Rangoon, quite properly confined himself to exposition of the law. To have entered at length into the field of interpretation or into some of the philosophical problems springing from the new post-independence conditions was manifestly impossible. Nevertheless, more indication that such problems exist might have been wise. It cannot be stressed too much that the smooth functioning of Indian government depends as much—or more—on adherence to certain conventions of British constitutional practice as it does on the actual words of written constitution or statute. In the discussion of the provisions of the Constitution, amplification is needed with respect to the position of Kashmir as contrasted with that of other "Part B" states. Mr. Gledhill also might have made fuller reference to the divergence between *de jure* and *de facto* situations in other matters, especially to the tremendous problems involved in making the financial and revenue administration in the former princely states correspond to that in the former British Provinces. This would perhaps have led him to stress, even more than he does, the powers of the central government vis-à-vis the states in the new régime. In his analysis of the section on "Fundamental Rights", the influence of the government's power of preventive detention and the latitude available to the courts in interpreting these rights appears insufficiently appreciated. The comparisons with United States practice are generally well taken, but a few are misleading. The influence of slavery and its abolition on American constitutional history seems not well understood.—Holden Furber, University of Pennsylvania.

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servance—indicates a sharp contradiction between creed and deed.[9]

In some respects the Constitution of the German Democratic Republic resembles the Weimar Constitution. The chapter " Basis of the Power of the State " declares that " the whole of Germany is an indivisible democratic Republic." [10] The dual concept of Reich and states no longer exists. The colors of the German Democratic Republic flag are black-red-gold (like the flag of Western Germany!). All power derives from the people (Article 3). Women have equal rights (Article 7). Article 9 states: " All citizens have the right to express freely and without restrictions their opinion within the limits of existing laws. Citizens may for this purpose assemble peacefully and unarmed. There is no censorship of the press." No citizen may be extradited to a foreign country; and the right of asylum is guaranteed, as is the right of a citizen to emigrate (Article 10). Economic rights, with which Part Two of the Constitution deals, are superior to political rights.[11] The economy has to serve the welfare of the people and has to fulfill the needs of the entire people. According to Article 21, the state is to have " a public economic plan ". Monolithic capitalistic enterprises and private farm estates—larger than 247 acres—are forbidden (Article 24). Natural resources are at the disposal of the state. Expropriation will be set in operation according to the interest of the whole state (Article 23).

Youth will be educated in the spirit of the Constitution " to become self-reliant, responsible, alert human beings ". Article 41 guarantees full freedom on all questions of faith and conscience; religious rituals and religious education shall not be misused for " unconstitutional purposes, or party politics ". Article 47 encourages people to give up any church affiliations. (Socialist Unity party members, police and other officials are not permitted to belong to a church or to attend church services.) [12] Children at the age of 14 are given the right to determine their church affiliation (Article 48).

[9] Lewis, *op. cit.*, p. 34.

[10] Karl Steinhoff, *Die Verfassung der Deutschen Demokratischen Republik* (Berlin, 1949), p. 65.

[11] *Ibid.*, p. 21.

The highest organ of the Republic is the People's Chamber. The voting age is 18; the minimum age of eligibility for election is 21. Membership in the Chamber is limited to 400. The representatives of the *Laender* (for each 500,000 inhabitants, one member) in the *Laenderkammer* have only the right to submit suggestions.[13]

Article 87 permits a people's plebiscite if 10 per cent of the qualified voters favor it.

According to Article 92 the strongest party names the minister-president; and all parties with a minimum of 40 members in the parliament will be represented in the government according to their strength. (Until October 15, 1950, the Socialist Unity party held 9 minister posts and controlled 3 ministers " without party affiliations ", the Christian Democratic Union held 3 posts and the Liberal Democratic party 3.) [14]

The president of the Republic is elected by a combined meeting of the People's Chamber and the Chamber of the States. He is merely a ceremonial figure, though Article 107 gives him the right to pardon and the right to conclude international treaties.

Judicial administration is vested in the Supreme Court of the German Democratic Republic. Judges are independent (Article 127). Judges of the Supreme Court and the attorney general are elected by the People's Chamber upon suggestion of the government. Article 136 affirms that, for arrest, search of a private home, or seizure of material, judicial approval has to be secured.

The government of the German Democratic Republic seems firmly resolved to lead " a detached East Germany . . . to full sovietization." In reality, the control of the state is exercised

[12] *Second Quarterly Report on Germany*, 1950, Office of the U. S. High Commissioner for Germany, p. 39. Hereafter this is cited as *Report on Germany*.

[13] The *Laenderkammer*, or Chamber of States, can best be compared with our Senate with the difference that its members are not elected but appointed by the respective state governments.

[14] *Report on Germany*, pp. 29 *et seq.*

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(*Continued on next page*)

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by the Politbureau of the Socialist Unity party, a body of ten key men, which in turn receives its orders from the Soviet Military Administration, the real power in the German Democratic Republic.[15]

On November 15, 1950—just a month after the "election victory"—Otto Grotewohl, the Minister-President, introduced the following new government to the People's Chamber:

Deputy Minister-Presidents:

Walter Ulbricht (SED)[16]
Otto Nuschke (CDU)
Heinrich Rau (SED)—Ministry of Planning
Hans Loch (LDP)—Ministry of Finances
Lothar Bolz (NDP)—National Front, Ministry of Reconstruction

Other Ministries

Foreign Affairs—Georg Dertinger (CDU)
Interior—Karl Steinhoff (SED)
State Security—Wilhelm Zaisser (SED)
Heavy Industry—Fritz Selbmann (SED)
Construction of Machines—Gerhard Ziller (SED)
Light Industry—Georg Feldmann (NDP)
Agriculture and Forestry—Paul Scholz (Peasant party)
Labor—Roman Schwalek (Free Trade Unions)
Foreign and Interzonal Trade—Georg Handke (SED)
Trade and Supplies—Karl Hamann (LDP)
Health—Luitpold Steidle (CDU)
Justice—Paul Fechner (SED)
Education—Paul Wandel (SED)
Traffic—Hans Reingrueber (no party)
Post, Telephone and Telegraph—Fritz Burmeister (no party)[17]

[15] *Report on Germany*, pp. 29-31; see also Settel, *op. cit.*, pp. 374 *et seq.*

[16] SED—Socialist Unity party; CDU—Christian Democratic Union; LDP—Liberal Democratic party; NDP—National Democratic party; National Front, combining all parties, cultural and other organizations, and trade unions of Eastern Germany.

[17] *Frankfurter Rundschau*, Nov. 16, 1950.

Since the only free elections (City Council elections of October 20, 1946) held under Four Power control resulted in a defeat of the Socialist Unity party (Social Democratic party 1,015,000—48.7 per cent; Christian Democratic Union 454,000—22.1 per cent; Socialist Unity party 406,000—19.8 per cent; Liberal Democratic party 198,000—9.4 per cent)[18] no free elections in the Western pattern have ever taken place. The Social Democratic party [SOPADE], strongest challenger of the SED, is not permitted to function in Eastern Germany. Before the creation of the German Democratic Republic, in elections for which the CDU and LDP had separate lists, the results in various districts disappointed the Communists and they were resolved not to risk any further setbacks at the polls. That led to the Unity List on the occasion of the elections held on October 15, 1950.

In his New Year's speech on January 1, 1950, Wilhelm Pieck, President of the German Democratic Republic, had already declared:

> In our democratic republic we will hold elections which will differ considerably from the faked elections of August 1949 in Western Germany where to the satisfaction of their imperialistic masters the parties overworked . . . . At the election in October we will take care that through the election a new consolidation and coöperation of all progressive forces in the National Front of democratic Germany will be achieved . . . .[19]

Though the LDP and the CDU tried to resist a unity list, the SED with the help of the "National Front" succeeded in creating the "Democratic Bloc" and achieved agreement on a unity list. With the promulgation of an election law on August 10, 1950, all legal obstacles were removed. This law outlines the election program: safeguarding of the peace, a democratic united Germany, peace treaty with the whole of Germany and the withdrawal of the occupation troops; democratic construction of an independent peace economy; improvement of the living standard by its own efforts; expansion and

[18] Mehnert and Schulte, *op. cit.*, p. 71.

[19] Quoted from SOPADE, *Socialdemokratische Partei Korrespondenz*, No. 902, October 1950, "Wahlbetrug in der Sowjetzone", p. 66.

Reviews

Book Notes

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POLITICAL SCIENCE QUARTERLY

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A REVIEW DEVOTED TO THE HISTORICAL STATISTICAL
AND COMPARATIVE STUDY OF POLITICS
ECONOMICS AND PUBLIC LAW

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consolidation of the democratic order; and preservation and development of the German culture.[20]

The result of the elections was as expected. There was a 97.5 per cent vote in favor of the Unity List. Most of the voters did not even bother to use the voting booth. The SED had won the election in grand style.[21] Nevertheless, a few days before the elections 375,000 East Berliners had sent their used-up ration-book stubs to the West Berlin magistrate as a protest against the Communist-rigged elections of October 15, 1950.

The election results must be understood against this background. Few Germans realize the meaning of Walter Ulbricht's words: "Neutrality means the destruction of Germany." [22] A network of organizations still works to extend the influence of the SED over the 18 million East Germans.

Geographically, Eastern German influence ends at the western border. Only in one instance does there exist an organizational set-up comprising East and West Berlin, namely the Jewish Community of Berlin with 7,000 members, of whom (in round figures) 2,500 live in the eastern part and 4,500 in the western part. Their religious and social needs are attended to by a board comprised of a minority of two representatives of Jews in the eastern part of Berlin and five representing the Jews in the western part of the city. In addition, it is estimated that 1,200 Jews live outside of Berlin in various parts of East Germany, 300 in Leipzig comprising the largest Jewish community.[23]

By 1950, the Communists were able to dominate political parties, trade unions, and cultural and social organizations in Eastern Germany. The Socialist Unity party claims a membership of almost two million.[24] The "bourgeois" political parties—Christian Democratic Union and Liberal Democratic

[20] *Ibid.*, pp. 67 *et seq.*

[21] *New York Times*, Oct. 16, 1950.

[22] "Die 'Nationale Front' greift an", *Deutsche Zeitung*, No. 20, Mar. 11, 1950, p. 4.

[23] Information by Hans E. Fabian, former chairman of the Jewish Community of Berlin, now in the United States.

[24] Settel, *op. cit.*, p. 394; *Report on Germany* gives the membership as "almost 1,700,000 representing ten per cent of the population" (p. 31).

party—are no longer influenced by their western counterparts but are controlled by the "National Front".[25] The Democratic Farmers party, founded in 1948, is headed by Ernst Goldenbaum, Minister of Agriculture and Forestry. Goldenbaum is a veteran Communist and member of the pre-Hitler Prussian Diet. Now he poses as spokesman for the non-Communist farmers.[26] The National Democratic party publishes a newspaper *The Nation*, of which the editor-in-chief is Dr. Hans Hartmann, a former pacifist.[27] Under the leader, Dr. Lothar Bolz, an old-time Communist and Minister of Construction, the party pleads forgiveness for the "little Nazi". The program of the "National Front" states: "To the National Front belong also those former members of the National Socialist party who have learned from the terrible errors of the past." [28] In spite of support by the ruling clique and liberal financial means, the National Democratic party has failed to gain more than a very small number of adherents (10,000 to 20,000).[29]

One of the Communist-controlled organizations is *Freier Deutscher Gewerkschaftsbund* [FDGB] (Free German Trade Union), which "as a labor union is a shabby fraud." [30] Allegedly it has 4.5 million members, 32.3 per cent of whom are women,[31] organized in subordinate trade unions with branches in all public and private enterprises. The key positions of the secretariat are held by Communists with the exception of the department, "Tariff and Wage Policy", headed by Josef Jessen of the Christian Democratic Union. Since the FDGB does not engage in collective bargaining, and the right to strike does not exist, its chief purpose is to maintain a continuous process of communist indoctrination by "educational means", by the application of various tests and by the introduction of the Hennecke Method (copied from the original Russian Stakhanov

[25] *Deutsche Zeitung*, Mar. 11, 1950.

[26] Settel, *op. cit.*, p. 400.

[27] Confidential reports.

[28] "Das Programm der Nationalen Front des demokratischen Deutschlands", *Berliner Zeitung am Abend*, No. 40, Feb. 16, 1950.

[29] *Report on Germany*, p. 32.

[30] Settel, *op. cit.*, p. 396.

[31] *Kommunistische Gewerkschaftspolitik*, Memorandum No. 26, Social Democratic party (Hanover, 1950), pp. 4 *et seq.*

Method) which serves as inducement for top performance by a workers' élite.[32] It is disliked by the average citizen.[33] "Discipline is firm, and morale, despite the bad life, has kept up better than might have seemed possible." This trade union is to create and maintain an "*illusion* of solidarity", to make the little man think he is really an important unit in the great monolithic structure of the East German state. It has 30 representatives in the parliament.[34]

The Whitsuntide mass demonstration of the *Freie Deutsche Jugend* (Free German Youth) at the end of May 1950 corroborated the statement: "It would be unwise for Westerners to play down the long-range effectiveness of such a high-powered youth movement."[35] With its "Young Pioneers", the Free German Youth influences boys and girls aged 6 to 25[36] and has a virtual monopoly on sports and recreation facilities and equipment. Even the sport pages of the newspapers are used to propagandize the ideas of "labor and the defense of peace."[37]

Though the Berlin youth demonstration, by its show of strength, was an instrument in the cold war of nerves, it has left certain imprints in the minds of the people as "a symbol of present and future power". The youth movement is "one of the most important arms of the party".[38] It is said that the Free German Youth has 3 million members.[39]

The *Frauenbund* (Women's League) "aims at bringing greatly increased numbers of women into all phases of Soviet zone life along the communist pattern."[40] Membership is estimated at 200,000. It has ten seats in the parliament and tries vigorously "to give the timid German women a political education above the level of party or class."[41] A correspondent

32 *Ibid.*, pp. 4 *et seq.*, 14, 22.

33 Confidential report.

34 Settel, *op. cit.*, pp. 39 and 397.

35 *Ibid.*, p. 395.

36 *Report on Germany*, p. 32.

37 *Taegliche Rundschau*, No. 120, May 26, 1950, p. 6.

38 Settel, *op. cit.*, p. 395.

39 "The Nazis March Again—This Time for Stalin", by W. Attwood and Seymour Freidin, *Collier's*, Nov. 25, 1950, p. 22.

40 *Report on Germany*, p. 32.

41 Settel, *op. cit.*, p. 398.

writes that women are active in solidarity and welfare work and find satisfaction in at least doing something.[42]

"Consumers Cooperatives in pre-war Germany . . . were largely connected with the Social Democratic Party. They are now being converted into units exercising a quasi-public control over large areas of trade and distribution of foodstuff and consumer goods."[43]

Virtually all farmers belong to the Farmers Mutual Aid Association, which is the instrument "for the first cautious move toward applying the Soviet pattern of collective agriculture on the people and land once under Junker control." Some 11,000 local units, appealing to the landless rural workers, are concerned with providing machinery to groups ranging from cooperative tractor stations to individual farmers.[44]

The Cultural League (*Kulturbund*) serves a double purpose: educating and converting the non-Communist intellectuals.[45] As a SED-controlled body it plays a major part in election campaigns and acts wherever "articulate support is needed." The Association of Political Persecutees of Nazism (VVN)—Communist-controlled in East and West—corrals the anti-Nazis. It investigates prosecution of Nazi war criminals and publishes literature about concentration camps. Lawyers of the VVN represent the interests of the persecutees in courts.[46]

Finally, one million members have been corralled for the Society of Soviet-German Friendship, which promotes lectures, meetings and radio broadcasts to achieve its goal of "adult political indoctrination".[47]

At the top of these propaganda organizations stands the "National Front" movement. A "National Council" was es-

42 Confidential report.

43 *Report on Germany*, p. 32.

44 Settel, *op. cit.*, pp. 339 and 399; *cf.* Articles 23 and 24 of the Constitution.

45 *Ibid.*, p. 398.

46 See *Die Hoelle von Kamiena; Nacht und Nebel: Ein Sachsenhausenbuch* by Arnold Weiss-Ruttel; Calendar 1950, "Wir Mahnen zum Frieden"—all published by VVN Verlag, Potsdam.

47 *Report on Germany*, p. 32.

PUBLICATIONS REVIEWED OR NOTED

tablished on February 7, 1950 which published a 4,000-word program in compliance with the policy of the Socialist Unity party. Among many other things, it demanded: "creation of a unified, democratic, peace-loving and independent Germany and reconstruction of the Occupation Ruhr Security Statute; fight against the creation of a German mercenary army, against remilitarization of West Germany, strict suppression and prohibition of war agitation, as well as any agitation directed against nations or races; fight against further dismantling." [48] In the list of qualified representatives of the "National Front" the original founders of the Moscow National Committee dominate. It is certainly no coincidence that Stalin's statement, "Hitlers come, Hitlers go, but the German people remains forever", is prominently displayed in East Germany.

The SED is politically the most powerful arm of the new German Democratic Republic. It controls all the other organizations. Its 1950 convention—with 4,000 delegates in Berlin—implemented the decision of SED leadership, and the "National Front" in turn implemented its decisions. Like all Communist parties the SED is subject to many purges. There has been a persistent attempt to get rid of former Social Democrats and all persons who have returned from the West.

Despite the effectiveness of Communist control, the existing opposition necessitates alertness on the part of the State Security Service, which is organized as a disguised army. Six former high German generals hold responsible positions in it:

1. General Wulz, Chief Inspector in the Main Administration for Training
2. General Lattmann, Group Commander of Brandenburg
3. General Weissenberger, Group Commander of Mecklenburg
4. General van Weeck, Group Commander of Saxony
5. General Breithaupt, Group Commander of Saxony-Anhalt
6. General Schubert, Group Commander of Thuringia

The total strength of the East German Police is estimated at 250,000. The special units of 70,000 men had increased their

[48] *Berliner Zeitung am Abend*, Feb. 16, 1950.

effectives to 130,000 by the end of December 1950. The goal of the People's Police is a total strength of 400,000 men. The highest military administration for training as well as the main office for the water front police (*Wilhelmsruh*) are in Berlin (Adlershof). Early in 1951 a headquarters for an air police was established.

The Administration for Training functions as a Ministry of War. Wilhelm Zaisser is political chief, Kurt Maron the military head and Kurt Hoffman the Inspector General. All three are old-time Communists. Zaisser is the famous "Red General Gomez" of the Spanish Civil War. Around these officials are former generals and officers of the Hitler army. Hans Wulz, adviser to Maron, was commander of the Artillery Corps IV near Stalingrad. Members of the old general staff, like Heitsch and Engelbrecht, are in the planning division. The group commands are divided into 39 special corps, each corps equal to a regiment, and are subdivided into four commands of four platoons each. In addition, there exist twelve military schools, each instructing a regiment of ten companies. There are six special units whose strength equals a regiment.

A well-organized unit operates against "subversive" activities, with many members of the Free German Youth serving in it. The whole training program aims to develop a corps of military and political leaders, who some day may be able to take command of a large German army.[49]

Many members of the Communist People's Police in Eastern Germany have fled to West Berlin and reported that they had been hoodwinked into enlistment "under the pretext that they would be assigned to civilian police duties." [50] A trial of the

[49] *Der Stern*, Oct. 29, 1950. *Cf.* "Bericht ueber den Aufbau der Volkspolizei in der sowjetrussischen Besatzungszone" (summer 1950), presented by Bundesministerium fuer Gesamtdeutsche Fragen in Bonn, printed as manuscript; *News from Germany*, Feb. 1950, published by the Social Democratic party, Hanover; "Recreation of the Gestapo", *Stuttgarter Zeitung*, Apr. 12, 1950. See also *Collier's*, Aug. 12, 1950, "Soviet Germany's Army"; and *Remilitarisierung und Aufruestung in der Sowjetzone*, pp. 102 *et seq.*, Sopade, Informationsdienst No. 55, published by the Social Democratic party, Bonn.

[50] *New York Times*, Dec. 3, 1950; see also *Christian Science Monitor*, June 26, 1950; *Staatszeitung & Herold*, New York, June 22, 1950.

members of the People's Police arrested in West Berlin for unlawful carrying of weapons revealed that the People's Police is in reality an organized military force.[51]

This new German army fascinates German youth. When in May 1950 after the parade of the Free German Youth in Berlin " row after row of bronzed soldiers in the black uniforms of the Bereitschaften was following ", a West German, former member of the Hitler Youth, exclaimed: " It's amazing! It's just like the old days. Why, even the music is the same! "[52]

Former officers of the *Wehrmacht* not only are in leading positions in East Germany, but comprise 52 per cent of all major functionaries, as state secretaries, police chiefs, mayors, and so on. The most prominent are: Luitpold Sedler, Walter Bahler, Paul Markgraf, Vincenz Mueller, Fritz Ruecke, Ernst Hadermann, and former Major General Otto Korfes.[53]

Many contacts exist between East Germany and the West. Dr. Guenther Gereke, Minister of Agriculture and Deputy Minister of Lower Saxony, was expulsed, because on June 7, 1950, he secretly visited Walter Ulbricht.[54] Albert Norden, press chief of the German Democratic Republic, admitted: " We have many friends in West Germany, not only among the workers but among business men, war veterans, and other groups. We welcome all patriots who place German unity above all other considerations." Industrialists like Bertha Krupp receive Russian emissaries.[55] A newspaper reports that within one month 10,000 business men of West Germany made contact with economic offices of East Germany. Many *Rueckversicherer* carry the membership card of the SED and make permanent contributions to the Communist cause.[56]

[51] *Augsburger Tagespost*, May 11, 1950, and " Secret Trip to Germany ", by Eric Waldmann, *Herald Tribune*, Sept. 22, 1950.

[52] *Collier's*, Nov. 25, 1950, p. 22.

[53] *Die Neue Zeitung*, Berlin edition, Aug. 17, 1949. The *Fuldaer Volkszeitung*, Aug. 1, 1950, reports that Vincenz Mueller visited West Germany at the end of July 1950 to recruit former German officers for the East German People's Police.

[54] SOPADE, *Socialdemokratische Partei Korrespondenz*, No. 899, July 1950.

[55] *Collier's*, Nov. 25, 1950, pp. 68 and 70.

[56] *Deutsche Zeitung*, Mar. 11, 1950.

There is little doubt that every move which the German Democratic Republic makes in the foreign policy field is initiated, supervised and approved by Moscow. Considerable activity was exerted by Foreign Minister Dertinger, who in addressing the Parliament stated that East Germany would sign a peace treaty with Soviet Russia for the whole of Germany.[57]

In June 1950 the Germans were surprised by a state visit to Poland made by Vice-President Walter Ulbricht, accompanied by Trade and Supplies Minister Georg Handke, Vice-Minister of Foreign Affairs Anton Ackermann, Vice-Minister of Planning Bruno Leuschner, and Vice-Minister of Finance Willi Rumpf. Broad economic agreements were concluded, and it was declared that " both parties will regard the new post-war Polish German border as permanent."[58]

> The Government of the Polish Republic and the Delegation of the German Democratic Republic, animated by the desire to consolidate peace and to strengthen the peace camp which is fighting under the leadership of the Soviet Union against the machinations of the imperialist forces and taking into consideration the achievements of the German Democratic Republic in the task of consolidating the new democratic order . . . have resolved in concert that the marking of the inviolable frontier of peace and friendship on the Odra and the Nysa (Oder and Neisse) fixed and existing between the two states is in the interest of the further development and deepening of good neighbor relations and friendship between the Polish and the German nations.[59]

This solemn declaration (branded as treason in West Germany) was implemented by a formal treaty signed by the Germans Otto Grotewohl, Prime Minister, and Georg Dertinger, Foreign Minister, and by the Poles Josef Cyankiewicz and Stefan Wierblowsky.[60] On June 21, 1950, Walter Ulbricht announced in Prague, " that his government would renounce

[57] *Herald Tribune*, Feb. 23, 1950.

[58] *Christian Science Monitor*, June 7, 1950.

[59] Polish German Agreements, June 6, and July 6, 1950, in *Poland Documents and Reports*, No. 8, Polish Research Service, New York, p. 4.

[60] *Ibid.*, pp. 12 *et seq.*

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A HEDGE AGAINST INFLATION

OUR individual lives and our governmental policies are disturbed by two great fears. We are afraid of another war on a world-wide scale fought with modern weapons; and we are afraid of inflation. We fear inflation not merely as a result of a general war, if it comes, but also as a result of our preparations for defense and our participation in the Korean war.

Our fear of inflation has displaced a fear of deflation and depression. Not long ago we were afraid that prices would collapse and that business would find it necessary to reduce output and employment. Now we are afraid that prices of the goods and services that we need will skyrocket.

These are not phantom fears. They are based on our memories and knowledge of past experiences. We all realize vividly the rapid inflation of prices at the close of World War II, and the preceding slower rise during our defense preparations and participation in the war. Most of us remember the depression of the nineteen-thirties, with millions of people out of work and millions more with degraded standards of living. Those of us who have some acquaintance with economic history know that in the past two centuries we have had several other cases of rapidly rising prices with economic disturbances and injustices resulting from them, and that we have also had many business depressions—some of them moderate, some very severe.

Communist theorists are right in their belief that inflation and depression are the great diseases to which capitalistic society is subject, that these diseases have not yet been conquered, and that if not conquered they will lead to the ruin of our economic all claims for two million Germans to live in the Sudetenland.[61] Between the German Democratic Republic and the Republic of Czechoslovakia there are no more open questions." [62]

In July 1950 East Germany joined the Eastern Council of Mutual Economic Aid, the economic bloc of satellite states created by Russia as one answer to the Marshall Plan.[63] The SED convention of July 1950 brought East Germany still closer to Russia and outlined a plan to "liberate" West Germany.[64]

The Constitution of the so-called German Democratic Republic regulates religious worship,[65] granting to each citizen complete freedom in matters of faith and conscience and the right to worship as he pleases (Article 41). Yet there have been distinctly hostile actions against the church. Reports for 1950 indicate that no concerted drive exists against church attendance.[66] Many intimidations, however, have to be listed. Surveillance of the sermons in the churches, as demanded by SED functionary Hausschild-Thuringia, is only one example.[67] There has been increased pressure to bring the church into line with SED policy.[68]

Outright attacks on priests speaking up against "the inhumanitarian and undemocratic aspects of the Communists" are reported; [69] but Bishop Otto Dibelius declared boldly that "the church would not be used for political ends", either in East or West Germany. In a pastoral letter signed by D. D. Dibelius and sixteen other church dignitaries this issue was sharpened.[70] There has been no showdown with the churches yet. Helmut Lehmann, member of the SED Politbureau, stepped up the war

[61] As of August 1938 approximately 3½ million Germans lived in Czechoslovakia, of whom nearly 3 million lived in the Sudetenland.

