conception, and Indian conception, that ordering force of higher civilisation may be disappearing and nothing then will regulate the world. Morality will become even more relative. The Enlightenment in Europe noticed that morality is extremely relative and

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<sup>7</sup> Henry VIII (1491 - 1547). King of England (1509-1547)

<sup>8</sup> James (1566 - 1625) was King of Scots as James VI (from 1567) and King of England and Ireland as James I (from 1603).

<sup>9</sup> See Q86, fn 19, 4<sup>th</sup> interview

<sup>10</sup> See Q86, fn 18, 4<sup>th</sup> interview



relative to the country and as Montesquieu<sup>11</sup> said, it's relative really to the climate. A moral system just depends on geography, he said.

So if morality becomes completely relative, if science takes over all progress, as it very nearly has done, then civilisation disappears as a high ordering concept, and if the economy becomes completely autonomic, global economy, then that is the downside of globalisation, which is extremely worrying. So one is at the moment in enormous doubt about the phenomenon of globalisation. It's unstoppable, but it is terribly uncertain whether it will go in the direction I want, which is the socialising of the world at last, or whether it will go in the exact opposite direction into more or less global social chaos.

**106. If your vision of a global legal system for humankind worldwide is to be achieved, then globalisation in some guise is inevitable.**

Yes, what I've always said, and I think I may have said it before in these interviews, is that in the end what, God willing, will determine it, is the consciousness of the world, and that's what I'm working on, what people call theory of philosophy. In other words, the inevitability of globalisation going whichever direction, can only be taken over by better ideas, and so two of my slogans that I've repeated a million times, there's a revolution in the mind, not in the streets, and the only power over power is the power of ideas. Those are really the central ideas.

The power of ideas over power, let's say over public power and governmental power, we have to remind people, in my view it's a great part of what universities are for, at least on the humanities side, to understand. It seems incredible that it should be so, but that people should be led to understand how power is organised and how power is organised in relation to ideas that transcend it. That seems to me what university education should really be about. So all the humanities subjects, in my view, are departments in that project of getting intelligent young people to understand how the world is, and therefore to feel empowered in relation to it. When we say a word about literature at the end, I will say something more about the importance of literature.

**107. Another of your recurring themes, Professor Allott, is with the problem of inter-governmental organisations. We have already embarked in this country on some form of political coalescing, but you predict that the European Union is currently on the wrong track, and you argue for the establishment of a genetic European nation, in your *Health of Nations* on page 131. What would this entail?**

Inter-governmental organisations are a great problem, because they're a huge rationalising of the world, they're governments getting together across frontiers. It's governing rationally, in the tradition of the rational civil service, the world. In some sense one must welcome it, but of course that involves a great net increase in the power of governments, the power of the executive branch of governments, and as I was saying, the whole of our history, the central theme of it, is about the problem of governmental power - how you take power over governments. The solution we found, which was called the Rule of Law, we discovered the beginning of the seventeenth century, with Francis Bacon<sup>12</sup> and

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<sup>11</sup> Charles-Louis de Secondat, Baron de Montesquieu (1689-1755). Political philosopher of the Enlightenment. His theory of the separation of powers had great influence on liberal political theory.

<sup>12</sup> See Q53 fn. 26, 3<sup>rd</sup> interview



Edward Coke<sup>13</sup> and so on. That was our first solution to it, the Rule of Law - the law is above governments. So we told James I, "I'm terribly sorry, you're under the law, you are not the law yourself as you think you are. You are under the law."

Then the second solution was democracy, that's to say that the people should say what the law is. That took rather a long time even for us to achieve in this country. There was in the eighteenth century a sort of oligarchy system of government, which was better than absolute minority rule, and it was the wealthiest and most pushing people in society that ran the country. Then in the nineteenth century we gradually extended it to everybody taking part in the government of the country, at least by choosing the government, and then through public opinion, which began really in the eighteenth century, where people could shout about what was going on and have an effect. Nationally it was a struggle.

We're faced internationally now with hundreds of inter-governmental organisations, regulating practically everything, that the public knows nothing about. It's hardly heard of them. They're not subject to national democratic processes - they're impossible to control from a national parliament. They're not subject to public opinion. Public opinion knows nothing about them.

Then the European Union came along, which, I've got to restrain myself, is really the externalisation of government, executive branch government, to cover the whole of Europe, now over 500 million people. What they did was to attach to the executive branch of government, the European Commission and European Council, to attach to it, the European Parliament and the European Court - that's to say something democratic and something [*of the*] rule of law. They thought, oh, that's very straightforward, everybody knows that's the way democracy works - you have strong central government, you have a parliament, and you have the rule of law, everybody knows that's what democracy is. But unfortunately, and I've written what must be thousands of words on this point, they forgot that only works within a society. You can't just have it, these institutions, sitting there. The only reason it works in Britain or France or Germany or wherever is because there is surrounding it a great complicated society of people, who think and shout and have interests and struggle. The institutions are their servants, not their masters - that's the secret of democracy.

The people who created the European Union, were not the British. We rather stupidly failed to take part in the original structure. They, being Continentals, [*were*] very formalistic, and I must say, extremely recent converts to democracy to put it politely, thought it was a formalistic problem, and that's never how we've seen it, for half a moment, in Britain. So this has led the British to be extremely unfriendly, hostile, towards the European Union, which we see as a source of absolutist pan-European government, over which we have so little control. It is a huge problem.

I wrote a thing called *The Europe of the Mind*<sup>14</sup>, because the only way to solve it is to create the consciousness of a society. There again, they're aware of this problem, but they

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<sup>13</sup> Sir Edward Coke, (1552-1634). Jurist. Coke's decision in *Dr. Bonham's Case* (1610) (8 Co. Rep. 113b) has been cited as the origin of the concept of judicial review.

