

## Developments

### **Review Essay—The Mystic Wand of Participation: An Appraisal of Mark Mazower’s “No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations” (2010)**

By *Mai Taha*\*

[MARK MAZOWER, *NO ENCHANTED PLACE: THE END OF EMPIRE AND THE IDEOLOGICAL ORIGINS OF THE UNITED NATIONS* (Princeton University Press, 2009); ISBN: 9781400831661; 232 pp. \$24.95 Cloth]

#### **Abstract**

Mark Mazower’s latest book, *No Enchanted Palace: the End of Empire and the Ideological Origins of the United Nations* intelligently weaves in the League of Nations as the primary informant of the United Nations to deconstruct any claims of discontinuities between the two institutions. In doing so, Mazower offers an eloquent polemic against the literature’s tendency to idolize the United Nations’ founding as a symbolic and material break from empire. Exploring the dark sides of its intellectual origins and early years, however, Mazower points to the decolonization movement to argue for the potential of the United Nations as a site of emancipatory struggle – his book concludes with a reinvestment in its promise of a more inclusive and just world order. The issue left to the reader, and which I hope to address in this review essay, is the legitimacy of Mazower’s claim that the United Nations has indeed escaped its imperial heritage.

#### **A. Introduction – Rattling the Bones....**

Noam Chomsky once remarked that contemporary debates about the United Nations (UN) and its humanitarian mission are regularly disturbed by “the rattling ... skeleton in the closet” of history.<sup>1</sup> Mark Mazower’s contribution brilliantly rattles that skeleton in his

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<sup>1</sup> Noam Chomsky, *Statement by Professor Noam Chomsky to the United Nations General Assembly Thematic Dialogue on the Responsibility to Protect*, New York, United Nations (2009) available at:

latest book, *No Enchanted Palace: the End of Empire and the Ideological Origins of the United Nations* [hereinafter "*The Enchanted Palace*"]. More an intellectual history of the League of Nations ("the League") than the United Nations (UN), Mazower weaves in the League as the primary informant of the UN to deconstruct any claims of discontinuities between the two institutions. In doing so, Mazower offers an eloquent polemic against the literature's tendency to idolize the UN's founding as a symbolic and material break from empire. Exploring the dark sides of its intellectual origins and early years, however, Mazower points to Nehru and the decolonization movement to argue passionately for the emancipatory potential of the UN – his book concluding with a reinvestment in its promise of a more inclusive and just world order. The issue left to the reader, and which I hope to address in this review essay, is the legitimacy of Mazower's claim that the UN has indeed escaped its imperial heritage.

The paper is organized into three sections. First, I offer a concise chapter-by-chapter overview of the book's narrative structure, as well as a brief explanation of some of its dominant thematic claims. Second, I develop three challenges to Mazower's critical historicism that address both the historical accuracy and ideological posture, or logic, of *The Enchanted Palace*. Finally, I conclude with a brief synopsis of the strengths and weaknesses of the study.

## B. Overview and Themes

*The Enchanted Palace* is an eclectic compilation of articles focusing on the lives and ideas of significant protagonists in the formation of the UN, which reads more like an edited collection than a sequentially attuned work. The first chapter, *Smuts and Imperial Internationalism*, details the influence of Jan Smuts on the development of the League and the UN, and his ambitions to calibrate the emerging international institutions to resuscitate a crumbling empire of European colonial powers. The author investigates Smuts' earnest attempts to reconcile British imperial thought and a liberal internationalist sensibility through a legal humanitarian vocabulary. The second chapter, *Alfred Zimmermann and the Empire of Freedom*, brings to life the spirit of internationalism in Zimmermann's Hellenic conception of the commonwealth. Before the outbreak of the Great War, Zimmermann was a devoted advocate of liberal nationalism, believing that world order and peace will be achieved only if "Mazzinism"<sup>2</sup> was "brought up to date to fit our large scale civilization,"<sup>3</sup>

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<http://www.un.org/ga/president/63/interactive/protect/noam.pdf> (last accessed: 17 July 2011).

<sup>2</sup> Giuseppe Mazzini was a staunch supporter of nationalism as represented by the nation-state. He aspired for a United States of Europe as the subsequent step in the ladder of nation building, after the consolidation of the modern state of Italy. In an impassioned passage from one of his collections, Mazzini argues that "to attempt to cancel the sentiment of the fatherland from the heart of the peoples – abruptly to suppress every nationality – to confound the different missions assigned by God to the different tribes of the human family – to bring that hierarchy, formed by providential design, of the various associations of men down to the level of ... aimless

and charting his subsequent move during the interwar period towards a Euro-centric variety of liberal internationalism.<sup>4</sup> The third chapter, curiously titled *Nations, Refugees, and Territory: the Jews and the Nazi new order*, braids loaded ideas into one story - namely, Anti-Semitism, Zionism, Eurocentrism, the "ethic" of population transfers, and the system of minority protection - all tied up under the rubric of liberal internationalism. The chapter particularly focuses on the contributions of two Jewish émigrés: Raphael Lemkin and Joseph Schechtman, who according to Mazower, constructed their ideas on the protection of minorities, national self-determination and the plight of refugees on the basis of their interpretation of circumstances unfolding during the war.<sup>5</sup> The final chapter, *Jawaharlal Nehru and the Emergence of the Global United Nations*, brings an erratic twist to his otherwise critical history, presenting Nehru and the subsequent decolonization process as a monumental break within the UN from its former varieties of imperialism. Re-imagining the UN, unlike its predecessor, as the "Aphrodite"<sup>6</sup> that rose from the sea, Mazower argues for the continued importance of the UN as the prime forum for participation in global politics.

