

Conversations with Professor Philip James Allott

by
Lesley Dingle¹ and Daniel Bates²

First Interview: Early Years (1937-1963)

Date: 18 February 2011

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

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

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

Professor Allott's answers are in normal type.

Comments added by LD, *in italics*.

All footnotes added by LD.

1. Professor Allott it's a great pleasure to interview you for the Eminent Scholars Archive.

Your scholastic reputation is grounded on dual foundations, what we might call an early apprenticeship as a legal advisor in the Civil Service at the Foreign & Commonwealth Office and later as a prominent academic here in Cambridge. During these interviews for the archive, could we talk initially about the highlights of your life and career and then come later to a general discussion of your scholarly work. I'm sure there'll be many listeners very eager to hear more of your radical visions for the future of international law and its role in shaping human society.

So, could we start with your early life, your childhood, your schooldays? You were born in 1937 in Sheffield.?

Yes, well I think probably there were three determining early facts in my life. The first is that I was born into a very large family, I was the youngest of nine children and the second is that up till the age of eight, from the years of two to eight it was the Second World War and that obviously must've had some effect. Thirdly, the family I was born into was Roman Catholic and people have often asked me has this had an effect on the whole of your work? And in due course I will offer an answer to that.

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

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



2. The Family.

I was the youngest of nine children and although I don't take much notice of the birth order theory, it probably is true that to be last in a large family must have some particular effect on one. In my case, of course, it's mixed up with the war, so it's very difficult to say which was cause and which was effect, but it was a very tiresome family in that to me as the youngest they all seemed to be formidable people, they seemed to know everything and this certainly caused, initially, a, sort of competitive spirit, there was competitive spirit around.

It was a very bookish household and we all read a very great deal and talked and I remember for some reason we all seemed to read the *Encyclopaedia Britannica* as if it was light literature. We had a marvellous Victorian edition of it and I developed an interest, for example, in astronomy which many boys do and I remember telling the Master of this college [LD: *Trinity*], Martin Rees³, Astronomer Royal, that at the age of eight I intended to be the Astronomer Royal and he had achieved it and I hadn't, which seemed to me to be unfair. I also became interested in numerology through reading these odd books and I decided that I would die in the year 2001, so 2001 was quite an interesting year and then I thought perhaps I got the numerals in the wrong order and I might die in year 2010. Well, I became ill in the year 2010, but I seem to have survived that year. It was the sort of household which was much more representative of those days. Now, it will be very, very unusual, but in those days it was normal. Everybody would talk about everything in a vaguely competitive way. So, that had a big effect.

2. The War.

Also, obviously, the war had an effect, but not in the way one would expect. In other words the war was not a searing experience of deprivation and fear at all. Perhaps partly because one didn't know anything else, but the usual things were there with rationing and so on. There was a sense that it was a bit of a help actually, because you couldn't spend much money during the war.

I can remember things about the war. In Sheffield we were bombed. Obviously it's a great steel city, was the leading steel city in Britain and my father⁴ was managing director of a subsidiary of the biggest steel company, Thomas Firth and John Brown⁵. Oddly enough the German bombers didn't seem to bomb directly the steel factories, because the assumption then was that they were going to invade and they would need the steel factories. So they seemed to bomb the centre of town and in our road, at the bottom of the road, a fire bomb fell, but didn't ignite.

The house next to ours was requisitioned by the army and all I can remember is that they practised digging trenches in the garden, which I think might've been suitable for the First World War. I'm not sure it had much to do with the Second World War. We had to sleep in the cellars of the house during the bombing, which was exciting and we had to build an emergency exit from the cellars in case the whole house collapsed on top of us. As a child that seemed to be more exciting than anything else.

³ Martin John Rees, (1942-), Baron Rees of Ludlow, Astronomer Royal (1995 -), Master of Trinity College, Cambridge (2004-2012), President of the Royal Society (2005-10)

⁴ Reginald William Allott (1892-1970)

⁵ Formed 1902, formally merged 1930 from two companies formed in 1830-40s. Discovered stainless steel, first produced 1913. Now Sheffield Forgemasters (1982).



We had a German prisoner of war camp three or four miles away in a former isolation hospital, where the son of the chief doctor was at day prep school with me, and he then became a Lord Justice of Appeal, Paul Kennedy⁶. I remember going to this prisoner of war camp and looking through the gratings - the wire fence and of course they were living a rather nice life because they were in a hospital. I seem to remember meeting a German prisoner of war - I think they were allowed out to visit families, so it was really quite a nice regime for them. I remember on holiday at the seaside meeting three French sailors, that would be either at Filey or Scarborough, I suppose, and who seemed nice jolly people, but one didn't really feel that it was part of anything real at all. I remember also a day when the whole sky was full of bombers going eastwards, like a famous scene, where the whole sky is full of bombers, hundreds of them. I don't know where they came from, but they were going east, perhaps that was also at the seaside. I also remember a V-2 rocket going over the house, watching it from an attic window. That was the silent one that just went in an absolutely straight line. It must've missed Antwerp or something and heaven knows where it eventually landed in the countryside somewhere, but that was an interesting thing for a child to see it. It didn't strike me as very terrible at all.

During the war my eldest brother was in the King's African Rifles, a lieutenant. Just at the very end of the war he was going to go out to Burma when the atomic bombs dropped in Japan, so that probably saved his life. My eldest sister worked in a radio factory making radar components and my second eldest sister was in the Women's Army. I don't quite know what she was doing, driving lorries presumably, and those were two convent girls, so it was quite an experience for them. My next brother and next sister were away at school in the south near Oxford, so there was a lot of coming and going.

We were required to billet an officer; everybody was required to have somebody. We didn't really have much room and all I remember about that is that he put his shoes outside the door to be cleaned, which annoyed my mother rather considerably. We never cleaned his shoes I don't think.

It was that sort of war really, very odd, because you'd have thought it would've been a foundational fact that the horror of war would've led me into all this idealist reconstruction of international law stuff, but I can't honestly say that. I did dream about German soldiers climbing the drainpipes into my bedroom, but I can't honestly say that it was a searing experience.

At the end of the war certainly two things had an effect. One was the first pictures from Belsen concentration camp⁷, which the British liberated, of emaciated skeleton bodies, that etched itself on my mind, absolutely. And secondly, I remember the front page of the *Daily Telegraph*, when the atomic bombs dropped, explaining nuclear fission and showing a cupful of uranium, which would be able to drive a ship across the Atlantic we were told, and that was the first time we'd ever heard of it.