<sup>14</sup> *Debating Europe's Future*, 20 October 2003, University of Cambridge Seminar Series. The future of Europe was the focus of six seminars held in the Faculty of Law at the University of Cambridge, starting October 2003. The last seminar (February 2004) considered the future of European culture, the Europe of the mind, and the potential role of artists and intellectuals in making Europe's future.



were doing stupid things like saying “we must be closer to public opinion, we must issue lots of explanatory statements and we must allow parliaments to address us and look at what we’re doing”, and now even, “we must allow referendums if a million Europeans want to question what we’re doing, they can have a referendum”. That’s completely stupid. And that’s not the problem. *The Europe of the Mind*, and other people have written about this, is remembering that the more interesting part of European history is the culture of Europe. We have had in Europe for the last 3,000 years an amazing culture, which strictly speaking has been exported to the whole world. We’ve huge experience and a huge number of ideas about these problems, and these governments, who’ve created the European Union, are themselves the product of that history, but they’ve sort of hijacked the fact of it into the European Union. So I’m fiercely in favour of European integration, I think we should all belong together and have an identity, in addition to our national identities, but that it should be translated into a vast bureaucratic governmental machine is a nightmare.

How do we get over that? It’s now 500 million people with very little power and effect in the world, compared with the United States and China. It’s a desperate problem, and it’s almost impossible to imagine how it can be solved. The British, at the governmental level, hold back so much from participating fully in the system, they just do what is useful to Britain. The general public in Britain just despairs of the whole thing and doesn’t want to hear anything about it, and we cannot trust Germany or France or Spain or Italy or even the Scandinavians, who are sensible people, we can’t trust them to do the necessary.

We’ve just had this fantastic fiasco over the drafting of so-called European Constitution, which was utterly ridiculous. It was 500 pages of stuff, in order to get closer to the people. Very sensibly it was rejected by the Dutch and the French people<sup>15</sup>. They went off and revised it, removed the name constitution, it’s now called the Lisbon Treaty<sup>16</sup>, and it’s still 500 pages of nonsense, and they think they’ve done the most wonderful thing. They think they’ve popularised and democratised it.

If I could just add one other point that applies to inter-governmental organisations in general. At the heart of democracy is a very tricky problem called representation, the theory of representation. An amazing thing I discovered, I was very excited when I discovered it, is that already in the fourteenth century, when our parliaments began, people noticed that representation is a two way street. It’s amazing, they noticed this in the fourteenth century, that there is an ascending form of it, where the people give authority to somebody to act in their name and on their behalf, and then when they’ve acted and made the law, there’s the descending aspect of it, that that binds the people. The people are only bound because they authorised it in the first place, and that sort of circle of ascending and descending representation is a very subtle thing. It varies from year to year and from time to time, the consciousness of it and the fact of it. We’ve had to keep modifying it, to introduce more people into the circle, by extending the suffrage, by improving the newspapers and so on, so that in the ascending part we can have more effect than just putting a cross on a piece of paper.

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<sup>15</sup> 1<sup>st</sup> June 2005 and 29<sup>th</sup> May 2005, respectively.

<sup>16</sup> See <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML> for full text of the Lisbon Treaty.



It's a terribly complicated matter, and in inter-governmental organisations it's not clear how, if at all, the theory of representation applies. The downward side of it applies, they make hundreds of decisions and even laws in these inter-government bodies, but the upward side of it, the ascending, doesn't exist. That is a condition of democracy, and it's terribly hard to get that across to people, particularly Continental people, who, as I say, have terribly little experience in democracy. But already in the fourteenth century people noticed that it's a bargain - we give you that authority, and then we accept what you do with it, but we keep watching you, and we may chuck you out in the next election if you don't do what we like. It's terribly complicated. Of course in the European system, you can't chuck them out. They just go on and on and on. I could talk till the cows come home about this, but that's the essence of it.

### **108. Professor Allott, you recently spoke before an EU Sovereignty Commons Committee. Is there anything that you....**

That's very similar to this problem because, I'm not sure if I mentioned before, that there is before Parliament at the moment a thing called a European Union Bill, which some of it's what is called the Rescue of Sovereignty Bill. It's a very peculiar Bill that will require governments here in Britain to get permission, either from Parliament or by referendum, to take any decision in the European Union which might extend the powers of the European Union. They see it, the supporters of the Bill, as rescuing what they call the sovereignty of Parliament. They say the sovereignty of Parliament has been damaged, if not completely negated, by membership of the European Union - the British Parliament is now a subordinate. European Union law is supreme even over Acts of Parliament. They see this as a wonderful piece of rescuing the essence of the British constitution.

I gave evidence to the House of Commons European Community Committee<sup>17</sup> telling them they made one tiny error, namely there is no such thing as the sovereignty of Parliament. I wrote an article on this in 1979 called "The courts and Parliament - who whom?"<sup>18</sup> It's a mistake created by an Oxford professor called Dicey<sup>19</sup> in 1870 or thereabouts. We don't have a sovereignty, an internal sovereignty in Britain. The whole point of our constitution is that the three top things are on a level, Parliament, the courts, and the executive, are in a separation of powers, which of course was copied in the American constitution in 1787. The American constitution of 1787 is a most brilliant expression of this idea that none of them dominates the other, the president, congress and the supreme court are in a sort of struggle on a horizontal level.

Here the situation is very, very similar, because we developed this in the seventeenth century, and the Americans borrowed it. The courts, strictly speaking, because of the rule of law, have the last word, and that's the British court, the Supreme Court here, and the European Court in Luxembourg, have the last word on the law. Parliament makes laws as it feels like, and the courts interpret and apply them, and the executive does its executive job, and in Britain, dominates Parliament in practice. So there is no such thing as the sovereignty of Parliament. Dicey made a mistake. Dicey's other fundamental principle of British

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<sup>17</sup> See Q36, fn 43, 2<sup>nd</sup> interview

<sup>18</sup> *Cambridge Law Journal*, 38, 79-117.