Mazower's underlying argument challenges two axioms: first, the UN emerged from the horrors of World War II purged of the imperialist overtones so manifest in the ambitions of the League of Nations; and second, the creation of the UN was mainly "an American affair."<sup>7</sup> Mazower challenges the first axiom by directing the reader to the ideational

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Cosmopolitanism – to dash to pieces the ladder by which humanity is destined to ascend to the ideal – is to attempt the impossible." He further argues that the "Pact of humanity" can only be realized by peoples and not by individuals, "possessing a name, a banner and the consciousness of a distinct individual existence... you must speak to them of country and nationality, and impress in vivid characters upon the brow of each the sign of their existence and baptism as a nation." GIUSEPPE MAZZINI, LIFE AND WRITINGS OF JOSEPH MAZZINI, VOLUME III, AUTOBIOGRAPHICAL AND POLITICAL 14, 15 (1891).

<sup>3</sup> Paul Rich, *Alfred Zimmern's Cautious Idealism: The League of Nations, International Education, and the Commonwealth*, in THINKERS OF THE TWENTY YEARS' CRISIS: INTER-WAR IDEALISM REASSESSED 82 (David Long & Peter Wilson eds., 1995), (citing a letter exchange between Gilbert Murray and Alfred Zimmern in 1915).

<sup>4</sup> This did not necessarily contradict Zimmern's earlier commitment to nationalism; in fact, it reinforced it.

<sup>5</sup> MARK MAZOWER, NO ENCHANTED PALACE: THE END OF EMPIRE AND THE IDEOLOGICAL ORIGINS OF THE UNITED NATIONS 106 (2009).

<sup>6</sup> Mazower used this term to describe how the UN is portrayed in the literature he is reacting against. He claims that one of the two purposes of the book is to challenge the belief that the UN rose as an Aphrodite, "uncontaminated" by the failures of its predecessor institution. *Id.* at 14.

<sup>7</sup> *Id.* Evidently, British imperial thought was instrumental in the creation of *this kind* of League of Nations. However, as already established in historical literature, the American role was also significant. See for example, Antony Anghie, *Colonialism and the Birth of International Institutions: Sovereignty, Economy and the Mandate System of the League of Nations*, 34 NEW YORK JOURNAL OF INTERNATIONAL LAW AND POLICY 513, 553 (2002); ARTHUR NUSSBAUM, A CONCISE HISTORY OF THE LAW OF NATIONS 247-248 (1954). Notwithstanding any reservations on Nussbaum's account of the history of international law, like many others, he establishes Wilson's relationship to the League and more importantly American imperial thought, particularly in relation to the Monroe Doctrine. As President of the US, Wilson had worked unsuccessfully to create a Pan American Pact that would

continuity between the League and the UN, emanating from a continuity of individual benefactors, who were instrumental in shaping inter-war liberal internationalist dogma. With the League's failure looming into the international scene, many policymakers were producing alternative prototypes to the League. Not surprisingly, many of these men were behind the crux that breathed life into a League that would ensure the maintenance of international peace. Therefore, as the author argues, what emerged after World War II was essentially "a warmed-up League;" its novelty lay in the entrance of the two great powers that were absent from it: the United States and the Soviet Union.<sup>8</sup> Ideas of Euro-centrism and liberal internationalism of people like Jan Smuts and Alfred Zimmermann, were heavily influential in the creation of the UN after WWII. The UN's later endorsement of the anti-colonial movement tended to obscure two main provocations: first, the awkwardness of its imperial history; and, second, of how it was instrumentalized by the colonial powers to maintain the possession and security of their colonies.<sup>9</sup>

Mazower challenges the second axiom by arguing that American efforts directed towards the creation of the UN were merely revising the League system, and that alternative proposals made by lower-level American internationalist policymakers were struck down by Roosevelt and Truman. Therefore, to understand the birth of the UN, one should not be studying the American contribution in the creation of the League, but British imperial thought. More specifically, the focus should certainly not be on the 1940s, but to the turn of the century, when the debates about international order, community and nation were taking place in the British Empire.<sup>10</sup> To support his claim, Mazower argues that Smuts, the South African, but more importantly, the British Commonwealth diplomat, was the person who initially articulated the idea of imperial internationalism that was later pushed forward to the UN. Through his ideas and those of other "second tier" thinkers, such as Alfred Zimmermann, we can understand the dominant notions that contoured the discussions on the creation of the UN.<sup>11</sup> Additionally, Mazower argues that the rhetoric of central American figures such as, Woodrow Wilson, were also primarily influenced by British imperial thought.<sup>12</sup> By distancing himself from those two axioms, Mazower traces the

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officiate the Monroe Doctrine, and that would like very similar to a League of Nations. As Nussbaum points out, although the idea of the League of Nations was voiced in Britain during WWI, it was voiced with "less authority and vigor." Additionally, the American idea of the League as an "alliance" was markedly different from British jurists who compared the League of Nations to a corporation. Nussbaum's last point speaks to Mazower's anxiety about the benevolence of the American story. Nevertheless, a more nuanced study of this "alliance" would quickly uncover it as merely another version of the British corporation.

<sup>8</sup> MAZOWER, *supra* note 5, at 15.