⁶ Paul Joseph Morrow Kennedy (1935-), Rt Hon Sir, Lord Justice of Appeal (1992-2005)

⁷ Belsen (Bergen-Belsen) established 1943. Never used as a death-camp, but was a place of unbelievable horror and brutality. There were 40,000 prisoners at Belsen in April 1945, many dying each day, as well as thousands who had recently died and had not been buried. From <http://www.nationalarchives.gov.uk/education/lesson26.htm>



So that then did begin to impinge. The end of the war, when one began to learn. I remember the newsreels, cinema newsreels of the Nuremberg trial very clearly and it was all in black and white, which made it seem even worse obviously than Nuremberg and I think, I hope I'm right in saying, that I thought the Nuremberg trial was wrong even then. I'll later mention why I definitely formed the view that it was ghastly.

3. How extraordinary, because you would have been a boy of eight at that time.

That I certainly remember, because the newsreels were full of it, obviously in the cinema, there was no television. So, maybe those did etch themselves in one's mind as very remarkable and horrible things. So, then being a catholic, obviously notoriously has an effect on one if one is a catholic as a child and one has remained a catholic for the whole of one's life, but for the moment I will just say that I think the main effect is that you have a different vision of the world. What I nowadays would call transcendental, that's to say that you always know that there is something beyond the everyday, sort of, vertically beyond it and that certainly alters your mind fundamentally and I don't think even lapsed Catholics ever get rid of that. It's just knowledge that all the nonsenses of the world and all the good and bad in the natural world, beyond it there's something, doesn't matter too much what, but that means that one's mind is constructed slightly differently from other people, non-religious people, but obviously I'll come back to that later to see whether there is any real link.

4. Schools.

I should really mention a fourth thing, which is that I was terribly lucky in that I went to extremely good schools. My parents were extremely saintly in that all nine of us were privately educated, not in state schools, which to this day we have no idea how they afforded it and we were very lucky: both in my prep school and my public school which in those days were of the highest possible quality. The four of us were at the prep school, which was in walking distance from our house and it was really very, very good.

My brother and I, my next brother, took School Certificate while we still at prep school. School Certificate was the predecessor of the O-levels, but in those days School Certificate you had to get all six subjects or you wouldn't get a School Certificate and my brother got five of the six subjects, I got four, with a distinction in French I may say, when we were 12 or 13. We had a marvellous French teacher, Mrs Postlethwaite and there again that's had a big effect, because it meant that my father had had a degree in modern languages from Sheffield University and was very keen on languages. So, the four last children all did modern languages and that had a big effect on one's life obviously, because modern languages, French and Spanish in my case, tend to widen one's horizons in a very big way.

Then when I went to public school that was Downside School, which is a Benedictine school connected with Downside Abbey in Somerset⁸ and looking back one realised this again one was incredibly lucky, marvellous teachers and some of them had been in the war. There was a marvellous man who taught us Latin called Captain Stallybrass, would you believe, who used to look out of the window as he taught distantly, as though he was still at sea. We learnt advanced mathematics from Colonel Page, who again looked as though he was

⁸ <http://www.downside.co.uk/> Independent, co-educational boarding and day school for pupils aged 11 to 18. One of England's oldest Catholic schools. Founded in 1606 in Douai, Downside today is a school of four hundred and thirty boys and girls, housed in magnificent buildings at the foot of the Mendip Hills, twelve miles south of the city of Bath.



not really terribly happy teaching after having been in the War. We had a marvellous teacher of Spanish, who had been at Jesus College, [LD: *actually Brasenose College*] Oxford, a Welshman. The amazing thing, looking back I can't understand how we did it, we read vast amounts of classical French and Spanish literature, which children now not for a moment do and that's a very precious possession. You know, one has read, I would now say, most of classical French and Spanish literature.

I did advanced mathematics, which is the beginning of one of the might have beens of life, which I enjoyed enormously, calculus and coordinate geometry and mechanics and so on. So, I might've gone on to do mathematics here at Trinity College - Trinity College being a famous place for mathematics. But I didn't, I chose to do modern languages here, French and Spanish.

So completing the school side of it. The school was also rather odd - it had a very strange history. Being a catholic school it was in Belgium from 1605 until about 1816 or something when the disabilities against Catholics were removed in 1829, the Catholic Emancipation Act. Of course teaching Catholicism was a criminal offence in this country till the 1780s. English people had gone to Belgium, so the school came back to England and settled in Somerset and it was odd in that a lot of the Catholic European aristocracy were there. It was known as the Catholic Eton at the time. At the time I just didn't realise there were people called Prince Trubetskoy⁹ and Prince Sapieha¹⁰ and Count Tyszkiewicz¹¹ and such, and various catholic British aristocrats - the sons of the Earl of Perth, and people from the Duke of Norfolk's family and so on. There was a Martini and there was the nephew of General Franco. But boys being as they are, totally equal at school, it never crossed one's mind how exotic [LD: *this was*]. Had I thought about it, I would've made sure that I got to know the Prince Trubetskoy rather well since his ancestors are mentioned in *War and Peace*, but at the time they're just wretched boys, other boys. That again probably had an effect, because the school felt very international - these people came from everywhere. Only later did one realise that they owned most of Gibraltar or whatever.

I was the school librarian, if I may say so, and I reorganised the library according to the Dewey Decimal system. Again I don't know how I found time.

5. This was when you were at secondary school?

Yes, how did one find time to reorganise the library according to the Dewey Decimal system, on top of reading Russian literature and American literature and all these other things. I cannot fathom it.

6. Cambridge

Four of my brothers went to Oxford and two came to Cambridge and I'm only at Cambridge because my nearest brother went to Oxford. I always thought I should've gone to Oxford really, which is a more worldly place, but Cambridge has the advantage that it's a

⁹ Trubetskoy, a prominent a family of Black Ruthenian stock in the Grand Duchy of Lithuania. Later, prominent in Russian history, science, and arts. The Princes Troubetzkoy descend from Demetrius I Starshiy, who ruled the towns of Bryansk and Starodub, and was killed in the Battle of the Vorskla River (1399). They ruled the town of Trubetsk until the 1530s, when they settled in Moscow at the court of Vasili III of Russia.

¹⁰ **Error! Main Document Only.**Sapieha is a Polish-Lithuanian family.

¹¹ Tyszkiewicz is a Polish-Lithuanian family.



more serious place. Trinity College I chose in the usual ludicrously fortuitous way I asked my brother who'd been at Trinity Hall what was the best college in Cambridge and he said "Well, I should say Trinity Hall shouldn't I? But I think I'd better say Trinity" and that's the only reason I came to Trinity College. I'm infinitely grateful to him for that altruism.