[62] *New York Times*, June 22, 1950.

[63] *Herald Tribune*, July 23, 1950.

[64] *Christian Science Monitor*, July 25, 1950; *New York Times*, July 27, 1950. See also *Frankfurter Allgemeine Zeitung*, Aug. 5, 1950, "Ulbricht Scares Us".

[65] Steinhoff, *op. cit.*, pp. 31-33.

[66] *Report on Germany*, p. 38.

[67] *Neue Presse*, Coburg, Feb. 25, 1950.

[68] *New York Times*, Apr. 16, 1950.

[69] *Report on Germany*, p. 38.

[70] *New York Times*, Apr. 24 and 25, 1950; see also *Die Junge Welt*, May 19, 1950, which reprints the full text of the letter.

of nerves against the church, attacking it as "a servant of the ruling class and militarism" and accused the prelates of having given the blessing to "Hitler's robber war". Simultaneously, the Communist papers carried the text of a declaration of Prime Minister Otto Grotewohl offering government protection to any clergyman who coöperated with the Communists. "According to the text and spirit of the Constitution," the proclamation says, "every citizen has not only the right but also the duty of coöperation and identification with the government of the German Democratic Republic, not only in his community but also in his district and state." Grotewohl promised protection to those clergymen who exercise their civil rights "especially in behalf of the National Front".[71]

The church—Protestant and Catholic—has been steadfast in resisting lures and threats, invitations and orders; but obviously relations between church and state have become estranged, more tense, and the resources of church funds "have been drying up rapidly".[72]

"Art, science, and their teachings are free", so reads the Constitution (Article 34, paragraph 1).[73] But all former teachers, who have not been adaptable to the new Communist concept of education, were removed. The communizing influence has been promoted on all levels. A swift and impressive job of revising the textbooks to get rid of Nazi doctrines was done. Prerequisite for a successful, progressive pedagogue is the expansion of "genuine democratic national consciousness". The teacher shall promote friendship "with all peace-loving people", meaning the Soviet Union and its satellites.[74] Teachers are chosen for ideological fitness. The students are pressed to join the Free German Youth.[75] A history book

[71] *New York Times*, June 17, 1950.

[72] *Report on Germany*, p. 39. See also *Christian Science Monitor*, July 31, 1950; *Die Neue Zeitung*, Munich, Aug. 7, 1950; *Staatszeitung & Herold*, Aug. 31, 1950.

[73] Steinhoff, *op. cit.*, p. 28.

[74] "Die Schulreform in der Sowjetzone", *Neue Zeitung*, June 7, 1950.

[75] "Sowjet Zone Universitaeten", *Staatszeitung & Herold*, Aug. 20, 1950; see also *Report on Germany*, p. 38.

system and its replacement by a totalitarian régime. But the Communists are not right in their belief that these diseases are an inevitable part of a competitive private enterprise economy. That belief is just as erroneous as the opinion, commonly held a few decades ago, that malaria is an irradicable disease of lowland or swampy areas.

The Cause of Inflation

In the past, inflation has frequently been associated with war, and depression has in some cases been associated with post-war adjustments in the economy, just as malaria was commonly associated with lowlands and swamps. However, there are so many exceptions to the association of inflation with war and of deflation with post-war adjustments that we must not regard war itself as the prime cause of business fluctuations, just as swamps are not the cause of malaria.

The real cause of inflation is an excessive growth of the circulating medium or money—bank deposits and currency—which is used in all business transactions. Likewise, the real cause of deflation is a contraction of the circulating medium, either in actual amount or relative to the moderate rate of growth which is needed in a dynamic economy. The frequent association of inflation with war is due to difficulties encountered in financing extraordinary government activities without an undue expansion of the circulating medium. Similarly, the occasional association of depression with post-war adjustments is due to successful efforts to reduce the circulating medium after it has been expanded.

Our medical and sanitary experts now know how to prevent malaria, though in some areas application of this knowledge may be difficult. Likewise, the nature of the monetary policies which must be adhered to if inflation and depression are to be avoided are understood by economists, though implementation of this knowledge is sometimes difficult. There is no more necessity or inevitability of inflation or depression than there is of an epidemic of malaria, yellow fever, or smallpox. But such epidemics are not avoided by doing nothing, and likewise inflation and depression will not be prevented by doing nothing. Specific programs of action based on knowledge of the underlying causes are necessary.

In wartime, it is the methods of government finance which expand the nation's circulating medium or money. To avoid inflation in wartime, government financing must be based on three principles: first, to meet as much as possible of wartime expenditures by taxes; second, to borrow from the banking system only to the extent that banks reduce other types of loans and investments plus such expansion of bank assets as is needed to provide a reasonable increase in the circulating medium; and third, to meet the remaining difference between government expenditures and taxes by borrowing from investors other than banks.

It is frequently said that the chief mistake in financing our participation in World Wars I and II was insufficient taxation. Undoubtedly it would have been better policy in both cases to have raised larger portions of the funds needed by the government by taxes, but this was not the major mistake in either case. The chief mistake was a vastly excessive amount of borrowing from the banking system. This also is the crucial policy problem in the present situation. How to solve this problem is the subject of this article.

Mistakes in War Financing

Before we undertake to outline a method of avoiding a repetition of our previous mistakes in war financing it will be helpful to describe more precisely the character of these mistakes and what part of the government was responsible for making them. We cannot pin-point this responsibility by placing it on any one individual, but we can see what parts of the government made the most crucial decisions and what alternative decisions would have been necessary to have avoided the mistakes.

Insofar as too much reliance was placed on borrowing because of insufficient taxation the responsibility was primarily that of Congress. Throughout our participation in World War II the President and other officials in the Executive Department of the government urged higher taxes but Congress did not enact written by the Russian, Professor A. W. Mischulin, of which 55,000 copies were distributed to the schools, was attacked by the churches on account of its anti-Christian doctrines.[76]

"Every teacher must be political. In politics the SED—and the SED alone can claim the right to do so—will take the lead, other parties must follow. Every teacher must first and foremost be an official of the SED." [77] That is the philosophy to which about three million youth in East Germany are subjected.

Arts serve the politics of the Communists. Movie houses play *The Battle of Stalingrad*, *The Battle of Berlin*, *Meeting on the Elbe*, glorifying the defenders of "democracy". In Berlin "as in Moscow one can see 'Wolves and Thieves', or Tschaikowsky's production of 'Romeo and Juliet'." East Berlin's night life is "gradually reduced to the Moscow level".[78]

Only those publications dedicated to further the Communist "or Soviet" cause are permitted in East Germany. The Goebbels of the press is the notorious Gerhard Eisler.[79] Many editors had to leave their positions suddenly.[80] Radio, periodicals and books are controlled in spite of Article 9 of the Constitution guaranteeing freedom of opinion.

Early in 1950 the East German leaders had decided to build up a master card index file showing the political history of every one of the adult population. "We must know", Herbert Warnke, State Secretary of the Interior Ministry, asserted, "the beginning and the end of a person's membership in political parties and organizations. It is immaterial whether it is the SPD, KPD, CDU, LDP, or NSDAP." [81]

The Soviet military authorities had previously imprisoned 231,000 Germans during the five years of the occupation, among them Nazis, but also many anti-Nazis, who had been in

76 "Geschichts-Unterrichts in der Ostzone", *Augsburger Tagespost*, May 23, 1950.

77 *New York Times*, Nov. 15, 1950.

78 "Russia is Creating a Moscow in Berlin", by Josef Newman, *Herald Tribune*, Apr. 9, 1950.

79 *Herald Tribune*, Mar. 2, 1950.

80 "Anstalt fuer Gemuetskranke", *Der Spiegel*, May 11, 1950.

81 *New York Times*, Feb. 13, 1950.

the concentration camps during Hitler's rule.[82] When on March 10, 1950 all camps were dissolved, it was estimated that 95,000 inmates had died; 37,000 internees were allegedly deported to Soviet Russia; 14,720 prisoners were released and 13,530 turned over to the German administration; and 1,390 persons were transported to the U.S.S.R. More than 20,000 search requests were submitted by next of kin to the *Kampfgruppe gegen Unmenschlichkeit* (Group Fighting Against Inhumanity).[83] According to Russian sources three concentration camps were closed in January 1950 and 15,038 prisoners released. Control was turned over to the East Germans.[84] Dr. Rainer Hildebrandt of the *Kampfgruppe* declared that 23,000 Germans were in Soviet custody.[85] Bishop Dibelius and Probst Grueber, who were allowed to conduct Christmas services in the camps, stated that the inmates lived under much better conditions than they had expected.[86]

During the elimination of rebellious Christian Democratic Union and Liberal Democratic party functionaries many fled to the Western Zone, others were arrested. In February 1950 Bernhard Mutius, personal spokesman of East German Foreign Minister Dertinger, was arrested; others resigned from their posts.[87] The figure of those who succeeded in fleeing was given in June 1950 as 85,000.[88]

The East German population lives in fear of the arbitrary arrests and the spy system exercised by thousands of party agents. Prisons are overcrowded; the magistracy is only independent in name. Many jurists (15 a month) flee.[89] In

82 *Auch das ist Deutschland: Bericht von drueben*, published by the Kampfgruppe gegen Unmenschlichkeit, p. 3; *Das System des kommunistischen Terrors in der Sowjetzone*, Memorandum No. 28, SOPADE, Hanover, a thorough study of the camps and measures applied.

83 "Presse- und Informationsdienst", Kampfbund gegen Unmenschlichkeit, Goettingen, Mar. 10, 1950; *Die Konzentrationslager in der sowjetisch besetzten Zone Deutschlands*, Bericht der Kampfgruppe gegen Unmenschlichkeit.

84 *Herald Tribune*, Jan. 17, 1950; *New York Times*, Jan. 14 and 17, 1950.

85 *Die Neue Zeitung*, Munich, Oct. 21, 1950. 86 Settel, *op. cit.*, p. 409.

87 *The Times*, London, Feb. 19, 1950. 88 *New York Times*, June 14, 1950.

89 Norbert Muehlen, "The Underground of Fear", *The New Leader*, Dec. 4, 1950, p. 16.

Waldheim and Bautzen the "enemies of the state, the saboteurs of East German economy", are tried. In 220 trials the defendants received 3,200 years of forced labor.[90] Rebellious Communists are subject to arrest. The most prominent have been: Bruno Goldhammer (Deputy Propaganda Chief and Communist for twenty years), Paul Merker (State Secretary of the Agriculture Ministry and former Politbureau member), Leo Bauer (chief-editor of Radio-Berlin), Willy Kreikemeyer (Director General of the East Zone Railways), Lex Endes (former chief-editor of *Neues Deutschland*). They were accused of espionage in connection with United States citizen Noel Field, who, together with two other members of his family, mysteriously disappeared.[91]

Kidnapping and deportations were widespread. Many "delinquents" were sentenced to from ten to twenty years of "forced labor".[92] The West German government launched a solemn protest against these happenings, appealing to the democracies of the world "to stand by the German people in its struggle."

The Economic Development During 1950

"If we succeed in combining the raw material resources of the Soviet Union with the industrial efficiency of German workmanship, we shall attain formidable economic prosperity", wrote Josef Stalin to Wilhelm Pieck. These words contain in a nutshell the economic program of Eastern Germany.[93] For a number of reasons, however, there has been an acute manpower shortage in East Germany. Claims of success cannot be checked from published statistics, "which like all statistics from behind the iron curtain are designed to impress but not to enlighten."[94] The Two Year Economic Plan was started on January 1, 1949. It provided 1950 production goals to exceed

[90] "Im Namen des Volkes", *Frankfurter Neue Presse*, July 29, 1950.

[91] *Herald Tribune*, Sept. 2, 1950; Edwin Hartich, "The Arrest of Leo Bauer", *Herald Tribune*, Sept. 16, 1950.

[92] Sopade, *Das System des kommunistischen Terrors*, p. 102.

[93] Quoted from *Christian Science Monitor*, Feb. 1, 1950.

[94] "East German Recovery", *The Times*, London, Feb. 9, 1950.

slightly, on the average, the 1936 level of industrial and agricultural output.

The following picture of the economic situation emerges. In the first few years after 1945 the Soviet Union exacted from East Germany more in reparations than have the three Western Powers together from their zones, despite the fact that the Russian zone comprises only 25.5 per cent of the population, 31.2 per cent of the agricultural production and 26 per cent of the industrial output of Germany as of 1936.[95] It has been estimated that the value of the total reparations removed since 1945 was about 11 billion West marks at 1944 prices.[96]

In answer to a Moscow announcement that the Soviet Union would halve the reparations it claimed from Eastern Germany, leaving $3,170,000,000 to be paid over a fifteen-year period after 1950 "with goods from current production", a spokesman for the United States High Commissioner said that early dismantling and looting, seizures from production and actual legitimate reparations amounted to $18 billion, which the Soviet Union had funneled in goods from East Germany since 1945.[97]

The Russian "gesture" means that East Germany has to deliver to Russia 74 per cent of her annual industrial production for the next fifteen years. The value of East Germany's annual industrial output is estimated at $500 million. The $211 million which she must pay annually for the next fifteen years amounts to $369 million at current market prices, equal to roughly 74 per cent.[98]

Paramount has been the need of steel and machinery. Steel could not be imported from West Germany because of the Russian-imposed blockade. The Russians reluctantly returned five small steel rolling mills and plants for the manufacture of tractors and motorcycles; but they imported quantities of iron, steel, grain and fats. The total in reparations or other removals

[95] Nehemiah Robinson, "Indemnification and Reparations", Fourth Supplement of series, *The Working and the Results of the German Reparation Program*, Institute of Jewish Affairs, p. 27.

[96] *The Times*, London, Feb. 9, 1950.

[97] *New York Times*, May 17, 1950.

[98] Joseph Newman, "Stalin Debt Reduction: A Blow to East Germans", *Herald Tribune*, May 17, 1950.

them. But when tax policies had been established, administrative officials, chiefly those of the Treasury Department and the Federal Reserve System, made the decisions which determined how much of the money for meeting the deficit was borrowed from individuals and other nonbanking investors and how much was borrowed from the banking system.

From the middle of 1942 to the end of 1945, which was the period of heavy borrowing in World War II, the debt of the federal government increased by $202 billion. All of this increase was owed either to the banking system or to other investors. The increase to other investors was $107 billion, the increase to the banking system $95 billion. In computing these amounts the banking system is defined in the manner which is used in the computations of the circulating medium, or "deposits adjusted and currency", which are published each month in the *Federal Reserve Bulletin*. The banking system, in this definition, includes commercial and mutual savings banks, Federal Reserve banks, the postal savings system, and Treasury currency funds. The banking system provided 47 per cent, or nearly one half, of the entire amount of money that was borrowed by the government.

Too Much Borrowing from Banks

To compare the foregoing figures with the amounts which should have been borrowed from the banking system and from other investors respectively, in order to have avoided inflation, we need to estimate how much of the borrowing could reasonably have been obtained from the banking system. Such an estimate is not readily made with a fine degree of accuracy, and is more easily prepared by hindsight than while the war was being waged. Fortunately, it is not necessary to have close accuracy in order to develop appropriate policies.

My own estimate is that the banking system could have acquired about $20 billion of United States government obligations, without excessive deposit expansion, between the middle of 1942 and the end of 1945. This is made up of two elements: $10 billion representing a normal growth in the circulating medium, which is estimated at about 5 per cent a year; and $10 billion representing additional expansion needed because of

the fact that our economy was not operating at capacity at the outbreak of war. We needed an expansion of output in excess of normal growth, and with it some addition to the money supply. This estimate assumes that with adequate restrictions on bank loans and investments other than government obligations the banking system could have made all needed wartime loans without expanding its total loans and investments. The record from mid-1942 to the end of 1945 shows an actual expansion in loans and investments other than government obligations of nearly $5 billion.

This $20 billion figure of the amount of government obligations that the banking system could have acquired during the two and one-half year period without producing inflation is $75 billion smaller than the expansion which actually occurred in the holdings of United States government obligations by the banking system. How could the acquisition of government obligations by the banking system have been limited to the smaller figure? To answer this question we need to look at the circumstances which dominantly influence the acquisition of assets by the banks.

Banks are a unique kind of business enterprise because of their ability to create circulating medium and thus to buy and pay for income-earning assets, such as government bonds, without parting with any other assets they own. This process of acquiring income-earning assets by expanding liabilities (deposits) on which no interest is paid is obviously profitable. Banks therefore have an inherent tendency to expand their assets to whatever limits are set by the laws and conditions under which they operate. In practice, the limit to this process of bank credit expansion is the amount of legal reserves of the banks, since they are required to maintain specified minimum ratios of reserves to their deposits. In practice also, the amount of their reserves depends on the scale of operations of the Federal Reserve banks, and this is determined by the decisions of the Federal Reserve authorities.

Consequently, the basic procedure which should have been followed during World War II was to have provided the banks with enough reserves, but not more, to enable them to expand their deposits by about $20 billion. Instead of this kind of policy, it was announced that the banks would be provided with all the reserves needed to buy such government obligations as were offered to the banks, and that there would be no deterrents in bank supervisory policy to bank purchases of government obligations. These announcements were accompanied by Treasury procedures regarding bond drives and interest rates which resulted in the offering to the banks—in part by the Treasury and in part by other investors—of huge amounts of government obligations. To illustrate how this worked out we may describe the experience from the First War Loan in December 1942 to the beginning of the Third War Loan in October 1943.

The goal of the First War Loan was $9 billion. This amount was designed to meet Treasury requirements for two months, with the next major financing tentatively scheduled for February. In the December drive nonbanking investors subscribed nearly $8 billion. These subscriptions, together with savings bond sales and government trust fund purchases during January, would have come within $1 billion of meeting the financing requirements of the government during the two-month period. The financing program could therefore have been met by allotting to banks in the December drive $1 billion and by calling for public subscriptions again in February. This procedure was not followed. Instead of limiting the sale of government securities to banks to the amount necessary to achieve the required amount, and making another drive at the time tentatively scheduled, allotments of $5 billion were made to commercial banks and the second drive postponed until April 1943. Moreover, during the three-month interval between the two drives, outstanding Treasury bills and certificates, which are sold chiefly to banks, were increased by $3 billion, thus raising to $8 billion the net sale of government obligations to the banks from the beginning of the First to the beginning of the Second War Loan. This was equal to the nonbanking subscriptions during the First War Loan. It meant the establishment of a practice of borrowing from the banks about the same amount as was borrowed from nonbanking investors.

In the Second War Loan, in April 1943, commercial banks

were again allotted $5 billion, and other parts of the banking system acquired $2 billion, though subscriptions from nonbanking sources provided $12 billion out of the $13 billion sought. The amount sought, with continued sales of savings bonds and purchases by government trust funds, would have met financing requirements until July. The amount raised in the April drive, including the allotment to banks, was sufficient to meet requirements until August. However, the Third War Loan was postponed until September. This made it necessary for the Treasury to obtain about $6 billion through bills and certificates before the Third Loan. Again, the amount of Treasury securities sold to the banks during the period from the beginning of one war-loan period to the beginning of the next approximately equaled the amount of subscriptions received from nonbanking investors. This procedure was in effect a continuing decision to meet about half of the necessary borrowing by sheer monetary inflation.

My own opinion of this process, as stated in a memorandum written at the time, was as follows:

> The conclusion appears inescapable that the Treasury, by allotting a given amount of bonds to banks in each major financing drive and by postponing the dates of each successive financing with an accompanying large volume of interim financing by banks, is deliberately financing through banking sources a far larger proportion of the Government's borrowing needs than nonbanking subscriptions during the bond drives indicate is necessary.

There were six more war loan drives, including the Victory Loan in November and December 1945. In these loans no sales were made directly to commercial banks, but the policies followed produced the same effect of selling to the banking system, directly or indirectly, nearly as large a volume of government securities as was sold to nonbanking investors. From the beginning of the Third War Loan in October 1943 to the end of 1945, the Treasury increased its outstanding issues of bills, certificates and short-term notes by $32 billion and over four fifths of this amount was acquired by the banking system. In addition the banks offered nonbanking investors attractive prices for longer-term obligations. This was the result of the from the zone was reduced—and, most strikingly, this policy continued after the blockade ended.[99]

Yet it must be realized that Russian influence in East German economy is dominant. About 126 concerns are run directly by the Russians and controlled by 30 Soviet *Aktiengesellschaften* (corporations), covering such important products as iron, steel, copper, brown coal, oil, tar, gasoline, chemical products, cars, bicycles and cameras. With these corporations the Russians control 34 per cent of the machine industry, 40 per cent of the electrical industry, 52 per cent of the chemical industry, 25 per cent of the optical industry, 10 per cent of the paper industry and 10 per cent of the building industry. These corporations have established themselves in such key positions that 3,000 nationalized and 24,000 private concerns depend on them.[100] The Soviet corporations are largely engaged in reparation contracts. They include the zone's largest engineering works, and employ nearly one fifth of the zonal labor force. "Nationalized concerns . . . employ almost half of the available workers. Only about one third of the east zone workers are still employed in private industry." [101]

The impact of Russia's investment in the East German economy has been estimated by *Deutsches Institut fuer Wirtschaftsordnung* at 3.2 billion marks (not indicated whether East or West marks).[102] In addition to the Soviet corporations many Soviet trade corporations exist, which export and import medicaments, medical equipment, food, tobacco, leather goods, such as Rasmo Export and Rasmo Import.

In the Erzgebirge—a mountain chain along the Czechoslo-

[99] *The Times*, London, Feb. 9, 1950; "East Germany's Economy Tailored to State Control", by J. Emlyn Williams, *Christian Science Monitor*, Apr. 6, 1950.

[100] *Die sowjetische Reparationspolitik seit 1945*, Social Democratic party, Memorandum No. 29, p. 22. By the fall of 1949 it was estimated that industrial production in the Soviet Zone was divided by value as follows: people's properties, 42 per cent; co-ops and unions, 8 per cent; Soviet corporations, 25 per cent; private business, 25 per cent. Settel, *op. cit.*, p. 405. At the beginning of August 1950, only approximately 22 per cent of the East German enterprises remained in the hands of individual owners, and private business was supposed to be reduced in 1951 to 15 per cent, according to the *New York Times*, Aug. 3, 1950.

[101] *The Times*, London, Feb. 9, 1950.

[102] Sopade, *Die sowjetische Reparationspolitik*, p. 26.

vakian border—the Russians have established intensified mining operations for uranium. Nearly 100,000 workers are employed here.[103] One of the largest corporations is known as Wismut A.G. at Niederschlemmerweg, Aue. Since employment offices of the East German government are empowered to direct persons into jobs, a worker may receive the following order:

> You are herewith ordered to report for work for a not determined length of time with the employment office in Aue (mining). You report on date at hour at street and you have to bring with you all your working papers as your labor book, insurance cards. The information on the back of this paper should be read carefully. Your employment can be discontinued only by the Employment Office to which you are hereby designated . . . .[104]

Many of the conscripted workers—men and women—run away if the opportunity presents itself. Approximately 150,000 men—police and parachute military units—guard the mines and try to prevent escapes.[105]

The Two Year Plan, adopted on July 21, 1948, was declared completed on July 1, 1950. On July 23 at the SED convention Walter Ulbricht announced the Five Year Plan.[106] Labor's productivity is to be increased by 60 per cent between 1951 and 1955, while wages will rise only from 16.8 to 20 per cent. The degree of exploitation becomes even more evident, when we learn that the general wage fund—that is, the total amount set aside for wages and salaries—will increase by only 37 per cent during the five-year period while the number of workers employed is estimated at 25 per cent larger than in 1950.[107]

[103] Settel, *op. cit.*, p. 384. See also *Report on Germany*, p. 37; *Der Uranbergbau in der Sowjetzone*, Social Democratic party, Memorandum No. 27, containing a survey about operation, expansion and induction of workers.

[104] Sopade, *Der Uranbergbau in der Sowjetzone*, p. 32.

[105] Settel, *op. cit.*, p. 386; *Report on Germany*, p. 37.

[106] Karl Bergmann, "Sowjetischer Reparationsplan fuer Fuenf Jahre", *Die Neue Zeitung*, Munich, Aug. 5, 1950.

[107] Paul Wohl, "East German Economy Forging Ahead", *Christian Science Monitor*, Aug. 30, 1950.

fact that the banks, by being promised all the reserves they might need as a result of acquisition of government obligations, were in effect urged by the Treasury to acquire from nonbanking investors all such obligations which were outstanding and which were not specifically ineligible for purchase by the banks. Nonbanking investors, in consequence, sold to the banks large amounts of intermediate and long-term bonds, both during and between the bond drives.

The fact is that the government pursued the inconsistent dual policy of stimulating the banks to purchase a huge amount of government obligations, limited only by denying the banks access to certain new issues, while at the same time attempting to finance as much of the deficit as possible by sale of bonds to nonbanking investors. The effort to sell savings bonds to individuals on the ground that this was helping to prevent wartime and post-war price inflation was offset by maintaining bank reserves and other conditions which encouraged the banks to acquire an unlimited amount of government obligations.

Defects in the " Market Basket " of Securities

Limitation of the amount of government obligations acquired by the banking system is the basic part of the problem of meeting a government deficit without undue expansion of the circulating medium. But it is not the whole problem. The other part of the problem is to induce individuals and business enterprises which have funds available for investment to put the maximum proportion of these funds into United States government obligations and therefore to minimize investments in other types of securities or property, and to induce individuals to use portions of their income that would normally be spent for consumption goods for the purchase of government obligations. There seems to be a prevailing belief among government officials, both in the Treasury and elsewhere, that this part of the borrowing program was well done. There was a great deal of pride in the variety of securities placed in the " market basket " offered to investors. However, in my opinion there were serious inadequacies in tailoring the terms of securities offered to the needs of investors.

