REMEMBERING EIGHTY YEARS OF THINGS PAST

Philip Allott

The past is a strange thing. We are made by our past. But most of our past is lost in the mists of time. We are a mystery to ourselves. Hence Sigmund Freud.

The mystery of the past is what Marcel Proust’s 4000-page novel is about – *In Search of Lost Time*. But there are a number of occasions in Proust’s novel when the narrator experiences what he calls involuntary memory – the best-known being when Marcel dips a sponge-cake into a cup of tea, and, as he tastes it, finds himself *reliving* (not merely remembering) Sunday morning with his aunt in Combray when he was a child. We all have such moments of involuntary memory.

I am going to use my own version of that idea. *Voluntary* involuntary memory – or VIM – my VIMs will be a series of little snapshots from my past that are still vividly present in my mind’s eye. You are my Proustian cup of tea.

I will try to discover why I have devoted so much of my life to the peculiar project of changing the world by changing the world’s ideas.

But, first, I will pay tribute to my wonderful parents. My parents gave me infinitely more than mere existence. We lived in Sheffield, in what John Betjeman called ‘the prettiest suburb in England’, close to the Peak District of Derbyshire. An over-excited property article in the *Sunday Telegraph* said that the houses in our road were ‘exquisite’.

I was the youngest of nine children. We were all privately educated. Four went to Oxford. Two of us came to Cambridge. Three went to Sheffield University. My father was an early graduate of Sheffield University. My mother was an external graduate of London University. An intellectually challenging environment. Many books and much talk. We read the old *Encyclopaedia Britannica* competitively. I had eight siblings. Now I have one.


VIM no. 1. During the Second World War, my eldest brother in our dining room in the uniform of an officer in the King’s African Rifles. His regiment were days away from leaving for Burma when the atomic bombs were dropped on Japan. He became the first Professor of African Law at the School of Oriental and African Studies in London (SOAS).

A brother and a sister were away at school during the war. Another sister worked in a radar factory. Another sister was in the Women’s Army (ATS). When the war ended, her fiancé walked back across Europe, after a hard time working in a coal-mine in Poland, as a German prisoner-of-war. He became Professor of English Literature at the University of Western Australia.
I retain a clear and terrible image from the newspapers of Bergen-Belsen, the concentration camp liberated by the British Army and the Nuremberg War Crimes Tribunal on cinema newsreels. A V1 rocket passed over our house. I saw it from an attic window. I see it now. We slept in the cellars of our house during air raids. There was a German prisoner-of-war camp a few miles from our house.

By the age of nine, I had been introduced to the fact of extreme public evil and the timeless Problem of Evil, things that have haunted all the rest of my work. Why, when we know what is good, do we constantly do evil, as individuals and as societies?

_Cosmic disappointment. Conservative revolution._

We attended an excellent prep school (Birkdale) within walking distance of our house. I then went to Downside School, the Benedictine monastery-school in Somerset. Downside was really an ideal version of education, in the ancient Benedictine tradition. Education of the mind, the body, and the soul. Education as a rock on which to build a life.

Speaking parenthetically, for a moment – I have never understood how people can live without a transcendental dimension in their lives – whether of philosophy or high culture or religion or gardening. It must be an impoverished way of being a human being.

My 16th birthday in 1953 was the 500th anniversary of the taking of Constantinople by the Turks on 29 May 1453 – in those days seen as the spark that ignited the Italian Renaissance. This coincidence of dates seemed to me to be cosmically significant. I took up my pen, and wrote: _This is not how the world was meant to be._

Pompously judgmental, at the age of sixteen. That sentence became the project of my intellectual life. It was the title of my retirement conference in 2004. My slogan has been: _A revolution in the mind, not in the streets._ I am, one might say, a High Tory revolutionary.

I have what Matthew Arnold called a ‘sad lucidity of the soul’ and the _chagrin_ of Molière’s misanthrope – with tears for the darkness of this ‘twittering world’ (Eliot) – my psychological condition only made bearable by having what Keats called a ‘light in the soul’ that finds _joy_ in the good and the beautiful, a joy that is deeper than tears (Wordsworth).

