

SYMPOSIUM ON ART, AESTHETICS, AND INTERNATIONAL JUSTICE

THE PEACE PALACE: BUILDING (OF) THE INTERNATIONAL COMMUNITY

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These things also require their material forms, their easily recognizable visible symbols, their homes. . . . [With the Peace Palace,] international justice between nations has moved into a splendid home. The proud building is standing now, visible, and tangible: Temple, symbol and workplace. At least the spirit of peace is no longer homeless.¹

At the festivities around the opening of the Peace Palace in August 1913, Bertha von Suttner—1905 Nobel peace prize winner and early advocate for an international court for arbitration—emphasized the importance of a home for international justice as a temple, a symbol, and a workplace. In line with Suttner’s observation, this essay argues that the Peace Palace is more than just a venue where international law is practiced: it provided a material *home* for the international community and thereby helped to sing this “imagined community”² into existence. By studying the historical context of the establishment of the Peace Palace, we draw attention to the importance of the building as well as the gifts that it received from states in imagining and enacting the international community. Moreover, we discuss how two paradoxes underpinning the ideal of the international community also transferred into its material referent: the tensions between unity and individuality and between universalism and exclusion.

As the residence of the Permanent Court of Arbitration and the International Court of Justice, the Peace Palace is one of the most prominent stages of international law and a visible symbol of the international community of (allegedly) equal sovereign states; the magisterial scenery to the practice of the international community to promote the goals of international justice and create a peaceful international order. The stage is a powerful metaphor to imagine how international law is more than a body of rules; it is also a theatrical performance.³ As a performance, international law is not just a key practice “of” and “by” the international community, but helps to bring that very entity into being:⁴ “It is only as performed that [the] international [community] becomes *visualisable* and, thereby, *imaginable* and, thereby, *real*.”⁵ The stage itself is a key element in this process.

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¹ [Peace Monuments for Baroness Bertha von Suttner.](#)

² BENEDICT ANDERSON, [IMAGINED COMMUNITIES: REFLECTIONS ON THE ORIGIN AND SPREAD OF NATIONALISM](#) (1993).

³ SOFIA STOLK, [A SOLEMN TALE OF HORROR: THE OPENING STATEMENT OF THE PROSECUTION IN INTERNATIONAL CRIMINAL TRIALS](#) (2017).

⁴ ANTONY ANGHIE, [IMPERIALISM, SOVEREIGNTY AND THE MAKING OF INTERNATIONAL LAW](#) (2005).

⁵ Erik Ringmar, [How the World Stage Makes Its Subjects: An Embodied Critique of Constructivist IR Theory](#), 19 J. INT’L RELATIONS DEV. 118 (2016) (emphasis added).

In this contribution, we consider how the Peace Palace functions as an invitation to imagine and enact the international community, specifically through its construction and through the gifts that states donated to the new Courthouse. The ritualized practice of gift-giving is crucial in this regard, as a political act to build alliances, here an international community.⁶ As a specific type of performance, rituals at once materialize an abstraction into an embodied presence (in flesh and stone) *and* present that abstraction as something sacred.⁷ We suggest that both aspects are at work in (the construction of) the Peace Palace: both the building and the gifts it received contributed to the constitution of this emergent international community by making it simultaneously visualizable, imaginable, real, *and* sacred.

The Conception of the International Community

The idea of an international community first emerged in the form of collective speech acts at the Hague Peace conferences.⁸ During the first Hague Peace Conference in 1899, Belgian delegate Chevalier Descamps mentioned the importance of an international court of arbitration “for the welfare of the nations and for the progress of humanity.”⁹ The proposed court would reflect the ideal of universalism that was embraced by the emerging international community during these conferences, but also had to shape this international community through its practice. However, the international community that was imagined during the Hague Conferences is marked by at least two paradoxes.

First, from the outset, the international community was conceptualized as a collective of nations with common aspirations as well as individual interests. At the Second Hague Conference in 1907, Mr. Nelidow, first delegate from Russia and president of the conference, called on “every friend of civilization” to “bravely take up the work” to make real “the ideal of a universal peace and a brotherhood of peoples” and the “welfare of humanity.” Similarly, Descamps in his speech in 1899 had spoken of “the fraternal approach of the nations and the stability of general peace.” This conception of the international community rests on a communitarian vision that emphasizes the fraternity between sovereign nations—an international community *of states*—in contrast to a cosmopolitan view of the international community as a unified entity with a collective goal. Nelidow indeed warned against overzealous ambitions because there are limits to the joint actions of states, which are “living beings as truly as are the individuals who compose them.”¹⁰ These expressions illustrate the balancing act between states’ desire to form a community to serve humanity and their wish to affirm their independence and unique identity.