The most serious defect in the " market basket " was the absence of a security adapted to the needs of business enterprises, small and large, which were accumulating cash under wartime conditions. Many business concerns, particularly in the merchandising and service industries, had declining inventories which could not be replaced and reduced labor costs relative to sales as employees went into military service or war industries. Such concerns needed a bond or note meeting the following three conditions: (a) conveniently purchasable at frequent intervals, (b) yielding a " reasonable " rate of income, and (c) salable or redeemable in the early post-war years. Savings bonds did not meet these conditions, because the amount which any one individual or firm could purchase was limited and because the yield was unreasonably low, almost negligible, if redeemed within two or three years. Short-term securities were available during bond drives or at other particular times, but purchase of them involved the nuisance of making a bid which might be accepted by the Treasury only in part. In addition, the 7/8 per cent offered on certificates and the 1 1/4 per cent on 3-year notes were too low a yield for individuals and enterprises accustomed to paying at least as much for short-term loans at their banks as for long-term mortgage loans. It did not compare well with 2 1/2 per cent on 20-year bonds and 2.9 per cent on 10-year savings bonds held to maturity.

There is also a question of whether the wartime restrictions on special types of credit, such as consumer credit, were as effective as they might have been. Such restrictions, contrary to customary pronouncements as to their purpose, have no significant bearing on the degree of inflation, even though the restrictions prevent banks from making loans which would otherwise have been made. If government obligations are available for purchase by the banks, either from the Treasury or from nonbanking investors, and the banks are provided with an unlimited amount of reserves for acquiring them, the banks will purchase the government obligations with newly created money and thereby produce the monetary expansion which is the basic cause of inflation. If, on the other hand, monetary expansion is prevented by appropriate reserve policy, restrictions on selected types of credit are of little value for that particular purpose.

Eastern Germany boasts that it is an economic attraction for West Germany. Trade agreements existed in 1950 with every country of the Soviet bloc (except Albania and North Korea). East German producers market in China. Besides, there are agreements with some Western countries, for example, with Sweden. The trade with Poland alone increased from $14 million in 1946 to $150 million in 1949. On the basis of the trade agreements East Germany ranks second in trade volume with Poland.[108]

The value of the East mark is inflated. In March 1950 there was a considerable slump. On March 16, 1950, one West mark was worth 7.40 East marks. A day later 1 West mark cost 8.75 East marks and on March 18, 9.20 East marks. Slowly the East mark climbed upward, and on September 6, 1950 for 1 West mark only 4.50 East marks were paid. Even during the March panic many Berliners bought East marks at the cheap rate, rushed to East Berlin and bought everything on which they could lay their hands.[109]

Illegal trade between the East and West zones is considerable. The embargo on steel, declared by the West German government on February 6, 1950, could not be enforced. Fourteen days later an agreement between the two governments was concluded, and the embargo was lifted. It meant that West Germany's steel deliveries at the rate of 1,000 tons a day were continued.[110]

A few months later the West Allied High Commission sanctioned the lifting of the embargo. It was estimated that approximately 100,000 tons of raw steel and finished steel products, such as machine tools, had been smuggled across the zonal border. The report of the *Deutsche Zeitung* of March 11, 1950, that during one month 10,000 business men from West Germany tried to get orders from the East, was confirmed by the circumvention of the steel embargo by West German industrialists.

108 Paul Wohl, "East Germany's Trade with Poland Scales Peak", *The Christian Science Monitor*, July 6, 1950.

109 *New York Times*, Mar. 18, 19 and 20, 1950.

110 *Herald Tribune*, Mar. 5, 1950.

Food and other essentials are rationed (daily basic rations in 1950: 1 pound of black bread, 1 ¼ ounces of noodles, about 1 ounce of jam and meat, about 1 ounce of sugar, and 1 ½ ounces of fat). For heavy workers, mine workers, and so on, these rations are considerably increased. There are organized *Handels Organisation* stores and restaurants, where everybody able to pay may buy and eat. But these stores are not patronized by many, since weekly earnings are on a low prewar level. A woodcutter living with wife and child and two in-laws earns 30 East marks net weekly; a high school professor earns 875 East marks gross a month, the net of which is 450 East marks.[111] Journalists visiting the Leipzig Fair were lodged with German families and reported extreme scarcities in East German homes; three meals a day can be afforded only by Communists.[112]

An extensive land-reform program has been put into effect in East Germany. Big estates owned by Junkers and war criminals were divided into small plots of 12 to 20 acres. Within the first two years after 1945, 7,200,000 acres were distributed among 470,000 families, of whom 120,000 were former landless farm hands, 105,000 small farmers, and more than 80,000 refugees from the former provinces of the East.[113] Though collective farming had not been introduced in 1950, all supply, market, monetary and credit activities of the peasants are centralized in one organization. The village coöperatives already have a membership of 900,000. Machinery is loaned to the peasants by the *Maschinen Ausleihestelle* (rental station of farm machinery, 600 of which were established during 1950). Under a priority system the government decides which farmer gets the tractor first.[114] The farm on a collective level gets special privileges; and producers on small and medium farms have been induced to think more and more in coöpera-

111 Confidential report.

112 "Inside Russia's Germany", by William Attwood, *New York Post*, Mar. 12, 13, 14, 1950.

113 Settel, *op. cit.*, p. 402.

114 "Tragoedie des ostdeutschen Dorfes", reprinted from the *Main Post* in *Staatszeitung & Herold*, Aug. 31, 1950.

However, selective credit controls are far from useless as a part of the war-financing program. Their real purpose is that of contracting the demand for the borrowing of money by individuals and business enterprises, thereby making more funds of investors available for purchase of government obligations. For this purpose the restrictions of World War II were too limited. No curbs, for example, were placed on the making by banks of loans to well-to-do individuals for use in acquiring real estate or other property. Restrictions on instalment credit and on single-payment personal loans of less than $1,500, with no restrictions on larger loans or other types of loans, were in practice a discrimination against the most needy borrowers rather than a successful method of limiting loans by banks and other credit agencies, as far as possible, to investments in United States government obligations.

There can be no doubt that a more dexterously arranged basket of securities, more continuous and convenient offering of securities to investors, and more stringent restrictions on loans for certain purposes would have resulted in larger sales of government obligations to nonbanking investors. These inducements, combined with limitations on purchases of government securities by banks, would have led business concerns and individuals to purchase government securities instead of increasing their cash balances. However, we have no way of determining whether these modifications of the war-financing policies would have been sufficient inducement for nonbanking investors to take enough government securities to meet the difference between government revenues and expenditures in excess of $20 billion. My opinion, after surveying the evidence, is that these procedures would have come very close to meeting the problem; but I am not sure whether they would have been entirely sufficient under the conditions of 1942-45. It may be that some additional inducement to invest in government obligations would have been necessary.

Today's Problem Smaller But More Difficult

Today we face another period of a government deficit resulting from defense and war. From one point of view the problem is a smaller one than that of World War II. The deficit, even under the enlarged military program which now appears necessary, will be relatively small in comparison with that of 1942-45. On the other hand, other conditions make the present problem a more difficult one. The principal wartime conditions favorable to large purchases of government securities by nonbanking investors do not exist now. Some types of goods and services will become scarce, but not many will become entirely unavailable. There is not so strong a feeling of national emergency to lead to the purchase of savings bonds regardless of the rate of return. There is a belief that the large defense program will be continued for many years. Consequently, consumers will not have so strong an incentive to accumulate cash for two or three years, to be held until unobtainable goods become available.

By far the most important difference between the present situation and that of World War II is the experience of investors and consumers with the bonds which they purchased at that time. They were urged to purchase the bonds not merely as an aid to the government in time of war but also as an excellent investment for savings. Purchasers of the savings bonds were promised an interest income equal to one third of the original subscription price, if the bonds were held for the 10-year period to maturity. In practice, the bonds plus the accumulated interest are now worth less, in real terms, than the original purchase price.

Another factor which greatly aggravates the present problem is the uncertainty regarding future central bank policy. Economists, who have many differences of opinion regarding governmental policies, have been agreed that good monetary policy could not be achieved as long as the practice was maintained of supporting United States government obligations at a fixed price or an extremely narrow range of prices. The recent settlement of the controversy over such support has removed the major obstacle to the development of monetary policy designed to reduce inflationary pressure resulting from the defense program.

Nevertheless, there is a vital aspect of the problem of policy designed to reduce inflationary pressure which has not been given sufficient emphasis by economists and government oftive terms.[115] The *Wirtschaftliche Ein- und Aufkaufs Behörde* [WEAB] (Agricultural Purchasing Agency) buys almost all the farmer's crop at a price " too low to cover his costs ". The sale is compulsory. What the farmer retains is barely enough to keep him from starving.

Loss of money, taxes, frozen or rotten seed, drive the farmer to the Soviet collective farm, and the coöperative is only the first step in this direction. The WEAB has set crushing quotas favorable to the small farmer. In Mecklenburg and Pomerania the church has been allowed to retain its large landholdings which are leased to small farmers. Unable to pay the rent because of the WEAB system, some of these farmers have abandoned the land and fled to the West. Others have joined the People's Police or have gone to the uranium mines.[116] Grain is delivered to the West in exchange for steel.

In 1949 Russia imported 380,000 tons of grain from East Germany.[117] There remains a serious gap between production and consumption in East Germany. Consumption is estimated at between 45 and 60 per cent of the 1936 level.[118]

* * * * *

The grip of the Communists on the East German population has not been loosened during the period since 1950. As a result, the state of mind of the East Germans is one of fear and depression. But like their Russian masters the German Communists concentrate their efforts on the Eastern German youth, and they have continued to make gains in winning them over. As long as East Germany is occupied by the Russians—and that will continue even if Russian troops are replaced by a German People's Police—the German Democratic Republic will remain a most dangerous dagger aimed at the exposed body of Germany.

KEW GARDENS, N. Y. KURT R. GROSSMANN

115 *Report on Germany*, p. 37.

116 " Secret Trip to Red Germany ", by Eric Waldmann, *Herald Tribune*, Sept. 21, 1950.

117 *The Times*, London, Feb. 9, 1950.

118 *New York Times*, Apr. 22, 1950.

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ficials in the controversy over interest rates. This is the question of what practices should be followed by the Federal Reserve banks in order to achieve good monetary policy. With monetary policy free from the shackles imposed by the practice of supporting the price of government obligations, what principles should be used by the Federal Reserve authorities? The absence of an answer to this question has been a missing link in the argument of those who opposed supporting the price of government obligations. They have had no suitable alternative principle to offer for guidance of the day-to-day operations of the Federal Reserve banks.

There is a second important question involved in the controversy over debt management and monetary policy which also has not been given sufficient scrutiny. If, in a time of large government expenditure for defense, monetary policy is focused directly on the problem of avoiding inflation, how can the Treasury be assured that any deficiency of revenue relative to government expenditure will be financed at a reasonable cost?

The finding of solutions to these questions has been handicapped by the fact that, while Federal Reserve authorities have the power and claim responsibility for monetary policy, they do not in fact have any statutory duty to use their power to prevent inflation or deflation. Congress has never told them that that is their job. Congress has instructed them to fix discount rates and to engage in open-market operations " with a view to accommodating commerce and business," with the qualification that open-market operations shall also be undertaken " with regard to their bearing upon the general credit situation of the country." These are ambiguous criteria. The most obvious meaning of " accommodation " is to make loans available to those wishing to borrow. The other criterion for open-market operations, " the general credit situation ", is so vague as to be entirely meaningless. With regard to policies in wartime, or when government expenditures for defense or other purposes exceed government revenues and the Treasury becomes the most important borrower in the nation, the Federal Reserve authorities have no instructions from Congress. However, in wartime the dominant " business " of the nation is the maintenance of armed forces and the production of armaments,

and the financing officer of this business who needs " accommodation " is the Secretary of the Treasury. By analogy, therefore, the rôle of Federal Reserve authorities in wartime appears to be that of making it easy for the Treasury to finance the government deficit, regardless of the problem of inflation. The hesitancy and confusion in reserve policy are basically due to the failure of Congress to give the Federal Reserve authorities appropriate instructions for the exercise of their powers.

Inflation Can Be Avoided

These circumstances make it difficult to stop the current price inflation without interfering with our defense effort. The problem, however, can be solved. It is not too late to hold the level of prices of the final products of the economy to that prevailing before the invasion of South Korea. This is not to say that the prices of specific goods and services can or should be rigid, or that an index of prices, either wholesale or retail, will be perfectly motionless. Price adjustments to changing conditions of supply and demand are continually occurring in a normally functioning economy. In shifting part of our productive facilities and labor to war activities, some goods and services will necessarily rise in price, at least for a time. Compensating adjustments will be necessary in other prices, but they may not occur until the flow of funds into the war activities diverts purchasing power from other parts of the economy. Wholesale prices, also, are always more volatile than prices of final products, and we cannot expect perfect stability in an index of wholesale prices even though this should be achieved in an index of prices of final products.

Two things are necessary for adjustment of the economy to the defense program without inflation of the level of prices of final products. The first is bold, determined action by the Federal Reserve authorities—on their own volition, by direction of the President, or by direction of Congress—to exercise their power to maintain such a money supply as will maintain stability in the prices of the goods and services comprising the final products of the economy. The second is an effective stimulus to the purchase of government securities by individuals and by business enterprises other than banks—a stimulus which is sufficiently effective to make government obligations a more attractive investment than other available investments. This does not mean that the interest rate on government securities should be higher than that obtained elsewhere, but it does mean that the risk of loss of savings should be removed from government obligations. It means that government obligations should be given a superiority over other types of investment as *a hedge against inflation.*

Government Bonds with Guaranteed Purchasing Power

Federal government obligations can be given a superior investment quality, as a hedge against inflation, by the issue of such obligations with guaranteed purchasing power. It is suggested that future issues of federal government obligations designed for sale to individuals, trust estates and nonfinancial business enterprises contain such a guaranty. Financial enterprises, such as banks and life insurance companies, have assets and liabilities both of which consist almost exclusively of obligations stated in specific amounts of money. They do not need protection against inflation, and accordingly do not need to be eligible to purchase guaranteed-purchasing-power bonds. However, it may be desirable to extend to life insurance policyholders and participants in mutual savings associations the protection afforded by guaranteed-purchasing-power bonds, to the extent that their policies, deposits, or shares rest on assets consisting of United States government obligations. Life insurance companies, mutual savings banks, and savings and loan associations might therefore be made eligible to acquire guaranteed-purchasing-power bonds, provided that suitable methods are devised for distributing equitably any purchasing-power premiums received by the companies on such bonds.

Guarantee of the purchasing power of government bonds can be given in the form of a provision that the maturity value will be increased above the issue price, and interest payments will be increased, in proportion to any increase in a comprehensive index of prices of final products of the economy between the date of issue of the bond and the maturity or interest date. If the index of prices goes down between the two

dates, the maturity value and interest payments would not be reduced.

It is suggested that United States government obligations with guaranteed purchasing power be offered for sale in four forms: (a) bonds on a discount basis similar to the present savings bonds, with the purchasing-power guaranty applicable if the bonds are held three years or more before redemption; (b) long-term interest-bearing bonds in denominations of $1,000 and suitable multiples thereof; (c) bonds of the same denominations with principal and interest payable annually or semi-annually on the amortization principle over 25 years; and (d) shorter-term obligations, about two to five years' duration, in denominations of $100 and suitable multiples thereof, bearing interest at a lower rate than the long-term bonds but higher than the notes and certificates issued during World War II. Eligibility for purchase of all four types of guaranteed-purchasing-power bonds would be open to individuals, trust estates, and business enterprises other than financial enterprises. The interest-bearing bonds would be freely marketable except for limitations on their acquisition by banks and other financial institutions. Holders of existing savings bonds should be given the option of exchanging them, at their current redemption value, into those with guaranteed purchasing power. To facilitate the handling of such exchanges, existing bonds could be stamped with a new issue date and the modification of the terms of repayment. The new savings bonds, like the present series, should be purchasable at any time. The other types should be offered for sale at frequent intervals, such as the beginning of each month in which the Treasury needs to borrow additional funds, and should be purchasable without making bids and waiting for allotments.

A better index of the prices of final products would be needed than is now available, since existing cost-of-living and retail price indexes do not take into account many items which should be given consideration. The price index should cover, as far as possible, all kinds of consumers' goods and services, new residences, and permanent capital goods, such as business and industrial structures and equipment. These items should be

REVIEWS

The Lobbyists: The Art and Business of Influencing Lawmakers. By KARL SCHRIFTGIESSER. Boston, Little, Brown and Company, 1951.—xiv, 297 pp. $3.50.

Congress: Its Contemporary Role. By ERNEST S. GRIFFITH. New York, New York University Press; London, Oxford University Press, 1951.—vii, 191 pp. $3.50.

A skilled journalist places the general reader in his debt by undertaking an analysis of the hearings and reports issuing from a significant congressional investigation. The value of such an effort is the greater when the substance of the investigation is highly technical or when the investigating committee has operated in a meandering and disorderly fashion. The hearings on which Mr. Schriftgiesser's book is primarily focused, those before the House Select Committee on Lobbying Activities, held in 1950 under the chairmanship of the late Representative Frank Buchanan of Pennsylvania, are of the latter sort. The author has done a competent job of arranging and analyzing the materials in the Select Committee's seventeen volumes of hearings and reports.

The first five chapters are a cursory history of lobbying and investigations of lobbying from the early nineteenth century to 1946. This section performs adequately its major function of indicating the ancient origins and consequent inevitability of lobbying. The author is somewhat less successful in his parallel effort to explain why no general legislation regulating "the third house of Congress" was placed on the statute books until the Seventy-Ninth Congress. Chapters six and seven deal with the La Follette-Monroney Committee, which gave birth to the Legislative Reorganization Act of 1946, of which the Federal Regulation of Lobbying Act is a part, and with the early difficulties obstructing full compliance with the provisions of the regulatory measure. These pages tell the story competently, but in the interests of fairness and accuracy it should be pointed out that the La Follette-Monroney Committee can *not* be "justly criticized for failing to reform the House Rules Committee, for failing to put a curb on the filibuster, and for leaving untouched the vitiating seniority rule for committees" (p. 77). These things the Committee was forbidden to do by the resolution which created it.

The Buchanan Committee's efforts provide the substance of eight chapters, roughly a third of the book. These are handled well, particularly the materials on the reluctance of various "business" interest groups and their supporters to make their activities public, on the "indirect" lobbying of some of the self-styled "educational" foundations, and on the alliance between such groups as the Committee for Constitutional Government and John T. Flynn which resulted in plastering the country during 1950 with millions of copies of the latter's "scare" book, *The Road Ahead*. One might wish that Mr. Schriftgiesser had devoted more than one brief chapter to the activities of the private housing groups, on which the Committee spent a large measure of its energies and resources, and that he had attempted to explain why these organizations apparently were a primary target for the investigation. The final chapter of the book deals with the passage of the Atomic Energy Act of 1946 and apparently is intended as a kind of peroration, to show "how a 'peoples' lobby' defeated the 'vested interests' with their own weapons" (p. 237) and to warn against future efforts by "big business" to "abrogate" the public monopoly established by the legislation (pp. 250-53). The two appendices contain the text of the Federal Regulation of Lobbying Act and a note on lobbying before state legislatures. The author has also provided a useful selected bibliography.

Schriftgiesser's book is at its weakest when it departs from the strictly reportorial function. His efforts to explain the emergence of "politics by pressure" are superficial. (*Cf.* pp. 18-19.) His attempts to borrow from the thinking of scholars who have looked longer at the phenomena he discusses can be criticized in stronger terms. For example, his interpretation of Arthur F. Bentley's *The Process of Government* is little short of caricature. The sage of Paoli, Indiana, would be hard put to it to recognize his brain child as an effort "to explain the threat to direct democracy which pressure groups exerted," as an endeavor "to show the continuing connivance between the elected representatives and the lobbyists of powerful special interests," or an attempt "to show how organized minorities acting for private interests masqueraded as the majority and persistently defeated the public interest" (pp. 29-30).

Mr. Schriftgiesser understandably presents *The Road Ahead* as a book "written to scare people" (p. 195). His own efforts might not unreasonably be described in the same terms, especially in those chapters where he deals with the large expenditures on "indirect lobbying" by groups supported by business corporations and executives. His account of the evidence on these activities is excellent, but he follows the line of the Buchanan Committee (which was also trying to "scare people") somewhat too closely in interpreting their effects. (*Cf.* p. 204.) Easy generalizations on this point not only "scare", but they assume too much about the processes of opinion formation and by implication carelessly impugn the capacity of the United States government, and especially of the Congress, to govern effectively.

Dr. Griffith's book, the published version of the latest of New York University's distinguished James Stokes Lectures on Politics, is an excellent antidote to the kind of thinking that is over-ready to write off the Congress as an aggregation of puppets passively reacting to the initiatives of pressure groups. Griffith deals effectively with the resistances and sources of independent action that characterize Congress as an institution, and in so doing he narrows "the gulf between the popular picture of our national legislative body and its reality" (p. v) which provided the initial impetus for these lectures. Especially in dealing with the informal usages of the Congress and with the influence of the legislative rôle upon those who play it, the book does much to reëstablish the integrity of, and to demolish the passive notion of, the national legislature.

Congress is a book of interpretation and of opinion rather than a descriptive report based on systematic research. The views it expresses are in many instances highly controversial, but they are entitled to respect, not only because of the cogency with which they are presented, but equally because of the author's long service as director of the Legislative Reference Service of the Library of Congress.

The theme of the fifteen short chapters of the book is the author's conception of the changing constitutional position of the Congress, which he sees as a result largely of altered usage and custom. The argument can be summarized briefly in the following terms. Congress has since 1920 changed internally in the direction of greater "clarity" and "diffusion of leadership". Conflict between the legislature and the executive remains the distinctive feature of the former's preoccupations, but in general each branch is able to force the other to reckon with its views and "hence assure responsible behavior" (p. 181). Congress has recently been able to restore equilibrium between itself and the executive by providing itself with professional staff, by adaptations in the appropriations process, and by various devices

for legislative-executive coöperation. The pressure groups characteristic of a "dispersive" society, in league with clientele agencies and legislative committees, develop into "government by whirlpool", but elements of independence, notably looseness of party discipline, tend to curb excesses. The problem of an integrated governmental program is not yet solved, partly because the Congress, consequent upon the Supreme Court's adoption of unrelieved nationalism, has had to assume the responsibility for protecting the federal system. Proposals to increase party discipline would tend to weaken legislators' increased independence of thought in such fashion as to reduce resistance to the claims of special interests and to "accelerate the trend toward centralization that threatens our local self-government" (p. 182). Finally, Congress has demonstrated ingenuity in educating the electorate and has shown itself capable of effective action in an age of recurrent crises.

For many readers, including this reviewer, Dr. Griffith's argument suggests a tendency to over-react against the recent criticisms of the Congress and to over-identify with the national legislature as it now exists. The author assigns to Congress the chief responsibility for maintaining a balance among conflicting interests. His argument in this area, however, seems rather loose. Throughout the book Griffith tends to personify Congress, to treat it as a unit, as in the following passage: "Congress believes that it has had . . . . It further believes that it has been . . . . Consequently it does not trust . . ." (p. 32). Such passages are too frequent to be merely a matter of style. Combine them with his notion of "government by whirlpool" (more or less independent governing cliques composed of civil servants, members of congressional committees, lobbyists, and others), a notion which suggests anything but a unity, and the reader may find it difficult to share the author's composure. Presumably both notions—unity and diffuseness—are accurate in some measure. The problem then becomes how much of which, when. On that problem the author is not completely persuasive.

Griffith offers an impressive defense of the present functioning of Congress. He is understandably confident of the effectiveness of the legislative staff (*cf.* pp. 74-75), but one wonders how far such developments can go without their becoming targets of the same suspicions that have been directed at the bureaucrats of the executive branch. The author has a bit more difficulty in defending the appropriations process, the effectiveness of Congress in economic planning, and legislative initiative in crises. To this reviewer, moreover, weighted in proportion to the total national purchase of each kind in normal times. It is suggested that the base period for the index be the twelve months which ended on June 30, 1950, or the calendar year 1949, and that the same period be used as the basis for the adjustments in payment of principal and interest of guaranteed-purchasing-power bonds issued during the next two years.

Federal government bonds with guaranteed purchasing power will have a twofold advantage over existing obligations. First, they will be an investment in which the value of the principal, in real terms, is far safer than the accumulation of cash or than investment in obligations stated only in terms of a given sum of money. Second, by providing individuals and business enterprises with a hedge against inflation, they will reduce the tendency to bid up prices of real estate, corporate stocks and durable commodities. In consequence, they would become a very popular form of investment. Because of their advantages, interest rates on interest-bearing bonds with guaranteed purchasing power might be a little lower than those on the long-term bonds issued during World War II; and the price of savings bonds on a discount basis might be slightly higher than that of the present savings bonds.

Additional legislation might be required to authorize the Treasury to issue guaranteed-purchasing-power bonds. The present law limits the investment yield of savings bonds to 3 per cent a year, compounded semi-annually, and interest on other bonds to 4¼ per cent a year. If legal authorities should interpret the adjustment of interest and redemption price in proportion to changes in an index of prices of final products as a change in interest rate or investment yield, the Treasury would need specific authorization to issue guaranteed-purchasing-power bonds.

Cost of Guaranteed-Purchasing-Power Bonds

The cost to the Treasury resulting from the issue of obligations with guaranteed purchasing power will obviously depend upon the success of the government in avoiding inflation of the price level of final products. Avoidance of price inflation depends on the continuous pursuit of a monetary policy which effectively prevents an increase in the circulating medium out of proportion to the needs of production and business at the existing price level. Such a monetary policy necessitates a limitation on the amount of government obligations acquired by banks.

Issue of guaranteed-purchasing-power bonds is the most effective device available for assuring the sale of sufficient government obligations to nonbanking investors to avoid overloading the banks with government obligations. However, issue of guaranteed-purchasing-power bonds without definite instructions to Federal Reserve authorities, by statute or executive order, to use their powers to prevent inflation would be a hazardous experiment. Such instructions, coupled with instructions to use their powers to prevent deflation also, should replace the ambiguous criteria in the Federal Reserve Act. Use of Federal Reserve powers in this way is thoroughly practicable, but will require permanent avoidance of the practices of recent years in supporting the prices of marketable government obligations. To the extent that such support is inconsistent with monetary policy needed to prevent inflation and deflation it has always been undesirable and inappropriate. With guaranteed-purchasing-power obligations issued by the Treasury, the apparent need for such support would disappear.