Then one arrived here, and of course the nature of people here in those days was, again, very different. Vast majority obviously were from public schools, for whom it was just the continuation of the same way of life really, but there were large numbers of very, very clever people from grammar schools. That was a huge achievement of the system. Some of the public school people just came here for parties and to go to London and so on.

I was in a very serious group of people, mostly old Etonians I may say, who were extremely serious and we didn't pay any attention to those who played games and went to parties in London really. There was a very good atmosphere as well of charming seriousness, which typified the place at the time. I read French and Spanish for the first year. My supervisor in French was a man called Ralph Leigh¹², who later in life edited Rousseau's¹³ letters in 50 volumes and became very famous.

One of the reasons I gave up modern languages for law was, I remember, discussing with him in a supervision the merits of play by Marivaux¹⁴, French 18th century dramatist. He thought it was a marvellous play and I thought it was a dreadful play and it suddenly struck me this was not a very sensible way of spending one's time, and it also wouldn't get one a job.

7. I wonder what drew you to law?

Well, it's difficult to say, I can't really know. My two eldest brothers read law at university, but I think that had no effect whatsoever. The man I shared rooms with, I'd been at school with, Robert Walker¹⁵ who is now a Law Lord, member of Supreme Court - Lord Walker of Gestingthorpe. His father was a barrister and probably that had an effect. I shared rooms with him, our second year, but I can't really remember. I don't remember that it was purely career-orientated. I suspect it may have been the intellectual challenge, but it really did seem like something where you had to have something more than opinions about 18th century plays, but I've never really remembered why that was so. Very difficult to say. Again we were very lucky in that there were excellent people teaching law at the time - imagine having H. W. R. Wade¹⁶ as a supervisor.

¹² Ralph Alexander Leigh (1915–1987), Professor of French at Cambridge University. Edited Rousseau's correspondence (52 volumes, completed in 1998).

¹³ Jean-Jacques Rousseau (1712-1778). Genevan philosopher and writer who heavily influenced the French and American revolutions.

¹⁴ Pierre Carlet de Chamblain de Marivaux (1688 - 1763)

¹⁵ Walker, Robert, Baron Walker of Gestingthorpe (b. 1938-). Lord of Appeal in Ordinary 2002-09; Justice of the Supreme Court 2009-

¹⁶ Sir Henry William Rawson Wade (1918-2004), Professor of English Law, University of Oxford 1961-1976, Rouse Ball Professor of English Law, University of Cambridge 1978-1982.



8. He was your supervisor?

In land law. He hadn't yet become the great administrative lawyer that he became. Tony Jolowicz¹⁷, a great master of tort law, Eli Lauterpacht¹⁸ a great master of international law and they were one's supervisors, so one saw them the whole time.

9. Professor Allott were you ever taught by Sir Hersch Lauterpacht¹⁹?

No. I don't think I ever saw him or heard him. Nor McNair²⁰ who was at Caius, wasn't he? He was on the court [LD: *ICJ*] presumably at the time, McNair. Harry Hollond²¹ was still here, but obviously was in retirement. I always remember sitting beside him at the fellowship admission dinner, which we have here for new fellows at the College and he was a famous university administrator above all, Harry Hollond. I remember him turning to me and saying more or less "So, why are you here? What is your background?" and I said "I used to be a legal advisor in the Foreign Office until last week" and he said "Interesting appointment", which, being an academic, is a very complex statement, which includes why on earth are you here if you've been a practising lawyer?

We had Mickey Dias²² for supervision in jurisprudence. He was a remarkable man who taught a very clear view of jurisprudence, i.e. not belonging to any particular prejudicial school and that's reflected in the book he published on jurisprudence and that I think had a big effect, because he made it all seem clear and sensible. Since then everything has gone mad in that field and now there are thousands and tens of thousands of books and it's a complete mess.

It was very similar in international law, because, of course, in those days there were very few books. Nobody can believe it. There were very few books and very few articles and that had the effect I think of throwing the whole thing onto oneself and one's supervisor and lecturer more. Now students spend their time going through books and articles and so on, which doesn't encourage original thought, I don't think. Then there was practically nothing, just very, very few books, so the lecturers mattered more. Famously Professor Jennings²³ and Professor Parry²⁴ used to lecture at the same time in international law and that is a very cruel thing to happen, because Professor Jennings' lectures of course were completely clear, he had

¹⁷ J. Anthony Jolowicz, (1926-2012), Emeritus Professor of Comparative Law, University of Cambridge, 1976-93.

¹⁸ Sir Elihu Lauterpacht (1928-), Hon. Professor of International Law 1994-.

¹⁹ Sir Hersch Lauterpacht (1897-1960). Judge at International Court of Justice 1954-60. Whewell Professor of International Law (1938-55).

²⁰ Sir Arnold Duncan McNair, Lord, (1885-1976). Judge of the International Court of Justice, 1946-55. President of International Court of Justice, 1952-55. Whewell Professor of International Law (1935-37).

²¹ Henry Arthur Hollond (1888-1974), Rouse Ball Professor of English Law, University of Cambridge 1943-50.

²² Mr Reginald Walter Michael (Mickey) Dias (1921-2009). Lecturer in Law, University of Cambridge (Jurisprudence & Tort, 1951-1986).

²³ Sir Robert Yewdall Jennings (1913-2004). Judge International Court of Justice 1982-95. President International Court of Justice 1991-94. Whewell Professor of International Law, (1955-81).

²⁴ Clive Parry (1917-1982), Professor of International Law University of Cambridge (1969-1982).



one of the clearest minds on the face of the planet while Parry was an enormously, thoughtful, intellectual, man. So, his approach to international law was completely different. You can imagine the result was that vast crowds went to Professor Jennings' lectures and a handful of very serious people went to Professor Parry's. Which I don't think that happens nowadays, the direct contrast.

I'll mention Professor Lipstein²⁵ later, because he was very important to me when I came back to Cambridge. I suppose I have to mention already Eli Lauterpacht, who's had an absolutely determinative effect on my life obviously. In the second year when he was my supervisor in international law, the main thing was, and I've told him this several times, that he made international law seem incredibly glamorous. He always wore beautiful suits and drove a very nice car and during supervisions he would just happen to be called on the telephone from Hong Kong or Buenos Aires or somewhere and we, children as it were, were terribly impressed by this and I really do think it may have had an effect. I'm thinking international law must be incredibly glamorous profession.