<sup>19</sup> Albert Venn Dicey (1835-1922), Vinerian Professor of English Law, Oxford (1882-1909), constitutional lawyer.



constitution was completely brilliant, namely the rule of law. He said that that's a fact, and he's 100 per cent right. The rule of law is the great secret, that everything is under the law, and Parliament is under the law. Parliament's powers are those recognised by the law. It can't have any other powers.

That's the theoretical problem. The other problem is that in the twentieth century, the executive branch more or less took over Parliament, and people wrote books about it called *The New Despotism*<sup>20</sup>, three famous books by judges, oddly enough, saying that we're getting back to the old Tudor period, Henry VIII, with the executive branch owning Parliament. It has hundreds of its supporters, it has 120 junior ministers or whatever, it has another 100 who are waiting to get a job, so the whole thing is dominated by the executive branch.

So if you ([Allott speaking to the Committee] these silly members of Parliament), talk about the sovereignty of Parliament, actually you're talking about the sovereignty of the executive, which seems a bit of a reversal of British history. I said that when I talked in the House of Lords to the All Party Parliamentary Committee on the Constitution. They were a bit surprised. I think they'd not heard this before. It's elementary, but they'd not really heard it. I don't know what the fate of that Bill is. I think it will go through, but I haven't heard the latest. It's absolutely silly, the Bill, and I told them, you're 20 years too late, the EU now is the EU, nothing much you can do about it.

**109. Professor Allott, still on the topic of IGOs. You're probably even more scathing about the United Nations, to which you attributed, and I quote, "an outdated atmosphere of governmental absolutism"<sup>21</sup>. Also you said that the United Nations is "one of those IGOs that multiplies like flies on rotting meat"<sup>22</sup>. How could such a body be redeemed, in your eyes?**

Again, the United Nations is very ambiguous, because in a sense, it is very impressive to see all 190 countries sitting there. You couldn't fail to be impressed, it's an amazing sight, if you think about human history, it's a bit amazing. I used to look round the General Assembly Chamber and think it was astonishing - people from every corner of the world, sitting there. In fact I used to just sit and try and count the number of countries that the British hadn't ruined the history of, but that was ...

In principle it's the most marvellous thing to see, and therefore it must have a civilising influence at the global level, but the ordinary people know nothing about it, it's never reported, except when the Security Council decides something. The civilising influence is on the small number of diplomats who attend it, and from developing countries, very poor countries, or countries with wicked criminal regimes, who appear in beautiful suits or occasionally in beautiful tribal dress, the civilising influence is mostly about the restaurants of New York. They are totally unrepresentative, 80 per cent of them, totally unrepresentative, - beautiful Savile Row suits, eating in the best restaurants in New York. They feel cosy together, all these governmental representatives, they respect each other. They have this high-faluting idea about the United Nations, that it's the ultimate source of benevolence and wisdom, which of course it isn't.

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<sup>20</sup> by The Rt. Hon. Lord Hewart of Bury, Lord Chief Justice of England, 1929, Ernest Benn Limited.

<sup>21</sup> *Eunomia* 2<sup>nd</sup> Ed, Preface p. xiii

<sup>22</sup> op cit p. xiii



I do try to think of the good things that it's done. The most interesting thing is to judge the Security Council, because the Security Council developed from the bigger nations. It's very hard to know what to make of it. Throughout the whole of the Cold War obviously it was completely powerless, because the East and West could never agree on anything, and there is a veto for China and Russia, and the United States, in the Security Council. Then after 1989, it suddenly went into extremely active mode, and it developed a new problem that I think I've referred to somewhere, I hope I have, which is they suddenly thought they were absolutist, and they started doing anything that came into their head, anything they could agree on.

After the Iraq War they more or less said let's reorganise Iraq now, and looking round the world, seeing some criminals, they said, let's create some criminal courts, international criminal courts, that would be a good idea. At one point I challenged the Legal Advisor of the Foreign Office on this, they stopped putting in their resolutions the key phrase that we'd always used, which is "having regard to the threat to the peace, breach of the peace or act of aggression, and exercising our powers under Chapter 7 of the UN Charter, we hereby decide." They started leaving that out, not bothering to find whether there was a threat to the peace, breach of the peace or act of aggression, just said, we hereby decide. They've started putting it back in again, I'm glad to see. Then international lawyers started asking, could the Security Council exceed its powers? Could it go *ultra vires*? And who could stop it? And that remains an open question.

So the Security Council [*has caused*] what I call the bureaucratisation of war. It's turning war into a bureaucratic phenomenon. These government servants sit round deciding where they'll have a war and what they'll do about it. I suppose that's slightly better than them just going around invading each other. But it is so cynical and so falsely legalistic. As Mr Churchill so rightly said, "jaw jaw is better than war war", so it probably is a bit better that they are talking, but it's so alienating and so peculiar a phenomenon.

Of course, lots of people, including people whose views one respects, say, "why don't we turn the United Nations, the General Assembly, into a parliament? Why don't we elect members of the General Assembly of the United Nations? Why don't we give the international court, supreme court powers, not just dealing with the odd occasional dispute between states? Why don't we make it final court of appeal for the world?"

At the beginning of the twentieth century, when the Americans were keen on these international bodies (which of course they are not now keen on), they were trying to extrapolate the American constitution, to form a permanent court. This was a conscious attempt to extrapolate the US Supreme Court to the International Court of Justice, to the world. The Americans are very fond of the American constitution, and they've been tempted to go along the extrapolation route. Why don't we just extrapolate things that work nationally into the international arena? As I was saying just before, that I am afraid is far too simplistic a solution. You can't do that, and particularly because of this problem of society. It's got to be a society on whose behalf government works, and a society which constantly controls government formally through elections and informally through public opinion. You've got to have that, otherwise you get a massive accumulation of total global powers.