Nelidow’s reference to the “friends of civilization” points to the second paradox. While the discursive construction of the international community during the Peace Conferences largely rested on an idea of equality, the community was not equally open to every state. It is a specific and exclusive notion of “international community” that cherished conventional ideas of colonialism and excluded “uncivilized” nations. The universal aspirations that were to be embodied by the Peace Palace represented a set of values held by a selective elite composed of mainly Western diplomats and academics.¹¹ This exclusive notion of universalism also materialized in the absence of colonized states and in the visualizations of universal justice in the Palace’s decorations and gifts, which we will address below.

⁶ MARCEL MAUSS, [THE GIFT: THE FORM AND REASON FOR EXCHANGE IN ARCHAIC SOCIETIES](#) (1925) (W.D. Halls trans., 2002).

⁷ HENRI HUBERT & MARCEL MAUSS, [SACRIFICE: ITS NATURE AND FUNCTION](#) (1898) (W.D. Hall trans., 1964).

⁸ Evgeny Roshchin, [The Hague Conferences and “International Community”: A Politics of Conceptual Innovation](#), 43 REV. INT’L STUD. 179 (2016).

⁹ WILLIAM I. HULL, [THE TWO HAGUE PEACE CONFERENCES AND THEIR CONTRIBUTIONS TO INTERNATIONAL LAW](#) 373–74 (1908).

¹⁰ *Quoted by id.* at 41–42.

¹¹ MARCO DURANTI, [THE CONSERVATIVE HUMAN RIGHTS REVOLUTION: EUROPEAN IDENTITY, TRANSNATIONAL POLITICS, AND THE ORIGINS OF THE EUROPEAN CONVENTION](#) 31 (2017).

Once articulated in diplomatic discourse, it was clear—as Bertha von Suttner also indicated—that this emergent international community needed a home.

Materializing the International Community (1): A Proper Home

The original home of the newly founded Permanent Court of Arbitration—at a relatively modest building at the Prinsegracht 71 in The Hague—did not quite match the aspirations of an international community. These premises not only would be “clearly insufficient and inconvenient” if arbitration would become a general international practice, but also “are in singular contrast to the hopes entertained by those who founded the Hague Tribunal.”¹² Those aspirations required something of more stature, a proper, “splendid” home of “stately and of noble materials,” as “a pledge and sign of a better future for the world.”¹³

From the very beginning, the Palace was envisaged to be more than just the stage of international law: it would be a home, a symbol, a temple. This reference to the Palace as a temple was not accidental. “Temple of Peace” was the name preferred by Andrew Carnegie, the American steel magnate and philanthropist whose donation of US \$1.5 million was the foundation for the construction of the Peace Palace.¹⁴ The notion of a temple connotes the idea of a public home, where persons can find refuge under the protection of a bigger and abstract ideal.¹⁵ It was envisaged to become a “place of pilgrimage for thinking men [sic] from all civilized nations.”¹⁶ Ultimately a more secular name was chosen, but the reference to the palace as a “temple” prominently featured in the speeches during the opening of the building and also on its current website.¹⁷

Moreover, not only the judges would be served by the proposed plans. The noble but abstract aspirations had to be visualized so as to be imaginable and, thereby, real for humanity itself: The “people of the various nations [need] *an outward and visible sign* of the Court, which would make its *actual, tangible existence* known to the ends of the earth.”¹⁸ As for the states themselves, it “shall forever call the attention of the nations to the Tribunal, suggesting to them its constant use and rebuking them, silently but most effectively, if they do not use it.”¹⁹ In other words, the edifice addresses individual states as part of a bigger collective, appealing to the ideal of unity while recognizing states’ autonomy.

More than just the scenery, the Peace Palace then can be conceived as a ritualized performance that not only materializes but also sacralizes the internationalist ideals and the international community. Again, the reference to a temple is an apt one. To build a temple is to create a place where the gods can reside on earth: a physical site where the community of believers can connect to abstract powers, as part of a ritual that solidifies the abstract.

¹² ARNOLDUS LYSEN, *HISTORY OF THE CARNEGIE FOUNDATION AND OF THE PEACE PALACE AT THE HAGUE* (1934) (quoting William T. Stead, *The Review of Reviews* 260 (Sept. 1902)). Stead was a journalist who had reported on the Peace Conference and was in personal contact with Andrew Carnegie.