Also in my second year, 1956 it was the Russian invasion of Hungary and Eli Lauterpacht asked me to do an opinion, as a second year undergraduate, on the Russian Soviet intervention in Hungary. I always say that that began my depreciation of international law, because it all turned on the question of something called intervention by invitation. Allegedly the Hungarian Prime Minister²⁶ had sent a backdated letter to the Soviet government saying would you please intervene? So, I put this all down in this opinion and I then formed the view that international law must be completely ridiculous if the legality of an intervention by the Soviet army could depend on a ridiculous piece of paper. I mean that seriously that it did strike me that there was something very peculiar about this system of law.

I must mention also the rather remarkable supervisor I had in contract, I'll obviously come back to Eli Lauterpacht later, who was Gordon Slynn²⁷. He was a weekend supervisor, coming down from London, practising barrister and of course Gordon Slynn went on to be an Advocate General in the European Court and a Law Lord, I think, in this country. To my dying day I shall remember the first supervision with Gordon Slynn in contract, because we discussed a public weighing machine and what is the contractual structure of a public weighing machine and we learnt that it is a standing offer to do something and when you put a penny in it you are concluding a contract with somebody on terms that it will accurately tell you your weight on a little piece of card. That completely changed my view of the world, because I suddenly realised that everything, every event and every object has its second significance, which is legal significance, that really only lawyers know. Stepping onto a zebra crossing, you know, dozens of bits of law suddenly apply to you.

Literally at that moment of that supervision that was a complete change of one's mind - that this was another world of meaning and significance - a complete world of meaning and significance, and coherent and in some sense rational. I think we then went on a mad riff to consider a weighing machine that speaks your weight and if it said you were 18 stone and other people could hear, would that be slander, because there's no limit to how you can

²⁵ Kurt Lipstein (1909-2006), Professor of Comparative Law (1973-76).

²⁶ János Kádár (1912 - 1989), General Secretary of the Hungarian Socialist Workers' Party.

²⁷ The Right Honorable Gordon Slynn (1930-2009). Baron Slynn of Hadley, QC. Jurist specialising in European and International Law, and a former judge of the European Court of Justice and Lord of Appeal in Ordinary.



analyse potentially legal situations? Of course he was a very good supervisor, a very remarkable lawyer, Gordon Slynn.

10. I think Professor Jolowicz was also a weekender.

Yes, I did it myself when I was a pupil at the Bar and in those days we seemed to rely on that a lot. I don't know if they do so much now, but that had the slight advantage that you were dealing with the people who were out in the world. It was very important to have pure academics, but also these were people who, the rest of the week, were arguing in court or something and that is quite useful.

We also had this famous man for criminal law Henry Barnes²⁸, who only my generation knows of, but he had a very peculiar career. He'd been president of Mexico for a day²⁹ for reasons I now can't remember and he had a very dramatic and you might say a scurrilous view of the criminal law. The girls from Girton and Newnham had to sit at the back, because he used to recount in infinite detail all these unpleasant crimes against the person and I then formed a view, which has remained with me for the whole of my life, that the criminal law is a scandal, dreadful. I once took part in a debate arguing the proposition criminal law is a crime and I've applied this more recently to international criminal law, which I'm utterly against, because criminal law is terribly unfair socially and terribly primitive and barbaric in its nature. I think Henry Barnes may have instilled or caused this absolute hatred, because in exams you had to answer more or less the question, as Henry Barnes put it, what do you get him for? You'd be given a set of facts and our job was to answer the question "what do you get him for?". That didn't seem to be a, sort of, adequate way of dealing with life's problems.

These were influential people and Bill Wade of course was an enormously impressive person. As I say then he was the great master of land law, he'd written a very famous book with Megarry³⁰ and he'd only just started his interest in administrative law - a famous article he wrote in 1955 called *The Basis of Legal Sovereignty*³¹ - but he was a very wonderfully clear and cool and an authoritative man whom I greatly respected. Obviously when he became famous for administrative law, a real maker of administrative law, I came to admire him even more.

Jack Hamson³² I hardly knew, although he was in this college and had been at the same school as me, I hardly knew. He must've retired perhaps, but he was an enormously respected figure, as was Patrick Duff³³, who again, I didn't study Roman law here and hardly knew him I must say. Michael Pritchard's³⁴ lectures in legal history I went to and he again

²⁸ Lecturer in Law 1932-1959.

²⁹ Actually, for a week. He had drafted a constitution after a revolution and was made Temporary President after another revolution, but forgot to resign for a whole week. Pers. Comm. Allott, March 2013.

³⁰ Megarry, R. E. & Wade, H. W. R., *The Law of Real Property*, 1957 1st Edit.

³¹ *Cambridge Law Journal*, 1955, 13, 172-197.

³² Charles John Hamson (1905-1987), Professor of Comparative Law (1953-73).

³³ Patrick William Duff (1901-1991), Regius Professor of Civil Law (1945-68).

³⁴ Michael Pritchard (1927 -), Lecturer (1953-1995); Editor, *Cambridge Law Journal* (1996-2003).



was a master of that subject, wonderfully clear. So, looking back on these people, again to be quite honest one realises one was rather privileged, these were very fine people. I'm not meaning to imply that I'm making a judgment on all the subsequent people, but it just so happens that we were extremely fortunate in these people.

That I think was the essence of the Cambridge experience, which in many ways is very different from the world as it is now. It was a much more gentlemanly world to be quite honest. Now, all this business of handouts and photocopies and all that sort of thing were totally unthinkable. I don't think there were any syllabuses in those days, well in fact I'm sure there were no syllabuses. Lecturers or supervisors just more or less did what they wanted to do and it was a completely different feeling of the enterprise and now it's enormously professionalised and enormously bureaucratised. In one way, obviously, it's infinitely better - they're getting better value for money in that sense, the students, but this was part of a different world where law was almost part of general education in a way. It wasn't merely preparation for practice, and supervisions were real discussions, they weren't preparing exam answers as they tend to be now. They were just you were sitting in a room with somebody who was very great expert in the subject, talking to them and if you had a bright idea they were very pleased.

I remember once a supervision with Eli Lauterpacht. We were talking about problems with damages internationally. I'm sorry to recount a story in my favour, but we were talking about damages, quantified damages and I said, I don't know where I got it from, "Damages might not be quantified, but the question must be are they quantifiable?". Eli absolutely seized on this, and, knowing him, it was probably part of some problem he was involved with and thought that was a terrifically good distinction between quantified and quantifiable damages. But that's the sort of discussion we had and nobody ever mentioned an exam question at all. Incredible.