<sup>9</sup> *Id.* At 17.

<sup>10</sup> *Id.* at 14, 17, 18.

<sup>11</sup> *Id.* at 18.

<sup>12</sup> *Id.* at 20.

writings of these key individuals to defy the idea that the UN marked an emancipatory break from formal empire. In doing so, he traces the writings of key individuals – Jan Smuts and Jawaharlal Nehru, supplemented by the writings of more peripheral individuals, such as Alfred Zimmern, Raphael Lemkin, and Joseph Schechtman.

### C. Taking Issue with the “Palace”

While Mazower’s book is a contribution to historical inquiry on international institutions, there are a number of structural shortcomings in this strand of intellectual history. In this section, I outline such shortcomings by unpacking some of the claims made by Mazower in challenging the two axioms he is reacting against. First, I will engage with Mazower’s argument on the second axiom he challenges in the book, namely, the ideological origins of the UN lie in British, not American, imperial thought. Second, I will engage with his argument on the first axiom, which claims that the UN was a continuation of the League of Nations and its imperial legacy. In doing that, I bring out two main criticisms: (1) Mazower’s unwarranted concern with non-enforcement of international law— which he claims to be contaminated with imperial ideology— is essentially an argument about real politik as opposed to a robust assessment of the larger structure of the international “system”; (2) Mazower oscillates between critique and apology in his discussion on nationalism throughout the book, which essentially turns into a more sympathetic outlook once the decolonization movement appears in the picture. Third, I will focus on Mazower’s larger conclusion, which essentially sums the purpose behind this work. Specifically, I will evaluate his idea of the UN in its third phase as a global forum for participation and inclusion to argue that it constitutes at best a critical apologetic for the very ideology he set out to critique.

#### I. “Not an American Affair”.... So What?

Mazower points to the liberal democratic peace thesis, popularized in Kant’s Perpetual Peace,<sup>13</sup> to argue that the naturalization of liberalism and the fictional belief that liberal democracies do not go to war with one another, sponsored the policy of spreading democracy. This placed American liberalism in a non-ideological and non-violent pragmatic position – particularly in relation to its European counterpart – that appears fully detached from imperial domination.<sup>14</sup> This, in addition to a literature obsessed with the American role, through Wilsonianism, the creation of the League created a

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<sup>13</sup> IMMANUEL KANT, ZUM EWIGEN FRIEDEN. EIN PHILOSOPHISCHER ENTWURF. (Perpetual Peace. A Philosophical Sketch)(1795).

<sup>14</sup> MAZOWER, *supra*, note 5, at 1.

smokescreen for the actual alchemist of liberal internationalism and imperialism through international institutions – the British Empire. Nevertheless, this presumes that American imperial policies were not self-evident, or alternatively that British imperial policies did not use the same language of Kantian liberalism as a cosmetic tool for imperial domination, and the expansion of markets in the colonized world. In addition, we might ask, what do we take from the fact that it was not American, but British imperial thought? One possible implication may be simply that it reveals a link between the UN and formal conceptions of colonialism, as embodied in one of the world's largest empires. This however, seems to be quite simplistic, since it makes an argument that is perhaps considered passé in our post-post-colonial world. From Franz Fanon, Gayatri Spivak and Homi Bhabha to Edward Said, an abundance of postcolonial scholarship permeated the intellectual sphere of the social sciences to already make exactly this point. Indeed, in the field of international law, the continuity between empire and international institutions has been a hallmark of critical approaches in international legal studies. For example, Antony Anghie, among many others,<sup>15</sup> argues that “colonialism profoundly shaped the character of international institutions in their formative stage.”<sup>16</sup> Clearly, Mazower is conscious of the rather rich intellectual work that argues against the logic of the “endgame” of empire. Therefore, if the author's purpose is not to simply reiterate a well-worn trope in the historical studies of the UN, the question remains, what relevance or purpose does such a history serve?<sup>17</sup>

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<sup>15</sup> See for example, Susan Marks, *Empire's Law*, 10 INDIANA JOURNAL OF GLOBAL LEGAL STUDIES 449, 451 (2003); David Kennedy, *The Move to Institutions*, 8 CARDOZO LAW REVIEW 5 (1987).

<sup>16</sup> ANTHONY ANGHIE, IMPERIALISM, SOVEREIGNTY AND THE MAKING OF INTERNATIONAL LAW 117 (2005).

<sup>17</sup> The author's purpose might not necessarily be establishing the UN's lineage of formal empire. Still, it is not clear why this is the second of the two central theses of a book, published in 2009. Whom is Mazower responding to? This question also arises when we look into Mazower's choice of characters – each, as an iteration of the former – which emphasizes the claim that international institutions were instrumental in sustaining the imperial policies of the time. Although the choice of Jan Smuts as the primary protagonist is an “easy target,” it becomes more understandable once you reach the book's final chapter. The final chapter highlights Smuts's role in Apartheid South Africa, which, according to Mazower, initiated the spark of anti-colonial movements that strategically used the UN as a podium for voicing criticisms of the imperial logic that still reigned throughout the world. Nevertheless, the infamy of Jan Smuts crowds historical inquiry whether in law, politics, or history. Considered the mastermind behind the Mandate System, Smuts's role in the project of empire building is far from peripheral in the literature. Equally important is the institutional environment that made Smuts successful. However, Mazower's concern with establishing the British connection might simply be explained by the fact that he is an intellectual historian who is writing a corrective narrative of what he views to be a widespread misconception in his field regarding the perceived influence of British imperial thought versus its American counterpart.