Issue of government obligations with guaranteed purchasing power and monetary policy limiting changes in the circulating medium to the amount of growth needed to maintain a stable level of prices are policies which reinforce each other. Together they are adequate to meet the government's borrowing needs and to prevent inflation in this period of very large expenditures for defense. Congress can initiate both procedures by the enactment of appropriate legislation.

CLARK WARBURTON

McLEAN, VA.

he makes a much better case for the *inevitability* of Congressional involvement in foreign policy than for the *creativity* of Congress in that area.

The most controversial portions of the book, however, are those in which he defends the localism of national legislators and argues for decentralized and loosely disciplined national parties. He assumes what many will regard as a rather sentimental and perhaps unreal attitude toward the values of local autonomy. Arguing that both the President and the Supreme Court represent the national viewpoint, he asks (p. 146), "Is it not therefore all the more important that those elements in our government which by conviction sustain the values of local autonomy shall not be whittled down or eroded by so altering our structure, whether of party organization or of government itself, that this function is no longer effectively performed?" Much of his critique of recent proposals for remodeling the party system (pp. 156-69) is cogent, notably those calling for sharply defined parties of "Left" and "Right" and those which ignore the problem of feasibility, but one suspects that much of his own composure about the *status quo* derives not only from his predilection for local autonomy but also from some dubious historical assumptions, illustrated by such phrases as the following: "the greater extent to which political behavior in the nineteenth century was non-rational" (p. 149), "the steady increase in split voting and independence among the electorate . . . at least outside the South . . . making it necessary to nominate better candidates in large sections of our country . . ." (p. 155), "Congress is more and more shifting to reliance on research rather than controversy as the basis for decisions . . ." (p. 178).

Between Dr. Griffith and the proponents of tightly organized and disciplined national parties there is probably one thing in common. Each is talking about an extreme and improbable situation, the former about a degree of centralization which seems most unlikely of development as long as some measure of representative government remains, the latter about a degree of localism and decentralization which almost certainly has never existed. In the absence of more adequate research, we do not know precisely what the probabilities are. Until such evidence is forthcoming, however, the views expressed by Dr. Griffith, rarely so flatly stated by a responsible observer in recent years, are a welcome contribution to the debate.

COLUMBIA UNIVERSITY DAVID B. TRUMAN

Man and the State. By JACQUES MARITAIN. Chicago, University of Chicago Press, 1951.—x, 219 pp. $3.50.

Jacques Maritain commences this work on political theory by several distinctions designed to divest the nation of political pretensions and the state of absolute sovereignty. The nation is a community, a work of nature related to the biological. The nation is "a cradle of life, work, pain and dreams". It need not have a territorial area of power and administration. The state is a part of the body politic for the administration of law, and the body politic is not a community but a society, that is, an association bound together by a common hope. The body politic and the state enjoy full autonomy but not sovereignty, which is only another term for absolutism. A full autonomy may be relinquished in the interests of a world political order.

The end of the body politic is "the materialization of the gospel principles in terrestrial existence and social behavior." The means to be employed do not preclude the principle of the lesser good, and when all the restraints of civilization collapse even systematic deception as practiced by the resistance movement against the Nazis may become legitimate.

There are certain fundamental rights of man derived from natural law, a somewhat elusive concept because its principles are discerned through "natural inclination", and because natural law is unwritten. Yet natural law is not utterly incapable of concretion because it rests upon a belief in a morality ingrained in the very structure of the universe. From this morality the rights of man are derived and they do admit of formulation.

The best form of government for bringing about a "moral rationalization of politics" is democracy, which "carries in a fragile vessel the terrestrial hope, I would say the biological hope, of humanity." The democratic pattern requires that the people cannot divest themselves of self-government and to them rulers are answerable. In the modern world the faith of democracy has become civic or secular, with this advantage that those of divergent religious faiths can converge on practical measures. Yet the democratic charter has religious roots and cannot survive without them. A problem therefore arises as to the best means of inculcating the democratic faith in a society which is religiously pluralistic. The best device might be to have the democratic faith expounded in turn by representatives of several confessions.

A practical problem is created by the coexistence of public and parochial schools which cannot be solved without a measure of in-

THE SCHUMAN PLAN *

THE dream of uniting Europe is an old one. For a while after the First World War, great hopes were raised by the Pan European movement which culminated with the Briand proposals of 1930 for a European Federal Union. The failure of this attempt was followed by the triumph of Nazism and the horrors of the Second World War. In the recent post-war period there has been a resurgence everywhere of the idea of European unity. The Organization for European Economic Co-operation, born of the Marshall Plan, and the Council of Europe Assembly represent major steps in this direction. Books, articles and speeches, advocating such a course, have already reached imposing proportions. The ultimate goal still remains a dream.

Twenty years after the abortive death of the Briand proposals, a new plan aiming at laying the first stage in a European federation was proposed by another French Foreign Minister, M. Robert Schuman. More modest in its immediate objectives, the Schuman Plan seeks to approach the problem of European integration through a prior unification of the coal and steel markets of Western Europe. Conscious of the pitfalls of nationalism, the Plan frankly calls for a limited renunciation of sovereignty to a new supra-national authority. The new rationalized organization of the European heavy industries is, therefore, to " open a breach in national sovereignty, by substituting for the barriers of the past, which have until now divided and impoverished [the European nations], common rules accepted by all and applicable to all for the common good." [1]

After nearly a year of laborious negotiations among six countries of Western Europe,[2] a treaty embodying the Schuman

* The views expressed in this article are those of the author and do not necessarily reflect those of the Department of State.

1 Declaration of M. Jean Monnet, April 18, 1951 (French government release).

2 Belgium, France (which signed also on behalf of the Saar), Italy, Luxembourg, The Netherlands and Western Germany.

proposals was officially signed. Almost another year has been required for its ratification.

The aims of the Plan were clearly stated in M. Schuman's original declaration: " If peace is to have a chance there must first of all be a Europe. . . . Europe has not been organized. We have had war." The primary aim of the Plan is, therefore, the safeguarding of peace through the creation of a " sound, united, and strongly constructed Europe ". Conscious, however, that " Europe will not be built at one stroke or by means of one overall structure ", the Plan proposes as a first concrete step " to place all French and German steel and coal production under a common high authority in an organization open to other European nations." Although such a limited pooling of resources is expected to bring immediate and substantial benefits, it is clearly envisaged as a means toward a larger end, which is nothing less than the " economic unification " of the countries involved.

The advantages of the scheme are to be twofold. On the political level the " fusion of interests " and the creation of " real solidarity " will eliminate the " age-old enmity between France and Germany ", and make any war between the two countries " not only unthinkable, but materially impossible ". On the economic level the extension of markets, which will " bring about a drop in prices ", will contribute to a rise in living standards in all Europe, as well as in all lands " that look to the old Continent for their development and prosperity."

The ultimate aims of the Plan are so far-reaching and its technical provisions so complex that it is easy to lose one's sense of perspective in attempting to evaluate the undertaking. During the ratification debates in the German parliament, Dr. Adenauer urged the *Bundestag* not to judge the treaty by its technical details, but to examine whether its basic idea as a whole was conducive to achieving its purpose. It is difficult, however, to appraise properly the arguments advanced in support of or leveled against the Plan without making a fairly extensive investigation of market conditions in the coal and steel industries in Europe, the provisions of the Plan, and the basic issues of economic integration which it raises. In the absence of such a justice. To grant public funds to parochial schools is to devote public money to private ends. But to refuse a subsidy is to make some people pay twice for the education of their children.

The degree to which democracy shall exercise restraints upon freedom of expression is a practical question to be determined with reference to the public good and with the recognition that "constructive means are exceedingly more efficacious than mere restriction of freedom of expression." "Prophetic shock minorities" who arouse the public conscience are exceedingly useful, but to distinguish them from sheer eccentrics is difficult before the public mind has passed a mature verdict.

On the relations of church and state the judgment is that the two should act in friendly coöperation as they actually do in the United States where the relations are more friendly than in any other land where the two are separated. A return to the system of the Middle Ages when the state was the secular arm of a Christian society is impossible. The church today should seek no other way of making her impact felt upon society than the method of persuasion. At the same time if the great majority of the citizens were Catholic the state would recognize in the church her superior and would accord to the church the status of recognition. Other religious bodies would enjoy toleration. Apparently Maritain has in mind the English system of an established church with toleration for the non-conformists. He distinctly endorses the statement of Cardinal Manning to Gladstone that the religious freedom of the non-recognized bodies would in no way be infringed. He does not make plain on what basis the Catholic Church would be recognized. Simply because of a numerical plurality? In that case if the Methodists happen to have an overwhelming majority would their Church then be accorded recognition, or would this privileged status be granted only to the Catholic Church on the ground that it is the true Church?

In the concluding discussion on the just war, Maritain says that he would like to see a synod of wise men to determine justice in conflicts. Odd that earlier he proclaims himself no idealist but an Aristotelian, and yet here he ends with a Platonic ideal of government by the wise!

The book as a whole is very reassuring and refreshing because it emanates from a distinguished Catholic who endorses the democratic faith, seems fairly well satisfied with the American variety of the separation of church and state, does not clamor for the substitution of parochial for public schools, commits himself wholeheartedly to the principle of religious liberty, and, while admitting that some restrictions may be placed upon the expression of opinions, would trust

rather to persuasion than to constraint. What one would like to know is whether Maritain is representative of world-wide or even of American Catholicism. Does the Vatican endorse this political philosophy?

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American Conservatism in the Age of Enterprise. By Robert Green McCloskey. Cambridge, Harvard University Press, 1951. —xi, 193 pp. $3.25.

In this volume perceptive and well-written studies of the ideas of William Graham Sumner, Stephen J. Field and Andrew Carnegie are made the vehicle of an interesting and important thesis about the development of the democratic tradition in America. Professor McCloskey begins by distinguishing within the democratic tradition two major strains: the centrality of the morally free individual, inherited from the Christian idea of the essential equality of all men before God; and the Lockean doctrine of the centrality of property rights. He believes that at the time of the American Revolution the first of these traditions, despite the emphasis upon property concerns that accompanied the revolutionary crisis, remained substantially unimpaired. Subsequently, and especially in the period following the Civil War, the democratic tradition underwent a marked deterioration. Economic freedom, originally taken as instrumental to the achievement of far more important humane freedoms, ceased to be a subsidiary value and became an end in itself. It was the broad public acceptance of this "perversion" of democracy that made possible the excesses of the Gilded Age. Conservatives like Sumner, Field and Carnegie were able to seize the symbols of democracy and natural rights, and use them to propagate an antisocial laissez-faire viewpoint because society at large accepted the fundamentally materialistic premises from which they started. In one of his most interesting passages Mr. McCloskey argues that such thinkers as Veblen and Parrington who stand in opposition to this type of conservatism gave away a large part of their case by the bland assumption, in the case of the first, that a materialist and matter-of-fact habit of mind is destructive to conservative dogma and, in the case of the second, by the uncritical assumption that all that is needed is the espousal of "critical realism", and the abandonment of "all profitless romanticisms". By turning realist and materialist, they accepted the capture of democracy by property. Mr. McCloskey's book thus serves as a footnote to two study, which cannot obviously be undertaken here, a few general observations will be offered following a brief review of the economic background and the provisions of the Plan.

Together the Schuman Plan countries produce about 13 per cent of the world's coal and 17 per cent of the world's steel as compared with 30 per cent and 49 per cent respectively for the United States. Among the members of the coal-steel pool Germany produces almost half of all the coal and steel and nearly a fourth of the iron ore. France produces almost three fourths of the iron ore, a third of the steel and a fourth of the coal. All of the other members of the pool have smaller-scale steel industries based on local production of either iron ore, such as Luxembourg, or coal, such as Belgium and The Netherlands. The important fact, however, is that all members of the pool are partly or totally dependent on imports of one or the other of these two basic commodities.

Costs and prices vary considerably between the various Schuman Plan countries. Prices of coal, for instance, are highest in Belgium and lowest in Germany and The Netherlands. Steel prices are again generally lower in Germany and highest of all in Italy. These differences are due to a variety of reasons. Some of them may be called natural ones (such as the location of seams). Others are due to differences in equipment, techniques and the efficiency of labor. Still others, however, are due to self-imposed regulations such as subsidies, import and export quotas, tariffs, double pricing, and discriminatory freight rates.

A striking example of these discriminations is afforded in the case of coal shipments to Lorraine from northern France and the Ruhr. In both cases the distance is about the same, but transport costs are about $3 a ton in the first case and close to $5 a ton in the second. An indication of German rail "subsidy" tariffs is given by the fact that south German ores travel to the Ruhr for around $1 a ton, while Lorraine ores are shipped to northern France (a much shorter distance) for around $2.50, which corresponds roughly to costs.

The fundamental defect of the organizational structure of the Western European coal and steel industries is clearly a lack of integration. Instead of one European market, rationally de-

veloped, we have the inefficient spectacle of a half a dozen dependent markets artificially divided. Accompanying the resulting waste of economic resources are political rivalries and antagonisms.

It is essentially this defect which the Schuman Plan aims to correct by the creation of a "European Coal and Steel Community, based on a single market, common objectives, and common institutions."

The fundamental purpose of the Community will be to control the development of the single market through the establishment of conditions which will in themselves assure the most rational distribution of production at the highest possible level of productivity, while safeguarding employment and avoiding economic disturbances. A unified market is to be established immediately through the prohibition of the following practices, recognized as incompatible with the aims of the Community: all kinds of import and export duties and quotas; all manner of price discriminations among either producers or consumers; state subsidies or charges of any form whatever; any restrictive practices tending to divide the market or exploit the consumer.

The essential tasks of the Community are: to see that the single market is regularly supplied with coal and steel, taking account of the needs of third countries; to assure to all consumers in comparable positions within the market an equal access to the sources of production; to see to the establishment of the lowest possible prices while providing for the maintenance of conditions which will encourage the enterprises to develop and improve their production potential.

The Community is to accomplish the above tasks in three major ways: by gathering and publishing information and organizing consultations; by placing financial means at the disposal of individual enterprises; and by direct powers of control, in accordance with the provisions of the treaty, and only when circumstances make it absolutely necessary.

There are to be four major institutions of the Community: a High Authority (assisted by a Consultative Committee); a Common Assembly; a Council of Ministers; and a Court of Justice.

primary theses: first, that "the master concern of democracy in America is not business but humanity"; and, second, that democracy demands a form of spiritual assertion and an ethic of its own.

One may agree with Mr. McCloskey's concepts of both policy and morals without finding valid all of his conceptions of our intellectual history. I am by no means certain, but I suspect that a careful study of the American thought of the Revolutionary period would suggest that the Left-wing Puritan tradition of equality had already been far more impaired and the Lockean property tradition had grown far stronger than the author thinks and far stronger than Jefferson's substitution of "the pursuit of happiness" for "property" would superficially imply. I am somewhat surer that this process had gone very far indeed twenty years before the Civil War began. One could argue, after all, that Jefferson's hopes for democracy were really predicated too upon a kind of economic realism resting upon the broad dispersion of landed property; that property was always pretty central in the American democratic tradition; that certain humane values did not fall into sharp, practical contradiction with the property emphasis until the broad diffusion of property and entrepreneurial decision was supplanted by the corporate form of property. These reservations, which implicitly raise too many issues for discussion in a brief review, do not constitute, in my mind, reasons for abandoning the author's primary conclusions. As far as those matters are concerned which occupy the foreground of this book, it is a work not only of good scholarship but of disciplined thinking and rare moral substance.

Columbia University — Richard Hofstadter

Midwestern Progressive Politics: A Historical Study of Its Origins and Development, 1870-1950. By Russel B. Nye. East Lansing, Michigan State College Press, 1951.—422 pp. $5.00.

It is always a pleasure to read a historical study that combines factual narrative with sound interpretation, thoroughness of research with clarity of style. Russel B. Nye's *Midwestern Progressive Politics* is just such a study. Drawing upon a great body of monographs, articles and secondary works, Mr. Nye has written a valuable synthesis which traces the development of rural protest from the Grangers of the 1870's to the Farmer-Labor parties of the 1930's, from Donnelly through Bryan and La Follette to Wallace.

While recognizing the complexity and diversity of this movement, Mr. Nye has stressed its essential unity and consistency of purpose and

technique, its acceptance of traditional principles of American democracy, and its basic moderation and conservatism. Mr. Nye has seen in the movement an attempt of small property holders, in a region recently emerged from the frontier experience, to restate Jeffersonian principles of agrarian democracy in an industrial age characterized by the concentration of economic power, materialism, and the decline of individualism. He has traced the contributions made by the Progressives to the enactment of political, social and economic reform legislation. He has noted the failure of this regional and economic group-protest movement to face up to the full consequences of an industrial and urban society and to the implications of one world.

Of special value and interest are the chapters which analyze the philosophy of progressivism and its relation to political policies and programs. In chapter iv, "The Capture of the Ivory Tower", Mr. Nye has discussed the contributions made to the midwestern progressive movement by such intellectual leaders as Lester Frank Ward, Richard T. Ely, John R. Commons, E. A. Ross, and the Social Gospelers. The author makes clear and valid distinctions between the progressivism of Theodore Roosevelt and that of "Fighting Bob" La Follette, and readers will not be surprised that it is the latter who again receives the historian's vote of confidence.

Some readers will probably be annoyed by the petty errors that have crept into an otherwise sound and delightful history. The title of Ignatius Donnelly's book attacking the "money trust" is incorrectly given as *Other People's Money* (p. 106), which was, of course, the title of a later book on the same subject by Louis Brandeis. Upton Sinclair's EPIC program of 1934 proposed to end poverty in California, not in Civilization (p. 359). And, if one accepts Nye's broad and valid definition of the Midwest to include the Great Plains, then it is not correct to maintain (pp. 176-178) that the Socialists never gained strength in that region, in light of the Debs vote in Kansas and Oklahoma in 1912.

The author's failure to discuss the ideas of midwestern progressive politicians on foreign policy issues constitutes a serious omission. The degradation and perversion of the progressive ideal in the careers of Langer, Wheeler, Shipstead, Lundeen, Nye, *et. al.* during the 1930's are hardly mentioned and certainly not explained. The Union party of 1936 is ignored completely.

Scholars and general readers will, however, welcome this new synthesis, and will rejoice in the success of Mr. Nye in making history lively and interesting, and relevant to the present.

University of Minnesota — Clarke A. Chambers

The High Authority is to be the executive organ of the Community. It will be granted all the powers of the individual governments concerning prices, production and investment in the fields of coal and steel, and will exercise these powers within the stipulations of the treaty. This Authority will be composed of nine members appointed for six years, and chosen on the basis of individual competence. Members are not to have any tie or obligation to any individual state, but only to the Community as a whole. The High Authority will act by majority vote, and will be required to publish an annual report of its activities for submisison to the Assembly. Attached to the High Authority for the purpose of assistance is to be a Consultative Committee including in equal numbers producers, workers and consumers.

The Assembly will be composed of delegates chosen by the individual member states. France, Germany and Italy will have 18 votes each (Saar representatives to be included in the French total), while Belgium and The Netherlands will each have 10 votes and Luxembourg 4. The Assembly will meet once a year on the second Tuesday in May to review the annual report of the High Authority. By a two-thirds vote of censure the Assembly may compel the collective resignation of the High Authority.

The Council is to be responsible for harmonizing the actions of the High Authority and those of the member governments, which are responsible for the general economic policies of their countries. The Council will be composed of one representative from each participating country, chosen from among the members of its government. The Council's rôle is not to supervise the High Authority, but its concurrence is required in specific cases. It acts by majority rule, except where unanimity is specified.

The Court is to be charged with the function of ensuring the rule of law in the interpretation and application of the treaty.

Following is a brief summary of the major economic and social provisions of the treaty. The High Authority acquires funds through levies on coal and steel production (not in excess of one per cent of value), by borrowing, by receiving grants, and by imposing fines. In part the High Authority may use its

funds to extend non-reimbursable assistance to firms and workers for the purpose of readaptation to the new conditions of the market. With regard to investment programs, the High Authority may assist through loans those it approves of, and it may issue unfavorable decisions. In the latter case the enterprise affected is prohibited from resorting to resources other than its own funds to put such a program into effect. The High Authority may impose fines up to the amount involved in such programs if this prohibition is violated.

The very important question of prices is to be regulated in a somewhat complicated fashion. Generally speaking, all discriminatory practices and all price reductions for the purpose of gaining a monopoly are forbidden. Each enterprise is to choose a base point and set up a price scale and conditions of sale, all of which are to be made public to the extent and in the form prescribed by the High Authority. This means that producers might charge different prices for a given product at different points in the market. As transport charges are added, and vary greatly, all consumers will not necessarily buy from the lowest-price producer. Producers will, moreover, be permitted to lower their prices from their established scale to meet the competition of producers in other points of the market. But the margin of this reduction cannot exceed that which would make it possible to align the offer at the point of delivery with the lowest offer based on any other established price scale.

If extraordinary conditions make it necessary, in order to carry out the purposes of the treaty, the High Authority may fix maximum and minimum prices, after consultation with the Consultative Committee and the Council. If the High Authority fails to act, the Council may, by unanimous vote, request it to do so.

In case a decline in demand confronts the Community with a period of manifest crisis, the High Authority may, with the concurrence of the Council, establish production quotas. If the High Authority fails to act, the Council may, by unanimous vote, require the High Authority to establish such quotas. These quotas are automatically terminated upon a proposal of the High Authority unless the Council refuses by unanimous

The United States and France. By Donald C. McKay. Cambridge, Harvard University Press, 1951.—xvii, 334 pp. $4.00.

The story of the United States, since its birth to independence, and especially since the Civil War, is a record of astounding and virtually uninterrupted growth. During the same period, France, from the zenith of power, has declined to her present estate. This contrast alone would be sufficient to explain radical differences in outlook: history weighs heavily upon France, making for an attitude of pessimistic wistfulness; Americans are apt to look to the future as something the shape of which they themselves can mold.

The two peoples are, in fact, poles apart in many respects and their relations have often been neither understanding nor friendly. Yet their contacts have been of crucial importance to both, in the early days of the life of the United States as well as in our time. The present importance of the United States, to France as to other countries, needs no explanation; but the reverse may be less clear. This sets the framework, as well as the limitations, of the book.

The first part of it (sections 2 to 5) is devoted to an exposition of the complex that is France: land, people, government, and a rapid survey of Franco-American relations. Within so brief a compass, this is ably done. The section on " the people " shows objective, yet sympathetic, understanding of differences. The contrast might have been extended to the different meanings of freedom in the two countries.

Following this essential background, comes the heart of the book, which deals with current problems, appropriately beginning with the events of 1940. The author is well aware of the necessarily provisional character of any judgment on matters so contemporary. Subsequent events may be said to have shown conclusively that the French decision of June 1940 was a mistake. This is not the same as appraising that decision in the context of its own time.

Interestingly, France found it as difficult to appraise properly her diminished standing after the war (*vide* de Gaulle's speeches and behavior) as the United States to recognize its enormously enhanced position. For both, Russian action has clarified matters and opened the way to the present attempt at integration under American leadership. In any reasonable view, France is bound to play a crucial rôle in either European or Atlantic integration.

This raises the question of France's potential and of the management of it. This potential, material and moral, is considerable, but, if there are grounds for optimism, there are also dark sides to the picture. Basically, the problem lies in the French failure to keep up with the modern world in some essential respects. Most of all, economic and financial backwardness must be remedied, a fact of which some Frenchmen are well aware. This is fundamentally a French problem, and a particularly difficult one, the solution of which must come from within.

The overriding consideration, however, lies perhaps in the fact that it is not a case of America saving France, any more than it is of the French fighting someone else's battles. We are again in a situation where, as on some other occasions, the interests of the two countries run parallel. In this lies the soundest basis for coöperation, and to the exposition of this view this latest addition to " The American Foreign Policy Library " makes a useful contribution, enhanced by a valuable compendium of up-to-date statistical information.

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Germany and the Future of Europe. The Norman Wait Harris Memorial Foundation Lectures, 1950. Edited by Hans J. Morgenthau. Chicago, The University of Chicago Press, 1951.—viii, 180 pp. $3.50.

To those of us who have been following recent developments in Western Germany with increasing alarm—and have been dismayed at the generally prevailing ignorance about these developments—most of these lectures will be disappointing; for the general impression they convey, with certain exceptions, is one of satisfaction with the kind of Germany we have on our hands after five years of occupation and " reform ". Moreover, in some kind of " integration " into the Atlantic community, they see apparently a magic way of making the Western Germans overnight a part of that community, spiritually and intellectually.

The kind of reality such thinking represents is expressed in remarks like Mr. Herbert Marcuse's (identified as a member of the State Department) that " there are no anti-democratic popular movements in Germany today . . . . Everybody and everything is democratic " (p. 108). There are, however, also a number of lectures—those of Professors Sigmund Neumann (Wesleyan), Walter W. Heller (Minnesota), Franz L. Neumann (Columbia), and Mr. Jam[illegible] Warburg—in which a considerably more perceptive—and critical—[illegible] things obtains, and these lectures the reader will find rewarding, as well as a vote, or upon a proposal of one state unless the Council refuses by a majority vote.

If the Community is faced, on the other hand, by a serious shortage, the High Authority may propose allocations and consumption priorities. These are fixed by the Council, through unanimous decision, or failing such unanimity by the High Authority itself. The system may be terminated by unanimous decision of the Council, or by the High Authority unless the Council is unanimously opposed.

The anti-cartel provisions of the treaty prohibit all agreements which would tend to prevent, restrict or impede the normal operation of competition. Substantial fines up to 10 per cent of the annual turnover are provided for any violations.

Following the ratification of the treaty by the various parliaments, two periods of transition are provided for by a separate convention before all provisions of the treaty go into effect. The first period of transition will last six months, and is provided for essentially to permit the establishment of mechanisms necessary to implement the treaty. The second period of transition is to last five years, and is provided to permit the highest-cost coal mines and steel mills to adapt themselves progressively to the single market.

In the case of coal, the convention calls for an equalization fund to be derived in part from levies on the coal production of the lowest-price producers (Germany and The Netherlands) and in part from contributions from the countries whose mines are to be assisted by the fund. The action of this fund is to terminate at the end of five years, and the levies on the German and Dutch production are to be reduced by 20 per cent each year.