11. I had a lecturer like that for Roman Law Two. He was not prepared to spell it out step by step. He gave you some ideas, and you were expected to go and read.

Exactly. I gave up supervising because we had a wonderful rule in this college that you'd give up after 20 years, I gave up because it had completely changed. They'd started arriving with notebooks either asking something that wasn't clear in the lecture, which I suppose is reasonable or could we do an exam question? And I'm afraid that wasn't what I felt was very good at. Before, people now can't believe they might have been given sherry during the course of the supervision and it was a discussion.

It's an amazing change. I'm not necessarily saying it's worse or better now, but it was a totally different world.

12. I believe there's a certain tendency now to lecture very slowly so that every word can be taken down.

Exactly. Well, now in lectures, it started I don't know when, if you said "Could somebody open the window?", they would note it down. It's incredible. In my day there were people who sat at the back reading a newspaper if they didn't feel the lecture was of much interest.

Totally different, but as I say, I was of a group of people who thought it was all terribly serious. We worked very hard, but also we went on reading and talking enormously and I cannot again work out how on earth we found the time to do all that we did. It's just I



can't understand it, but we all went on reading and talking about art and everything else. In those days I started travelling, well I went to Greece and Italy. Again the students nowadays travel to North Borneo and heaven knows where, but in those days you just did Europe really. I'm terribly grateful that I did then, because particularly France, Italy and Spain, and then when I lived in Germany for three years. It's a terribly important part of culture, and had a big effect on one's attitude to the European integration problem, that one was terribly fond of these countries.

Then I stayed for a fourth year to do what was called the LLB, it's now called the LLM and I didn't do it very successfully, I had marvellous colleagues including Rosalyn Higgins³⁵ and Andrew Jacovides³⁶, and Owada³⁷ was here around that time. Steve Schwebel³⁸ was here and, as Rosalyn Higgins says, it was the most extraordinary group of people.

At the time we didn't know that we would all go on with international law and take it quite seriously, but I didn't do very well in it, because at the same time my parents then were rather short of money. So, I did both parts of the Bar exams during that year, because in those days the Bar exams were obviously completely different from now. I had to do one or two subjects for the Bar exam Part One that I wasn't exempted from. I remember I had to do Roman law, which meant pacing up and down in my room learning by heart a nutshell on Roman law. And I had to do company law and equity and other such things - just learning them by heart over that year.

Also during that year I took the Diplomatic Service entrance process to go into the ordinary part of the diplomatic service and that in those days was enormous performance - taking a long time. In the end I remember there was a terribly grand final selection board in some very smart building in Mayfair. I came fifth on the list and they only took four that year into Diplomatic Service. That's one of the great might-have-beens in my life. Had I come fourth on the list, I would've become an ordinary diplomat, which would've been a completely different life, but in those days it was enormously selective and they only took four people, so that was that. I then went to do my pupillage at the Bar.

13. About 1960.

1960 it must've been. '59 to '60 and I was a pupil of a man called Bob MacCrindle, Robert MacCrindle³⁹. I think was also in Eli Lauterpacht's Chambers, must have been I suppose, which was 2 Essex Court and the best commercial chambers, which was later divided up by order of The Bar Council, because it was too powerful, it had absolutely everybody in it.

Bob MacCrindle was a wonderful person, my pupil master, because he was terribly unconventional. I think he was the first person ever to wear a blue shirt in court, he had to

³⁵ Dame Rosalyn Higgins, DBE, QC (1937-), President of the International Court of Justice (2006-09). See *EJIL* (2005), Vol. 16 No. 2, 347-353, "Final Remarks", for comments on Philip Allott's *Eunomia*

³⁶ Andreas Jacovides, Cypriot Diplomat, Former Ambassador to USA & Former Member of International Law Commission, Geneva

³⁷ Hisashi Owada (1932-), Former Japanese diplomat, Judge, ICJ, President (2009-).

³⁸ Stephen M. Schwebel, (1929-), Judge of ICJ (1981-2000), President (1997-2000).

³⁹ Robert Alexander MacCrindle (1928-2005). <http://www.guardian.co.uk/news/2005/apr/14/guardianobituaries>



wear a white collar with it, because I think he read the instructions which said that you had to wear a white collared shirt. He was very against the establishment and was a junior, because only juniors have pupils. Shortly after he left the Bar altogether to enormous surprise, because he was obviously going to be a judge, and went to, I think, Sullivan & Cromwell in Paris as a solicitor [*LD: actually it was Shearman & Sterling*]⁴⁰.

He was an inspiring person. Because he was in the RAF during the war he had a very practical view. I remember a case where our client was the chap who invented those lifts at the back of the vans which you see, fantastically useful thing, but it was a patent infringement and we met the man who invented those. He would take any case that he felt like, Bob McCrindle, so we dealt with a case of somebody being hit by a cricket ball at a village cricket match and then most of the time we'd be dealing with vast cases involving shipping and bills of lading and all that sort of thing.

I should mention the thing I've never said publicly before, but I was so poor at the time that I couldn't afford the pupilage fee. At that time pupils were not paid, you had to pay, and to become a pupil you had to pay 90 guineas or something. The head of the chambers, whose name I shall not mention, paid it for me and he said "As long as you never tell anyone that I did it". Without that, I couldn't have done it, because I had no money at all. There were days when I didn't have a meal, I had a current bun at the ABC in Fleet Street, because I had only weekend supervising at Cambridge. That was how people lived in those days. Now, I believe they get salaries as pupils, I can't imagine what that must be like. That was a very hard time.

When the job of an Assistant Legal Adviser in the Foreign Office became available, I think it was obviously a desirable thing to try and do. Although I have to say the initial salary when I was appointed was £900 a year, which shows the difference, the decline in the value of money.

14. It must have been a crucial point in your career (1960), because so much of your work is predicated on the linkage of the state and society and law. So this route has shaped everything else that followed. Do I get the sense, Professor Allott, that this was actually a career choice for you?

I think it was. Because I hadn't got into the general Diplomatic Service, I suppose it seemed a reasonable thing to do. In those days there were practically no jobs for international lawyers at all. Now, there are lots of different opportunities around the world, but there were really no jobs, international law was hardly ever mentioned in the courts, obviously. So, I think it must've been. I'd like to say that it was a sense that at that point I already wanted to change the world, but I can't remember that that was the case.