*II. It's Not a Break From Empire**1. Tainting Critique with Real Politik*

While international lawyers hail the “juristic baptism”<sup>18</sup> that inaugurated the creation of the UN, Mazower seems to be alluding to an opposite move.<sup>19</sup> Many international lawyers celebrated the mid-century trajectory from lofty political ideals to legal rights and obligations as embodied in the UN Charter and the Covenants.<sup>20</sup> For Mazower, the move was progressively towards a political, as opposed to an unsatisfactory legalistic approach that fails to provide any enforcement mechanisms. On a number of occasions, Mazower expresses dissatisfaction with the lack of enforceability in international law,<sup>21</sup> hinting on the old debate of whether international law is actually law. For a historian eagerly searching for the “ideological origins” of the UN, perhaps lamenting over international law’s non-enforcement might be the wrong concern. More importantly, what starts off as a structural critique of the ideological origins of the UN turns into a “double standards” critique that merely reiterates the vagaries of empire.<sup>22</sup> For example, in his discussion of Smuts’s proposal for a preamble to the UN Charter, Mazower redirects the points of contention to the fact that, clearly, Smuts’s proposals of the “sanctity and ultimate value of human rights” were not perceived by Smuts, a white supremacist, to be applicable to Apartheid South Africa.<sup>23</sup> Mazower points with satirical irony to the banal fact that Smuts’s actions were markedly inconsistent with his rhetoric. This brings us back to Mazower’s preoccupation with enforcement, where the problem does not lie in systemic logic and architectural fault in the larger structure of international law, but in the mischievous non-enforcement. The ideology he detects in the suspicious origins of the UN and its

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<sup>18</sup> Makau wa Mutua, *Why Redraw the Map of Africa: A Moral and Legal Inquiry*, 16 MICHIGAN JOURNAL OF INTERNATIONAL LAW 1112, 1123 (1994-1995).

<sup>19</sup> MAZOWER, *supra* note 5, at 185.

<sup>20</sup> See for example, ANTONIO CASSESE, SELF-DETERMINATION OF PEOPLES: A LEGAL APPRAISAL 133 (1995); James Crawford, *The Right of Self-Determination in International Law: Its Development and Future* in PEOPLES’ RIGHTS 58 (Philip Alston ed., 2001); Thomas M. Franck, *The Democratic Entitlement*, 29 RICHMOND LAW REVIEW 1, 9 (1994-1995). This literature has generally argued that national self-determination (as one representation of international law), by transcending the political chaos, into law, has moved to an apolitical realm. The creation of the United Nations is seen as a turning point that fundamentally transformed the nature of the international system; it swiftly moved the global order from the dark recesses of politics to the light of law. Evidently, this thesis has been widely defeated, particularly by post-modern international lawyers, who see the constitutive slippage between law and politics as a foundational hallmark of the international legal system.

<sup>21</sup> MAZOWER, *supra* note 5, at 108 & 132.

<sup>22</sup> While a “double standards” critique is not antithetical to a structural one – in fact, it can illuminate the system’s internal contradictions – there is still a presumption that the problem lies in the inequality of results, as opposed to the system that creates this inequality in the first place.

<sup>23</sup> MAZOWER, *supra* note 5, at 64.

predecessor organization is essentially not ideology, but a question of real politik.<sup>24</sup> His contribution, therefore, shifts from a structural critique to a very typical call for participation and inclusion.

## 2. *Celestial Nationalism*

One of Mazower's implicit contributions is an underlying genealogy of nationalism that demonstrates how the idea was used as a symbol for civilization. For example, embedded in his discussion on liberal internationalism, Mazower pigeonholes one of the central theses of the inter-war period: "Could the most backward peoples of the world be prepared for national consciousness or not?"<sup>25</sup> He blends in his critique of nationalism as a racialized concept, by noting that Smuts aligned himself with internationalism, precisely because of its necessarily nationalist character. Nationalism created a strong vanguard of white solidarity devoted to its civilizing mission in Africa.<sup>26</sup>

Mazower creatively uses his characters to provide a critique of nationalism by telling the stories of the different protagonists. He claims that the emergence of Third World states expanded "the sway of nationalism," leading to partition, population flight, and the plight of refugees.<sup>27</sup> Nevertheless, he remains within the confines of national self-determination as the legal representative of an ethnic conception of emancipation. His critique of nationalism is not of nationalism itself, but is, again, about the double standards of application. He thus falls into the same trap. While self-determination was invoked as a right for Europeans, it was held in mandatory incommunicado for non-Europeans.<sup>28</sup> The whole "Wilsonian talk" was confined solely to Europe by the League.<sup>29</sup> This claim is evidently important to make, since it probes the imperial logic that is guided by Euro-centrism and capitalism. However, in doing that, the issue then becomes a minimalist critique of Euro-centrism, as opposed to a more robust evaluation of strategic or ideological possibilities of nationalism as a tool for emancipation.

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<sup>24</sup> Notably, Mazower, in an anti-realist move, argues that "there is much plausibility in the idea that the UN was designed by, and largely operative as an instrument of, great power politics. Still, this is not the whole story by any means...." Nevertheless, his story barely transcends these boundaries. MAZOWER, *supra* note 5, at 10.

<sup>25</sup> MAZOWER, *supra* note 5, at 83.