It is expected that major difficulties of adaptation to the single market in the field of coal will be encountered by the Belgian mines. It is anticipated that some of these will be able to reduce costs, and that others will be compelled to close. The convention stipulates that the reduction in Belgian coal production shall not exceed 3 per cent of the 1950 production (28 million tons) a year. With the assistance of the equalization fund, Belgian coal prices will immediately be lowered to a price equal

to the estimated cost of production at the end of the period of transition. As Belgian prices will still be higher than elsewhere, in spite of the above measures, the convention allows Belgium to maintain (under the control of the High Authority) mechanisms for isolating Belgian coal from the pool during the transition period.

France may also be assisted by the equalization fund for coal, and will also likely have to close some of its mines. This reduction shall not exceed one million tons a year. No equalization fund will be established for steel, but Italy will be allowed to maintain tariffs on steel during the transition period. These tariffs will have to be reduced, however, by 20 per cent each year.

Clearly the Schuman Plan treaty and convention constitute first and foremost an attempt to provide an organization of the coal and steel industries of Western Europe more conducive to the general welfare than either the present or the pre-war patterns. The fate of the Plan hangs on the realization of this first objective.

The Plan has, however, as we have seen, a further and much wider object. It contemplates the ultimate formation, in the words of M. Georges Bidault, of " a vast region, that from the North Sea to the Mediterranean, encompassing all countries of Western Europe with a democratic Germany, and under safeguards of an international control, would provide for the free circulation of goods, men and capital, providing a sure prosperity for all and at the same time furnishing a new element of stability for the world." The coal-steel pool envisaged is merely to be the first step leading toward this eventual total integration. Already plans are being developed for a " green pool " to include the agricultural countries of Western Europe.

Objections to the coal-steel pool are as many and varied as the aspects of the Plan itself. There are, first of all, those based on purely nationalistic sentiments. They played a major rôle in the ratification debates, and were heard in every land. The small countries fear domination by the large ones, and all raise the specter of ultimate German control. The Germans, on the other hand, complain that their voice in the pool is not in proportion warning against the kind of policy the "Big Three" seem intent upon continuing.

In Sigmund Neumann's paper, for example, one gets a well-documented report on the impact of the influx of almost ten million refugees and expellees, mostly from the East. Remembering what a large number of unemployed meant for the rise of Hitler, one notes with apprehension that in the two states (Schleswig-Holstein and Bavaria), where these newcomers constitute the greatest percentage of the unemployed, the electoral strength of nationalist and reactionary movements has shown its greatest resurgence. Professor Neumann mentions "the spectacular recovery", which has already reached 1936 levels of production, but he points out that this has not been followed by a general recovery in living standards (real wages, for example, being still only 70 per cent of the 1936 level). And failure to deal energetically and imaginatively with this, as well as the whole question of the future integration of the expellees, is only one example of the Adenauer government's largely do-nothing policies.

But the occupying Powers certainly bear a measure of responsibility here. Professor Heller asks what many of us have been asking: why should a Labor government in Great Britain and a "Fair Deal" Democratic administration in the United States, in Germany, foster economic policies of undiluted orthodoxy? He shows that such policies, including the nature of the currency reform, have been followed—to cite only one example—by tax policies ("high profits and generous tax concessions") which have "further widened the gap between upper and lower, propertied and property-less, economic groups. Such inequality is a good breeding ground for political discontent." Considerations of internal political equilibrium therefore "urgently demand reversal of the recent trend toward economic inequality."

The dilemma of the German labor unions is keenly analyzed by Professor Franz L. Neumann. On the one hand, it is clear that, unlike the British Labor party, the Social Democrats can hope for "office" only as part of a coalition—of which there is no present prospect. On the other hand, Professor Neumann points out that the so-called "left wing" of the Adenauer party has "not been able to do much, in view of the fact that the bureaucratic control exercised within the CDU by the Adenauer group is so tight that any opposition group has little chance of asserting itself."

In the face of this dismal political outlook, the labor unions have gone all out after "co-determination" rights in industrial management. But Professor Neumann, very rightly I think, doubts the wisdom of this course.

> Is German society today [he asks] so stable that, without risking their independence and militancy, the trade unions could indeed enter into such a scheme which would actually transform . . . them . . . into administrative organizations of the state? This I doubt. I have grave doubts that, first, German society is stable, and second, that the political power centers in German society are committed to democracy.

This situation, as well as the Social Democratic party's assumption of "irredentist claims [hoping] to catch powerful nationalist sentiments, and [thus becoming] the most powerful nationalist party in Germany [makes it] difficult to expect a viable Socialist and trade union movement in Germany."

Mr. James P. Warburg, in a long and brilliant lecture, traces the "terrifyingly long way [we have gone down] on the wrong road". He warns that

> in our anxiety to create in western Germany a bulwark against communism we [have] neglected land reform, the reform of the school system, the protection of the German people against the revived power of the industrial monopolists, thereby helping to re-create those very features of German society which had, in the past, produced an aggressive authoritarian state.

And he asks that we

> not merely take a new look at the kind of Germany we have been helping to create; we need even more to reexamine the kind of world we have been helping to create. The negative policy of stopping Russia —without knowing what we should do if we had Russia stopped—is not a policy worthy of the United States of America. Nor is it a policy that could conceivably lead to enduring peace. We have been letting Moscow pipe the tune to which we have been dancing. Being relatively rich in dollars and poor in constructive ideas, we have been trying to fight ideas with dollars; and now, with the dollars beginning to run out, we have confided our last best hope of peace into the hands of scientists, instructed at all costs to keep us "ahead" of all other nations in the development of ever more horrible weapons of mass destruction. If we pursue this course much longer, we shall either provoke the war we seek to prevent or else end up by becoming more and more like our totalitarian enemy. We have already reached the point where to suggest, as I have suggested, that the cold war is not an end in itself is to invite the accusation of being an appeaser or a fellow-traveler (pp. 161-62).

The trouble—and not only with this volume—is that there is all too little of such thinking and writing being done today.

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to their production. Objection is voiced against the closing of coal mines in Belgium and France and of steel mills in Italy, but even in Germany opponents of the Plan have predicted unemployment in the Ruhr. These are the arguments which will accompany any effort to integrate Europe. They stem either from selfish or opportunistic opposition to the concept of European integration, or from the reasoned belief that such integration is presently unattainable, unnecessary, perhaps even undesirable. It is interesting to note, however, that while the voice of nationalism is at times deafening, few, if any, of today's leaders in Europe would openly deny the desirability of greater European integration. In Great Britain, where such sentiment is perhaps weakest, Winston Churchill has long advocated such a course, and it was the late Socialist Ernest Bevin who declared in January 1948: "The time is ripe for the consolidation of Western Europe." Selfish nationalism can often be expected, therefore, to use borrowed colors, but it will remain a major obstacle to the Plan's realization. In the words of the Chief German delegate, Professor Walter Hallstein, on the occasion of the signing of the treaty:

> We know our most dangerous adversary: national selfishness which divides peoples and which still has allies in all of our countries. We are realistic enough to know that our project has not destroyed that adversary. But if, in the future, this accomplishment takes on life in the acts of men who are animated by a really European spirit, we shall have mortally wounded the adversary.

Turning from the objections based on pure nationalism and opposition to the goal of integration, there are the arguments of those who, while supporting the idea of integration, disapprove of the proposed approach. The first major dissension, in this respect, concerns the need for creating a supra-national body endowed with certain sovereign powers.

This has been a major point of controversy between the French and British regarding adherence to the Schuman Plan. That this is a fundamental issue, which transcends the Plan, and currently splits Europe, has been clearly brought out in the meetings of the Council of Europe Assembly. In the words of

a British representative to the Assembly: "The British and the Scandinavians want European unity to develop by cooperation at the government level. That means an inter-governmental body, on which the governments concerned can instruct their representatives. Most of the other member states want, if not a federation, at least the creation of a supra-national European authority."

What are the basic reasons underlying the British position? The so-called Labor Party Manifesto of June 1950, which caused such a furor at the time, declared in no uncertain terms: "No Socialist Party with the prospect of forming a government could accept a system by which important fields of national policy were surrendered to a supra-national European representative authority, since such an authority would have a permanent anti-Socialist majority." The British objection to the supra-national approach, however, is much more basic than the doctrinaire fears of the Socialists. The Conservative party was highly critical of the government's refusal to join in the original Paris talks, but when forced by Sir Stafford Cripps to face the real issue Mr. Churchill declared: "If the Chancellor asks me if I would agree to a supra-national authority which had the power to tell Great Britain not to cut any more coal, or make any more steel, but to grow tomatoes, I would say without hesitation, 'no'." In the words of the London *Times*,

> with Mr. Churchill's "no" much of the argument which had surrounded the Opposition melted straight away. . . . Mr. Schuman and his colleagues in France and other European countries mean what they say when they propose the surrender of sovereign powers to a European body for the discharge of industrial tasks; and Mr. Churchill is no more able than Mr. Attlee or Mr. Bevin to accept this method of approach.

The fundamental reasons for Britain's rejection of the supra-national approach are many. The United Kingdom is fearful of jeopardizing its relation with the Empire and the United States through too close integration with Europe. British planned economy (largely accepted by the Conservatives) would be hard to integrate with the more liberal Western European economies, *Central and South East Europe, 1945-1948.* Edited by R. R. BETTS. London and New York, Royal Institute of International Affairs, 1950.—viii, 227 pp. 18s.; $3.50.

The East European Revolution. By HUGH SETON-WATSON. London, Methuen & Co., Ltd., 1950; New York, Frederick A. Praeger, Inc., 1951.—xvi, 406 pp. 25s; $5.50.

These two books have the same scope and treat problems arising from the extension of Communist influences far beyond the pre-1939 western boundary of the Soviet Union. While Professor Seton-Watson made concession to the current practice of dividing the European continent into West and East, Professor Betts adheres to a title which is more accurate from the geographical point of view and makes it easier for the reader to distinguish between the Soviet Union and the satellite orbit.

The area covered in the two books stretches from the Baltic to the Adriatic and Aegean Seas, and from the eastern frontiers of Germany, Austria and Italy to the western boundary of the Soviet Union. There are some differences between the two books which we point out right at the outset. Whereas the survey edited by Betts has been deliberately limited to the years 1945 to 1948, no such restriction has been imposed upon Seton-Watson's analysis of the sovietization of the captive nations. Albania to which Seton-Watson gives a good deal of attention, recognizing her strategic importance, has been left out from Betts's book. When necessary, Seton-Watson widens the framework so as to include Greece and the developments in the Soviet zone of Germany. Both authors exclude Austria although some of the current problems cannot be properly grasped without reference to the precarious position of this mid-Danubian republic.

The survey of Central and South East Europe was designed as a reference book to meet the demand for information on the general trend of events and for statistical data. Several experts were invited to compile chapters on the captive nations. The study of Rumania by E. D. Tappe reveals an intimate acquaintance with the subject. The systematic occupation with current affairs enabled Elizabeth Wiskemann to penetrate deeply into the intricacies of Hungarian life under the hammer and sickle. R. R. Betts combined reading of press releases and government publications with direct observations during his visit to Central Europe in the spring of 1948. Brian Ireland, who surveyed the Polish scene, and Phyllis Auty, who wrote on Bulgaria and Yugoslavia, relied more often on official statistics and reports than on critical appraisals of the actual achievements. The concluding chapter on the revolution in Central and South East Europe from the pen of the editor is to some extent based on the detailed accounts by his collaborators but it should not be regarded as a mere resumé of their findings. R. R. Betts coined in many cases his own formulas and adopted, in general, a more sympathetic attitude toward the present régimes than any of the contributors. He frequently uses the official terms for drastic interventions into the traditional pattern and tones down the charges against the usurpers of power which occur in writings of their determined opponents. The book does not end in a distinct note and lost some of its appeal before it was published. The rapid course of events since 1949 cast deep shadows on the supposedly bright passage.

Seton-Watson's *East European Revolution* is a sequel to his *Eastern Europe Between the Wars, 1918–1941*, now out of print. Part I of the new book serves as a link with the author's first work as well as a background for a detailed treatment of the fate of the captive nations. By lumping together such countries as Poland and Bulgaria, or Czechoslovakia and Albania, the author complicated his task considerably. Although they are today within the Soviet sphere of influence, their historical background, their social and economic structure as well as the spiritual traditions vary to a much higher degree than could be found anywhere in Western Europe. The reader has to be constantly aware of the network of barriers and lines by which the entire area, in its march through history, was divided into geographical subdivisions, ethnic, political, economic and cultural units, or else he would succumb to a dangerous simplification and assumption that the builders of popular democracies found an equally fertile ground when these countries successively passed from Nazi-Fascist captivity into Soviet bondage.

A high amount of skill was required to produce a work which gives a comprehensive and much-needed account of the Soviet expansion west and into the Balkans. The book under review is a solid and mature work. It has none of the flaws or weak points which in the author's survey of the inter-war period had been caused by excessive reliance on personal interviews or hasty observations on the spot. It is one of the most noteworthy and challenging interpretations of the events, still in flux, by which Europe has been deprived of the blessings of peace.

The book is a product of a conscientious search for information wherever it could be obtained. A critical eye soon discovers that there is far more originality in the passages concerning the Balkans than in and the British feel they cannot afford to relax their controls. (Paramount in this connection are considerations of full employment.) Not least of all is British mistrust of the unstable character of many Continental governments, and a general unwillingness to trust a foreigner with any decision affecting British life.

Other states have been driven to rejecting the British position, not out of any love of relinquishing any part of their sovereignty, but through the conviction, based on past experience, that the road of inter-governmental negotiations only leads to ineffectual compromises which perpetuate rather than correct present irrational economic developments. The difficulties of the Organization for European Economic Co-operation afford ample illustration of this point. The position of the proponents of the Schuman Plan has been most forcefully expressed by M. Paul-Henri Spaak:

> The organized international life for which we are working cannot be realized unless we destroy the dogma of the absolute sovereignty of states. A real international organization and absolute national sovereignty are contradictory and irreconcilable ideas. Either we accept a world of anarchy based upon force, or we build a world where peace and order are possible. If we choose the second goal we must abandon the old idea that any one country, great or small, can do as it pleases.[3]

The second major objection to the Schuman Plan approach to integration concerns its functional character. Many see in the Schuman Plan the danger of a rule by technocrats having no responsibility to the people. Such technocrats, moreover, will be without any political power capable of weathering them through the first storm. Both the undemocratic and the unworkable aspects of the Plan are stressed by opponents of integration through economic functionalism. There is undoubtedly much to be said for this argument. It was M. Schuman himself who stated: "The Authority will not fulfill any political functions. Its task will be exclusively economic." Presumably the political aspects of the economic problems will be taken care of

[3] *Foreign Affairs*, October 1950, p. 95.

by the Council of Ministers. But the Council is only a governmental, not a supra-national, body which brings us back to the previous issue. As to control of the Authority, it can be said to lie ultimately with the people, but only very remotely. The life of the Authority can be terminated by an adverse vote of the Assembly. But the Assembly will have little say over individual policies, and will need a two-thirds majority even to force a general resignation, which it will probably wish to avoid except in the most extreme cases. Even the Assembly, furthermore, may represent the people of each country only indirectly. The treaty leaves up to each state the manner of choosing the members of the Assembly, which may be either by direct election or by voting in the national parliaments themselves. It is precisely this last procedure which has prevented the Council of Europe Assembly from being on a truly European level.

In defense of the Plan it can be said that it represents a compromise on political responsibility which places its hopes for success precisely on the limitations of the field involved. Faced with the impossibility of obtaining immediately a greater degree of renunciation of sovereignty on the one hand, and the impossibility of building a new economic order without commensurate political backing on the other hand, the Plan attempts to divide a problem which it cannot surmount by frontal attack. Time alone can show whether such optimism is justified. It should be clear, however, that, as the areas of integration expand, a primary concern will have to be the consolidation of political responsibility.

The opposite danger from that of a rule by technocrats is that the High Authority will become a tool of the governments and that the Council's voice will, in effect, be predominant. This danger will, of course, be increased by the appointment of mediocre personalities to the Authority.[4] At best such an occurrence would provide an example of that kind of integration through negotiated agreement advocated by the British. At worst, it could result in a form of inter-governmental compromise on the *status quo* which would fail to achieve any integration at all.

[4] German Socialists have cited the example of the International Court of the Hague to show how unobjective members of a supra-national authority can be.

sections dealing with the northern zone of the entire area. The author's story of the resistance movements in Yugoslavia, Greece and Albania reads like a first-hand report. On the other hand, the passage on Czechoslovakia begins rather abruptly with the Slovak rising in the late summer of 1944 without at least a sketch of the precarious existence of " independent " Slovakia from March 1939 to the revolt of the Slovak patriots against the puppet régime—the name of Professor Bela Tuka, the chief instrument of the Slovak subordination to the Third Reich, neither appears in this connection nor is mentioned in the chapter on the Axis " New Order " alongside the *poglavnik* of Croatia, Ante Pavelić. Similarly, the book has valuable data on the progress of sovietization in Rumania or Bulgaria whereas in depicting the gradual extinction of democracy in Poland and Czechoslovakia the author relied mostly on such books as Mikolajczyk's *Rape of Poland*, or Ripka's *Le Coup de Prague*, today available also in an English edition. Whoever works in the same field knows from daily experience how difficult it is to secure sets of press releases or newspapers, to say nothing concerning occasional publications or pamphlets which like " the grass of the field are today and are cast into the oven " when their authors fall out of grace. Only a keen student of conditions in the Soviet orbit, equipped with knowledge of several languages and profiting from his wartime experiences, could have welded into a compact narrative so many pieces of evidence which, as they come from sharply opposite fronts, very seldom harmonize or supplement each other organically.

Seton-Watson's *East European Revolution* is informative and thought-provoking. As it is hoped that there will soon be a demand for a second edition, the reviewer pleads for at least one correction: General Alois Eliáš who headed the Prague cabinet from 1939 to 1941 is listed in the index as a Czech quisling premier. It would be an act of justice to remove the stigma from a brave man who organized underground activities under the nose of the Gestapo and was shot by the Nazis when unmasked.

Columbia University — Otakar Odlozilik

Am Beispiel Oesterreichs. By Joseph Buttinger. Als Manuskript gedruckt, 1951.—620 pp.

Since 1945 Germany has been flooded with autobiographies of leaders of the German Social Democratic party (SPD). Noske, Severing, Keil, Loebe, have written their memoirs and added to the previous stories by Braun, Stampfer, Geier, Grzesinsky. Yet their

value to the historian and political scientist is insignificant. None of them contributes anything positively to the great European problem: Why did social democracy fail in continental Europe? Negatively, of course, these books do considerably enhance our knowledge. Without exception, these leaders betray an extraordinary amount of smugness. They do not engage in self-criticism; they usually attribute their failure to two factors, which they consider extraneous; namely, Versailles and Moscow. Without the Versailles Treaty and without a Communist party, so they maintain, a powerful Social Democratic party would have arisen and German democracy would have been safe. There is no awareness in these books that the rôle of a political party is precisely to cope with the so-called " objective " or extraneous factors, to assert themselves against them.

For years, the Austrian Social Democratic has been held up to the German party as a model. The St. Germain Treaty mutilated Austria far more than did Versailles Germany; and the Comintern did operate in Austria as well as in Germany. Nevertheless, communism in Austria was insignificant from 1918 to 1934, the ASP vied with the Christian Social party for first place, Vienna was a Red City, the trade unions were controlled by the ASP and the ASP was allegedly dominated by a pure Marxist ideology (Austro-Marxism) while Germany's SPD had long abandoned Marxism for Revisionism. The Linz program of the ASP was hailed as the single greatest socialist document after the Erfurt program.

Yet the ASP collapsed in February 1934 when Dollfuss, urged on by Mussolini, decided to destroy Austrian democracy and to establish his own brand of Austro-fascism. The beautiful Austro-Marxist ideology, the impressive party, the powerful trade unions, the coöperatives, and the numerous subsidiary and affiliated organizations vanished. True, the *Schutzbund* (the Socialist militia) fought but only parts of it did and at that without any leadership and unsupported by a general strike. Thus the fate of the ASP was objectively not very different from that of the German party, except that the February fighting supplied it with a certain myth.

It is at this point that Mr. Buttinger's work starts. The author, now living in this country, was the leader of the Austrian Revolutionary Socialists, the underground party of Austrian socialism from 1934 to 1938, and, after Otto Bauer's death, the most prominent member of the Austrian Party in Exile.

This book is both a history of the Austrian Revolutionary Socialists and an analysis of the failure of democratic socialism in continental Europe. It is, in this reviewer's conviction, the most important

Aside from nationalistic objections to the concept of integration itself, and those directed at the means of achieving it, there is the vast field of dissension over the type of integrated economy desired. Objections in this field are often the cause of some of the previous criticism we have examined. It has been said for instance that the reply of Sir Stafford Cripps to the charge " of sabotaging European unity . . . must be that Britain refuses pointblank to sacrifice fair shares for all and planned recovery for the sake of unity with the bankers whose policies now dominate Western Europe." [5]

The Schuman Plan proposes a specific type of economic organization which seeks to combine private initiative with a degree of public supervision. It was inevitable, therefore, that it would be attacked by zealots of every differing shade of opinion. Proponents of extreme liberalism see in it a cartel, and criticize the degree of controls provided. Cartel-minded industrialists attack it as a form of superstate control, while doctrinaire Socialists attack its failure to provide for nationalization. These criticisms range from the extreme Right to the extreme Left, encompassing those who see too many controls, too few controls, and the wrong kind of controls.

The charge that the Schuman Plan is " just another cartel " or a " super-cartel " is one frequently heard in America. Such statements are misleading to say the least. Their purpose, however, is obvious. " Labeling a collective market control ' cartel ' has almost invariably been to present it in an unfavorable light," wrote Ervin Hexner in 1945.[6] " In many countries, including the United States, designating an economic structure a ' cartel ' is tantamount to social denunciation." [7] But what is, in effect, a cartel? The term has received so many various definitions that it can be made to apply to almost any form of market regulation, including the Schuman Plan. The business arrangement usually associated with the term, however, is something much more specific. It is " an arrangement among, or on

[5] *New Statesman and Nation*, London, July 2, 1949.

[6] Ervin Hexner, *International Cartels* (Chapel Hill, 1945), p. 7.

[7] Hexner, *The International Steel Cartel* (Chapel Hill, 1943), p. 33.

behalf of, producers engaged in the same line of business, with the design or effect of limiting or eliminating competition among them." [8] The essential feature of what is generally thought of as a cartel is that it is an association of independent, private entrepreneurs, which is formed for the purpose of increasing the profits of its members. The bad reputation which cartels have achieved in many quarters, whether justified or not, stems directly from these essential characteristics. None of these, however, apply to the Schuman Plan. The latter is an inter-governmental scheme, aiming at the maintenance of competition, and the protection of the interests of all. It is mere linguistic acrobatics, therefore, to stretch the definition of a cartel to the point where it can include a plan in order to make use of the unfavorable connotation of the term resulting from specific features associated with it which are absent from the plan.

Once this has been said, it must be recognized that there is an element of legitimate criticism contained in this somewhat misleading indictment. Although the Plan's avowed purpose (amply supported by specific provisions) is to provide a higher degree of competition than either that presently known, or that generally prevalent in pre-war years, the treaty does contain some provisions which would limit, under certain circumstances, the free play of competition. Because of these, the Plan comes under the fire of those who would like to see still fewer, or even no, controls placed on competition.

The question of the optimum degree of competition desirable or possible will remain one of the debatable issues of the Plan. Essentially the difference of opinion, in this respect, is one of degree rather than of kind. The days of laissez faire are over, and the growing concern for full employment has further complicated the problem. Regardless of the attitude which one may take, it should be clear that the need for considerable planning, which the Marshall Plan itself encouraged, will be keenly felt in Europe for some time. The desire of some Americans to see completely unhindered competition can be said to correspond to

[8] George W. Stocking and Myron W. Watkins, *Cartels or Competition?* (New York, 1948), p. 3.

critique of continental socialism published in the last decade. Since the author candidly discusses many living Austrian Socialists, he deemed it necessary to publish the book as a Manuscript and thus made wide circulation impossible.

The difference between the author's approach and that of the biographies mentioned above is quite amazing. Here is a man who has but one aim: to serve the truth, to say everything, regardless of whether it is damaging to his party or not; he does not shift responsibility for the collapse of the ASP to "outside factors", but to the failure of the Austrian Socialist movement. The title (in translation meaning: At the Example of Austria) indicates already that the author has in mind more than a mere history and analysis of Austria's Socialist movement; he rather believes that Austria exemplifies a trend common to all continental European Socialist parties.

Briefly stated it is this: that the Austrian movement lost its spontaneity, its militancy and its beliefs when it became transformed into an organization with vested interests in the existing state and society. This is, of course, not new. Robert Michels said much the same thing. But there are important new insides and one vital qualification.

There is, first, an important contribution to the question why Austrian labor in its majority accepted Marxism. The author, quite correctly, stresses the overwhelming ethical appeal of Marxism, the conviction, namely that the capitalist system stunts and maims the personality of the worker, degrades him to slavery and that Marxist socialism is thus believed to be the emancipating theory of the modern proletariat. To stress this point today is quite vital for an understanding of European society.

There is, second, the demonstration that it is possible to build up a socialist movement that is not an organization of vested interests. The Austrian Revolutionary Socialists were capable of being and remaining a movement, militant, spontaneous and democratic without becoming bureaucratic and oligarchic. This, perhaps, was possible only in a state of illegality (as it existed between 1934 and 1938) but probably not necessarily so. There is not, as Michels asserts, *an iron law* of oligarchy in democratic mass movements. The experiment of the Austrian Revolutionary Socialists must compel us to rethink the Michels thesis.

There is, third, a clear-cut demonstration that it is possible to defeat communism by a militant democratic socialist movement. February 1934 gave to the Austrian Communist party a magnificent opportunity. They used it fully. The bulk of the *Schutzbund* members went over to the Communist party and the young Socialists deserted socialism for communism. Yet the Austrian Revolutionary Socialists succeeded in eliminating Communist influence. They thus conducted a two-front war: against the Austro-fascism of Dollfuss-Schuschnigg and against communism; and, even a three-front war: against National Socialism too. Yet, in spite of this, they gained in strength because of their uncompromising ideology and strategy. This, in view of the present European situation, is again of vital significance.

Yet, looking at the present Austrian Socialist party we shall look in vain for the spirit of 1934-38. There is, probably, no more distressing sight than Austrian politics 1945-51, and the Austrian Socialist party today. The author does not deal with this problem, nor can the reviewer undertake here an analysis as to why this happened.