I can't think of any way to reform the United Nations really, because it is an absolute mirror image of the current organisation of the world. I wrote an article once saying that all these people who float around amongst the governmental organisations, or who run them, are



really a new aristocracy<sup>23</sup>. The world is run by a sort of aristocracy of all these people with rather large salaries and large pensions, who float around all these conferences and pass resolutions and make declarations and so on. It's a jolly nice life, but it's a bit like the eighteenth century really. It's a ruling class of a very small and unrepresentative sort - a corrupt illegitimate aristocracy that runs the world. Good luck to them. It's a very nice life - a five star hotel life is very nice, particularly if you come from a poor country.

**110. You have also been critical of the International Law Commission, specifically referring to reconstituting international law, which the UN purports to achieve. You said in your *Health of Nations* that “It is the unreality of the academy with the unreality of traditional diplomacy”, and you’ve classed the ILC in very colourful language in your Alec Roche lecture as “an in house counsel to the mob of all mobs”.**

I don't think I could improve on that really. The ILC is not a very significant body at all, but is symptomatic and symbolic. The idea that you can make law out of the top of your head for the whole world, rationally is ridiculous. Law has to emerge from clashes of interest and loud voices and people struggling and some intelligent input obviously, in the law, but the idea that people can sit in Geneva, I don't how many there are now, 16, 25, 35, however many they are now, these charming people, and emit law, even if it then has to be adopted by governments to take effect, to me is completely ridiculous. If it keeps them happy and they're staying in a nice hotel it's fine, as far as I know, it doesn't do any harm. But no, it's terrible, and it is so symptomatic of a misunderstanding of what law is and what society is and what the world needs. So I was very rude about it, but of course it goes on, it hasn't stopped.

**111. You’ve also been critical of legal institutions which have a global reach, and here I am thinking of traditional and current diplomacy and foreign policy. I quote again, you said, “I regard the phrase ‘international relations’ as the hallmark of the corrupt old order” in *Eunomia*, and you also said, in the beginning of your Preface, that it was your experience of 13 years in the Foreign Office that led you to write it and to work for a new order.**

Yes, international relations is a bugbear for me, the phrase. Partly because it is a summary in two words of the existing state of affairs, obviously which is interstate in character. There are two big problems about it. One is that “international” part of the phrase. I see the whole system as vertical in character, from the village up to the world, and the idea that there is an international realm separate from the national realm is for me the source of all the troubles. It can't be right, because that means that people are tempted in the international realm to think they're living in a different world constitutionally and democratically and morally and politically and all the rest of it. It could be international in another sense, that it's genuinely all the nations of the world seen together, but in its present form it means that - a horizontal world between the states, over and above and apart from a national world below it. That to me is terrible, because that's the source of all the problems we've just been talking about.

A second, a more bizarre objection, is to the word ‘relations’. I get terribly agitated when I see it constantly in the newspapers and academic articles and so on, saying relations between France and Germany are now in a poor state. And in the old days they used to say,

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<sup>23</sup> 2003. The emerging international aristocracy. *Journal of International Law and Politics*, 35, 309-338.



the relations between the Wilhelmstrasse and the Ballplatz<sup>24</sup> are in a poor state, meaning the foreign offices. It's unbelievable. They treated it all as if they were persons. This week France is friendly with Germany, and of course a few weeks later they have a war and kill 100 million people. It is so agitating, because it allows them to personalise it all, and as Foreign Office people have always said, it means that politicians love summits, because they go along and feel like ancient kings representing all their people. They sign something, some ridiculous piece of paper, and they all sign, and then they have a glass of champagne and they think they've improved the world. It's incredible. [*My objection to the*] personalising of the so-called relations between states is not only an objection to the rhetoric of it, it's an objection to how the people involved see it. They see it as relations between Philip II and Holy Roman Emperor or something, and senior diplomats used to see themselves as a re-personification of their king - that's why they were so often very high aristocrats, ambassadors and foreign ministers, because they should behave as if they were a king.

Also I've got very agitated about it because "international relations" has taken on a third meaning in America. They, being pragmatists and realists, believe that that is the way you should analyse the world academically, philosophically, theoretically, and it is a great field of academic study in America called international relations. It feeds into and encourages this totally pragmatic view of the world - that the world is just a struggle of power, international relations is a system of power - and all you've got to do is a) maximise your power and b) use it as effectively as possible. In this country it's called international studies, which is a bit better.

I once gave a plenary address at the British International Studies Association<sup>25</sup>. I told them that your discipline should not exist, it is dreadful, you shouldn't be studying it. There were about 400 people there. I couldn't believe all these hundreds of people, lots of young people, studying all this dreadful stuff. But it goes on and there's still hundreds of people, I believe, and in America there are hundreds and hundreds of people and dozens of think tanks. So they, in my view, support the system. There are one or two who are creative and critical. There's a very good man I've been close to at the University of Aberystwyth, who is E H Carr Professor of International Studies there, Ken Booth<sup>26</sup>. He's now just retired, but he very much was going in the same direction as me, and at one time was President I think of the British International Studies Association. But he was going in a similar line and he's just produced a vast book on that subject<sup>27</sup>. I'm sorry but we've just got to change the whole thing.

So there are people, and I'm hoping there now will be young people, who see that this is all ridiculous. We just have to do much more - to imagine a completely new system - we don't have to accept all this stuff. They often wear three piece suits, these people, because they think it's a very serious up market activity, foreign policy. I think the words "foreign policy" should be abolished. I think diplomacy should be abolished. It should all be an

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<sup>24</sup> Ballhausplatz, Vienna. Until 1918 location of the Foreign Ministry of Austria-Hungary, currently residence of Austrian Chancellor.

<sup>25</sup> <http://www.bisa.ac.uk/>

<sup>26</sup> Ken Booth, (b. 1943). Emeritus E H Carr Professor of International Politics, Aberystwyth University.

<sup>27</sup> *Theory of World Security* (Cambridge University Press, 2007) xviii and 489pp



extension of national activity, there shouldn't be a separate thing called "foreign policy". There should just be British politics in general, which obviously has to deal with everything all over the world, but the idea that there is a thing called "foreign policy", which very few people know about, it's terrible.