<sup>26</sup> *Id.* at 34.

<sup>27</sup> *Id.* at 146.

<sup>28</sup> Evidently, this argument has been made many times in international legal literature. See, among many others, Bill Bowring, *Positivism versus Self-Determination: the Contradictions of Soviet International Law*, in *INTERNATIONAL LAW ON THE LEFT: RE-EXAMINING MARXIST LEGACIES* 143 (Susan Marks ed., 2008).

<sup>29</sup> MAZOWER, *supra* note 5, at 23 & 193.



This is further elaborated by his ambiguous position towards figures like Woodrow Wilson. While shunning liberal internationalism, he is apologetic to Wilsonian idealism, particularly to the idea of national self-determination. This also puts him at odds with his rather abrupt critique of the nation-state. His accurate depiction of Jan Smuts as an embodiment of historical international “evil” and as a symbol for apartheid and imperialism, is contrasted with the more familiar and friendly Wilsonian voice of national self-determination. The South African Foreign Minister and the American President were very much alike. Smuts had the personal qualities that would appeal to someone like Wilson, specifically the desire to deal with large questions of global resonance and deep religious and ethical convictions. “Both had fond memories of black servants .... and unhappy memories of war, civil in Wilson’s case and Boers ... in Smut’s.”<sup>30</sup> They were two ambitious men, both deeply devoted to liberal internationalism— one remembered to be a champion of self-determination, and the other as the mastermind behind the Mandate System of the League. However, as Mazower himself recognizes, they are not markedly different. They might have different personas – “[i]f Wilson could inspire his audience with his sober prose, if Lloyd George could lift them up with his golden speeches, Smuts could, above all the other peacemakers, sing to them”<sup>31</sup> – but their ideological logic is the same. Like Smuts, behind Wilson’s universal idealism and self-determination is embedded racism, most apparent in his internal policies towards African-Americans in the United States.<sup>32</sup> Although Mazower never directly claims that Smuts’s and Wilson’s policies are different—in fact he compares Wilsonianism to neo-Bush policies—he weaves in his position on questions of self-determination and nationalism as more “friendly” than Smuts’s apartheid mentality.<sup>33</sup>

Perhaps nationalism is really like Polonius’s cloud; it could look like a camel, a weasel or a whale; and Mazower might simply be taunted by that cloud.<sup>34</sup> However, indeterminacy does not seem to work well in this context. The political and legal reflection of nationalism

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<sup>30</sup> MARGARET MACMILLAN, *PARIS 1919: SIX MONTHS THAT CHANGED THE WORLD* 88 (2002).

<sup>31</sup> *Id.* at 88.

<sup>32</sup> Some examples of Wilson’s racism include his sanctioning of several members of Cabinet, including his son-in-law, Secretary William Gibbs McAdoo, to introduce racial segregation among employees in their department. He later responded to a letter from his white-supremacist acquaintance that complained about the appointment of a “Negro to boss white girls” by emphasizing his sincere “commitment to segregation in the federal bureaucracy.” See EREZ MANELA, *THE WILSONIAN MOMENT: SELF-DETERMINATION AND THE INTERNATIONAL ORIGINS OF ANTI-COLONIAL NATIONALISM* 26 & 27 (2007).

<sup>33</sup> Mazower contrasts British imperial policies of annexations of German and Ottoman possessions with Wilsonian self-determination, seen in that light as the friendlier of the two evils.

<sup>34</sup> Eric Hobsbawm makes the analogy between Hamlet’s taunting of Polonius and nationalism, but argues that it is actually neither a camel, a weasel, or a whale. Eric Hobsbawm, *Some Reflections on ‘The Break-up of Britain,’* 1 *NEW LEFT REVIEW* 105 (1977).

is represented through the call for national self-determination, which essentially alludes to the creation of a nation-state with an ideally homogenous population, whether ethnically, linguistically, culturally or historically determined.<sup>35</sup> It is, therefore, a very specific idea that holds emancipation in ancestral bondage. In Mazower's own "explosive" terms, he argued that "what the Revisionists and Nazis had called for in the 1930s, the Allies [later] promoted – ethnic homogeneity as a desirable feature of national self-determination and international stability."<sup>36</sup> The desire for ethnic homogeneity through the creation of a nation-state was expressed by Schechtman and Jobotinsky, articulating a European conception of nationalism, which as Mazower rightly noted, "defined the rules of the game."<sup>37</sup> In the author's depiction of Zionist policy of population transfers, he exhibits his cynicism of this logic, which was detrimental to the post-WWII settlement. The policy was discretely supported by Roosevelt and openly adopted by Hoover, who advocated "organized population transfer" in the Middle East.<sup>38</sup> This, according to Mazower, was the backdrop of an international policy (through the League) that combined a Victorian faith in the power of international law, and a Wilsonian commitment to national self-determination that eventually realized Balfour's pledge of a Jewish national home in Palestine. Clearly, Mazower is uncomfortable with the underlying logic of national self-determination and this nation-state-centric line of argument. However, he distinguishes it from what "lawyers were likely to sympathize with."<sup>39</sup> Nationalist thought is aligned with a certain Victorian idea of European civilization, which he differentiates from an international law greedily searching for relevance in a post-imperial world.<sup>40</sup> It is unclear whether this distinction means a lack of support to nationalist paradigms by international lawyers, or merely a concern that came in passing during that time (which evidently was not the case). The constitutive nature of nationalism and national self-determination of the global system of international law<sup>41</sup> clearly demonstrates that such questions were not

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<sup>35</sup> *Id.*

<sup>36</sup> Jan Klabbers, *Review: Mark Mazower. No Enchanted Palace: the End of Empire and the Ideological Origins of the United Nations*, 21 *EUROPEAN JOURNAL OF INTERNATIONAL LAW* 789, 790 (2010).