The author drew the consequences of withdrawing from political participation. A political activist may regret this decision and may wish that he returns to Austria and participates in the life of the Austrian Socialist party. In the present situation he may, however, be right. There are historical situations where an individual, no matter how honest, intelligent and courageous, is quite powerless to affect the course of history.

COLUMBIA UNIVERSITY FRANZ L. NEUMANN

Cross-Channel Attack. By GORDON A. HARRISON. *The U. S. Army in World War II. The European Theater of Operations.* Washington, Office of the Chief of Military History, Department of the Army, 1951.—xvii, 519 pp. plus 24 tactical maps in color and National Geographic Society map of Europe. $5.25.

Official history, perhaps all history, faces a troublesome dilemma in deciding its potential audience. The latest volume in the official history of the Army—the seventh to be published and the second concerned with the European Theater of Operations—seems especially addressed to the general reader, that mythical character who exists only in the faith of all authors and publishers. A former newspaper reporter and a trained historian who served as a combat historian during the war and more recently has been in the office of the Chief of Military History of the Army, Dr. Harrison has written a book useful for any student of American political or military history.

Of the ten chapters in the book, seven relate to the long chain of events from early conception to preparation which preceded the invasion of Normandy on the fateful morning of June 6, 1944. The remaining three chapters recount the broad development of the tactino political reality in Europe today. This is particularly true of the coal and steel industries, largely as a result of a lack of elasticity caused by the combination of high fixed costs and extreme fluctuations in the value of sales over the business cycle. According to the Schuman Plan experts, the evolution of the coal-steel market in Europe over the last few decades shows that it has been characterized by alternating period of peaks and depressions, and has practically never known normal conditions. As a result these experts were unanimous in feeling that the High Authority should surround its action with constant precautions to attenuate as much as possible sudden changes in the business cycle.

A somewhat different line of criticism is that of many European business men. Contrary to the view discussed above (heard largely in America), European industrialists have no quarrel with the need for controls over the effects of " unbridled competition ". Their quarrel is over who should exercise the controls. The solution they would like to see is a return to the cartel system. The rallying cry is the prevention of a " *superdirigisme* ". Support for these views, moreover, is found also among purely nationalist elements opposed to international integration, and even in trade-union and socialist circles. The cartel system would leave each country largely in control of its own economy, and has traditionally provided security for workers by maintaining inefficient plants in operation.

Finally there is the opposition to the Plan of the doctrinaire Socialists who are committed to state ownership and control of all major elements of production. Although nationalization is not prohibited by the Plan, many of the arguments for it would doubtless be removed by the implementation of the Schuman treaty. But this is, in any case, an issue which has by now lost much of its appeal. It is likely that the objection of most Socialists to the plan is a political and a much more practical one. The rule of the Community for Coal and Steel would remove from the hands of socialist governments the political power connected with control over a vital sector of the economy, and place it in potentially unsympathetic ones.

For the advocates of rigid state control, moreover, the powers

of the High Authority over investment are insufficient as they feel that anything short of complete investment planning will not bring about the goals of integration sought.

Chancellor Adenauer expressed it this way in the recent ratification debates:

> Adherents of a fully liberalized economy contend that the treaty contains too many provisions on planning and governmental interference and controls, while the defenders of a planned economy take exception to the lack of such measures. You will find, however, that those who framed the treaty succeeded in finding a middle of the road solution reconciling the divergent views.

Looking back on recent history, it can be said that there have been so far three main ways of regulating production and trade in the heavy industries: uncontrolled international competition, private control through a cartel, and attempts at national isolation. The general European rejection of the first alternative has led to the adoption of the second during the inter-war period, and the third since the end of the last war. Neither of these has proved very satisfactory. The latter, in particular, can hardly be considered feasible in the long run. The virtue of the Schuman Plan is that it seems to present a fourth possibility which may well be, in the words of the London *Economist*, " the best compromise possible between out-and-out competition and stultifying autarky."

If the Plan should fail, it should be realized that the alternative is " almost certainly not a high degree of competition and the most efficient allocation of production ", but rather the probable development of " a private international cartel, or several national cartels with varying degrees of government backing." [9]

The success of the Plan will undoubtedly be affected in large measure by the political and economic climate of the years ahead. Should a period of general slump develop at the beginning, which seems out of the question at present, the burden of bringing the least efficient industries into a competitive position would doubtless prove insupportable. On the other hand,

[9] William Diebold, *Foreign Affairs*, October 1950, p. 129.

cal operations which firmly lodged Allied troops on French soil. The narrative ends with the capture of Cherbourg by the first of July. The tactical detail is only sufficient to throw light upon the adequacy and realism of the long military planning before D-Day.

Perhaps the chief interest and value of this volume is the careful, objective appraisal of British-American differences in strategic planning. Everyone knows that there were differences between the British and Americans about the strategy of a cross-channel invasion. A certain United States Senator has even argued on the floor of the Senate that General Marshall's interest in defeating Germany in Northern Europe was part of a gigantic pro-Russian conspiracy. Dr. Harrison discusses the differences, clearly, fully and sympathetically. Indeed, his is by all counts the best and fairest record thus far written and should stand as the definitive account. The use of British source materials and the assistance of British technicians undoubtedly have helped greatly to achieve the balance here presented. Anyone interested in this phase of Anglo-American military history cannot afford to overlook Harrison's story.

An interesting aspect of the narrative is the inclusion of two chapters dealing with German preparations to resist invasion. The availability of extensive official German government files and the numerous interrogations of German officials after 1945 make it possible now to reconstruct German strategy with great accuracy. And German mistakes contributed to Allied success in the invasion of France.

This volume of official history, like most others, eschews any concern with conflicts of personality. It seems to this reviewer that many historians today have gone so far in discounting the "great-man theory" of history as to belittle the true importance of personality factors. But there are enough personal memoirs by this time to more than readjust this imbalance. And certain major personality aspects do clearly emerge from this volume. Once again it is abundantly evident that General Marshall was the author of the military strategy which gave the Western Allies their particular, if not preponderant, share in defeating Germany. Roosevelt had a great and abiding confidence in his Chief of Staff and was content to help him realize his military objectives. Churchill's rôle in military planning was much more aggressive by contrast.

There has been so much nonsense written and said about American military strategy in World War II that this volume comes as a welcome reminder of what the cool, dispassionate historian can contribute to the full understanding of past events.

COLUMBIA UNIVERSITY JOHN D. MILLETT

The China Story. By FREDA UTLEY. Chicago, Henry Regnery Company, 1951.—xiii, 274 pp. $3.50.

This book provides proof positive that the day of the partisan, political pamphleteer, able and willing to distort documents and misrepresent facts—all with a fiery and convincing tone of righteousness—has not faded from the American scene. The fact that the book has had a wide sale is disturbing evidence that the American people, genuinely concerned about the failure of our Far Eastern policy, are apparently willing to listen seriously to an author who is one of the leading modern advocates of the "Devil Theory of History". Serious students of political science, whether in the field of domestic or international politics, should be deeply concerned with this phenomenon.

Miss Utley's thesis is simple and familiar to all who have been reading the daily papers during the last year. The China policy of the United States, in the hands of Secretaries of State George C. Marshall and Dean Acheson, has resulted in success for the Chinese Communists (which is true only in the sense that the Chinese Communists now control China). It has failed because it was based upon advice given these gentlemen and the American public by some fifty-four named individuals who were either "communists", "communist sympathizers", "intellectual liberals", "erudite but ignorant columnists" or those on the outer fringe of a group whom Miss Utley (p. 150) refers to as the "Society of Friends of the Chinese Communists" (which is in almost every sense unlikely). Ranged against these daemons who inhabit Miss Utley's world are those true Americans who, pure in heart and supporters of outright aid to Chiang Kai-shek, have unmasked the true nature of the Communist conspiracy to take over the Department of State. These latter, spearheaded by Senator McCarthy who (p. 268, footnote 2) has "fundamentally liberal convictions" include (p. 164) Representatives Dondero, Taber and Judd, and Senators Knowland, Nixon, Bridges and Mundt.

Because the book has few footnotes, it is very difficult to check the source and therefore the accuracy of Miss Utley's statements. For example, she mentions the contents (pp. 98-99) of several reports on the actions of Chinese Communist troops prepared by the Chinese Nationalist government and submitted to the Department of State and the Pentagon by the Chinese Embassy in Washington during the spring and summer of 1950. Her authority for this statement appears to be Drew Pearson—who this reviewer believes has never claimed for himself more than 88 per cent accuracy—but the vague-in a period of general shortage, such as the one which lies ahead of us as a result of rearmament, every mine and mill will be needed, including the inefficient ones. Under such circumstances there will be little rationalization of the market, except to the extent the low-cost producers may expand more than the high-cost ones.

A final word should be said regarding the purely political aspects of the Schuman Plan. Although the overriding importance of such considerations is often stressed, it is hard to go beyond the realm of well-known generalities. Certainly the ultimate political benefits of total integration need not be dwelt on here. A word of caution might be in order, however, regarding the partial economic integration contemplated in the Schuman Plan. It is clear that such integration would remove certain sources of friction (by providing increased access to supplies and markets) and create additional economic ties which would bind the countries involved more closely together (by increasing their interdependence through greater specialization). These factors would tend both to lessen the causes leading to war and to increase the economic obstacles in the way of waging one. But it would be dangerous to assume that such factors would make war either " unthinkable " or " impossible ". Recent history has shown that human passions can frequently outweigh the heaviest of economic interests. Certainly the Plan, if economically successful, will be a step on the road toward peace and understanding among the participating nations, but there will still be a long way to go.

Of more immediate interest, perhaps, is the potential political effect of the Plan on the relations between the nations of the pool and the outside world. It was frequently feared in the beginning that the Plan might tend to create a third force between America and the Soviet Union which would seek to become a neutral bloc. This feeling has been largely dispelled of late, and replaced by a growing conviction that the realization of the Plan represents a vital move in the consolidation of Western Europe in the camp of free nations opposed to any further expansion of communism. In particular the Plan is seen as definitely tying Western Germany in with the Atlantic Pact

nations. The tendency will, doubtless, be in this direction, but again hopes should be tempered with caution.

A concrete plan for beginning the building of a new and revitalized Europe has been drafted and approved. The next few years will show whether the scheme will justify the hopes it has aroused, or whether it will join the company of other noble concepts that failed, leaving to other hands the realization of the goals it sought.

JOHN A. MCKESSON

BERLIN, GERMANY

ness of the reference makes it entirely possible to conclude that Miss Utley may have received this information directly from Chinese Nationalist sources, who certainly cannot be averse to the analysis of American China policy which she presents. Far more serious than this sort of slipshod statement, however, is what Miss Utley has done to twist, distort and misrepresent published documentary material.

Opinions may vary as to whether the China White Paper[1] is in fact an objective analysis of United States' policy toward China. It is Miss Utley's thesis that it is not. Her first two chapters—"Milestones on the Road to Korea" and "Too Little Too Late, the Facts about 'Aid to China'"—are devoted to an analysis of the 600 pages of Annexes to the White Paper. These Annexes are composed exclusively of texts of official documents upon which the exposition of American policy contained in the first portion of the book are based. Miss Utley quotes liberally from the Annexes to prove her contention and it is, therefore, possible to check her quotations against the original documents. The following samples are merely illustrative of some fourteen instances found by this reviewer between pages 13 and 60 in which Miss Utley lifted quotations from the White Paper out of context with a resulting distortion or misrepresentation of the material quoted:

1. *The statement*: Miss Utley, alleging that the Department of State consciously and purposely sabotaged the China Aid Act of 1948 by dilatory tactics in implementing delivery of matériel, states (p. 34): "The $125 million of munitions allocated under the April 1948 Aid Act was not delivered until nine months or a year later, and by that time the Communists had already conquered most of China"; and (p. 46) "...the first substantial shipment of arms to China left Seattle on November 9, 1948."

   The fact: While it is perfectly true that the White Paper (p. 953) shows that the first shipment of small arms and ammunition *procured from the Army* sailed on November 9, 1948, the same table, on the next page (p. 954) shows that 10,000 tons of ammunition *procured from the Office of the Foreign Liquidation Commissioner* were shipped on July 3 and 16, 1948. The table immediately preceding the one partially used by Miss Utley shows, furthermore, that in August, September and October a total of nearly $10 million (sales, not procurement price) of aviation gasoline, aircraft, communications equipment, ammunition, ordnance and naval supplies was shipped. While Miss Utley is entitled to her opinion that these prior shipments were not "substantial", those familiar with government procedures may well consider these deliveries accomplished rather

[1] *United States Relations with China with Special Reference to the Period 1944-1949*, Department of State Publication 3573, Far Eastern Series 30, August 1949, 1054 pp.

rapidly; and few would deny that Miss Utley's system of selective quotation does not tell the full story.

2. *The statement*: Miss Utley, referring to a report in 1949 by the commander of the United States Advisory Group in Nanking, states (p. 43): "In his report General Barr provides an answer to the charge so assiduously propagated that the Nationalist forces allowed their equipment to be captured by the Communists."

   The fact: No mention is made of a report of the military attaché in Nanking, presented at the same time, and cited in the White Paper (p. 323) that "during this 4½ month period Government forces lost over 140,000 American rifles. Losses of other than American rifles are estimated to have been several times this figure—practically all of which fell undamaged to the Communists."

3. *The statement*: Miss Utley (pp. 40-41) states: "Perhaps the Administration's refusal to give Chiang Kai-shek the military advice he begged for was even more helpful to the Communists than the embargo on arms and ammunition."

   The fact: An ECA mission in July 1948 (White Paper, p. 319) reported: "We were surprised at the wide gulf between the combined opinion of our own competent military in China supported by the Ambassador and the present and related policy of the Chinese Government in Nanking. This was despite repeated and continued efforts on the part of the Ambassador with the support of the American military advisers to persuade the Government to a change in its military strategy and tactics." Nor does Miss Utley mention a report by Ambassador Stuart in August 1948 (White Paper, p. 885) that the Nationalist government "ignores competent military advice and fails to take advantage of military opportunities offered. This is due in large part to the fact that the government and military leadership continue to deteriorate as the Generalissimo selects men on the basis of personal reliability rather than of military competence."

4. Miss Utley states (p. 13): "On August 18, 1946, President Truman issued an executive order saying that China was not to be allowed to acquire any 'surplus' American weapons 'which could be used in fighting a civil war', meaning a war with the Communists."

   The fact: Extensive research by this reviewer has located no such executive order.

Despite this dubious methodology in regard to details—and Miss Utley leaves the impression that she wants to prove that the entire White Paper is a tissue of falsifications—these two chapters do succeed in presenting fairly convincing evidence that the "effective military aid" given China by the United States is closer to $400 million than the $2 billion generally accepted since the publication of the White Paper. Since Miss Utley defines "effective military aid" almost exclusively as small arms and small arms ammunition, this is very little wheat among so much chaff.

THE COURTESY OF THE SENATE

THE controversy in 1951 between Senator Paul Douglas of Illinois and President Truman over the appointment of two federal judges in that state, which attracted nationwide attention, provides a recent illustration of the unwritten rule of senatorial courtesy and emphasizes the need to take the appointment of local federal officers out of politics. Following the customary practice, Senator Douglas conferred with party leaders and members of the Illinois bar, and in January recommended to Attorney General McGrath the appointment of William H. King, Jr., and Judge Benjamin F. Epstein. Six months later, in July, President Truman sent in the nominations of two other persons for these judgeships—Municipal Judge Joseph P. Drucker and Cornelius J. Harrington. Several days later Douglas took the unusual step of asking the Chicago Bar Association to conduct a poll of its members in order to ascertain whether they preferred his choices or those of the President. The results were an overwhelming victory for the persons whom Douglas had picked. Armed with this corroboration of the qualifications of his own choices, Douglas appealed to the courtesy of the Senate in opposing the nominations of the President and was sustained unanimously by the Judiciary Committee and the Senate.

Following the precedent of two similar cases which arose in 1950, he did not make the customary assertion that the nominees were " personally obnoxious " to him. To the contrary, he stated that they were " worthy " men, though he regarded his own choices as better qualified, and based his objection on the method by which the nominations were made, that is, his own recommendations were not nominated by the President.

The controversy over the Illinois judgeships was exceptional also in other regards. In this instance, the Senator exercised great care, and had selected two persons of outstanding qualifications for appointment to the federal bench, while the Presi-

dent's nominees were not so well qualified. One of the President's nominees, Municipal Judge Joseph P. Drucker, is the nephew of Representative Sabath of Illinois, who stated at the hearings of the Judiciary Committee that he had been largely responsible for the passage of the legislation in the House creating the new judgeships, when it was generally understood that one of them would go to Drucker. The other nominee of the President was reported to have had the backing of former Senator Lucas of Illinois.

It should be noted that Senator Douglas did not attempt to select necessarily the best qualified persons in the district for the federal bench. If this had been his purpose, he probably would have chosen Republicans in view of the fact that the Chicago bar is overwhelmingly Republican, and no attorneys of that party have been appointed to federal judgeships for nearly twenty years. He sought rather the best " available " persons, which meant that they had to be Democrats and acceptable to the local party organization. It was brought out in the hearings that the Senator and the President were agreed that one of the appointments should go to a Protestant, one to a Catholic, and the third to a Jew.[1]

Typically, contests between the President and members of the Senate over appointments arise when the President declines to nominate the candidate proposed by a senator of his party, ordinarily on the ground that the senator's nominee is not qualified. At times the President has cut off the customary patronage of senators of his party who have consistently opposed his legislative program. The fact that Senator Douglas recommended well-qualified persons for the Illinois judgeships should not obscure the fact that the custom of permitting the senators of the party in office to select the persons for federal appointment in their own states results in political and often in patronage appointments. The actual selections are frequently made by the party leaders rather than by the senators, and these federal offices are commonly used to reward party workers or the

1 *New York Times*, July 19, Aug. 4, 5, 11, Sept. 18, Oct. 9, 10, 12, 1951; *Congressional Record*, 82d Congress, 1st sess. (daily edition), pp. 13101-13103 (Oct. 9, 1951).

The second part of *The China Story* is devoted to an explanation of why American policy took the form that it did under Secretary Marshall and his successor, Secretary Acheson. Miss Utley comments (p. 103) that " Any policy must be decided upon and implemented by individuals ". She then proceeds to explain how the Communists in the United States captured " the Diplomats . . . and the Secretary of State . . . and the Public " in three chapters in which she becomes very specific indeed. Of the 54 individuals she names, 20 are or have been in the government service, 11 are or have been newspaper or periodical writers, 7 are or have been book reviewers and 16 are or have been associated with either the Institute of Pacific Relations or the Foreign Policy Association or both. These are the people who, according to Miss Utley, either " decided ", " implemented " or " sold " the policy adopted by the United States government in regard to China. They are not all Communists, according to Miss Utley—whose publishers may well have been troubled by the fear of libel actions—but they were at least dupes of Communists.

Apart from personal, subjective judgment—offered in the cases where the author was or had been personally acquainted with one of the dupes—Miss Utley offers as proof of her accusations the type of quotation from the White Paper analyzed above, the technique of " guilt by association ", and a refinement of her own, best described as " guilt by innuendo ". Thus we find a sentence reading, for example, that two named individuals " may be wholly free from any Communist sympathies, but . . ." or, more subtle still, a footnote stating simply that a particular individual " is a law partner " of an individual never otherwise mentioned in the book whom, by inference, Miss Utley obviously considers suspect.

It is not the function of this reviewer to give undue prominence to any of those accused by Miss Utley—some of whom may or may not be guilty as charged—by singling out one or more individuals among her list to make a specific analysis of her charges and their validity. Two are dead; the rest can defend themselves. It does appear to be important, however, to point out that Miss Utley, who herself admits that in 1938 she was " taken in " by the Chinese Communists, is apparently unwilling to grant to anyone else the possibility of an honest mistake in judgment.

Obsessed by this belief in daemonology, Miss Utley completely fails to place the problem of American China policy from 1946-1949 into a context which includes the whole of United States foreign relations. Just as she apparently sees no relationship between skyrocketting inflation in China and American reluctance to underwrite unlimited military assistance to that country, so she is unwilling to consider even momentarily the fact that, in 1946-1949, Europe and European needs were considered of primary importance to the preservation of American security. For precisely the same reasons that the Allies decided to defeat Hitler before they took on Japan in World War II, the United States, which does not have unlimited resources, decided to concentrate upon the vast and expensive task of preserving Western Europe for the free world; there was therefore proportionately less to be applied for the preservation of China. Asked to build bricks without straw, the Department of State in this period was faced with several choices as to policy. It made its choice and, since China has fallen to the Communists, it clearly made one which did not succeed. A good case can be made that events in China were beyond the control of the United States. In any event, it is at least possible that the choice was honestly made. Miss Utley believes it was dishonestly made, maneuvered by infiltrating Communists. She has not convinced this reviewer.

RAYMOND DENNETT

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China's Red Masters: Political Biographies of the Chinese Communist Leaders. By ROBERT S. ELEGANT. New York, Twayne Publishers, 1951.—264 pp. $3.50.

Through the varied backgrounds and life processes of a score or more of leading Chinese Communists, Mr. Robert S. Elegant points the way to a more intimate understanding of revolutionary China. The treatment of personalities is perhaps influenced by the availability of materials in this country and by the attempt to avoid mere repetition of familiar works in English. It succeeds in giving a cross-sectional, well-integrated representation of men and women, intellectuals and practitioners, bandits and professional soldiers, diplomats and the Iron Bolshevik, and, above all, the communist charismatic ideal type of statesman, soldier and philosopher all in one.

The author takes pains to portray an unbiased picture, despite his inevitable reliance on many Communist information materials and his non-Communist orientation. The interpretations are carefully balanced and oversimplification avoided. Commenting on Democratic Centralism, it is observed that " the word ' democratic ' is justified by provision for popular elections, but at this writing no body chosen by popular election rules in China " (p. 132). On the other hand, " the party has displayed a remarkable sensitivity to the wishes of the Chinese masses" (p. 175); and the promise to land-hungry peasants and the appeal to all nonexploiting classes including petty bourgeoisie, as well as national capitalists, are sources of Communist strength (p. 245 and *passim*). On the influence of Moscow, one can trace the impact of the October Revolution, the Comintern, and Marxism-Leninism-Stalinism in shaping the theories and strategies of the eager Chinese disciples, yet the triumph of Mao and Maoism is a product of the native soil. "There is small prospect of any immediate split between the colossi of the Red world. . . . However, a display of bourgeois imperialist tendencies by the U.S.S.R. could very easily upset the ideological balance of the pragmatic Chinese communists" (p. 178). The generally pragmatic Chinese mind does not preclude, however, the desire for mystical inspiration and the semireligious fanaticism and intolerance of communism on the other side of the picture.

In certain instances the reader wishes that the hints were fully developed, perhaps in another book. Why is it necessary that "Communism in China will, in the long run, either adjust its doctrines to the limited communism of the Chinese family system or perish" (p. 250) even though the new gospel promises complete transformation of the traditional value system? How far is it true that the farmer's attitudes "will determine the future of the Red dynasty, as they have the fate of all preceding dynasties" (p. 250), when the chances of survival of nonconformity seem to be extremely slim? What evidence do we have beyond Freudian suggestions for such sweeping characterizations as the "Asiatic Neurosis" with "communal guilt feeling" (p. 21)?

To achieve an even better balance, more room might be allotted to the rôle of Communist labor organizations and agitations in the cities, including the work of Mao, the peasant, particularly in the formative stages of the party: this is desirable to guard against an undue emphasis on the agrarian sector. The ostensibly extreme minority of the city proletariat and the lack of unity of purpose among them should not bar their strategic importance as revolutionary materials. After all, the Communists are always a small minority, less than, say, 1 or 2 per cent of the total population, as Mao himself recognizes. Further, the struggles of labor agitators against domestic and foreign armed forces in numerous bloody incidents must have played an important part in hardening the personalities of many Communist leaders and in strengthening their bitter anti-imperialistic feeling and their conviction for the absolute necessity of armed might and armed revolt.

No one should expect definitiveness and complete objectivity in any book on such controversial contemporary personalities. Every reader, I am sure, will find this present volume enjoyable reading, fascinating, informative, and thought-provoking.

Columbia University N. T. Wang

Tito's Communism. By Josef Korbel. Denver, The University of Denver Press, 1951.—viii, 368 pp. $4.00.

This reviewer recalls his surprise and dismay in the summer of 1945 on being told by a Balkan Communist that the Russians were far less pleased with the state of affairs in Czechoslovakia than with the newly established régimes elsewhere in Eastern Europe. At that time Czechoslovakia seemed to promise a possible way of understanding between East and West; in the other states the "cold war" was already brewing. Why, then, should the Soviet rulers be dissatisfied with Prague?

Much material for the unpleasant answer to this question is to be found in the new book on Yugoslavia by the Czech ambassador to Belgrade from 1945 to 1948, now a professor of international relations at the University of Denver. From his account of the diplomatic and economic relations between the two states it is evident that Communist mistrust of the spirit of Beneš and Masaryk was profound and ineradicable. As one Yugoslav general remarked to the author: "I can have confidence only in a Communist, which you are not." Ultimately, of course, Czechoslovakia was blackjacked into reliability, but by an ironic twist, which Dr. Korbel handles very capably, the Yugoslav Communist leaders were themselves declared heretics only a few months later.

Apart from this important issue—which could have been given even more emphasis—and a number of illuminating episodes from his personal experience, Dr. Korbel's effort to "describe the life of the Yugoslav people under Communism" covers ground that is largely familiar. For the most part, the book describes the situation prior to Tito's break with Moscow, and, despite the author's best efforts to follow developments into 1950, the content and point of view of several chapters have become somewhat dated. While he observes certain changes in policy and practice resulting from Tito's growing conflict with the Cominform, the general tone of the book is of the time when Yugoslavia was still in the forefront of the anti-Western campaign.

Still, this is the handicap of any writer of contemporary history.

supporters of the senators. In the past, unqualified persons have often received the necessary political sponsorship and have been appointed.

In the contest over the Illinois judgeships the situation was very different from the usual case. Both of the candidates of Senator Douglas were highly qualified, and politics had not played a large part in their selection; while those of the President were less qualified, and political considerations dictated their choice. Also, Senator Douglas had been a consistent though discriminating supporter of the administration, and the President had no valid reason to withhold the customary patronage.