Similarly, diplomacy. It actually has now gone too far the other way and diplomats are extremely lowly classed, their governments are very cruel now to diplomats, who are extremely important people. But governments have turned against them, as Mrs Thatcher did and some of the American presidents have, saying they just go to cocktail parties and don't do a useful job. Diplomacy redefined as the everyday bridge between the national political system and the global political system is obviously a vital activity. That should be re-merged into diplomacy.... into something extremely important.

**112. Professor Allott, do you think you would have come to these views had you not spent the first part of your career in the Foreign Office?**

No, I think I would not, or at least, I wouldn't have dared to have them, because as I said, from about the age of 16 onwards, having been brought up in the War, I knew it was all bad and ridiculous, the whole system. But being that time in the Foreign Office and having done quite a lot there involving a lot of different things, I think has given me the courage to be so rude about it all.

**113. It certainly has been the mould into which your career has been set.**

Exactly, yes, it is a continuity. I was just thinking the other day.... if we're getting towards a conclusion, are we getting towards a conclusion? Just say if there's anything else we should mention before....

**114. I hope we could talk about your views on international law and lawyers in general. You've described in your Alec Roche lecture, you said that "international lawyers will gladly advise the international lunatics".**

Yes, I gave a talk in Wisconsin called Ontology and Deontology of Government Lawyers<sup>28</sup>, and I think it is quite an interesting question, whether they have a duty, a deontology, to be involved in changing the system, because international law is both in public service and in private practice. Obviously you have to accept the system, you can't go along and say to your client or your government, it's all ridiculous, you shouldn't be doing this. But I think there is a sense in which they are propping up the system, giving it prestige. Forgive me if I've quoted something that Sir Robert Jennings<sup>29</sup> said once to me when I'd expressed doubts about the international court. He said "you may not think they're very interesting, our decisions, but they do stop wars, and that's quite useful." Of course my response to that, I don't think I gave it at the time, is, "I'm afraid that's not enough". Again, forgive me if I've said it before, but when the Luxembourg Prime Minister came on and said the EU exists to stop wars. That's ridiculous. You've got to have higher ambitions than that.

It's a big problem about international lawyers. There have to be international lawyers,

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<sup>28</sup> 2005. The International Lawyer in government service: ontology and deontology. *Wisconsin International Law Journal*, 23, 13-23.

<sup>29</sup> See Q9, fn 19, 1<sup>st</sup> interview



and now that international law is so vast and so complicated and so specialised, there have to be many, many, many more international lawyers, both in governments and in private practice. But it is a problem and all one can hope to do is just marginally change their consciousness and that's what I've been trying to do. They tend to leave Cambridge saying, "oh well, you know, we know what you've said about the system and we'll do our best", and of course then once they're in the middle of it, there's practically nothing they can do.

So I don't spend much time with international law. I used to go to the American Society annual meeting, but that distressed me so much, and also it's extremely expensive, so I stopped going. But there they have hundreds of international lawyers, particularly international lawyers in private practice, exuding money, because, of course, they tend to be terribly rich, given that their clients are either governments or huge corporations. That used to upset me, and they obviously regarded one as totally mad. But they regarded one as mad, but as somebody who actually does have some experience of what they're being mad about. That has helped enormously for me, I must honestly admit.

**115. Professor Allott, I hope we could talk a little bit about the international courts. You disparage the ICJ, which you say "consecrates the old international law", while the International Criminal Court you describe as "a crude extrapolation of the most primitive, morally dubious of systems for socialising human beings". I wonder if you have any views on the alternatives.**

Like the International Court, the International Criminal Court is a problem. An ambiguous problem. Of course we all want to stop these criminals, we've allowed them to go on, not only for centuries but particularly the last 50 years, we've allowed these criminal governments to go on. But the great problem is categorising it as crime. I would much prefer that it just should be left as a political, moral problem. And in this latest novel I'm suggesting, and forgive me if I mentioned this before, the idea that we should just stop treating them properly. We should redefine the international law and recognition, and just withdraw recognition from these places, as we've now just done really with Mr Gaddafi<sup>30</sup>.

The world is saying to Mr Gaddafi, "I'm terribly sorry, it's finished. We can no longer accept you as a sensible leader of Libya." And I'm very pleased with that, because that's what I think we should do. We should just say to all these people, "you've been stealing people's property for 30 years, that's finished, please go to Monte Carlo or wherever you want to go, we will take all your assets that you've stolen, and that's that." I'm very unhappy, as I was about the Nuremberg tribunal, about turning it into crime. I think a) that lowers it, turns it into yet another bit of legality, legalism, and b) the problem is that nationally the criminal law is so problematic, it is so unfair and so dubious. I think I may have mentioned, I did once publicly defend the proposition that the criminal law is a crime, nationally - a terribly primitive thing that we've inherited.

I'm very pleased the present Minister of Justice<sup>31</sup> in this country is saying that prisons are just a ridiculous waste of money. They are, it's just mad. The expense which is greater than the expense of sending a child to Eton College per annum, keeping criminals, it's

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<sup>30</sup> Muammar Muhammad al-Gaddafi (1942- 2011). Leader of Libyan government, currently fighting an uprising (Spring 2011).

<sup>31</sup> Kenneth Clarke.



ridiculous. I have a former student who's gone into what I think is called relational justice, where you make criminals meet their victims. We've got, as Jeremy Bentham<sup>32</sup> said, to discriminate among all sorts of crime. He also, rightly, said the criminal law is a system of prices for bad behaviour. We ought to price bad behaviour in a million different ways. [With] white collar criminals, it ought to be made sure they're not rich again somehow, but just locking them away in Surrey or something, it's ridiculous, and [with] people who go round murdering, that is obviously some psycho-social or psychological problem. So I'm against the criminal law, because it just lumps together a million different forms of human behaviour. A lot of it is wickedly unjust, when it targets extremely disadvantaged members of society, just to please the middle classes. Ridiculous, terrible.