I have to say in those days the Foreign Office was an extremely glamorous institution and had a very, very high standing in Whitehall - the Foreign Office and the Treasury. As soon as I started going to meetings you discovered that people kept quiet while the Foreign Office and the Treasury were speaking. It was a very glamorous institution and the Legal Advisers of the Foreign Office were, and I think still are, organised in the most wonderful way - by far the best form of organisation among foreign offices in the world. I went to a conference in Wisconsin about foreign office legal advisers and it was quite obvious that ours is the best system. It's not a department, legal advisors in the Foreign Office, but they are

⁴⁰ <http://www.shearman.com/offices/detail.aspx?office=d7697253-bd5a-4c44-8432-00dbf42609d2>



separate people who happen to work together and what you do is you advise, say, two or three of the departments of the Foreign Office. So, you're assigned those and you're on your own.

I was 23 when I joined the Foreign Office - in many foreign countries, you'd be 33 or 35 or something - and I remember my beginner's departments were Consular Department, Protocol Department and, for the moment, I've forgotten the third.

Consular Department was what the consuls all around the world were doing. So, it was hundreds of different problems, but not of great political significance. Protocol Department was dealing with the foreign diplomatic services essentially, and that was a very interesting way of learning about diplomatic immunity and learning about orders and decorations. I remember being told straight away that The Queen is terrifically learned in orders and decorations and by and large foreigners are not entitled to wear their orders and decorations in the presence of The Queen, except with certain exceptions, which she knows. So, we got mad questions about what could they wear? I wish I could remember the third department that I advised, but that was a marvellous beginning, terribly intelligently done, and as I say, you were by yourself and you only consulted anybody more senior if you felt a bit worried about the advice you were giving.

There was another marvellous system before the days of computers in that everything was done in writing of course on minute paper, and there were marvellous books that the Legal Advisers had kept in which were stuck copies of earlier opinions by people. So, if you've got a problem you could go and look what Gerald Fitzmaurice⁴¹ or somebody had said about it. That was marvellous, because even the ordinary diplomats used to regard us as the memory of the Foreign Office - we sat there dealing with all these different problems, while they were dealing with special areas. So, the legal advisers were a sort of collective memory of the Foreign Office. Because you changed the departments you advised from time to time, eventually you did get to know rather a lot about all the different things the Foreign Office did.

Oh I should just mention one other thing about when I was appointed, when I first arrived. Sir Gerald Fitzmaurice was the Legal Adviser, so I had to go and see him. He was in this vast room overlooking St James's Park and he was a extremely shy man, very, very quiet man, very grand in his manner. He always used to wear a pearl stud in his tie and that sort of thing, and obviously for him it was a ludicrous embarrassment how to talk to somebody [*LD: on their first day*]. You can't possibly tell them working hours or how you make the coffee or something. So, it was a very embarrassing interview. The only thing I remember was that he said "On Friday afternoons you can probably go off if you want to go shooting for the weekend or something", because that again was a different world.

We started work at ten o'clock I remember, by which time all the subordinate staff had come in and we had coal fires in our room so that messengers had lit the coal fires and somebody had got all the telegrams together. Then the secretaries arrived at whatever it was 9.15 and we breezed in at ten o'clock and I think really left at certainly 5.30 and you had two hours for lunch and since most people went to diplomatic cocktail parties in the evening you were not expected to work in the evening.

⁴¹ Sir Gerald Gray Fitzmaurice GCMG, QC (1901-82), barrister and judge. Worked for the Foreign Service from 1929, and was Second Legal Advisor (1945-53), and Senior Legal Advisor (1953-60). Judge at the ICJ (1960-73).



Again, however, we managed to do everything in these very short hours. But it was such a gentlemanly world and I always say that senior people in the Foreign Office in those days had empty desks. Nowadays if you see a senior person at the Foreign Office they have piles of files. In those days these people used to just sit there very grandly and decide things - totally different feeling - and then zip off to lunch at the club and then in the evening go off to diplomatic cocktail party or a dinner. And that's how the British Empire was run I think, because this was the end of the time of Empire.

That has all changed. Now, they're all fantastically busy and all gentlemanly aspects have presumably disappeared. That was a marvellous way to start.

Then I got onto more interesting departments, Economic Relations Department, and Nuclear Energy and Disarmament departments, I remember, and UN Department.

15. Professor Allott you mention in your Preface to your book *Eunomia* that you were at the UN in 1963 for a General Assembly session. Was this a singular experience?

Well, it was very odd, because we always had a resident Legal Adviser in New York and that in those days was Joyce Gutteridge⁴² and she became ill and went into hospital, so I was sent out. I remember I arrived there on the day President Kennedy was assassinated⁴³ and on the British Airways plane the pilot came round and told each of us individually, presumably thought it wasn't the sort of thing you say over the public address system. As soon as I got to New York, I had to buy a black tie as my first official act in New York. That was the session of the General Assembly in '63.

I was never the resident Legal Adviser in New York, but I went to various sessions as the secondary Visiting Legal Adviser to help the resident one - there's always a second one who goes to New York, or there was, I don't know what they're doing now. I spent a lot of time in the UN and I shall mention it later I think, because I formed very strong views about the UN. It was the beginning of something that I enjoyed most of all and miss most of all - multi-national diplomacy, which is the most wonderful activity. I don't think it improves the world one iota, but as a professional activity, working with people from many different countries on particular problems. And it was true in my time in the EU as well, it is a wonderful form of activity, which I miss very greatly. But I'll come back to that when we deal with the EU, because that was very much the case there.

The UN in those days of course was a tiny number of states and we had the hangover of Empire or Commonwealth with us, so people did listen to us in those days and we were very influential. In those days it was dominated by the struggle for independence for these countries. I can't remember which time it occurred, I'll mention it now, although it might've been a little bit later, on the Colonial Territories Committee, we faced endless people going on about how shocking we were as colonial oppressors in all these countries. On one occasion, when we were examining the constitution of a newly independent Commonwealth country and the Russian delegate said, in the usual way Russians did, holding the thing up to make fun of it, he said "I'm afraid I can't understand this constitution. I believe it's meant to be democratic, but it appears that the Governor General appoints the prime minister, can veto

⁴² United Nations Contribution to Developing International Law, Ernest L. Kerley, Joyce Gutteridge and Maxwell Cohen. *Proceedings of the American Society of International Law*, 1962, 56, 99-114.

⁴³ Friday, November 22, 1963.



legislation, can sack the prime minister, appoints the judges and I thought this was a democracy”.