<sup>37</sup> MAZOWER, *supra* note 5, at 123.

<sup>38</sup> *Id.* at 137.

<sup>39</sup> *Id.* at 124.

<sup>40</sup> Clearly, this apprehension was comprehensively illustrated (from a very different vantage point) in Martti Koskenniemi's seminal work *The Gentle Civilizer of Nations*, where he declared, in an albeit ironic register, international law dead in 1960. MARTTI KOSKENNIEMI, *THE GENTLE CIVILIZER OF NATIONS: THE RISE AND FALL OF INTERNATIONAL LAW 1870-1960* (2002).

<sup>41</sup> In a contemporary sense, even among arguments about the "withering away" of the state, nation-states are still considered an indispensable feature of the current structures of global governance and international law, and that such "withering away" is only to the extent of the internationalism exercised by political and economic international institutions. See Ruth Buchanan & Sundhya Pahuja, *Law, Nation and (Imagined) International Communities*, 8 *LAW TEXT CULTURE* 1, 4 (2002).

insignificant to international lawyers.

### *III. The UN as an Aphrodite of Participation*

Mazower argues that “Oxbridge men” such as Alferd Zimmern can inform our understanding of the moral discourse surrounding the League, and later the UN. His second chapter demonstrated the efforts of such “anxious elites” to promote a liberal global order that is consistent with imperial, Anglo-American hegemonic aspirations.<sup>42</sup> If this was Mazower’s purpose, then he passed with flying colors, but it seems that his purpose was much more ambitious – reclaiming the emancipatory potential of the UN in its third generation, while historicizing its ideological origins as some form of enlightened optimism. If the UN had imperial historical origins, the League of Nations’ imperial legacy, in Mazower’s narrative, was not only in its genesis, but also throughout its interwar tenure. It is precisely that fact that leads to his central thesis – the continuation of empire from the League to the UN. However, he makes the distinction between imperial aspirations and “the wholehearted support to the League,”<sup>43</sup> as if the latter is the purer form of activism. The text oscillates between critique and its elusive opposite. While Mazower is certainly discontented with ideas of liberal internationalism, he secretly shares some of its central ideals as emancipatory or, at the very least, non-imperial.<sup>44</sup>

This tacit support becomes most clear in the final chapter, titled *Jawaharlal Nehru and the Emergence of the Global United Nations*. Beginning with what he calls “the transformation of the UN into the global forum that it remains today,”<sup>45</sup> Mazower shifts tone from historian to advocate theorist in favor of the UN’s future role in world affairs. An institution with a tainted history that venerated capitalist imperialism is transformed into an inclusive globalized forum for third world agency. With the mystical wand of third world participation, the UN reclaims its transcendent soul and rids itself from its “ideological origins.”<sup>46</sup> While recognizing that the UN is a multi-faceted and complex institution, Mazower’s conception of participation is still mostly a formal juridical conception of equality. In other words, it is the membership in the organization and the equal vote entitlement that evokes inclusion and participation. The problem with this view, especially given Mazower’s intended project – the excavation of the ideological origins of the UN – is

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<sup>42</sup> MAZOWER, *supra* note 5, at 68.

<sup>43</sup> *Id.* at 89.

<sup>44</sup> Another interpretation of Mazower’s inclinations is that he sees the value in tactically utilizing ideas of liberal internationalism, such as self-determination to disrupt that same ideology of liberal internationalism.

<sup>45</sup> MAZOWER, *supra* note 5, at 153.

<sup>46</sup> The UN, therefore, becomes non-ideological.

that it has a very limited understanding of the imperialism of international law. International law's marriage with empire is not merely reflected in the spread of an international legal order through the mechanics of capitalism; it is rather, specifically grounded on the very basis of the juridical equality of sovereignty.<sup>47</sup>

In the 1950s and 1960s, the call for national self-determination was rapidly globalized,<sup>48</sup> and, according to Mazower, the UN "turned from being an instrument of empire into an anti-colonial forum."<sup>49</sup> He analogized the contemporary UN order to Smuts's idea of a commonwealth of nations, comprised of members bearing equal sovereignty whilst acknowledging the supremacy of great powers (exhibited, for example, in the membership structure of the Security Council). However, he quickly disassociates the UN from such a dishonorable analogy claiming that "this was no commonwealth as [Smuts] had conceived it, neither in its attitude to race, nor in its lack of moral or spiritual unity."<sup>50</sup> The UN's position from Apartheid South Africa strengthened Mazower's perception of the UN as the gracious face of humanity triumphing over its imperial origin. In the autumn of 1947, the General Assembly (GA) rejected the request by the Union of South Africa to annex South West Africa, and requested that the territory be placed under Trusteeship.<sup>51</sup> After long deliberations, Smuts' proposals were all defeated by the GA, which was an important turning point in the move to redirect international opinion against Apartheid South Africa.<sup>52</sup> According to the author, the "outflanking" of Smuts's ideas signaled a new birth in the UN<sup>53</sup>—which was the renunciation of petty racism. While marking triumphant moments in the global struggle against Apartheid is certainly a significant endeavor, it does not adequately illuminate the praxis of international institutions and international law at large. The UN's transcendence from the League's ancestry cannot be achieved with verbalism or activism – but with praxis, that is, with "reflection and action directed at the structures to be transformed."<sup>54</sup>

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<sup>47</sup> CHINA MIEVILLE, *BETWEEN EQUAL RIGHTS: A MARXIST THEORY OF INTERNATIONAL LAW* 270 (2006); *see also* GERRY SIMPSON, *GREAT POWERS AND OUTLAW STATES: UNEQUAL SOVEREIGNS IN THE INTERNATIONAL LEGAL ORDER* (2004).