_Profound misanthropy and high idealism, the strange essence of my existence._

_L’amour. A weighing-machine. Soviet invasion of Hungary._

And so to this dear College. To read Modern Languages: French and Spanish. To be supervised by the formidable Ralph Leigh, who later became famous as the editor in forty-something volumes of Rousseau’s correspondence.

Crystal-clear VIM of a supervision in which we discussed a play by Marivaux, an 18th-century French writer. _Le jeu de l’amour et du hasard._ The Game of Love and Chance. Ralph Leigh thought it was a good play. I thought it was awful. I didn’t know very much about _l’amour_ at that time (or since). So his opinion may have been correct.
I changed to Law in my second year.

My life was utterly changed by my first supervision in Contract Law with Gordon Slynn – a Trinity Mind and a practising barrister. He became a Judge of the European Court of Justice, and then a member of the supreme court formerly known as the House of Lords.

We made a legal analysis of a banal thing – a public weighing-machine that speaks your weight. That is a complex legal enterprise, would you believe?

I suddenly realised something, in the semi-darkness of the Judge’s Clerk’s Room here. There is a second human reality, a legal reality. Every thing and every moment, including the present moment, is totally saturated with law. I was going to master a parallel human reality, a legal reality made entirely from ideas.

My life was also utterly changed when Eli Lauterpacht asked me, as a second-year undergraduate, to write a legal opinion on the Soviet invasion of Hungary in 1956. Its legality apparently depended on a principle called Intervention by Invitation. However, the letter of invitation from the Hungarian Government to the Soviet Government had been written after the invasion, but had been back-dated.

I formed the view, there and then, that International Law must be a travesty, if the legality of an invasion depended on such ridiculous things. I have spent much of the rest of my life trying to help International Law to become a more sensible system.

So I became an international lawyer and an idealist philosopher. I had already learned something about the famous Problem of Evil. Ideas can cause evil. Ideas can overcome evil.

*Patents for plants. The great game of diplomacy.*

I was called to the Bar and did my pupillage, but then joined the Foreign Office as an Assistant Legal Adviser in 1960, with the excessive salary of £815 per annum.

On my first day, I duly went to see the chief Legal Adviser in his very splendid room overlooking St James’s Park. Sir Gerald Fitzmaurice. He was very grand in manner, but very shy. Fitzmaurice couldn’t possibly say anything about the job itself. All I can remember is that he said – “If you want to get away early on a Friday afternoon, for a shooting weekend perhaps, I think that would be all right.”

(Fitzmaurice advised the then Prime Minister that the Suez invasion of 1956 would be unlawful. One of his successors, a close former colleague of mine, advised the then Prime Minister that the Iraq invasion in 2003 would be unlawful. I suggested in *The Times*, and to the Chilcot Inquiry, that it was neither lawful nor unlawful. Law cannot judge such a thing.)

We started work at 9.45 a.m. People known as ‘messengers’, dressed in dark-blue frock coats, had already lit our open coal-fires. Each morning there would be a large red locked box on my desk, containing the latest diplomatic telegrams from around the world.
There was nothing of the Weberian ‘bureaucratic spirit’ about the Foreign Office in those days; rather, an atmosphere of charming and intelligent seriousness.

_O tempora! O mores!_ I lived the last glory days of the Foreign Office, before the Thatcherian _coup de Whitehall._ (See _The Economist_, 15 April 2017; page 30.)

My first international conference was at CERN headquarters at Meyrin, when we drafted the constitution of the European Space Research Organisation. The UK delegation was led by the physicist Harrie Massey, a Trinity Mind. Thereafter I drafted a constitution for the European Launcher Development Organisation, which was adopted at a conference in London. ESRO and ELDO later became the European Space Agency.


I first went to the UN in New York on the day that President Kennedy was assassinated. My first official duty was to buy a black tie at Saks Fifth Avenue.

I subsequently spent much time in New York and Geneva and Vienna, involved in a number of more or less ludicrous UN activities. We drafted a Definition of Aggression. We and the Soviets worked hard to get listed as _aggression_ things that the other side were prone to do. And we drafted a Declaration on Friendly Relations between States, and a Charter of Economic Rights and Duties of States to help the so-called ‘developing countries’.

All these things were cynical moves in the gruesome Cold War diplomatic game. But they are now cited by international courts, and by counsel and students and writers, as if they were sensible things.