Those are the reasons I was against the International Criminal Court. I lectured there. I went there to tell them that they shouldn't exist. I'm not sure if I've told this story before. It's so funny. In Geneva, I was going along in the car, they were taking me to the meeting, and I had my notes in front of me, and then somebody said in the car "oh, we had **Martti Koskenniemi**<sup>33</sup> two weeks ago, and he said we shouldn't exist". And I thought, "oh my god, I can't say the same thing as him". So I put aside my talk and told them that you're doing an educational job really, the criminal side of what you do doesn't matter, you're doing an educational job, trying to educate people to be against all these dreadful things. Secondly, you should be giving a model of ideal criminal law procedure to the world, because most of the criminal law systems of the world procedurally are terrible. You should be giving a perfect example of how a fair criminal justice should occur. I did in passing say that they shouldn't exist, as a court. So I was trying to take an upbeat view, because they might get a bit depressed if academics keep coming along and saying they shouldn't exist.

I feel quite strongly about the ICC, I must say, and I've been justified. I don't really think it's been much of a success - it does seem quite unfair that most of the cases seem to be against African rulers. The Yugoslav tribunal is separate, but most of the ones in the ICC seem to have been against African rulers, which doesn't seem to be quite right.

**116. Professor Allott, if we can now try and draw some general conclusions from this too brief survey of some of your concerns. What might be your solutions to, this is a big question I know, but to remedy the state we find ourselves in? Do you envisage some sort of global organisation of the great and the good, as you expound in *Invisible Power 2*?**

Obviously I've thought endlessly about this, because I've been challenged by people saying, "that's all very well, but what are you going to do about it?" I think of national examples of how, insofar as we have improved nationally, how we've improved. Obviously it's something to do with expanding the thinking classes in society, which is what happened. I think Aristotle was right, that in the end everything depends on the middle class, because the middle class have an interest in the system working. One very good analysis of the whole of the British constitutional history is the history of the middle class, particularly the merchants in London and the small landowners in the country [who] wanted a system that works, wanted good law and good government.

There's now a middle class developing in China, a huge middle class in India, there's

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<sup>32</sup> Jeremy Bentham (1748-1832). Legal and moral philosopher.

<sup>33</sup> See Q85, fn 16, 4<sup>th</sup> interview.



a huge middle class in Brazil, so the rise of the middle class across the world gives me great hope. Even in those North African and Middle Eastern countries<sup>34</sup>, it seems. I don't know how true it is, but it seems that these young people who are protesting are relatively well educated - they are a sort of middle class in waiting, I think. And the middle class are very tough people within the history of social evolution. They're utterly demanding people, and they're well educated enough to know what's going on, what the game is, and what the game played by people of power is. So I'm very hopeful that the middle classes of the world will just naturally say, "this is all ridiculous, it's terribly destructive, it's terribly unfair, what's going on, and it's not the best that we can do", which is what they said nationally. They said "all these [national] institutions are ridiculous, we should reform them."

I am hopeful. What the novels are about is more or less that - that nice people will see that it's almost impossible to change anything [*internationally*], as it's very difficult to change anything nationally, but they **will** get together. In the latest one, one of the characters is kidnapped by the Davos<sup>35</sup> people. The Davos people are all the most powerful people of the world, governmental and economic - sitting in Davos, congratulating each other and saying, "isn't the world dreadful and problematic, but aren't we good people doing a wonderful job."

I thought it was symbolic if one of my characters gets hijacked by the Davos people, and God willing - I haven't yet got to it - he will convert some of them, and say, "you're fabulously rich people, why don't you do something?"

That's my only hope, to be quite honest, which is why I've written these novels, that that will happen. But they [*LD: the middle classes*] have got to be terribly clever. They can't do it by keeping on founding civil society organisations, as they're called - good intentions - there are hundreds of them, good intention NGOs at the moment, hopeless, because they all cancel each other out, and governments don't care tuppence about them. To change it at all, you've got to be extremely clever, and the idea is that these people will insinuate themselves into all these systems, and just get people to realise that we could be doing better.

That's the only thing [*LMD: solution*] I have when people say "what can you do about it?" The rise of the global middle class and the coming to consciousness of intelligent people are really my only hope.

**117. So your novels do actually present the key to your scholarly writings, in other words, Professor Allott, how your ideas are to be brought into effect. For example, that "love is the binding force of the universe, and it is to be harnessed in some way" - that's page 129 in *Invisible Power 2* - is this how, and I quote, "you can change society fundamentally, by changing its theory, its idea of itself"?**

I'm glad you mentioned that, because I should have mentioned before that obviously a failure of the existing system is that it's not using the whole of the human being. Because these fictitious entities called states, governments, have come into existence, they're like mad monsters wandering around. Human beings remain human beings, and human beings, apart

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<sup>34</sup> This refers to the so-called Arab Spring that was then ongoing (2011) - popular uprisings in Tunisia, Egypt, Libya, Yemen, Syria, Bahrain etc.

<sup>35</sup> Venue of World Economic Forum Annual Meeting, see <http://www.weforum.org/events/world-economic-forum-annual-meeting-2011>



from obvious exceptions, are very nice, sensible, loving people, who particularly want the best for their family. That's the ultimate wish of most people, the best for their family, for either their descending family, or their siblings or whoever, people close to them, they want the best.

This whole, vast so-called international system excludes the humanness of human beings - of being humane and human (humanity in Latin has these two meanings, humanity as the species and humanity as a virtue). For me that was a revelation. You could be sitting in the UN and suddenly realise that all the human part of human beings is not present in the room, except when they're thinking of the next meal in a beautiful restaurant, that's very human. But the good side of human beings is not represented. Love in an ideal, platonic sense is rather a relevant part of people's lives, and that is a giving and sharing concept, and a respecting and dignifying concept, love. It would be rather nice to have [*that*] as a sort of global phenomenon, would it not, so that humanity as a whole would become human or humane. That would be rather nice.