This instance of the custom of senatorial courtesy is the most recent of a long line of cases in which the President has been rebuffed by the Senate when he rejected recommendations of senators of his own party for appointments in their own states. George Washington suffered a similar rebuff several months after the first session of the Senate opened when his nomination of one Benjamin Fishbourn to the post of naval officer of the port of Savannah was rejected, not because of any lack of qualifications, but because the two Georgia Senators had another candidate of their own. The next day Washington nominated their candidate, but at the same time he wrote a sharp letter to the Senate requesting that thereafter it ascertain his reasons for making a nomination before rejecting it.[2] The custom of permitting the senators of the party in power to select the person for appointment to federal offices within their states, however, did not become firmly established until many years later. Washington insisted that under the Constitution the nominating power rested with the President alone, and followed the practice of consulting not only members of the Senate, but members of the House and other prominent citizens.[3] In the main, this practice was followed by other early presidents, but in the course of time the practice of consulting members of the

[2] *Messages and Papers of the President* (Washington, 1899), vol. I, pp. 58-59 (Aug. 6, 1789).

[3] See Carl Russell Fish, *The Civil Service and the Patronage* (New York, 1905), chap. i; Leonard D. White, *The Federalists* (New York, 1948), chaps. 21, 22.

Senate about appointments in their states was transformed into the custom of permitting them to name the person to be appointed, with the President retaining only a veto over their recommendations. In states represented in the Senate by members of the opposite party, the President turns to the party leaders in the state for their recommendations, though in this case he is freer to reject their nominations.

The custom of senatorial courtesy is the sanction by which a majority of the Senate may require the President to nominate the candidate proposed by the senator or senators from the state in which the office is located, provided they belong to the same party as that of the President. Under the custom any member of the Senate may block the confirmation of a nomination by stating that the nominee is "personally obnoxious" or offensive to him. In the past it has not been necessary for the senator to do more than merely indicate his opposition to a nomination, and repeat the customary formula. An objection to a nomination does not mean that the nominee is actually "personally obnoxious" to the objecting senator; it frequently involves no animus whatever, but merely indicates that the senator has another candidate. Formerly it was not necessary or expected that the objecting senator give any reasons to support his objection; he merely rose in his seat and announced that the nominee was "personally obnoxious" to him. Usually he advised the chairman of the committee to which the nomination had been referred, and the nomination was not reported to the Senate.

The Grounds on Which an Objection May Be Made

The operation of the rule was the subject of considerable discussion on the floor of the Senate during the consideration of the nomination of Charles A. Jonas, a defeated Republican Congressman from North Carolina, to be federal district attorney in 1932. Prior to 1929 nominations were customarily considered in closed executive session, and hence the debates were not reported. Senator Bailey of North Carolina, a new member of the Senate, entered a personal objection to the nominee, explaining, however, that there was nothing personal in his opposition. He based his objection on a statement which Jonas had published criticizing the conduct of elections in North Carolina, in which he stated that it was impractical to clean up the elections by criminal prosecutions. Senator Bailey declared that the appointment was personally obnoxious to him because Jonas had brought the Commonwealth of North Carolina "into obloquy", had impeached its good name, and asserted that justice could not be had in its courts in election cases.[4]

Senator Johnson stated that an objection was not tenable "except it be of a personal character", but Senator Reed of Pennsylvania stated that the Senator from North Carolina was making his path very hard. If he would simply state that the nominee was personally objectionable, Senator Reed said, he would vote against confirmation, but, on the other hand, if the matter were left to his own judgment, he would have to vote the other way. When Senator Bailey replied that he had stated that the nominee was personally obnoxious to him, and had given his reasons, Senator Reed exclaimed: "Ah! but then why does the Senator use the words 'personally obnoxious' at all? If he has reasons against the confirmation, all well and good; let us weigh the reasons; but the fact of the nominee being personally obnoxious to him or not does not seem to me to enter into the case at all." [5]

Although the rule formerly was that a senator who entered a personal objection was not required to give any facts to support his position, in recent years the objecting senator has been expected to state his reasons so that the Senate can judge whether they are sufficient. When Senator Schall of Minnesota appeared before a judiciary subcommittee opposing the confirmation of Gunnar Nordbye to be a district judge in Minnesota in 1931, Senator Blaine maintained that mere political opposition was not sufficient grounds, and that an objection should be based upon a statement of facts which justified the opposition. Senator Schall responded by filing the signed statements of several persons testifying that the nominee had made

[4] *Congressional Record*, 72nd Congress, 1st sess., p. 6711 (Mar. 23, 1932).

[5] *Ibid.*, p. 7434.

disparaging remarks about him.[6] The question whether an objecting senator is required to give his reasons also arose in 1934 during the consideration of the nomination of Daniel D. Moore to be collector of internal revenue in Louisiana. Senator Long entered a personal objection. Several scheduled hearings on the nomination were postponed by the Finance Committee at Long's request, and when they were finally held, the Louisiana Senator appeared briefly, standing on his right to enter a personal objection without stating his reasons. The Committee refused to accept this objection, and reported the nomination to the Senate with a recommendation for approval. Senator Long, it may be noted, was not only at "outs" with the administration, but was not in the good graces of his colleagues in the Senate.

In the Senate debate on March 23, 1934, Senator Long opposed the nomination on the ground that the nominee was "personally obnoxious" to him, and stoutly maintained that under the custom of the Senate such an objection required no explanation or justification.[7] Senator Wheeler defended the right of Senator Long to enter a personal objection without giving his reasons, saying that to his knowledge this had never been required.

Senator Barkley said that, while formerly no explanation was required, in recent years the practice had been for a senator who enters a personal objection to give his reasons so that the Senate may pass upon them. Otherwise, he declared, the arbitrary exercise of personal objections "would make it impossible for an Executive to appoint anybody who could be confirmed." [8]

In the hearing on the nomination of William S. Boyle to be district attorney in Nevada in 1939, to which Senator McCarran objected, Senator Norris, a member of the subcommittee, insisted that the Nevada Senator state the grounds for his

[6] *Hearings before a Subcommittee of the Committee on the Judiciary, U. S. Senate, 71st Congress, 3rd sess., on the Confirmation of Hon. Gunnar H. Nordbye*, Feb. 26, 28, Mar. 2, 1931.

[7] *Congressional Record*, 73rd Congress, 2nd sess., p. 5235 (Mar. 3, 1934).

[8] *Ibid.*, pp. 5244, 5251.

What gives Dr. Korbel's book permanent value is the author's balance and his acute sense of the complexities of Yugoslav problems. He is extremely critical of the present régime, though not denying it certain virtues, and rejects the superficial view that Yugoslavia's altered position in world politics has brought it into the democratic fold: "Tito does stand for Communism and he continues to practice it in Yugoslavia." At the same time he is aware of the difficulties of creating workable alternatives, though he hopes that the Western Powers may induce Tito to ease the plight of his people. He feels that "organized opposition to a Communist government within the borders of the country is actually impossible." He notes that "there is no unity among the Yugoslav leaders living in exile", that the old Serb-Croat conflict still lurks in the background. Finally, he quotes an illuminating remark of a Yugoslav patriot considering the possible implications of Tito's fall: "Who will come instead? It is difficult for us, as good democrats, to imagine a government in Yugoslavia against which we would not be in opposition." This is sad wisdom, but necessary.

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Ten Great Economists: From Marx to Keynes. By JOSEPH A. SCHUMPETER. New York, Oxford University Press, 1951.—xiv, 305 pp. $4.75.

Joseph A. Schumpeter wrote with superlative sophistication. It was the sophistication of one too well aware of his own profound learning and dialectical skill to go to the length of displaying them in detail. His arguments were elliptical and his illustrations barely allusive. So a sort of authority would be established over most readers all too conscious of their difficulties in filling in these gaps. But finally, they would, I think, revolt against the seeming arrogance which put so many premises and proofs beyond dispute.

Still, his sophistication did find its perfect form in the scholarly memoir. Nine of the ten pieces which form the body of this book are masterpieces of this genre, reprinted from scholarly journals.—The tenth is a study of Karl Marx's thought taken from *Capitalism, Socialism, and Democracy.*—Here the task was to plunge directly to the heart of each economist and his work, and to pass judgment upon what was found there. What mattered was the judgment, and Schumpeter's style was an effective tool for imposing judgments.

Schumpeter tried to prevent his vision of economics from being as narrow as that of his fellow members of the Austrian and Lausanne schools. Analysis, he realized, always had to be placed ultimately in a sociological framework and verified factually, statistically if possible. But his greatest admiration was for the bold analysts, for those who could find new principles to unify diverse fields of theory and could demonstrate them rigorously. He had homage for Menger and Pareto, adulation for Walras and Böhm-Bawerk, the system-builders.

There was in Schumpeter's writings an almost shrill insistence upon the achievements of economics as a science, a science as universally valid as systematic physics. This insistence brought him back to some of the narrowness of his masters. He could not quite understand Mitchell's detachment from theoretical systems, his refusal to accept the economics of equilibrium until the proofs were in. For Schumpeter, enough proofs were in already, and Mitchell's scruples were laid to an impossible positivism rather than to scientific rigor.

Marshall and Keynes were guilty of other sins. They compromised the science by caring for it too much as a tool of morality and polity. Marshall relegated his fine demonstrations to the appendices and turned out a readable text for conscience-ridden Victorian liberals. Keynes's *General Theory* was hardly general enough. It was really concerned with the situations and problems of a particular time and place, Britain in depression. Schumpeter thought it rather disreputable that it should have appealed to others similarly concerned. Keynes's success seemed to him almost a fact of social pathology.

This book is not Schumpeter's last word on the history of his profession. His *History of Economics Analysis* is forthcoming. But even if we did not know of his own career, *Ten Great Economists* would still be a moving statement of the possibilities of the study of economics as a way of life.

MARTIN ALBAUM

NEW YORK CITY

The Genesis of Georges Sorel. By JAMES H. MEISEL. Ann Arbor, George Wahr Publishing Company, 1951.—320 pp. $5.00.

As a work of scholarship at once sound, sage and stimulating, *The Genesis of Georges Sorel* is one of the best books on Sorel ever to have been published anywhere.

It is addressed to those whose knowledge of the *Reflections on Violence* may be taken for granted; for the *Reflections* plays a crucial but implicit rôle in this study of the development of Sorel's thought and of its influence. Sorel's most famous work is treated explicitly only in a brief, and very interesting, comparison between Sorel's vindication of violence upon moral grounds and the justification, to objection, saying that "common honesty compels that course." [9] Senator McCarran complied with the request of Senator Norris and stated his reasons, which were essentially the same as those of the two Georgia Senators who opposed Washington's nomination of Benjamin Fishbourn in 1789, namely, the Senator had another candidate whom the President had not accepted. This has, indeed, been the usual ground for an objection, though the formula and the allegations have varied. McCarran had proposed the reappointment of W. P. Carrville, and regarded the appointment of Boyle, a prominent Nevada attorney and former Democratic national committeeman, as a "slap" at him by the President. McCarran, who was a candidate for reëlection in 1938, interpreted the President's withdrawal of his customary patronage as intended to indicate to the voters of Nevada that he did not have the support of the administration. This McCarran considered as an affront, comparable but more subtle than the President's announced opposition to several other Democratic senators who were up for election that year.

> Mr. Boyle is personally offensive to me [said Senator McCarran] because he has lent himself to a conspiracy to take from me my standing as a Member of the Senate of the United States and has lent himself to defeat the will, or rather the words, of the Constitution of the United States, which says that the Senators of the United States shall affirm, recommend, and advise.[10]

The reasons which Senator Glass gave for his objection to the appointment of Judge Floyd H. Roberts to a district judgeship in Virginia in 1939 were very similar: "This nomination is utterly and personally offensive to the Virginia Senators, whose suggestions were invited by the Department of Justice only to be ignored." [11]

Many other instances could be cited where the objection was

[9] *Hearings before a Subcommittee of the Committee on the Judiciary, U. S. Senate, 76th Congress, 1st sess., on the Nomination of William S. Boyle to be United States Attorney for the District of Nevada*, 1939, p. 43.

[10] *Ibid.*, p. 42.

[11] *Hearings before the Committee on the Judiciary, U. S. Senate, 76th Congress, 1st sess., on the Nomination of Floyd Roberts to be United States District Judge for the Western District of Virginia*, Feb. 1, 1939, pp. 1-2, 44.

due to the fact that the senator had another candidate. Two similar cases came before the Senate in 1950, when it rejected the nomination of M. Neil Andrews to be district judge in Georgia on the objection of the two Georgia Senators, who had recommended another person. Their position was exactly the same as that of the two Georgia Senators who objected in 1789 to the nomination of Benjamin Fishbourn. "When the senators of the same political party as the President have been requested to make a recommendation," declared Senator Russell, "they have a right to believe that if the man they recommend is qualified the recommendation will be followed. Otherwise the constitutional power of the Senate to advise and consent to a nomination means nothing; it has no significance." He went on to state he considered the "action taken to be in derogation of the rights of individual senators and of the dignity of the Senate as a coordinate branch of the Government. It is contrary to custom, and in defiance of the constitutional powers of the Senate." [12] No defense was made of the nomination, and it was rejected without roll call.

On the same day the Senate rejected the nomination of Carroll O. Switzer to be district judge in Iowa on the objection of Senator Gillette of that state, who stated that he regarded the nomination as a "personal affront" to him. He complained that the Justice Department had not come to him to ask for his suggestions, but after he had gone to the Department he was invited to make recommendation. Thereafter he went to a great deal of trouble to inquire into the qualifications of candidates, asked the local bar associations to hold a secret ballot on the persons under consideration, and submitted the name of the person who received the largest number of votes. The President's nominee, Mr. Switzer, former Democratic candidate for governor, was at the bottom of the poll. Senator Gillette denounced the nomination as a "political machination", and the Senate rejected it without a roll call.[13]

It has been said on the floor of the Senate that when a senator enters a personal objection to a nominee it is to be presumed

[12] *Congressional Record*, 81st Congress, 2nd sess., p. 12105 (Aug. 9, 1950).

[13] *Ibid.*, p. 12106.

be found in the *Elektra* of Richard Strauss, of matricide as the " last means of achieving a new, 'better' kind of reason ". The author proceeds to show (with an assist from Toynbee) that this denominator was common at the time to more than Strauss and Sorel.

> Sorel's *Reflections* were paralleled by similar convulsions in contemporary literature, poetry and painting.... An entire civilization stirred uneasily, not quite ready but preparing to come to blows with itself. Fast approaching the point where debate ceased to be meaningful, the Western world began to shed its former values—not because people wanted to live without values, for that is impossible, but because the new social facts defied traditional interpretation.... Destruction of the tumbled-down scaffold would not be the vandalism of "external proletariats", but an act of conservation; not an invasion, but a break-out from the catacombs (pp. 133-34).

This passage might serve, incidentally, as one of the more important but less obvious illustrations of Meisel's suggestion that " future generations may well decide that Sorel's significant contribution was his ability to reflect the powerful forces of his time rather than shape them "(p. 14).

The larger, underlying theme which gives *The Genesis of Georges Sorel* a genuine unity is the development of Sorelian political thought: from 1889 when the master published his first book, a defense of the Bible as a means of initiating the people into the heroic life and of arresting the propagation of the revolutionary idea, on through " the anonymous years " which preceded the publication of the *Reflections* and the years of unrewarding fame and notoriety which followed, and on through the posthumous period which has belonged to " the disciples and dissenters " who have reinterpreted in their various ways the master's ambiguous message, up to the present when Meisel, as the historian of Sorelianism, all too modestly indicates his own estimate as to " the heritage ". The exposition of this theme is, however, broken into two main parts—" the work " and " the influence "—which correspond respectively to the author's intentions " to put the *Reflections on Violence* back into the context of Sorel's vast oeuvre, by indicating his slow evolution toward that climactic product of his versatile yet persistent mind " and to discuss " Sorel's dubious affiliations . . . with such movements as French Royalism, Italian Fascism and Russian Communism " (p. 5). Either part may be used independently of the other, for each provides a general introduction to its subject.

Professor Meisel's treatment is distinguished by an almost impeccable scholarship, sweetened by the apt allusions of an alert and literate mind and by a lucid and occasionally witty style. He points up Sorel's concern with the moral history of Greece and Rome and his

continuing interest in Christianity and the Church. He quite correctly emphasizes the impact upon Sorel's thought of Taine, Vico and Renan and minimizes that of Bergson and, more especially, of Nietzsche. He argues that Marx impressed Sorel more than did Proudhon—and suffered more severely at Sorel's hands. In Sorel's thought is to be found not only " the mystique of the class-struggle " which he retained, from his decomposition of Marxism, as the living part of Marx's thought; but also the non-Marxian concern of a moral conservative for the perennial values of the Graeco-Roman-Christian past (pp. 100-1, 247-48). In his discussion of Sorel's " influence ", the author confines himself in the main to Sorel's reactions to such contemporary movements as embryonic Fascism and the Bolshevik revolution and to his impact upon selected " disciples and dissenters ". He does not hide the sympathy and even enthusiasm for these movements which Sorel on occasion expressed, despite the possible contradiction between those responses and the anti-state, " libertarian ", tendencies of Sorel's thought which Meisel himself prefers (pp. 22-23, 273-81).

The reviewer found very little in *The Genesis of George Sorel* with which he could disagree; but he would challenge its interpretation on two counts. Sorel was indeed a defender of injured reason, both in challenging the barren abstractions of the intellectuals and in recognizing in these abstractions instruments of the intellectuals' subjection of the masses. But (and here I part with Professor Meisel) in his advocacy of self-regardless devotion to a mystique, Sorel went beyond such a defense and became " the apostle of intuitive . . . drives ", however much he refined them (pp. 111, 169). Second, and more important, I differ in believing that the contradictory tendencies of Sorel's thought do " meet at the same station " (pp. 247-48). Facing a Europe which was in his eyes immoral, illiberal and intellectually sterile, Sorel developed a doctrine of social dynamics as a way of salvation. This doctrine—myth-inspired violence—was morally conservative, libertarian and ultimately rationalist with respect to its ends; and it was revolutionary, increasingly authoritarian, and irrationalist with respect to its means.

As it stands, *The Genesis of Georges Sorel* is a definitive study, thoughtful and balanced, rich and suggestive, and one that surely would have won the approval of that most grudging of critics, " the Don Quixote of twentieth century political philosophy " (p. 202).

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states, however, they have little incentive to oppose the nomination of the President, and if they enter a personal objection, they are expected to indicate that the nominee is, in fact, personally objectionable to them. An objection by a minority senator is supposed to be based only on personal grounds, but in practice it is frequently difficult to distinguish between personal and political objections. Senator Gallinger's objection to George Rublee in 1915 appeared to be political, though the Senator asserted it was personal. Senator Long of Louisiana, who invoked the rule of courtesy on several occasions, succeeded in blocking the appointment of Ernest A. Burgieres as commissioner of the port of New Orleans in 1931, when Long was a minority senator, despite the fact that the objection was obviously political. The two Senators from Georgia were able in 1927 and again in 1928 to prevent the confirmation of William J. Tilson, who was nominated by President Coolidge to a district judgeship in that state, despite the fact that Tilson was endorsed by a practically unanimous bar and the Democratic Atlanta *Constitution* stated that he was an "able, fair, and impartial judge."[17] Their stated objection to the nominee, who was a brother of Representative John Q. Tilson of Connecticut, Republican leader of the House, was that he was not a resident of the district. He was later appointed to the customs court, and was confirmed without objection.[18]

Ordinarily a *personal* objection of a senator to a nomination does not indicate any unfriendly relations between the senator and the nominee. In a few instances, however, there has been personal animosity. Curiously enough, in the two most notable cases involving actual and justifiable animus, the Senate declined to honor the objection. Both, however, were raised by senators who were not held in high esteem by their colleagues. In 1938 the Senate confirmed the appointment of F. Roy Yoke to be collector of internal revenue of West Virginia over the

[17] *Hearings before a Subcommittee of the Committee on the Judiciary of the United States Senate, 69th Congress, 2nd sess., on the Nomination of William J. Tilson*, 1927, p. 43.

[18] *New York Times*, July 8, 1926; Feb. 9, 1927; Feb. 7, 1928. Tilson was given a recess appointment by Coolidge after his rejection in 1927.

bitter opposition of Senator Holt of that state, who gave objections that were highly personal. At the hearing and again in the Senate, Holt related that as a youth he had heard the nominee, who was then the principal of a high school, say in a school assembly about the Senator's father: "Old Doc Holt ought to be lined up against a white wall and shot until his blood stained the wall." He went on to relate the bitter feud which had long existed between his family and that of the nominee, and that Mr. Yoke had also made highly uncomplimentary remarks about his mother. The assertions of the Senator, which were not disproved, constituted the strongest possible grounds for entering a personal objection to a nominee. In the Senate debate, Senator Bailey, who presented the report of the committee recommending against confirmation, stated that if these grounds were not sufficient, "Let us throw the rule of personal obnoxiousness out of the window, and never let it come back here again."[19]

Senator Neely, who sponsored the appointment of Yoke, defended his nominee against the objection, saying that these statements had been made during the First World War, when feeling ran very high in the state against Senator Holt's father, who had been the Socialist candidate for governor and had opposed the war. Because Senator Holt had on numerous occasions showed marked discourtesy to his colleagues, they declined to extend the rule of courtesy to him and voted 46 to 15 to approve the appointment.

A similar case was that of Edwin R. Holmes, who was confirmed for a judgeship on the Circuit Court of Appeals despite the bitter objection of Senator Bilbo of Mississippi. The contest was one between the two Senators from that state, with the President taking no part. The real reason for Senator Bilbo's objection to Judge Holmes, who had served for a number of years as a federal district judge, was that Senator Harrison had urged the appointment on the President and the Attorney General without conferring with him. Senator Bilbo declared that he had been "double crossed" and to the press he stated that

[19] *Congressional Record*, 75th Congress, 3rd sess. (daily edition), p. 470 (Jan. 11, 1938).

he was " in the market for a colleague who will have some respect for me." [20] He did not rest his objection, however, on this ground alone. Since the judicial circuit included five or six states, a senator from any one of the states could not claim the right to name the person to be appointed to a vacancy, and hence an objection, especially from a junior senator, that he had not been consulted would not have been sustained. He based his objection on the ground that thirteen years earlier, when he was a candidate for governor of Mississippi, Judge Holmes had found him in contempt of court and sentenced him to serve thirty days in prison and pay a fine of one thousand dollars. This sentence, Bilbo declared, was intended to label him as a " jailbird ", and to ruin his political career.

In a long and bitter tirade which took four hours and filled thirty-eight pages of the *Congressional Record,*[21] Senator Bilbo attacked Judge Holmes, charging him with " judicial incompetency and abuse unparalleled in the court of this country." On a later date, Senator Bilbo again addressed the Senate, attacking Judge Holmes for " unlawfully sentencing hundreds of people of Mississippi to the federal penetentiary for violations of the prohibition act." [22] Not content with attacking the nominee, Bilbo dragged before the Judiciary Committee at the hearings and before the Senate in the debate the fact that Senator Harrison had gone through bankruptcy as the result of unfortunate real estate ventures during the depression, connecting Judge Holmes with the case. This attack on Senator Harrison, who had long served in the Senate and was highly regarded by his colleagues, doubtless disgusted and offended the other senators.

The Judiciary Committee reported the nomination of Holmes to the Senate with a unanimous recommendation for confirmation. In the debate Senators Burke (Democrat) and Austin

20 *New York Times*, Jan. 25, 1936. The following and other details were brought out in the *Hearings before a Subcommittee of the Committee on the Judiciary, United States Senate, 74th Congress, 2nd sess., on the Nomination of Judge Edwin R. Holmes*, January-March, 1936.

21 74th Congress, 2nd sess., pp. 3987-4024 (Mar. 19, 1936).

22 *Ibid.*, pp. 10081-84.

(Republican) termed Bilbo's charges against Holmes as " frivolous ",[23] and stated that the sentence for contempt which Judge Holmes had imposed on Bilbo was merited by the facts. By a vote of 59 to 4 the Senate rejected the personal objection of Senator Bilbo and voted for confirmation of the appointment. In this case the Senate looked behind the charges and examined the facts, and found that they were not sufficient. It is significant to note, however, that the fight was not between the President and a senator, but rather between the two senators from a state, one of whom was an old and highly respected member, and the other a junior member who was not favorably regarded by his colleagues. A personal objection of a senator against the President is one thing, but against another senator is quite a different matter.

There have been a number of instances in which personal objections were made by senators from the South to the appointment of a Negro to an office located within their states. In 1903, during a recess of the Senate, President Theodore Roosevelt gave an interim appointment to W. D. Crum, a Negro, to be collector of the port of Charleston, South Carolina, fully aware that the appointment would be objected to by the senators from that state. When the Senate failed to act on the nomination at the following session, Roosevelt gave Crum another interim appointment and, when he was subsequently rejected by the Senate, appointed him to a position in the District of Columbia, to which he was confirmed.[24] There was a similar case when on March 2, 1923, the Senate, at the end of the session, rejected the nomination of Walter L. Cohen, a Negro, to be comptroller of the customs for the port of New Orleans, because of the objections of Senators Ransdell and Broussard of Louisiana. After Congress adjourned, President Harding gave Cohen a recess appointment, and the following autumn President Coolidge sent his name to the Senate again, only to have it rejected a second time on February 18, 1924, by a vote of 37 to 35. After a conference with Republican leaders, President

23 *Ibid.*, pp. 4025-30.