I must admit that _multilateral diplomacy_ is a lovely thing, an addiction, which the British have always been rather good at, and which I miss very much to this day. College Meetings and Faculty committees are no methadone for a multilateral diplomacy addict. To go from the arena to the gallery is to experience withdrawal symptoms.

_A swastika on a grandfather clock. Prisoner No. 7. Coolish War._

In 1965 I was posted to Berlin as the Legal Adviser, British Military Government. I stayed in Berlin for three years. BMG had a British Army General as Commandant and a Foreign Office person as Deputy Commandant. We worked closely with the Army.

Our offices were at the Olympic Stadium, offices previously occupied by the Reich Academy of Physical Training and the House of German Sports. My own vast office had a defunct grandfather clock with a swastika on it. I had a British secretary and a German secretary and a German legal adviser, who did most of the legal work.
Every Friday morning I was driven in an official car to the Allied Kommandatura building in Dahlem in the American Sector, to talk with American and French colleagues, to demonstrate that the Four-Power institutions continued despite the absence of the Russians.

My two Western legal colleagues and I were the Higher Executive Authority of Spandau Prison housing Major German War Criminals convicted by the Nuremberg War Crimes Tribunal. The Russians only took part in the everyday running of the prison.

Two of the three remaining prisoners ended their twenty-year sentences while I was there – Speer and von Schirach – leaving Rudolf Hess, Prisoner No. 7 as he was called, alone in this enormous empty prison (now demolished) located in the British Sector.

I designed on squared paper a special little prison for Prisoner No. 7, to be put in a courtyard of the prison. But the Soviet Russians opposed concessions to Hess. I saw him only once, a gaunt figure standing in a seemingly bare cell. I can see him in my mind’s eye at this moment.

Once a month we had a Four-Power lunch, in the gloomy prison, a cocktail party and a formal meal with guests, with the meal provided in rotation competitively by the four Occupying Powers. It was one of the only places where we met the Russians socially. I have a menu-card signed by a motley collection of characters worthy of a Graham Greene novel.

It was the height of the Cold War, and life in divided Berlin was rather tense – an isolated Western enclave within the GDR, which we did not recognise as a state – with its capital in East Berlin and with twenty-one Soviet divisions stationed nearby – the Cuban missile crisis having revealed the fragility of the geopolitical situation. We did fairly pointless NATO war-gaming.

I was present only once at the return of an alleged spy across the Glienicke Bridge. But I have to say that none of these things are remembered by me as in any way glamorous.

A Soviet fighter-plane fell into a lake in the British sector, and we paused only briefly before giving them back their plane.

At one of the annual lawyers’ dinners, I sat next to the lawyer who had successfully defended Dr Schacht at the Nuremberg Tribunal. Dr Schacht had been President of the Reichsbank under Hitler.

So what about our free-time? On Saturday afternoons, there might be tennis at the British Officers Club, followed by fast driving through Checkpoint Charlie to the Staatsoper in East Berlin. Good training for one of life’s great challenges – staying awake through five hours of Wagner. (The Officer’s Club was in the requisitioned Villa Linde, today occupied by the Institute of Advanced Studies Berlin. Some Fellows may be familiar with that body.)
Or there was the recently defected Rudolf Nureyev at the Deutsche Oper – in *Le Corsaire* – flying onto the stage several feet above the ground. And the Berliner Ensemble in East Berlin, sharing the ghostly presence of Bertolt Brecht with an audience of highly intelligent East Germans, very familiar with the idea and the reality of Communism.

The last part of my time in Berlin was marked by student revolutionary activities, like those in the US and France (1968). A rather odd VIM is when a colleague and I interviewed one of the student leaders in a room behind a cinema on the Kurfürstendamm.

He told us about his revolutionary intentions. We reported his revolutionary intentions to the Foreign Office.

The whole Berlin experience affected all my work as a writer on international matters. *The madness of centuries of diplomatic history distilled into a grey and sinister microcosm.*

**HMS Yarnton.** **Emirates.**

From 1969 to 1971, I was wholly occupied with British withdrawal from the Persian Gulf. To save the stationing costs of the armed forces, Her Britannic Majesty’s Government in its wisdom decided to end the British relationship with the Arab rulers that had lasted since about 1820. The Arab rulers didn’t want us to leave.