Of course we replied that there are things called constitutional conventions and he won't actually do any of these things, but I, for some reason, always remember that as a moment. It was a very good point that he'd made. It looks ridiculous and of course an Australian Governor General did eventually sack a Prime Minister many, many years later, but it made one realise what a very peculiar thing the British constitution is where everything's done apparently for The Queen, in fact she doesn't do any of it. So, we discussed things like that endlessly when we were in the accused box.

The Sixth Committee (mostly we sat in the sixth committee (the legal committee) obviously dealt with things that were less political, less controversial.

16. I think you alluded to matters economic, because you had a hand at this point in the UNCTAD negotiations.

That's right. Yes, at that time there was a great pressure in the '60s for making the world economically fairer through legal means by drafting endless things, which again I think honestly I did know at the time were ridiculous and would not change anything. All it did was to lead to endless debates and endless oppositions, dialectics between the developing countries and the developed. The developing countries were generally at that time relatively inefficient in arguing, they got much better obviously later on. So there were these two things, there was also the West-East dialectic. Everything was made nonsense by that and so those two things together, the East-West and the North-South dialectics determined everything and you never sat and thought would this paragraph actually make somebody less poor somewhere, or give them something to eat somewhere, you never really thought of that. You thought shall we put the word “normally” in Article 66 or something, so that it weakens the obligation. I believe I remember an afternoon when I went through the Charter of Economic Rights and Duties of States and changed every “shall” to “will” - “Shall” being obligatory and “will” being not obligatory - in the hope that, since we're the masters of the English language, nobody would notice. I'd love to check to this day whether the word “will” is used in the Charter of Economic Rights and Duties of States.

I went, with Henry Darwin⁴⁴, to defining “aggression”, which again I knew at the time was ludicrous, because we wanted to get classed as “aggression” anything that Soviets might do and they wanted to get classed as “aggression” anything that we might do. So, we had these endless discussions about words, on which we had complex instructions from London that this will scupper the position in some remote territory somewhere if we allow the word “is” in Article such and such.

I went to the committee drafting the Declaration on Friendly Relations⁴⁵. Ludicrous, because that grew out of the Soviet obsession with what they call “peaceful co-existence”, which was their new version of international law and the Americans obviously couldn't accept the expression “peaceful co-existence”, so we found at the beginning of the UN Charter, the two words “Friendly Relations”. Ludicrous. We had this Declaration on Friendly

⁴⁴ Henry Galton Darwin CMG (1929 - 1992). Lawyer and diplomat specialising in international law.

⁴⁵ On 24 October 1970, the General Assembly adopted a Declaration of Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations (Res. 2625 (XXV)), setting out, and expanding upon, seven principles in Sect. 1.



Relations Between States. Again totally cynical from start to finish, and now it amuses me so much that not only students quote all those documents, but practising lawyers and even courts, even the International Court. When this new definition of “aggression” was adopted recently, it preserves by reference that old one which was made a Resolution of the General Assembly. I’m very glad that I’m not teaching anymore, because I would have to tell the students that all these things are completely ridiculous and people only refer to them because they’re there. They have no merit whatsoever. You can see that I began to get a bit, as it were, dubious about the whole situation.

Then of course there was the Cuban missile crisis in ’62⁴⁶, and the odd thing about that is that we knew very little. In the Foreign Office they had in those days this marvellous system of telegrams. Each morning all the telegrams of the Office are circulated, at least they are to the Legal Advisers, so you see what’s happening absolutely everywhere, but, very oddly enough, we knew next to nothing about this in the Foreign Office in London. Perhaps the Senior Legal Adviser was advising on quarantines at sea and so on, but perhaps that wasn’t. It must’ve been in London, I just don’t remember. Of course that was one of the most important events of the 1960s when we were a inch and a half away from nuclear war. I think I was advising Atomic Energy and Disarmament about then, so I can’t quite understand why I didn’t know about it, but presumably it was dealt with on a very secret level and a very high level and yes, I just didn’t know. So, I had this on-off relationship with the UN for all these years.

17. UN Conventions

Another thing was, again I’m getting uncertain about dates, I was the London end of our delegation to various conferences, particularly drafting the Vienna Convention on Diplomatic Immunity or Diplomatic Relations⁴⁷, whatever it’s called, and the UN Convention on the Law of Treaties. The way the system works is that delegations very often have the delegation out in the field doing the negotiating, and then in London there’s a dumbbell team who have to draft instructions, coordinating with other Whitehall departments, and I was doing that. Ian Sinclair⁴⁸ was doing the actual negotiation very, very brilliantly and I was advising - no, I probably stopped advising Protocol Department. I was much involved in the Diplomatic Privileges thing and then the passing of the legislation, the Diplomatic Privileges Act 1964⁴⁹ or whenever it was, when we put it into English law. That was fairly reasonable and honest and of course the Treaties one was of the highest interest, because that’s a very fundamental treaty, and that I don’t think involved much coordination in Whitehall.

I think the Foreign Office more or less invented its own instructions for the Vienna Convention on the Law of Treaties and ,because Ian Sinclair was so experienced and so good,

⁴⁶ 15th - 28th October 1962

⁴⁷ Vienna Convention on Diplomatic Relations, 18 April 1961
<http://untreaty.un.org/cod/avl/ha/vcdr/vcdr.html>

⁴⁸ Sir Ian Sinclair (b. 19xx-), LLB Cambridge 1949, Foreign Office London 1950-84, plus 1957-60 Legal Advisor, UK Embassy in Bonn, 1964-67 Legal Counsellor British Mission at UN, 1961-63, & 1970-72 legal team re. entry to Common Market.

⁴⁹ <http://www.legislation.gov.uk/ukpga/1964/81>



I'm not sure that he needed many instructions. As you know, it became very dramatic at the end as to fights, particularly over the interpretation articles, which people at the time thought were enormously important debates, because the Americans had espoused the views of Myres McDougal⁵⁰ in the Yale school on interpretation, and we were against that. We took a terribly British view of plain meaning rather than purposive meaning for treaties and so there was a huge compromise which the students now have to study in the Convention between strict meaning and purposive meaning. Enormous care had to be taken over the wording, and my recollection is that it was agreed on the last day and at the last minute or, if not, **after** the last minute of the conference. It was the last remaining big issue and seemed important at the time, and has given grist for the mills of many academics, but was probably an intelligent compromise and worked out by Ian Sinclair I would guess in recollection.

I then went to New York for six weeks, well it seemed like six weeks, I can't remember exactly how long, to do the Convention on Special Diplomatic Missions with somebody from the Protocol Department and I've a feeling that has not entered into force. I haven't followed it and no, I can't remember what happened to that.