<sup>48</sup> Although the decolonization movement of the 1950s and 1960s, the resonance of the idea of national self-determination outside the European world was already prominent during WWI and was culminated at the "Wilsonian moment" in 1919. *See generally*, MANELA, *supra* note 32.

<sup>49</sup> MAZOWER, *supra* note 5, at 157

<sup>50</sup> *Id.* at 189. *See also* here, *supra* note 44.

<sup>51</sup> ISSUES BEFORE THE GENERAL ASSEMBLY OF THE UNITED NATIONS (1946-1952) 20 (Carnegie Endowment for International Peace and Arno Pub., Vol. I., 1970).

<sup>52</sup> MAZOWER, *supra* note 5, at 157.

<sup>53</sup> MAZOWER, *supra* note 5, at 25.

<sup>54</sup> This phrase is borrowed from Paulo Freire. Freire was outlining the requirements of a revolution (or a revolutionary change). PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* 107 (1999).

Mazower assumes that once Third World nationalists claimed the UN's universal rudimentary rhetoric, it fundamentally reshaped the institution and its earlier colonial policies.<sup>55</sup> In the afterword, he moves back-and-forth from critique to apology with an underlying sympathetic tone towards the UN, which "shed[s] one skin after another, in response to the changing climate of international affairs."<sup>56</sup> The flexibility of the UN ties into what Mazower would eventually adopt – a progress narrative of the history of the UN. Decolonization clearly created an unprecedented heterogeneity in the New York headquarters. This has generated what he calls "a third UN."<sup>57</sup> In the opening pages, Mazower warns readers against historians' tendency to "confuse the utopianism of their subject with their own;"<sup>58</sup> nonetheless, he ends up falling into the same trap with his depiction of the UN. The first scene narrates the idea of imperial internationalism through his main character, Jan Smuts. The final scene narrates the global move to decolonization and participation as the orphan successor of imperial internationalism. According to Mazower, between Smuts and Nehru, the UN sees the rise and fall of imperial internationalism, and Nehru, through a series of policy advances between 1946 and mid 1950s, marks that fall.<sup>59</sup>

In international legal literature, the idea of progress has definitely attracted a number of scholars writing on the history of international law and its institutions. This has been especially pronounced with a general turn to history in international legal literature.<sup>60</sup> A number of scholars have challenged the notion of progress by demonstrating that the history was not a linear history of progress, but rather one of rupture and discontinuity.<sup>61</sup> David Kennedy takes on the idea of progress by surveying the dominant international legal streams and their counterpoints throughout the different historical moments.<sup>62</sup> He

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<sup>55</sup> MAZOWER, *supra* note 5, at 188.

<sup>56</sup> *Id.* at 194.

<sup>57</sup> *Id.* at 198. However, as Franz Fanon said, for 95 percent of the population of the colonized world, decolonization has not brought about any positive change in their lives. FRANZ FANON, *THE WRETCHED OF THE EARTH* 35 (2004).

<sup>58</sup> MAZOWER, *supra* note 5, at 6.

<sup>59</sup> *Id.* at 18.

<sup>60</sup> Martti Koskenniemi, *Why History of International Law Today?* 4 *RECHTSGESCHICHTE* 61 (2004); Philip Allot, *International Law and the Idea of History*, 1 *JOURNAL OF THE HISTORY OF INTERNATIONAL LAW* 1 (1999); Mathew Craven, *Introduction: International Law and Its Histories*, in *TIME, HISTORY AND INTERNATIONAL LAW* (Mathew Craven, Malgosia Fitzmaurice & Maria Vogiatzi eds., 2007).

<sup>61</sup> See for example, Nathaniel Berman, *But the Alternative is Despair: European Nationalism and the Modernist Renewal of International Law*, 106 *HARVARD LAW REVIEW* 1792 (1992-1993).

<sup>62</sup> David Kennedy, *When Renewal Repeats: Thinking Against the Box*, 32 *NEW YORK UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLITICS* 335 (2000).

describes the diverse avenues of progress adopted in international legal discourse, one of which is “deformalization” and “reformalization” as progress. Both arguments supporting the diversion from legal doctrine in the quest for more political and contextual solutions, and arguments disturbed by an increasingly political international law, are often presented in the form of a story of progress.<sup>63</sup> Similarly, Thomas Skouteris argues that the assertion of international law’s move to progressive politics or the claim that it is like a science, progressing over time, sounds quite intuitive on first instance. However, he argues that the relationship between international law and progress is not as apparent as it is portrayed to be.<sup>64</sup> This critique is by no means exclusive to legal intellectual scholarship.<sup>65</sup> While Mazower’s contribution is a welcome addition to the literature dedicated to establishing the continuity between empire and post-colonial international relations, his last chapter confirms his inability to do that by adopting a pseudo-progress narrative that emancipates the UN from its ideological origins.