### **118. But you cannot anticipate that it will spontaneously arise?**

It's what they call coming to consciousness, it's all sitting there, in my view. All these better ideas and better feelings are sitting there. They've all been suppressed or in Freudian terms, repressed, by the system. This is not only global, nationally too. National societies are not achieving their best, and people are beginning to talk about that. Even this government<sup>36</sup>, it seems incredible, [*says*] that we need to talk about happiness. The French government is talking about happiness. How do we measure it, how do we create it? It's for me completely laughable, the idea of a government telling us how to be happy. It sounds definitely Orwellian, but it's what people are now talking about, when we've got all the refrigerators and the cars and video this and video that's, we still don't seem to be happy. So it's still a national problem. It's a human problem - why is humanity not achieving all that it could, given the incredible power of the human being? So [*I'm*] slightly more hopeful on that, and it's the coming to consciousness. I'm trying to remember the German word for it, but it's coming to consciousness of what is sitting there, waiting to fill our minds.

### **119. Things must be solved by human realising, thinking...**

Yes, just realising that we're quite a clever species, but we're also quite a nice species in some respects as well, and we can be better. We're self-perfecting, we have the capacity of self-perfecting. It seems amazing. I've just written in this latest book that it seems incredible that evolution has given this capacity to the human race to be self-perfecting, when all we are is something that's evolved out of the primaeval sludge. It seems amazing that out of primaeval sludge has come a peculiar creature which is capable of self-perfecting.

If I could just summarise a thing that occurred to me recently [*about*] my career as a whole. That first 13 years was looking at the world, the next 15 years was thinking about the world, and I think the last period, since I've retired, is about trying to speak to the world. Needless to say, none of that was planned. I would love to think that at the age of 16 I said, I tell you what, I'll go and look at the world for 13 years and then think about it for 15 years and then try and speak to the world thereafter. It certainly never occurred to me, but if you

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<sup>36</sup> The Conservative/Liberal Democrat coalition that came to power in 2010.



were *post hoc* rationalising it, that's what it would be. The sad thing is that James Crawford<sup>37</sup> once said, "you'll be famous when you're dead", and I said to him, "that's not much of a consolation."

There could be a fourth period when something does change, but I suppose I won't be around to see that and it's rather annoying. You never know what after death experiences there may be, but probably I'll be not around to see it. That would be the logic of the whole shooting match, another thing I told myself with huge *post hoc* rationalisation.

**120. Professor Allott, could we complete the personal influences in your life? You devote *Eunomia*, the second edition, to your mother, *Health of Nations* to your brother, Roderick, and *Towards the International Rule of Law* to your father. This suggests that they were great influences to your life and your thinking.**

Yes, to go right back to the beginning of our discussions. Obviously the whole of what one is and what one does is determined by one's origin, one's family origin, and as I said then, right at the beginning, my choice of parents and siblings was rather a good one. I was terribly lucky. It's the thing you do in old age, you become more and more grateful for what they did and what they gave, and for what one has gained from one's siblings, one's own family. And if you're the last child in a family of nine children, you feel even more fortuitous for your existence, than probably anyone else. But on the other hand, you feel greater responsibility to do something, given that the chance of being here on earth is so infinitesimal. It's infinitesimal for absolutely everybody, but in the case of a very last child in a very large family, it's infinitely infinitesimal. So I think I've always felt a sort of responsibility to do something and I think probably that has kept one going.

**121. Did your Catholic upbringing influence your career and perhaps your proposed solutions?**

Again, I think, as I said at the very beginning, that it's very difficult to say what the role of Catholicism played in all this project. On the one hand, my take on Catholicism is very special, so it's not the Roman church as such that I'm representing, but as I think I said, what Catholic Christianity does is to give you an innate sense of the universal and the transcendental, it's just part of one's basic structure of one's mind. But also because it's a religion, it imposes duties on you, and the duties in the case of the Catholic church are quite powerful. I suppose all religions do in a sense, but it makes you conscious that every moment matters, and every moment you are responsible for.

There is the third element - universalism - [*which*] is also the universalism of the church, so that extends to all peoples in principle everywhere. That may have had an effect - that one belongs to an institution which is old, it's been carrying on for 2,000 years, and also which, oddly enough, claims to be universal or aims to be universal. But whether in the third thing there is anything specifically within Catholicism, I don't really think so.

I think it's those attitudes of mind, fundamental structures of mind, and the social teaching of the church. I said in that talk I gave in the Vatican, it's not terribly influential for me. As somewhat of a conservative, I regard it as a social democrat sort of thing. The social teaching of the church [*is*] what I would call a liberal thing, and I'm very against liberals, as

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<sup>37</sup> See Q53, fn 25, 3<sup>rd</sup> interview.



Lenin<sup>38</sup> was against reformists, and Marx<sup>39</sup> was against reformists, reformed socialists, because they tend to accept the system as it is and just want to improve it and be nice about it. I'm much more revolutionary in character. I don't accept the system, and I think we should be quite un-nice about it, which was the position of Marx and Lenin. They regarded reformed socialists as their worst enemies, not conservatives, but reformed socialists. I similarly regard liberals and the social democrats as my main enemy, because they accept the system and just want to make some nice improvements to it. That is, in my view, a very, very bad project.

**122. Professor Allott, before we conclude, could you tell me something about the literary influences in your life?**

Yes, that's an interesting point. I think higher education is about discovering the world and discovering how the world is represented, which is quite arbitrary. The world could be represented in a million ways, but it has been represented through the different cultures of the world in particular ways. So all the forms of culture, all the forms of art in particular, for me are immensely important, because they are, and I think oddly enough, underestimated. All art forms, the visual arts, literature, music and so on, are all forms of representation of the world, done by the human mind at its most intelligent and most creative. So they must be of huge interest. In literature, people have tried to do an incredibly difficult thing, which is to represent the human world, human beings, in this way, in an original, creative, intelligent way. That is what you recognise, when you recognise great art, you suddenly see this. Then you may call it beautiful, because that means it resonates with some ultimate order in your mind, as the spectator, and you say, "my gosh, that's beautiful, or isn't that wonderful", about a book or a painting. That's a terribly important deep moment, that's the mind at its most intelligent, being acknowledged by the mind at its most intelligent and most universal.

