

BOOK REVIEWS

Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*, Princeton and Oxford, Princeton University Press, 2009, 203pp., ISBN-9780691135212, \$24.95/£16.95.
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‘A man was passing near the site of a new cathedral. He asked one of the workmen what he was doing, and the man replied: “I am breaking stones.” A second workman said: “I am earning my salary”, and a third, to whom he put the same question, turned his eyes, bright with religious fervor, toward the half-finished cathedral, and answered, “I am building a cathedral.”’¹ With this beautiful parable, Mr Bech, minister for foreign affairs and representative of Luxembourg, explained to his fellow delegates the importance of the construction work the world was engaged in at the end of the Second World War. The cathedral under construction was, of course, the United Nations Organization, the blueprint of which, the United Nations Charter, was being drafted by delegates of 50 nations gathering in San Francisco in the spring of 1945.

Based on the title and its introductory chapter, one would think that the book by Mark Mazower also deals with this construction work. It is, after all, about the ideological origins of the United Nations. Mazower could then be compared with the man passing the construction site, wondering what is going on there. Indeed, Mazower’s *No Enchanted Palace* looks at the role of four different ‘workmen’, all involved in the ideological build-up of this palace, and his aim has been to uncover the true motives of their work. Mazower’s book is thus not so much about the facts of the United Nations and its establishment. It is not about breaking stones. But it also does not take the religious fervour for granted, which is present in some of the earlier speeches and writings on the United Nations. Mazower thus adopts the ‘I am earning my salary’ approach: he looks at what really motivated the workmen to design, build, and maintain the cathedral that is the United Nations in the way that they did.

Why is there a need for such a book, published around 65 years after the United Nations’ establishment? As Mazower himself explains, the reason for writing the

¹ Minutes of the Seventh Plenary Session, 1 May 1945, in *The United Nations Conference on International Organization, San Francisco, California, April 25 to June 26, 1945: Selected Documents (1946)*, Vol. I, at 504.

book was his belief that any discussion about the United Nations' future place in the international system 'inevitably rests on an understanding of its past' (p. 4). The problem was, according to the author at least, that the United Nations' past was generally misunderstood. The history of the United Nations, explains Mazower, has generally been written by those who believed in the UN dream. These scholars thus glorified the past, and in doing so, raised future expectations to such a high level that the United Nations would never be able to fulfil them. This was particularly problematic, since the past that was being glorified was an imagined past – a product of the scholar's own utopian ideals, and not a past based on a rigorous research of history and its documents. These scholars needed to be sobered up, the creation myths needed to be exposed as such, and that is exactly what the author of this book set out to do. Dreaming about a past that never was only deepened the crisis the Organization was – and still is – in at the moment. A realistic look at the United Nations' history, and the real intentions of its founders, might avoid such idealism and uncover the true potential of the United Nations (pp. 6–7).

What, then, is the *true* history of the United Nations? And how is this history different from the *conventional* history of the United Nations? Mazower aims to challenge two 'interconnected historical axioms': the first is that the United Nations was a direct response to the Second World War, 'pure and uncontaminated by any significant association with that prewar failure, the League of Nations', and the second axiom is that the United Nations was 'an American affair' (p. 14). Mazower objects to both these axioms, and most of the book is devoted to refuting the first axiom. Mazower tries to show that the UN Charter was 'basically a warmed-up League [of Nations]', and a final desperate attempt to preserve the colonial empires of the past, especially the British Empire.

This central aim of the book also explains the structure and general approach. In four chapters, the book looks at the input of certain key figures, two of whom were 'products' of the British Empire: Jan Smuts and Jawaharlal Nehru. The book also looks at the work of three other thinkers: Alfred Zimmern, a political theorist and an imperial internationalist, who was a staunch believer in the civilizing mission of the Commonwealth, and two émigré Jews, Raphaël Lemkin and Joseph Schechtman, who both worked on the rights of minorities.