It had been a delightfully romantic aspect of British imperialism, with the area ruled by a British Political Resident, with Political Agents in the separate little countries. The political organisation of the whole area had to be reconstructed.

A particular problem was that two American oil companies thought that they had the right to drill for oil off islands claimed by more than one of the rulers, and claimed also by mighty Iran.

A vivid VIM is of an evening when we took the decision to send a Royal Navy ship – HMS Yarnton – to stop the drilling-rig of one of the American companies from reaching one of the islands. It is quite a thing to stop a foreign-flag vessel on the high (or high-ish) seas.

Another VIM is of a meeting of three of us in a small room in the Foreign Office when we decided to approve of the United Arab Emirates as the name of one of the new states.

The end of imperialism was the beginning of the present chronic condition of world disorder, with its crazy semi-globalised economy, in which Gulf states play a major role.

When I abandoned Arabian Department to go into the European business, the head of the department (Antony Acland; later head of the Foreign Office and British Ambassador in Washington) said in a letter to me: ‘… we have put a tremendous burden on you… Much of the progress which we have so far been able to make, over winding up our curious special relationship [with the Gulf states], is due to you.’

The Gulf states became independent a few months later.
Ximenesish legislation. Imperial purple. EU looming.

From 1971 until October 1973, I was wholly occupied with British accession to the European Communities. Such an international negotiation is organised in dumb-bell fashion – with a team in London preparing instructions for the negotiating team abroad.

I was in the London team, working closely with Brian Cubbon from the Cabinet Office, and Karl Newman of the Lord Chancellor’s Office.

Brian Cubbon, a Trinity Mind, thereafter became PUS at the Northern Ireland Office, and was badly injured by the bomb that killed the British Ambassador to Ireland. He later became Permanent Secretary at the Home Office – a Trinity Sir Humphrey looking after three successive Trinity Home Secretaries – Whitelaw, Hurd, and Brittan. I was due to have dinner with Cubbon just after the 2015 General Election. Sadly, he died in the meantime.

Work on the accession negotiations was rather intense. A vivid memory is of a meeting at the Home Office, to decide what to do about the Channel Islands. I realised that I knew nothing about the legal status of the Channel Islands, which is quite complicated. I had to do some speed-reading, in the days before Wikipedia. That experience was par for the course. One had to know, or pretend to know, about a lot of things, dealt with by almost every government department.

Another vivid memory is of a 2pm meeting in the beautiful office of the chief Parliamentary Counsel in Whitehall. Parliamentary Counsel are the people who draft legislation. Sir John Fiennes was to draft the legislation to take us into the European Community system. Our job was to tell him what to put in the legislation.

From brief, but intense, study of judgments of the European Court, we formed the idea there are two great principles of EC law – the direct effect of Community law in the member states; the supremacy of Community Law over conflicting national law.

On that unforgettable afternoon, Fiennes handed to us his draft of the Bill which became the European Communities Act 1972, without a single word of the Bill being changed in the debate in Parliament. We saw at once that he had produced a work of absolute genius, some parts of which, fortunately, very few people understood, or understand.

The European Communities Act was considered by the Supreme Court in the case about UK withdrawal from the EU in January of this year. The views expressed in the majority opinion are interesting, I have to say. But then, who am I to judge the judges?

I was posted to Brussels when the Office of the UK Permanent Representative to the EC’s was being set up, more or less our embassy to the EC’s. I was the first Legal Counsellor in UKREP. The Permanent Representative was Sir Michael Palliser, who was married to the daughter of Paul-Henri Spaak, former Belgian Prime Minister, one of the founders of the EC’s (Spaak Report, 1956). I remained in Brussels for some eighteen months, until I left the Foreign Office to come here.
In Brussels we would get urgent telegrams from London, during the debates in Parliament, asking us to explain things. I remember writing, in a matter of hours, a paper, to be laid before the House of Commons that afternoon, in reply to the question – what are the powers of the different Community institutions in decision-making?

The recent obituary in *The Times* (27 April 2017) of Sir Ewen Fergusson, Head of Chancery in UKREP while I was there, said that work at UKREP was ‘hard grind at any time, virtual slavery as Britain completed its negotiations for membership and learnt the hard way the habits of work in Europe.’ (Later: British Ambassador in Paris; Chairman of Coutts Bank.)