¹³ *Id.* at 36 (quoting Andrew D. White, letter to Carnegie dated Aug. 5, 1902); *id.* at 25 (quoting Andrew D. White, *Zur Vorgeschichte des Haager Friedenspalastes* 283–85 (Die Friedens-Warte, August 1913)). Mr. White was an American diplomat and representative to the Hague Peace Conference, and a key proponent of the Palace.

¹⁴ ANDREW CARNEGIE, *AUTOBIOGRAPHY* 285 (1920).

¹⁵ Abraham van Karnebeek, *Speech at the Opening of the Peace Palace* (Aug. 28, 1913) [available at the Carnegie Foundation; on file with authors].

¹⁶ LYSEN, *supra* note 12, at 36 (quoting Andrew White, letter to Carnegie dated Aug. 5, 1902).

¹⁷ *This is the Peace Palace*, VREDESPALET.NL (noting that “[t]he Peace Palace is globally known as the temple of peace and justice”).

¹⁸ LYSEN, *supra* note 12, at 37–38 (quoting Andrew D. White, letter to Carnegie dated Aug. 5, 1902) (emphasis added).

¹⁹ *Id.* at 47 (quoting Andrew D. White, letter to Mr. Holl dated Feb. 21, 1903).

While there is much to be said about the practical and political complications that occurred during the design and construction phase of the Palace itself,²⁰ we turn to another ritualized performance that consolidated the ideal as well as the paradoxical nature of the international community: that of giving gifts to the Palace.

Materializing the International Community (2): Gifts to the Palace

During the Second Peace Conference, French delegate Baron d'Estournelles suggested that all participating states should express their support both materially and symbolically. The state representatives received this request positively and the Conference officially expressed this vow:

that each Government signatory to the Hague Convention may contribute to the erection of the Peace Palace by sending, upon agreement with the architect, materials for construction and decoration, and objects of art representing the purest specimens of its national production, in order that this Palace, the expression of universal good-will and hope, be constructed of the very substance of all countries.²¹

In this way, the Palace and its decorations would be a symbol of cooperation and universal values, as well as the participants' material commitment to the project.²²

Gift-giving is an ancient and ritualized practice of diplomacy. Just like offerings traditionally functioned to strengthen the bond between believers and their god(s),²³ in their secularized form gifts help to build political alliances and communities.²⁴ Gifts in particular help to “transcend the opposition between the individual and the collective, making individuals part of a larger, concrete [or abstract] entity.”²⁵ Moreover, Roy Rappaport notes that abstract commitments have to be materialized if they are to be taken seriously,²⁶ quoting the Sierra Leonean phrase that “words must be made heavy.”

Further, as a secularized form of religious offerings or sacrifices, gift-giving can be conceived as a ritualized act of “con-tribution.” As such, it contains a material component as well as the act of giving in common with others *and* a tribute to the emerging community. Thus, the collection of gifts constitutes a “we of co-presence,”²⁷ as it physically evidences the alignment of the nations, united in the pursuit of the ideal of universal peace.

There is yet another side to gift-giving: it also is a way to present oneself. Moreover, what is given can be considered symbolic of the nature of the relationship it fosters.²⁸ The gifts reflect commitment to the universal peace ideal, but they also emphasize sovereignty and nationalism and the wish of states to render material their individual role and influence.²⁹ Consider for example the Russian gift: a monumental jasper vase of more than three thousand kilograms. The vase is a rich exhibition of Russian craftsmanship and power, represented by the bronze

²⁰ ARTHUR C.G.M. EYFFINGER, *THE PEACE PALACE: RESIDENCE FOR JUSTICE, DOMICILE OF LEARNING, 1913–1988* (1988).

²¹ LYSEN, *supra* note 12; I [THE PROCEEDINGS OF THE HAGUE PEACE CONFERENCES: THE CONFERENCE OF 1907](#), at 335 (1920).

²² For a list of gifts, see LYSEN, *supra* note 12. A more up-to-date list is available at the Peace Palace Library.

²³ ÉMILE DURKHEIM, [THE ELEMENTARY FORMS OF RELIGIOUS LIFE](#) (1964).

²⁴ MAUSS, *supra* note 6. See also special issue in 14 J. INT'L POL. THEORY (2018).

²⁵ J.T. GODBAUT & A. CAILLÉ, *THE WORLD OF THE GIFT* 20 (D. Winkler trans., 2000).

²⁶ ROY A. RAPPAPORT, *RITUAL AND RELIGION IN THE MAKING OF HUMANITY* 165 (1999).