The first chapter is about Jan Smuts, the South African field marshal. According to Mazower, Jan Smuts saw the League of Nations, and the United Nations that succeeded it, essentially as global variations of the British Commonwealth of Nations (see especially pp. 30–1 and 65). They were, in fact, attempts to include the United States of America into such an essentially British, and essentially colonial, arrangement. If this was the true aim of Smuts, then this sits somewhat uncomfortably with the grandiose statements on respect for universal dignity and rights, for which the field marshal is also known. The central aim of Mazower's first chapter is thus to explain how Jan Smuts could promote a colonial system and advocate segregationist policies in his homeland of South Africa, *and* be chiefly responsible for the drafting of the UN Charter's lofty preamble, through which the world expressed its determination to 'reaffirm faith in fundamental human rights [and] in the dignity and worth of the human person' (pp. 19–21). Of course, scholars have always been puzzled by this

contradiction in the mind of Smuts.² In fact, Smuts himself acknowledged he was both a ‘humanist’ and a supporter of the ‘clean society’ built by Europeans in South Africa, which should not be ‘lost in the black pool of Africa’.³ Unfortunately, not unlike other attempts, Mazower does not succeed in explaining away this contradiction. Without saying so explicitly, Mazower simply concludes that Smuts must have been a hypocrite (pp. 60–5). Perhaps the explanation of the paradox that is the mind of Field Marshal Smuts that has been proposed by Heyns remains the most persuasive. Heyns suggested that Smuts failed to see that ‘his’ segregationist policies were in violation of the universalist principles he so strongly proclaimed in San Francisco, because Smuts never personally suffered from racial segregation. He therefore did not realize the effect it had on people suffering from it.⁴

The theme of the first chapter is continued in the second, which is about the work of Alfred Zimmern, a British historian who specialized in the classics. He assisted Smuts in the drafting of what ultimately became the *Practical Suggestion*, presented by the field marshal to US president Woodrow Wilson, just before the 1919 Paris Peace Conference, and which essentially became the League of Nations Covenant.⁵ It is thus not surprising that Zimmern’s ideas were similar to those of Smuts. Most importantly, just like Smuts, he also saw the League Covenant and the UN Charter as blueprints for an ‘international commonwealth’, headed by the United Kingdom and the United States of America (pp. 68–9). This global commonwealth was presented by him as a practical compromise between a world-state and a prewar type of balance of power. In his writings, the classical scholar used ancient Greece both as a source of cosmopolitan ideas and as an example of a successful empire, teaching the ‘less advanced peoples’ what it was like to live in freedom (pp. 75–6). He and Smuts did not always agree, however. Contrary to Smuts, Zimmern *did* believe that all peoples of the world should – and could – ultimately become independent communities of the global commonwealth. Self-determination of all peoples was thus a desirable goal, according to him (p. 91). At the end of his life, he believed that only his new home, the United States of America, could spread freedom to the world in the same way the Greeks had done in the past. The United Nations only provided a useful tool, to be used by the United States, whenever convenient, in carrying out its programme to educate the world about freedom (pp. 100–1).

The third chapter starts with a description of the role played by an unknown Zionist called Joseph Schechtman in the development of Roosevelt’s secret M-Project, with M for Migration. This project worked on a – not so subtle – response to the problem of the persecution and maltreatment of minorities in Europe: the suggestion was, simply put, that they migrate to somewhere else. Schechtman focused on plans to emigrate the Jews, primarily from Eastern Europe to a new homeland in the Middle

2 See, e.g., C. Heyns, ‘The Preamble of the United Nations Charter: The Contribution of Jan Smuts’, (1995) 7 Afr. JICL 329; D. Tothill, ‘Evatt and Smuts in San Francisco’, (2007) 96 *The Round Table: The Commonwealth Journal of International Affairs* 177. However, in ‘Préambule’, in J. Cot and A. Pellet, *La Charte des Nations Unies: Commentaire article par article*, Vol. 1 (2005), at 289, Smuts is detached from the apartheid system.