Important novelists like Thomas Mann<sup>40</sup>, his whole life, and Proust<sup>41</sup> and Goethe<sup>42</sup> and these other people, I've studied them till I'm almost sick of the sight of them, or Dante<sup>43</sup>. These great people, or the Greek tragedians, they at the limit, have tried to represent the human problem. [*It's*] fabulously difficult to do, and one can be critical of them. The Greek tragedians were in a class of their own, brilliant beyond belief. Dante was in a class of his own, universalising the human condition in Aristotelian and Christian terms, brilliant. Goethe is more of a problem. Thomas Mann is more of a problem. Proust is more of a problem, or Flaubert<sup>44</sup> or Balzac<sup>45</sup>. The reason they're more of a problem is that they're

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<sup>38</sup> Vladimir Illich Ulyanov (Lenin) (1870-1924). Russian revolutionary.

<sup>39</sup> Karl Heinrich Marx (1818-1883). German philosopher, sociologist, historian, political economist, political theorist and revolutionary socialist.

<sup>40</sup> See Q75, fn 3, 4<sup>th</sup> interview

<sup>41</sup> Valentin Louis Georges Eugène Marcel Proust (1871-1922). French novelist.

<sup>42</sup> Johann Wolfgang von Goethe, (1749-1832). German writer.

<sup>43</sup> Durante degli Alighieri (Dante), (1265-1321). Italian poet.

<sup>44</sup> Gustave Flaubert, (1821-1880), French writer.



representing human life in great detail. One can have a less comfortable relationship with the greatest of all, Tolstoy<sup>46</sup> and Dostoyevsky<sup>47</sup> - one recognises how clever it is, but that it's not quite how I would have done it, or I don't think that's quite right.

Thomas Mann is such an interesting example, Dostoyevsky also. They were so conscious of what they were doing. They knew that this was their problem, and I suppose Proust perhaps above all, he knew that his novel is about a novel. Proust's novel is really about writing a novel, although as many people have said it's about Proust writing about somebody who's writing a novel, asking what is it that a novel is. Thomas Mann spent his life struggling, and I dislike his novels quite a lot, but I think they're immensely respectable, you've got to respect them. He consciously, in his notebooks and in his correspondence, worried, is this too didactic, is it too philosophical, will anybody read all this stuff? And for me *The Magic Mountain*<sup>48</sup> is the absolute limit, which is supposedly a philosophical novel, but for me it's almost unreadable. So in writing my novels, my humble little novels, I've been trying to discover how you do it without putting people off, because it's quite a thing to ask people to read *Buddenbrooks*<sup>49</sup> or *The Magic Mountain* or the whole of Proust. It's a lot to ask.

So these little novels are very little. I took the view that Thomas Mann had a great theoretical, philosophical programme in his novels, which people have written hundreds of books about, and which you don't really get when you're reading them, unless you're incredibly clever. So that's why I've put the notes separately, so as not to have to wait for academic writers to say what is in this stuff, but if the reader wants, the reader doesn't have to, but if the reader wants, they can discover what I was thinking when I was putting this stuff down.

All novels, I can't remember who said it, are an experiment of a very important kind. All works of art are an experiment, how you represent beauty, how you represent truth. I have spent a lot of my life in a way, non-academic, non-legal life, on this problem. Therefore art is important because it elevates, enlightens the people who read them, whatever they get from them.

Just one final point. Somebody very kindly lent me discs of the whole of Proust, read very well by somebody in English, but it had the enormous disadvantage that he left out all the Proustian bits, that's to say page after page after page of thoughtful discussion. So it became just a sort of series of love stories, which were very nice, it was a very nice novel, but it wasn't the whole point of Proust, which was trying to discover a new way of representing humanity to human beings. That confirmed me in my view that this is just an experiment.

A final, final point. I was just reading a very interesting thing by Milan Kundera<sup>50</sup>,

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<sup>45</sup> Honoré de Balzac, (1799-1850). French novelist and playwright.

<sup>46</sup> Count Lyev Nikolayevich Tolstoy, (1828-1910). Russian writer.

<sup>47</sup> Fyodor Mikhailovich Dostoyevsky, (1821-1881). Russian writer.

<sup>48</sup> Thomas Mann - started 1912, published 1924.

<sup>49</sup> Thomas Mann's first novel, 1901.

<sup>50</sup> Milan Kundera, (b. 1929-). Czech writer, naturalised French.



the Czech novelist, got the Nobel prize, and he wrote about writing novels, and he said, there's no rule about writing novels, you just write anything. He [*also*] said the one thing you mustn't do is show any interest in the author, that is of no interest to anybody - whether Proust drank tea or drank coffee, it's of no interest to anybody. So Milan Kundera has never said anything about his private life and doesn't want anybody to write his biography. He said, "I've put out these books, they're very peculiar, but that's what they are - they're just interesting experiments." There's no set form for a novel - Don Quixote's not in any set form; Tristram Shandy's not in any set form, it's completely mad.

I was so glad to read that. My novel's just another attempt, another experiment, to see whether you could get across ideas, but sort of insinuate them into people's minds, and then if they're interested, they can look what the source of the ideas is. They don't have to.

**123. Professor Allott, thank you so much for this absolutely fascinating series of interviews - uplifting as well as very interesting. I've so enjoyed listening to your views and reading some of your work. I'm inspired by your mission, and I'm looking forward very much to the third novel in your trilogy, as I'm sure many are.**

I'm looking forward to it too, I can't tell you. But it's been very good and noble and kind of you to listen and I'm grateful, because for me it's quite interesting to be forced to say these things, which I have not said in quite this form obviously before.