²⁷ Immi Tallgren, *The Voice of the International: Who is Speaking?*, 13 J. INT'L CRIM. JUST. 135 (2015) (citing HERBERT SPIEGELBERG, *DOING PHENOMENOLOGY* 220–25 (1975)).

²⁸ MAUSS, *supra* note 6, at 95.

²⁹ The winning design by Cordonnier was criticized for exposing nationalism by making a collage of many of the buildings that he had designed in Northern France. ARJAN HEPLY & CEES BOEKRAAD, *A NEW HOME FOR THE STUDY OF INTERNATIONAL LAW* 15 (2008); EYFFINGER, *supra* note 20, at 67.

double-headed eagle of the House of Romanov. Aside from this exposition of national identity, the gift identified Russia's belonging to "civilized Europe," signaled by its French and Latin inscriptions.³⁰

Finally, the practice of gift-giving at the Palace also reflects the circumscribed conception of this emergent international community, echoing the exclusive version of the "Family of Nations" of the nineteenth century. As much as the Peace Palace called for international cooperation and community, it also represented the romantic ideal of civilized nations on a universal mission to save humanity. While there are contributions from the colonies, they are only present as colonized objects. For example, the Dutch government considered wood from the Dutch East Indies a fine demonstration of what their colony had to offer³¹—thus demonstrating their colonial power. Moreover, while explicit references to Christian imagery were not allowed in light of universalist aspirations—a recurring theme in the board meetings of the Carnegie Foundation at that time³²—gifts such as the stained-glass windows and some paintings suggest that this aspirational "universalism" largely stemmed from a Eurocentric Christian heritage. For instance, the prominent windows in the Great Hall of Justice evoke "overt Christian imagery" with their depiction of lambs, lions, and doves on the final panel.³³ More generally, the Peace Palace is "littered with symbols of Christian and humanist virtue," for example through the many allegorical statues and paintings.³⁴ Moreover, those allegorical figures oftentimes are characterized by white skin and distinctly European appearances.³⁵

Thus, the paradoxically exclusive notion of the "international community" materializes in the presence as well as the absence of certain gifts and symbols. The most prominent non-Western contribution is, arguably, the Japanese tapestries in what is now called the Japanese room. The tapestries are a striking combination of Japanese and French weaving techniques and were applauded by the Carnegie Foundation as one of the most beautiful gifts.³⁶ In Marco Duranti's words, "Japan proved itself well aware of the aesthetic dimensions of this game, demonstrating the cultural capital to qualify at once as a member of the society of civilized states and as an independent nation-state with its own unique genius."³⁷

Conclusion

As an abstract notion, the international community is brought into existence through discourse, international practices, and ritualized performances. In this contribution, we explored the Peace Palace and the gifts it received to advance our understanding of how the international community is visualized, imagined, and materialized. The Peace Palace itself, and its gifts, are crucial to the ritualistic act that *makes* the international community. They embody a vision of an international community that reflects a collective aspiration as well as a presentation of autonomy.

³⁰ DURANTI, *supra* note 11, at 38.

³¹ Minutes of the 58th Board Meeting, Carnegie Foundation 19 (Oct. 4, 1910) (available in Peace Palace archive).

³² See, e.g., Minutes of the Board Meeting, Carnegie Foundation (May 7, 1912) (discussing the gift from the Freemasonry and their wish to put their emblem on their donated chandeliers); Minutes of the Board Meeting, Carnegie Foundation (Sept. 24, 1913) (discussing the Christ statue donated by Argentina).

³³ Daniel Litwin, *Stained Glass Windows, the Great Hall of Justice of the Peace Palace*, in INTERNATIONAL LAW'S OBJECTS 470, 470 (Jessie Hohmann & Daniel Joyce eds., 2018).

³⁴ DURANTI, *supra* note 11, at 39.

³⁵ *Id.* at 15, 38.

³⁶ Letter of the President of the Board of the Carnegie Foundation to Japanese Minister Amairo Sato (Dec. 18, 1911) (available in Peace Palace archive).

³⁷ DURANTI, *supra* note 11, at 37.

Buildings always reflect the ideals and stylistic preferences of a specific group of people at a specific point in time. As such, the Peace Palace is a historical artifact whose role and meaning cannot be set apart from its historical context. The ideals behind international arbitration and the conceptualization the international community might have changed over time, but the building preserved some of the original aspirations and conflicts—which are at least partly still affecting today's imaginary of international law and the international community.