3 Tothill, *ibid.*, at 186.

4 Heyns, *supra* note 2, at 348.

5 J. C. Smuts, *The League of Nations: A Practical Suggestion* (1919).

East. This part of the book appears to have little – if anything – to do with the origins of the United Nations. It also has little to do with the second half of the same chapter, which is devoted to the well-known international lawyer Raphaël Lemkin. Lemkin did not believe emigration was the solution to the minorities problem and instead called for better protection, primarily through international law, of minorities. He is, of course, best known for coining the term ‘genocide’ and Mazower does spend a few pages on his role in the drafting of the Genocide Convention, and his tireless efforts to have the convention ratified by as many states as possible, especially the United States of America. Most international lawyers are familiar with this story, and Mazower adds little to what we already know. Any links with the main theme of the book, or with the work of Schechtman, appear fabricated (see p. 133, for example). The question ‘what should we conclude from this story of wartime Jewish scholarship and advocacy?’ (p. 142), posed at the end of the chapter, thus seems a valid one. Unfortunately, no convincing answer is provided. If one tries to come up with a possible justification for inclusion of this chapter in the book, it might be that Mazower wishes to suggest that the protection of minorities in the UN system was a step back if compared with the protection of minorities under the League system. If this is the justification, then it is surprising that the author has devoted almost no attention to the United Nations’ role in the protection of (individual) human rights, which can in many ways be seen as an alternative to the League’s way of protecting minorities.

The fourth chapter deals with one of the most important changes of attitude within the United Nations. As Mazower puts it, ‘having started out thanks to its great power architects as an institution tolerant of empire, [the United Nations] turned astonishingly quickly into a key forum for anticolonialism’ (p. 152). This process is described through the work – but mainly the politics – of Jawaharlal Nehru, the first prime minister of India. India’s defence, at the General Assembly in 1946, of the rights of Indians residing in Smuts’s South Africa, was one of the first anti-colonial protests heard in the conference halls of the United Nations.⁶ And, ironically, these protests were based partly on Smuts’s own universalist rhetoric of the UN Charter’s preamble, especially the reaffirmation of ‘faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small’. Many more anti-colonial protests would follow, and a ‘new’ United Nations, not imagined by its founders, was soon born. As the reader of *No Enchanted Palace* knows very well by now, it is Mazower’s view that the United Nations was initially established to preserve the empires. In this last chapter, that view actually becomes somewhat plausible when the Charter’s archaic language is contrasted with the views of the increasingly successful anti-colonial movement at the United Nations. This is not to say that the UN Charter did not contain at least some scattered straws for the anti-colonial movement to clutch at. Indeed, as Mazower tells us, the dependent peoples had started to liberate themselves from the colonial

6 See *Treatment of Indians in the Union of South Africa*, UN Doc. A/RES/44(I) (1946) for statements. See also subsequent resolutions, e.g., UN Doc. A/RES/265(III) (1949); UN Doc. A/RES/395(V) (1950); and UN Doc. A/RES/511(VI) (1952).

yoke already during the Second World War. Even though some of the drafters of the UN Charter aimed to at least slow down this development by shaping the new postwar Organization in the image of the League, they only partially succeeded. The empires of Europe had lost their confidence because of the war. This explains why the Charter's language on dependent peoples was more 'modern' than that of the League's Covenant. However, it was still 'old-fashioned' if one compares it with the emergence of the anti-colonial movement, which had begun already in 1946. The conclusion that the United Nations became truly operational one year after the ratification of its founding document and that its operations differed substantially in character from those envisaged by some of the founding fathers of the cathedral called the United Nations is convincingly argued. It is summarized by the apt remark that 'even though the UN had been established by the great powers, Third World nationalists took its universalist rhetoric at face value, exploited its mechanisms, and fostered international public opposition to continued colonial rule' (p. 188).