I was back in the joy of multilateral diplomatic negotiation every day of the week. We took part in the endless Community meetings straightaway, although the UK didn’t become an actual member state until 1 January 1973.

A happy little VIM moment was when I and two officials of the European Commission met and decided that the colour of the English edition of the Official Journal – in which all EU legal acts are published – would be *imperial purple*. Wider still and wider! – or so I naively dreamed in those days – the purple of a benevolent new European empire.

A more substantial VIM was in 1972 when there was a summit meeting in Paris of the Heads of State or Government. We sherpas, as the French call the acolytes of Ministers, drafted a final Declaration of the meeting before it started, in the usual way.

But when we saw the Declaration that they actually adopted, we were shocked to see that they had added an interesting new sentence. The European Communities were going to be turned into something called the European Union! And this particular sherpa had not been consulted! *So you can’t blame me.*

Close contact with European integration was, for me, experience of a new kind of international order, in which *European common interest* is added to *national self-interest*. An interesting new kind of order, but full of imperfections.

In a letter to me when I was leaving, the head of the Foreign Office (Sir Denis Greenhill) said: ‘those with whom you worked have been very appreciative of the assistance you have given them over the many difficult and complex problems which they put to you. You played a valuable part, both in London and then in Brussels, in our entry into the European Community.’

The senior Treasury person in UKREP (later: Sir David Hancock. Permanent Secretary, Department of Education), in a letter back to the Treasury that I happened to see, said that my leaving was ‘a great loss to the public service’.

I had been involved in three hinges of modern history – *from hot war to cold war; the end of imperialism; the beginning of a new Europe*. We are now in a fourth hinge of modern history – *the end of the American Century* – in which I am actively involved, but only in the form of ideas.
Three roads diverged, and I chose this one. I still half-regret the roads I did not take (Frost), the doors I did not open into other rose gardens (Eliot).

While still in the Foreign Office, I obtained (Ministerial) permission to take part in local politics in Hampstead. Leaving the Office, I had in mind to stand for Parliament, using this job as a source of income in the meantime. I could have been part of Mrs Thatcher’s revolution.

But I was shocked to discover that being an academic is a full-time job. I hadn’t noticed that when I was an undergraduate. The trap was set. The die was cast.

I had to teach myself Constitutional Law and International Law, keeping two weeks ahead of the students. I created the first Tripos course in European Community Law, and later an LL.M course in EC Law. With a colleague from Trinity Hall, we created the first Tripos course in Administrative Law.

I created a Tripos course in Law and Philosophy, and a graduate seminar in the History and Theory of International Law, which has been copied in other universities.

I created a discussion society for Trinity undergraduates – called at different times the Byron Society, the Verulam Society and the Whewell Society, according to the whims of the undergraduates.

For decades, I hosted in my rooms a weekly discussion group for graduate students in the University. And I taught on summer courses in Cambridge for students from American law schools. I am still in touch with a significant number of the people who attended all those things.

Teaching is sharing. Writing is sharing. Trinity College is a workers’ co-operative, a Waitrose of the mind. We should talk to each other. Francis Bacon, a Trinity Mind, put conversation at the heart of civilised life (1597).

The conversation of the intellectual ruling class is the most important social conversation, as it was in the nineteenth century, especially now when civilisation is threatened by new barbarisms. We north-of-Watford folk cannot leave public thinking to the London metropolitanist commentariat. Trinity College should be a great hive of disputatious thought.

Soon after arriving here, I organised two Alternative Faculty Meetings in my rooms to discuss reform of the Law Faculty, which seemed to be archaic. I resigned from the Faculty Board, seeing it as a farcical form of management. I took an active part in the final stage of the long struggle to open up our Prize Fellowships (Title A) to non-Trinity people.

And one was supposed to write articles and books.
I spent **twelve years reading**, in level South Wing 5 of the heavenly Cambridge University Library, and in the wonderful Reading Room of the Wren Library. In 1980, I spent a sabbatical year at Stanford Law School, reading in the library of the Hoover Institution on War, Revolution and Peace.

During those twelve years of reading, people asked me: “What on earth are you doing? You don’t make millions as a practising academic international lawyer. You don’t publish books. What are you doing?” I said I was writing my book on the state.