The whimsical strokes of participation, accompanied by a critical deconstruction of imperial legacies are common characteristics of some postmodern scholarship.<sup>66</sup> This often leads to the kind of reductionism directed against very clear targets, such as the intuitive imperialism of empire. Establishing continuities between celebrated colonialists of the 19<sup>th</sup> and early 20<sup>th</sup> century and contemporary right wing, or even liberal international figures, is a common technique used to argue for the continuity of empire in a post-colonial world. Mazower reveals the historian’s presentist sentiment. He swiftly makes the connection between Zimmern’s Hellenic commonwealth and neo-Bush thinkers of the twenty-first century. Like Zimmern, they also speak in a language of freedom and claim the triumph of certain values, which coincidentally were American and claimed to be universal values.<sup>67</sup> Just as Zimmern downplayed the coercion and violence behind his conception of empire through the commonwealth, they also downplay contemporary coercion through the technological language of “connectedness.” Mazower then turns a content-loaded critique of imperial universality into an abstract conception of the “universal” by comparing neo-Bush ideas to those of Michael Hardt and Antonio Negri.<sup>68</sup> Notwithstanding some

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<sup>63</sup> *Id.*, at 335. See also David Kennedy, *International Law and the Nineteenth Century: History of an Illusion*, 65 *NORDIC JOURNAL OF INTERNATIONAL LAW* 385-387 (1996).

<sup>64</sup> Thomas Skouteris, *Review Essay*, 22 *LEIDEN JOURNAL OF INTERNATIONAL LAW* 857 (2009); Russel A. Miller & Rebecca M. Bratspies (eds.), *Progress in International Law*, 22 *LEIDEN JOURNAL OF INT’L LAW*.857 (2009).

<sup>65</sup> See, among many, Michel Foucault, *Nietzsche, Genealogy, History*, in *LANGUAGE, COUNTER-MEMORY, PRACTICE: SELECTED ESSAYS AND INTERVIEWS* (Donald F. Bouchard ed., 1977).

<sup>66</sup> As Ernesto Laclau points out, post-moderns can be perceived to be “weakening the imperialist foundationalism of Western Enlightenment and opening the way to a more democratic cultural pluralism; but they can also be perceived as underpinning a notion of ‘weak’ identity which is incompatible with the strong cultural attachments required by a ‘politics of authenticity’.” ERNESTO LACLAU, *EMANCIPATION(S)* 47 (2007).

<sup>67</sup> MAZOWER, *supra* note 5, at 102.

<sup>68</sup> *Id.* at 103.

limitations of the Hardt and Negri direction, their idea of the universal and the “connectedness” is markedly different, not only in content (which is the non-essential obvious distinction), but also in its logic.<sup>69</sup> A critique of the universal as an abstract notion provides the grounds for the dexterity of ideas of cultural relativism and participation as means for emancipation. This places Mazower within a larger literature that is easily mystified by calls for participation and inclusion – against an abstract conception of the universal – that only serves to “cool” bad temperaments rather than act as a radical critique of the structure of global praxis.

#### D. Conclusion

As Mazower recognizes, it “is exceptionally easy to write the story of the UN as a failure.”<sup>70</sup> One way to look at his contribution is to see its message as simply: “do not expect too much of the UN, especially given its origins; just be happy it is still alive and remains to be an arena of struggle.” More importantly, the UN’s failure to keep its own promises should not be an issue of concern, because its promises are tainted with an ideologically imperial origin. This is a valuable message that places the UN in the right box; as Mazower advises, we should expect UN reform, especially given its neo-colonial projects of intervention, and its role in creating “draconian anti-terror legislation” after 9/11.<sup>71</sup> However, he clearly distinguishes between reform and revolution—given the UN’s position in history and in contemporary international relations, it is fallacious to expect that revamping this organization will signal a revolution in “international law, human rights enforcement, or in democratic values.”<sup>72</sup> This distinction—between reform and revolution— is a significant contribution of this work. However, I am suspicious of the rhetoric that falls back into the cycle of enforcement and values. Furthermore, in his closing remarks, the author states that we should

[N]ot be disappointed that the UN so often fails to carry out [its] goals ... rather we should be curious about how, despite functioning as the product of the historical and political forces ..., it has managed on occasions to rise above them and redefine itself .... Its flexibility over time and its capacity for reinvention are without question as remarkable as its shortcomings.<sup>73</sup>

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<sup>69</sup> MICHAEL HARDT & ANTONIO NEGRI, *EMPIRE* 17-21 (2000). Given the post-Cold War American language of commercial and communicative connectedness as a means to realize freedom, Mazower’s analogy can be plausible on some level.

<sup>70</sup> MAZOWER, *supra* note 5, at 201.

<sup>71</sup> *Id.* at 200 & 203.

<sup>72</sup> *Id.* at 203.

<sup>73</sup> *Id.* at 191 (emphasis added).

It is, therefore, a manifesto that is content with the mediocrity of all too often self-congratulatory reform. Through the “art of law,” the “freedom of empire,” and the mystical wand of participation, the enchanted palace is built, one more time, with the magic strokes of Nehru and Third World anti-colonial struggles – the colonized people once again the fodder for internationalist dreams. And so, the project of disenchantment becomes the basis of forward-looking mystification, muting the rattle of the skeleton in the closet.