In the interesting and highly useful afterword, Mazower concludes that it is difficult to learn from the goals and dreams of the founding fathers, since these dreams were so ambiguous. Some dreamt of a global commonwealth, others of independence for all peoples. What is so remarkable about the United Nations, admits Mazower, is not so much its UN Charter, but the flexible way in which the Organization has used this document. It has exploited its ambiguities to the full, making extensive use of its 'universalist rhetoric', namely vague references to human rights and self-determination, whilst ignoring entire chapters containing very specific and technical provisions, especially those on the limited entitlements of trusteeship territories and non-self-governing territories. The United Nations has thus shown itself capable of 'shed[ding] one skin after another in response to the changing climate of international affairs' (p. 194). At the very end of the book, Mazower encourages us to learn from the United Nations' ambiguous history, also when we think of solutions to present-day problems and the United Nations' potential for reform. For example, arguments in favour of the responsibility to protect remind Mazower of the arguments used to defend the civilizing mission of the colonial powers during the age of empire. And even the promotion of human rights might remind one, and especially the newly independent states, of that same old civilizing mission. Can one blame such states for stressing the right to respect for their hard-fought sovereign independence? The UN Charter did devote a few provisions to the sovereign equality and independence of all states, but the bulk of it indeed gave special powers to the 'chosen few'. Mazower has now explained to us why: the drafting of the UN Charter was used by some as a final and desperate attempt to preserve the idea of a world educated and led by a certain group of super-civilized states. This part of the United Nations' history we may wish to forget. Perhaps, then, the United Nations should not simply return to the ideals of its founders in order to define its future. Instead, the United Nations' history might serve to inspire us, but it might also serve the purpose history always serves: to prevent us from repeating the mistakes of the past.

Having read *No Enchanted Palace*, have we learnt the true history of the United Nations? Did the Organization really begin its life as a global commonwealth led

by a handful of civilizers, slowly evolving more into the shape of a gathering of 192 equal and sovereign states? Perhaps. But some of the assumptions on which the book is based can be refuted. The most important one is the first ‘axiom’ Mazower has identified, namely the idea that it is generally held that the United Nations had little to do with the invention of Smuts and Wilson, namely the League of Nations. It is true that the delegates in San Francisco in 1945 hardly mentioned the League, and that the representative of the League, who was invited to San Francisco, was largely ignored and went home already after one month, when the Conference was only halfway.⁷ However, as the managing editor of the *New York Times* at the time, Edwin L. James, accurately remarked, ‘[e]ven though forgotten by the delegates here assembled, who can doubt that the spirit of Wilson hover[ed] over San Francisco?’⁸ Smuts, with his pale, ghost-like appearance, might have been that spirit; he was in any case one of the few persons attending both the 1919 and 1945 conferences. Mazower does seem to acknowledge that it was generally understood that the United Nations was a continuation of the League but that it was better not to say so openly (see especially p. 149), but he gives this generally known fact little attention. Scholars, of course, had no reason to remain silent. Indeed, contrary to what Mazower suggests, they have generally not been the naive dreamers Mazower talks about. Indeed, almost all scholars commenting on the work being done in San Francisco compared its main product, the UN Charter, with the Covenant of the League of Nations.⁹ They all had objections to the major role allotted, through the UN Charter, to ‘old Europe’, especially Britain and France, and some other chosen few. ‘Be critical and be skeptical’ in 1945 – that just seemed the obvious thing to do in the invisible college of UN scholarship. And, contrary to what Mazower seems to suggest, nothing much has changed since that time. And thus Mazower has corrected a mistake in the conventional storytelling about the United Nations that was never made in the first place.

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One of the many tensions that lie at the heart of thinking about law – including about international law – is the perennial strife between those who approach it as insiders and those who approach it as outsiders. This much-awaited collection, comprising

7 “‘Old League’ Chief Quits Conference’, *New York Times*, 27 May 1945, 19.

8 E. L. James, ‘Wilson Forgotten at San Francisco’, *New York Times*, 30 April 1945, 10.

9 One of the most important examples is H. Kelsen, ‘The Old and the New League: The Covenant and the Dumbarton Oaks Proposals’, (1945) 39 *AJIL* 45. In the newspapers, the comparison was also often made. See, e.g., N. McNeil, ‘A New Kind of League, a New Kind of World’, *New York Times*, 24 June 1945, 55.

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