Now, the other thing I was going to mention (and may I say that I can't understand how we did all this) is that I was involved with lots of conferences. I went to the Conference on a Convention on Damage for Nuclear Liability, I went to a Conference on Nuclear Ships, I went to a Conference on Creating Patents for Plants. [*LD: The last*] was about the most useful thing I've ever done probably, speaking as a gardener, with delightful delegations including, horticulturalists. We had on our delegation the famous Sam McCready, the man who's invented lots of species of roses, and the French had Monsieur Vilmorin who was the great French horticultural chap. That was delightful. We invented a whole system, plant varieties system, which is fully operative to this day. So, I think that was probably the most useful thing I ever did in the real world, but there were all these endless conferences.

Once Geoffrey Marston⁵¹, a colleague from Sidney Sussex College, who used to look at the public records a lot, and said to me once, "I'd been reading the Foreign Office archives and it always said "to Mr Allott to advise" and then "Mr Allott is away"“. He said "Were you ever in the Office?". I did seem to spend an enormous amount of time away, but sometime I'd made a list, but I've now lost it, of all these things we drafted. It's amazing, must've been a dozen I should think and which meant also I spent vast amounts of my time in hotels with delegations.

I'll just tell one tiny story against myself, which may have been at the plant varieties conference. We got instructions from the Foreign Office saying something or other, and it had a draft of a diplomatic note which began HMPSFA. We were in a delegation meeting, and they said to me "What on earth does that mean?" and I had to admit I hadn't the slightest idea. Apparently it meant Her Majesty's Principal Secretary of State for Foreign Affairs presents his compliments. You know, how you remember embarrassing things, I felt so embarrassed that I didn't even know what it meant. I never forgot it.

So, writing instructions and receiving instructions is a huge part of what the Foreign Office does, and it's a wonderful art. We were very good at it, we and the Americans always used to arrive at conferences with great books of instructions including "What's to Happen to the Comma in Article such and such". Other people, particularly the French, would arrive

⁵⁰ Myres S. McDougal, Professor, (1906-98). Yale Law School (1934-84).

⁵¹ Geoffrey Marston (1938-2002). Lecturer in Law.



with nothing. I always used to say that the French foreign policy's always been the same for centuries, so if they're faced with a problem over a comma they didn't need instructions, but we and the Americans always had voluminous instructions written in London, literally books.

18. In 1963 you were Assistant Agent for the UK in the Northern Cameroon's case, in the ICJ.

Oh that's right. That's the only time I was involved in the International Court.

19. So, only 26 years old at the time?

Yes, and that was a great experience. Not necessarily an "improving the world experience", but from a bureaucratic professional experience, it was very interesting. The Attorney General then was a man called Manningham-Buller⁵², who was a very fierce gent. I remember that once he was shooting in Scotland, on a shooting weekend or something, so we all had to go to Scotland to discuss the case with him - he and his tweeds and his bad temper waiting for us. It was shortly after the South West Africa Cases, which were huge, huge cases arising out of aspects of colonialism, and ours was a little case about the Northern Cameroons⁵³. I remember early on learning that when we left the Cameroons we left 97% illiteracy. Actually there may be something to be said for illiteracy, but it wasn't thought to be a very good achievement by us! Maurice Bathurst⁵⁴ was our main counsel, a man of very strong opinions. We sat round developing these arguments and I will say this in my favour that my argument was argument number nine, I didn't present it, this was just drafting the speeches, which eventually won the case, namely that the whole thing was otiose and there was no point. It was all water under the bridge. There was no point in the court giving the judgment, so I went into English law, about otiose judgements.

In those days photocopiers didn't exist, and in our hotel room in The Hague there was what in those days was called a Gestetner machine. It was a very humble mechanical thing where you put the thing onto a skin and then when paper was placed on top of it, it appeared on the paper and you turned a great handle of a press. I was doing that, producing the Attorney General's speech, and the next day we went into the International Court and the most dreaded thing possible happened. The Attorney General was in full flight, turned over a page and the page was blank. We'd missed a page out. Again you remember those things. Isn't it extraordinary you remember those things. You don't remember all the enormous work we did on it.

It was very useful to see the International Court at work and we did, in that sense, win the case. But you can imagine the political implications of winning that case when we were not very good colonialists.

20. A apropos that, and from a reading of your Preface to *Eunomia*, I sense that you might have felt somehow slightly embarrassed at having to represent an imperial power of whose actions you were beginning to disapprove, or maybe these feelings only gelled

⁵² Reginald Edward Manningham-Buller, 1st Viscount Dilhorne PC, QC (1905-80). Lawyer and Conservative politician, Lord Chancellor (1962-4).

⁵³ 1961, Northern Cameroons (*Cameroon v United Kingdom*) <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=cuk&case=48&k=1c>

⁵⁴ Sir Maurice Bathurst CM.G., CB.E., Q.C, D.CL., LL.D (1913-2004)



in retrospect. No, I think at the time I knew it was a silly game, to be quite honest. I've always been against the International Court. I wrote an article about it for Robbie Jennings' Festschrift, it was called "The International Court of Justice and the Voice of Justice or something" I think and Sir Robert Jennings very kindly said it was an absolutely marvellous article. I couldn't quite understand that, because the main theme of it was that the International Court is not a very good idea, has got nothing whatsoever to do with justice. He may have been referring to the prose style I think rather than the content, but it did seem to me terrible. I remember him, Sir Robbie Jennings, saying to me, when I did criticise the Court, that at least we prevent wars, he said about the International Court, which I left hanging in the air.

I can't accept that for a moment, because there shouldn't be wars and you don't dispense justice, you just dispense law. No, I think I did, at that time, realise this was very peculiar. [Also] the Cameroonians, our Cameroonians as opposed to the French Cameroonians, were extremely nice jolly people. They came along to the court, because they were deeply involved in it, and all I remember was a lunch with all the delegations in which I explained to a French Cameroonian in French the laws of cricket and so that was something useful done - quite difficult to explain in English, let alone in French. There was a marvellous contrast and the French were extremely serious and the English Cameroonians were extremely jolly and nice and I don't think cared tuppence what came out of the case. Quite rightly, because I'm not sure it made much difference to anyone in the end.

That was just before I was posted to Berlin, which must've been in 65. So, shall I talk a bit about Berlin? But it might be a good time to break do you think?

21. I think that might be good. So, I can just thank you at this point very much for a fascinating interview and to say I'm looking forward very much to continuing next week.