The book was published as *Eunomia. New Order for a New World* (OUP; 1990/2001). It is the exposition of a new philosophy that would come to be called Social Idealism.


During my time here, I was extremely fortunate to be asked by the Foreign Office to attend the great UN Law of the Sea Conference. Back at the heart of multilateral diplomacy. Certainly not *nonsense diplomacy*. The UN Law of the Sea Convention regulates the legal status of all the sea-areas of the world.

I specialised in the rules on the delimitation of the sea-areas of adjacent or opposite states, and on the dispute-settlement system. But I was also a member of the English-language sub-committee of the Drafting Committee, the body that had to review every word of every provision of a treaty that would eventually contain 320 articles.

*An obscure Conference VIM.* The sub-committee chairman was an American academic, formerly a legal adviser in the State Department.

When we broke for lunch one day, he came up to me and said: “Philip, why didn’t you support me more strongly on that thing in Article such-and-such?” “Naval capability,” he added, mysteriously – or words to that effect.

I think he was referring to the placing of a comma – a comma that may be significant in the current pre-war situation in the South China Sea.

*The Law of the Sea Convention shows the possibility of rational global legislation.*

I might mention that my international existential experience (light within darkness; hope within despair; sense within nonsense; sanity within madness) is reflected in my two *Invisible Power* novels. The third and last novel is due shortly, as it has been for several years. In it, the lovely global conspirators do, at last, change the world.
And finally. The Republic of Trinity and the future.

I have had a sentimental attachment to the College since the day I arrived as an undergraduate in October 1955 – the College which, as The King’s Hall, had been the largest college in Cambridge, before it was re-branded and re-capitalised in 1546 by Henry VIII, of otherwise unblessed memory. A Fellow of another college once said to me: “Trinity is not a college. It is a republic.”

I have always appreciated the work of the very loyal and friendly College staff, on whom the Fellows of the College ultimately depend. I have tried to express my devotion to the College in a book published in 2015 called Trinity Minds 1317-1945. My own loyalty to the College has been severely tested over recent decades as a new form of College life sinuously displaces the former form of College life.

A great privilege for me is that I have lived here among scientists, engineers and mathematicians, whom I have come to admire, as modest and devoted practitioners of some of the highest capacities of the human mind.

But their activities are not innocent. In my recent Eutopia book (£15.95 from some outlets), I speak frankly about the awful moral and social problems that science and engineering are now creating.

Science and engineering have become a default transcendental. But it is a transcendental that cannot tell us how to be better human beings, let alone how to be happy.

Unless kings and scientists and engineers become philosophers, I can see no better future for the human race. (Plato, Republic, bk. V, 473d. Eutopia, §§9.SS, 9.TT, 7.15ff.)

Wouldn’t it be wonderful if Trinity, with its great philosophical tradition, and the Royal Society, with its strong connection to Trinity College, could re-ignite the age-old debate about human self-perfecting that has led to the better side of human progress?

This evening has made me take stock of my life as a teacher for the first time. I see now that it is a part of my life of which I could be reasonably proud – a teacher who was able to share with his students some experience of what is laughingly called the real world, and some experience of the real real world, the life of the mind.

But the story of my public intellectual life is a story of failure. I have not changed the world by changing the world’s ideas.

After forty years of relatively splendid isolation in the Great Gate – my sixteenth-century tower of ivory – I see now that my intellectual life has been haunted by two previous teachers – an obscure but optimistic Athenian twenty-five centuries ago, who defied old ideas – and an obscure but optimistic Galilean twenty-one centuries ago, who defied old ideas.

The two ‘kindly lights’ of my life (Newman). Neither of them had a happy end.
Philosophers have a great source of consolation (Boethius). Ideas are immortal. Our minds can live on in the minds of other people after we are dead. The mental genome of the modern world is formed from the ideas of dead philosophers. The past time of philosophers is not lost time. Philosophy speaks in a permanent present tense (Hegel).

According to Allott’s Law of Triennial Enlightenments – six European Enlightenments at three-century intervals from the 3rd century CE to the 18th century – a 21st-century Enlightenment is inevitable.

May Trinity Minds – past and present and future – be leaders in the New Enlightenment of the twenty-first century.

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