24 George H. Haynes, *The Senate of the United States* (Boston, 1938), pp. 775-76.

BOOK NOTES

In *Impact of War on Federal Personnel Administration, 1939-1945* (Lexington, University of Kentucky Press, 1951; xi, 372 pp. $6.00) Professor Gladys M. Kammerer has reviewed in broad terms the principal wartime developments in personnel administration in the federal government. At the very outset the author declares that the important changes in administrative practice were ten in number: (1) centralization of recruitment responsibility in the Civil Service Commission, (2) adoption of aggressive recruitment techniques, (3) deterioration in qualification standards, (4) emergence of the "loyalty" standard for appointment and retention, (5) development of training programs, (6) increased mobility within the government service, (7) efforts to increase compensation levels, (8) limitations upon numbers of employees, (9) improvements in employee-relations activities, and (10) internal reorganization of the Civil Service Commission. Thereupon Professor Kammerer proceeds chapter by chapter to present the major events under each of these points. Besides drawing upon the records of the Civil Service Commission itself, she has obtained information from the War Department, the Navy Department, the Department of Agriculture, and the Office of Price Administration. In the end the author decides that there were five notable wartime achievements. The merit system survived the war experience and was even strengthened; the recruiting program was generally successful; the improved training programs were a real step forward; new importance was given to employee-relations activities; and personnel administration itself attained a new stature in federal government management. On the other hand Professor Kammerer lists four "unsolved problems of the war years". Efforts to transfer employees from less essential to more essential activities and to use promotion as an incentive were not very effective. Compensation in the higher levels of responsibility remained relatively low. The endeavor to place "ceilings" upon the volume of federal employment and to improve utilization of employees was not impressive. The use of loyalty standards for employment was never placed on any satisfactory basis. This volume is essentially a history of wartime personnel administration in the federal government. The author has been concerned to review major events within fairly limited terms of reference. It is a well-organized account, for the most part simply and clearly told. Any student of government will find it an invaluable record of what happened in personnel administration in our scheme of government. The broad issues still remain to be clearly enumerated and imaginatively explored.—JOHN D. MILLETT, Columbia University.

A book on the relations between the military and the civilian in a democracy in time of war—*Generals & Politicians: Conflict Between France's High Command, Parliament and Government, 1914-1918* (Berkeley and Los Angeles, University of California Press, 1951; vii, 294 pp. $3.50) by Jere Clemens King—has an unavoidable and inviting immediacy about it. The action takes place in France during the hectic, turbid years of the war of 1914-1918. The initial protagonist is a blindly arrogant high command, and the antagonist, a myopic government, and behind them a muddled parliament. Through the vicissitudes of war, generals and politicians changed rôles; the arrogance, the myopia and the muddle remained almost to the end. The subject is treated chronologically. After a brief introductory chapter setting the conflict between the military and the civilian in its sorry historical perspective, the book takes up such topics as the "military dictatorship" of Joffre, the problem created by politicians wishing, in immemorial fashion, to inspect the front, the Sarrail Affair, the crisis over the defense of Verdun, the "Fabian Policy of Pétain and Painlevé"—the problems which harried and defeated government after government and general after general until that vacuum of authority was created into which the *dei ex machina*, Foch and Clemenceau, were drawn. The last two chapters describe how Foch and Clemenceau, albeit frequently in bitter personal opposition, gave France a new impetus toward victory. The book ends abruptly with the armistice. No effort is made to balance the introductory chapter with a concluding one on the effect of the four-year wrangle between the military and the civilian on their future relations. The work is carefully collated, if not well considered. It is a synthesis of well-chosen snippets from virtually all the diaries, memoirs, biographies and secondary accounts of the period. Use has been made of a few newspapers and, of course, of the *Annales*. Quotes are unobtrusively footnoted at the end of the volume, and there is a useful bibliography. In short it is buttressed with serious study and accurate scholarship. Still the work is pedestrian, to say the most. It is marred by flyspecks of extraneous detail, names of lesser politicians and quickly forgotten dates. The approach is political in the narrowest sense of the word. All the concomitants of war politics—the sacred and divergent ideologies of various political parties as to how wars should be fought, the pinch of controls on a traditionally free economy, the problems involved in the conversion of civilian goods to military supplies—are unfortunately missing here. It would seem that more thought could have been given to the inherent difficulties and contradictions which democratic society faces in time of war, for this, after all, is the major problem of our times.—Edward L. Katzenbach, Jr., Washington, D. C.

Adam B. Ulam's *Philosophical Foundations of English Socialism* (Cambridge, Harvard University Press, 1951; 173 pp. $3.75) is a useful addition to the growing secondary literature on the history of modern English thought. Professor Ulam views socialism as "a definite stage in the development of political democracy, a stage prepared and analyzed by the idealism of philosophers and economists of whom many were nonsocialist or antisocialist in their beliefs." Accordingly, he begins with a discussion of the doctrines of Thomas Hill Green, Francis Herbert Bradley and Bernard Bosanquet. Then he proceeds to an analysis of Fabianism and guild socialism. And he concludes with chapters on the state and neo-idealism and on the recent theory of British reform. Professor Ulam is convinced that "British political institutions and the thought applied to them constitute one of the most important battlegrounds for the future of democratic government," and it is one of the leading virtues of his book that he succeeds in conveying to his reader not only his awareness of the importance of his subject but his enthusiasm for it as well. In one respect, however, his volume is disappointing: Professor Ulam works on the assumption that "the facts of a philosopher's life are of a secondary importance insofar as the appraisal of his work is concerned," and as a result of this assumption the individual thinkers whose ideas he discusses are often insufficiently rooted in time and space. Despite this failing, there is no question about the accuracy of the publisher's note on the jacket: Professor Ulam's book does have "real interest" for the general reader and the student of British history, government and political thought—interest that the recent election in Britain should not diminish.—Herman Ausubel, Columbia University.

Students of Latin American politics will be gratified by the publication of George I. Blanksten's *Ecuador: Constitutions and Caudillos* (Berkeley and Los Angeles, University of California Press, 1951; xii, 196 pp. $3.00) not only for its thorough and systematic treatment of political power in Ecuador but also for its grasp of the social structure underlying the governmental organization. The author is a member of the political science faculty at Northwestern University and while associated with the Department of State traveled extensively in South America. It is indeed the best study of any length and

in any language of Ecuador's constitutional and political problems. Furthermore, the author has provided a methodology which all students of comparative government will find valuable. Undeveloped areas like Ecuador are more susceptible to geographical and historical influences than industrialized states, and for that reason Blanksten's introductory chapters covering these aspects have particular significance. Subsequent analysis of parties and elections, the national administration, legislation, and judiciary is firmly based on Ecuadorean societal patterns where the "whites" which represent 20 per cent of the population dominate the remaining 80 per cent, and use the government, the church, the army and economic institutions as instruments of their control. The author indicates that the pattern of political instability, however, is derived less from these phenomena than from such other causes as the rivalries among the élite, the unrealistic distribution of power provided by Ecuador's fifteen constitutions, and the regional composition of political parties. The weak Ecuadorean legislature cannot implement the changing interests of the "whites" when confronted by a dominant executive, for indeed the processes of *caudillismo* lie at the heart of instability. For the present, orderly government in Ecuador awaits the reforms of the ruling class; the Indian masses are little affected by political institutions. In so far as provincial and local governments are creating an awareness among the Indians, however, the future may carry an additional and even more serious threat of rebellion from that quarter. Blanksten's analysis of Ecuadorean politics does not often proceed beyond 1948, and leaves the reader with the expectation that the Conservative party is in the ascendancy and that reform from above is less likely than the continuation of *caudillismo*. It is quite true that the Conservatives did win the November 1951 municipal elections. On the other hand President Galo Plaza Lasso's administration may have brought about necessary reforms and prove to be more than a constitutional interlude between *caudillos*. The author himself suggests that the Plaza régime could be expected to set the executive pattern under the 1946 constitution, and, should present plans for an orderly election materialize in 1952, Ecuador would witness not only a peaceful succession to the presidency but also the possible inauguration of a new era as significant for Ecuador as the turn of the present century proved to be for Uruguay. But Blanksten is supported by the weight of history, and any error in his analysis can be credited to an overemphasis of patterns of the past. If modern communications have already nationalized Ecuador's "whites", political stability may be imminent.—Martin B. Travis, Jr., Duke University.

Coolidge intimated that he would not submit another nomination, but upon adjournment of Congress would give Cohen another recess appointment.[25] A month later the Senate reversed itself and by a vote of 39 to 38 confirmed Cohen to the office which he had filled for a year without pay.

Offices to Which an Objection May Be Made

The rule of courtesy is ordinarily invoked only against appointments to offices located within the state of the objecting senator, such as judges, district attorneys, marshals, collectors of internal revenue, and others. It has also been invoked at times against nominations to national offices by a senator from the state of the residence of the nominee, but this usage is uncommon. Although in recent years it has repeatedly been stated on the floor of the Senate that the rule does not apply to national offices, the Senate in 1950 rejected Martin A. Hutchinson of Virginia, who was nominated to the Federal Trade Commission, because of the opposition of Senator Byrd. Illustrations of the application of the rule to national offices include the personal objection of Senator Hill of New York to the appointment of Messrs. Hornblower and Peckham to the Supreme Court in 1894, which prevented their approval, and the objection of Senator Gallinger to George Rublee, nominated by Wilson to the Federal Trade Commission in 1915. On several occasions the Senate in recent years has declined to honor a personal objection to an appointment to a national office. Thus the objection of Senators McKellar and Stewart to the reappointment of David Lilienthal to the board of the TVA in 1945 was not sustained. Senator LaFollette of Wisconsin invoked the rule of senatorial courtesy against the appointment of former Representative John J. Esch of Wisconsin in 1921 to the Interstate Commerce Commission, but the Senate confirmed him by a vote of 52 to 3. LaFollette's objection to Esch was due to the part which the latter had played in the passage of the railway act which bore his name. In an editorial commenting on the case, the *New York Times* stated that doubtless a senator who

[25] *New York Times*, Mar. 2, May 17, Dec. 11, 1923; Feb. 19, 26, 1924. See also Haynes, *op. cit.*, pp. 777-78.

stood higher in the favor of the party would have been able to block the appointment.[26]

In passing upon a personal objection of senators to a nomination, the Senate takes into account the standing of the senator, as well as the grounds of his objection, and whether the office is one located within the state of the senator or is a national office. When the Senate has declined to honor an objection it is usually due to the fact that the objecting senator is not in good standing with his colleagues. Thus the Senate at various times rejected the objections of Senators Holt, Long, Bilbo, Brookhart, and the elder LaFollette when he had broken with the leadership of his party. A senator who has not shown the usual courtesies to his colleagues may be denied the courtesy of the Senate.

Defense and Criticisms of the Rule of Courtesy

In the extended discussion of the rule of senatorial courtesy during the Senate debate on the Jonas appointment in 1931, Senator Watson, the Republican leader, stated that since coming to the Senate he had always followed "the policy of voting against the confirmation of any man appointed to a federal position if and when a Senator from the State in which he lived rose in his place on the floor of the Senate and stated that the appointment was personally obnoxious and personally offensive to him." [27] In 1932 Senator Bingham stated:

> I believe that when a Senator from a sovereign state stands up on the floor of the Senate and states that a nominee is not fit to hold a certain office, is personally obnoxious to him, that it is my duty, believing as I do, to vote with him, no matter how many of my friends may feel differently about the matter.[28]

During the hearings on the nomination of Judge Floyd H. Roberts in 1939, Senator King of Utah declared that under no circumstances would he vote for "any nominee against the protest of the Senators from that state, where they state that the

[26] *New York Times*, Mar. 21, 22, Apr. 17, 19, 23, 1921.

[27] *Congressional Record*, 72nd Congress, 1st sess., p. 6727 (Mar. 23, 1932).

[28] *Ibid.*, p. 13487.

Dr. Cosme de la Torriente is Cuba's outstanding authority on international law and has rendered much service to his native land during his more than four score years. He participated in the War for Independence, and since the establishment of the Republic he has been minister of Foreign Affairs under two presidents, chairman of the Committee on Foreign Affairs of the Senate for many years, delegate of Cuba to the League of Nations and president of its Fourth Session in 1923, minister to Spain and first ambassador to the United States. He was also president of the Cuban Society of International Law and of the War Relief Organization. In these latter capacities and as editor during recent years he has spoken often and written extensively on the subject of international relations. The Cuban Academy of History in *Por la Amistad Internacional, Escritos y Discursos* (Habana, El Siglo XX, 1951; xv, 455 pp.) has brought together in honor of Dr. Torriente a collection of his discourses and writings which serve to present his ideas and concepts regarding the many problems connected with the subject and in which much of his activity is revealed. He expresses his admiration for the United States and many of those who have contributed to her greatness, including Washington, Jefferson, Lincoln, McKinley, Wilson and Roosevelt. He repeats his appreciation for the share of the United States in the achievement of the independence of Cuba and favors the continuation of most friendly relations between the two countries. He was ever against the Platt Amendment and participated in the final abrogation of this arrangement. He was active in the solution of the problem of the ownership of the Isle of Pines. He frequently points out errors of Cuba in the conduct of her foreign relations and is critical at times of certain actions of the United States. Since the Dumbarton Oaks Conference he has dealt extensively with the problems and progress in the establishment and development of the United Nations. His basic thesis is that, rather than a new organization, the League of Nations should have been reorganized and given an effective life. He was opposed from the beginning to the idea of the veto on the part of the five Great Powers and has effectively presented his arguments and criticisms on repeated occasions. He is a proponent of the idea that there should be an equality among the large and small nations in any effective international organization. The volume serves to present the thinking and conclusions of a serious student regarding the present-day international tensions and situations and it is therefore a valuable contribution to the literature of the subject. By publishing the volume the Academy of History of Cuba has paid high tribute to Dr. Cosme de la Torriente, who, as Dr. Emeterio Santovenia, president of the Academy, says in the preface, "has labored persistently and diligently for progress in the ideas of international peace, justice and fraternity."—ROSCOE R. HILL, Washington, D. C.

Students of Marxism will find in R. N. Carew Hunt's *The Theory and Practice of Communism* (New York, The Macmillan Company, 1951; viii, 232 pp. $3.00) a valuable history and critique of Marxist ideology and Soviet practice. The author makes his position clear at the outset: communism historically has been an ideal of social justice embraced by men when faced with intolerable inequalities deriving from private ownership of property; Karl Marx took this historical instinct and applied it to the new class of workers when groping for some justification of their position in society. While recognizing the valuable contributions made by Marx, particularly in calling attention to the economic factors in historical change, the author rejects everything distinctive in Marxism. He holds that: an economic interpretation of history is inevitably narrow; state intervention and developments within capitalism have led to a rising standard of living, and not increasing misery for workers; the state, therefore, has positive value and cannot be considered merely an instrument of the ruling class; and, furthermore, the revolutionary leaders will be more likely to constitute a new ruling class than preside over the withering away of the state. Mr. Hunt also challenges the contention of Marx that ethical standards are dictated by class interests. He objects that "to prefer proletarian morality because the victory of the proletariat is guaranteed by the dialectic is incompatible with any view of ethics, since a thing is not necessarily desirable because it is unavoidable" (p. 83). However, he is careful to point out that Marx shared many ideas with the nineteenth-century liberals, "and not least a belief in democracy" (p. 74). The dictatorship envisaged by Marx at least took the form of the democratic republic. It was Lenin, according to Mr. Hunt, who wished to carry out the revolution through a highly centralized and undemocratic party, and Stalin who maintained power by making the party even more autocratic and bureaucratic. Therefore, he concludes, the Soviet Union today has not introduced socialism; while its industries have been nationalized, the one-party dictatorship has only intensified the exploitation of the workers. The Russians have rather evolved a system of state capitalism and have thus shattered the hopes of all who remain true to the humane visions of the early Communist prophets. Why, the author asks, has the communist movement for the emancipation of the workers degenerated into the police state? Because, he contends, "the world cannot be ruled by logic alone, and nominee is personally objectionable to them." [29] And in the debate on the nomination of Daniel D. Moore in 1934, Senator Wheeler of Montana stated that if a senator of either party entered a personal objection against a nominee he would vote against his confirmation, and he would expect other senators to do the same for him.[30]

Senator McCarran entered a plea to his colleagues to sustain his objection during the debate over the Boyle nomination in 1939, asking: "When will the hour come when one of you will stand as I stand here, and what will be your request on that occasion?" [31] A similar plea was voiced by Senator Neely during the debate on the Yoke nomination in 1938, who requested his colleagues to sustain his prerogative as the "recognized patronage dispenser" in his state, and to reject the objection of Senator Holt.[32]

The rule of senatorial courtesy was defended during the debate on the Jonas appointment in 1932 by Senator Dill, who stated that he thought it unlikely that any member of the Senate would declare that a nominee was personally objectionable to him without having "reasons which would justify any fairminded man in considering him personally objectionable." [33]

A recent defense of the custom under which senators of the party in power are permitted to select the judges to be appointed in their states, and hence of the sanction of senatorial courtesy, was made by Senator Douglas when the two contested Illinois judicial appointments came before the Senate in 1951. Contending that the provision in the Constitution requiring the advice and consent of the Senate to appointments was not intended to be "lightly construed", he declared that "the Senate was expected to play an active part in selecting federal

29 *Hearings before the Committee on the Judiciary on the Nomination of Floyd H. Roberts to be United States District Judge for the Western District of Virginia*, 76th Congress, 1st sess., 1939, p. 2.

30 *Congressional Record*, 73rd Congress, 2nd sess., p. 5244 (Mar. 3, 1934).

31 *Congressional Record*, 76th Congress, 1st sess., p. 8227 (June 29, 1939).

32 *Congressional Record*, 75th Congress, 3rd sess., p. 321 (Jan. 11, 1938).

33 *Congressional Record*, 72nd Congress, 1st sess., p. 6727 (Mar. 23, 1932).

judges." He advanced also the contention which was heard in the Constitutional Convention that the senators would be better informed than the President concerning the qualifications of citizens of their own states.[34]

One of the strongest defenses of the custom was made by Senator Adams during the debate on the McKellar rider in 1938 to extend senatorial confirmation to all employees outside of the civil service who received salaries of $5,000 or over, who said that his experience with the members of the Senate had led him to have the highest regard for their integrity and public spirit.

> In the few places and at the few times I have had a chance to make appointments [he said], I challenge comparison of the efficiency and integrity of the appointees with the efficiency and integrity of men who have been appointed by administrative boards and bodies . . . . The other members of the Senate and I are responsible to the people.[35]

Senator Norris, who frequently opposed proposals for the extension of senatorial confirmation, as well as the rule of senatorial courtesy, on the ground that it results in patronage and places federal offices on the political "pie counter", retorted that this speech could have been made by "the leader of any political machine in the United States—a machine kept alive solely by patronage." Continuing, he said:

> When the Senator from Colorado or any other senator says he fixed up his appointments all right, and the appointees were all good men when he got through them, I desire to respond that if he should do that in all cases, and go to the extreme to which he ought to go in order to find out whether they are good men or bad men, he would not have any time . . . to do anything else in the Senate; he would be an office boy.[36]

Senator Norris declared that the system of patronage appointments of postmasters "smells to high heaven." Senator

34 *Congressional Record*, 82nd Congress, 1st sess. (daily edition), p. 13101 (Oct. 9, 1951).

35 *Congressional Record*, 75th Congress, 3rd sess., p. 2430 (Feb. 25, 1938).

36 *Ibid.*, pp. 2430-31.

no ideal end gives to any man (or group) absolute power over the lives of others" (p. 211). With this conclusion there can be no dissent. The experience of the Soviet Union teaches all not blinded by personal interest or passion that socialism (or any pattern of human betterment) cannot be meaningfully secured in the absence of democracy.—BERNARD E. BROWN, College of the City of New York.

The *Bibliography of British History: The Eighteenth Century, 1714-1789* (Oxford, Clarendon Press, New York, Oxford University Press, 1951; xxvi, 642 pp. £2 2*s.*; $8.50) is the third volume of British historical bibliography to be issued under the direction of the American Historical Association and the Royal Historical Society of Great Britain. Edited by an American historian and a British historian, Stanley Pargellis and D. J. Medley, it follows in general the format of its predecessors, Conyers Read's bibliography of the Tudor period and Godfrey Davies' of the Stuart period, but it is considerably longer than either of them. The immense labor which has gone to produce the volume began under the direction of Professor Medley seventeen years ago. It is estimated that the number of contemporary and modern works cited runs to more than 12,000. In a brief preface the editors explain some of the principles which have guided them in the selection of sources and works of secondary literature.—R. L. SCHUYLER, Columbia University.

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McCarran inquired what the distinction was between the appointments of postmasters and of district attorneys, to which Norris replied that " both of them smell to high heaven." [37]

During the debate on the Jonas appointment in 1932, Senator Borah also condemned the rule of courtesy, saying that " there is only one safe rule the Senate can apply, and that is whether the nominee is a fit man to fill the place, not whether he is objectionable to someone." [38] In the debate on the same appointment Senator Hastings expressed grave doubts about the wisdom of the rule, saying that he did not " believe the people of this country are going to permit the personal pique of an individual Senator to defeat the nominee of a President for any office." [39]

In 1938 Senator Borah introduced a resolution calling for the discontinuance of the custom of senatorial courtesy as contrary to public policy. The resolution stated that nominations should be considered solely on the basis of the qualifications and fitness of the nominees, and that the practice which transfers the function of the Senate of passing on nominations to a single senator was in violation of the Constitution.[40] Senator Borah might have added in his resolution that senatorial courtesy also, in effect, transfers the function of nomination from the President to the senators of the individual states, provided they are of the same party as the President. His resolution was referred to the Rules Committee, and was never reported.

In 1942 Senator LaFollette said during the debate on a postmaster appointment in Wisconsin: " I have never since I have been a member of the body, raised the question of personal privilege and declared that a nominee is personally obnoxious to me, because I have never believed in that so-called unwritten rule of the Senate." [41] The following year Senator Hatch, in opposing the McKellar bill (S. 575) to extend senatorial con-

37 *Congressional Record*, 75th Congress, 3rd sess., p. 5207 (Apr. 11, 1938).

38 *Congressional Record*, 72nd Congress, 1st sess., p. 7434 (Apr. 5, 1932).

39 *Ibid.*, p. 7432.

40 *Congressional Record*, 75th Congress, 3rd sess., p. 361 (Jan. 12, 1938).

41 *Congressional Record*, 77th Congress, 2nd sess., p. 7128 (Sept. 14, 1942).

firmation to all employees receiving $4,500 and over, stated that when appointments have to be confirmed by the Senate, senators from the states affected actually make them, leaving the President with only a veto power. " The right to reject, which the Constitution vests in the Senate, has become the right to select." [42] Even stronger opposition to the rule of courtesy was also expressed by John Sharp Williams in 1921, when he declared in the Senate that he would resign his seat before he would vent his private spleen or voice his private enmity to defeat a nomination, " without being able and willing to give a public reason for his defeat." [43]

The Constitutional Issue

Discussions of the rule of the courtesy of the Senate have usually turned, not on its practical effects, whether the custom is in the public interest and how it affects appointments, but rather on whether it is authorized and is in accordance with the spirit and intention of the Constitution. The leading defense of senatorial courtesy made by Senator Elbert Thomas of Utah in 1939 in connection with the Roberts case, as well as the statement of Senator Douglas in 1951, stressed the constitutional issues. On the other hand, the leading attack on the custom, which was made by President Roosevelt in his letter to Judge Roberts in 1939, was likewise based on his interpretation of the Constitution. In the Roberts case the constitutional issues were sharply drawn, though the contest was strictly a partisan fight between the President and the Virginia Senators.

In the spring of 1938 the two senators from Virginia, on invitation of the Department of Justice, submitted the names of two persons whom they recommended for appointment to a new judgeship in western Virginia. The persons whom they recommended were both prominent members of the Byrd organization, and resided in Representative Flannagan's district, and had opposed him at the preceding election. Flannagan, who belonged to the anti-Byrd faction in Virginia politics, and who supported the New Deal, urged the appointment of Judge

42 *Congressional Record*, 78th Congress, 1st sess., p. 5822 (June 13, 1943).

43 *Congressional Record*, 61st Congress, 1st sess., p. 1454 (May 14, 1921).

Floyd H. Roberts. Both of the persons recommended by the Senators, as well as Judge Roberts, were conceded on all sides to be eminently qualified.

Newspaper reports had been published in Virginia that spring to the effect that the President planned to turn over the federal patronage in the state to the anti-Byrd faction of the Democratic party, and that Governor Price would control it. When he heard this report Senator Glass wrote to the President asking if it were true, but Roosevelt declined to confirm or to deny it. He invited Glass to submit his recommendations as usual, but maintained that the President had the right to consult with anyone whom he chose, including " Nancy Astor, the Duchess of Windsor, the WPA, a Virginia moonshiner, Governor Price, or Charlie McCarthy." [44] When the interim appointment of Roberts was announced in the summer of 1938, the Virginia press termed it a " declaration of war " on the two Virginia Senators. Prior to the appointment Roosevelt wrote to the two Senators to advise them of his decision, justifying it on the ground that Roberts was the best-qualified man, and Glass immediately telegraphed that he would enter a personal objection if the appointment of Roberts came before the Senate. The President had a difficult choice to make. He had been asked to choose between the candidate proposed by the only member of the Virginia delegation who supported the New Deal program, Mr. Flannagan, and two persons recommended by the Virginia Senators who had consistently voted against the administration. Moreover, the two Virginia Senators had recommended two prominent attorneys, both of whom resided in Representative Flannagan's district and had opposed him.

At the hearing on the nomination Senators Byrd and Glass entered a personal objection to Roberts, charging that the President had turned over the federal patronage in Virginia to Governor Price, an anti-Byrd man. Senator Byrd testified that the nomination had been made for the " purpose of being offensive to the Virginia Senators." [45] The nomination was rejected by

[44] This quotation was contained in Senator Glass's statement to the press, *Washington Post*, Feb. 9, 1939.

[45] *Hearings before the Committee on the Judiciary, U. S. Senate . . . on the Nomination of Floyd H. Roberts*, Feb. 1, 1939, p. 45.

the Senate without debate by a vote of 72 to 9, which was said to be the largest vote ever recorded against a presidential nomination.

The controversy over the case did not end with the Senate's rejection of Roberts. Two days later the President wrote a long letter to Judge Roberts, reviewing the case and commenting particularly on the constitutional issues, which led to much discussion throughout the country. Senators Glass and Byrd promptly issued replies to Roosevelt's letter, and editors and columnists joined in the public debate over the merits of the case. Stressing the point that no criticism whatever had been raised against Judge Roberts, President Roosevelt wrote him that he was the " unfortunate victim " of the unwritten rule of senatorial courtesy. Under this rule, which Roosevelt stated was not a part of the Constitution, the Senate " on somewhat rare occasions has rejected nominees on the ground of their being personally obnoxious to their Senators, thus vesting in individual Senators what amounts in effect to the power of nomination." In the present case, he went on to say,

> The Senators from Virginia have in effect said to the President—" We have nominated two candidates acceptable to us; you are hereby directed to nominate one of our candidates, and if you do not we will reject the nomination of anybody else selected by you, however fit he may be."

The rule of senatorial courtesy, he declared, amounts to a delegation of the confirmation power of the whole Senate to individual members, and has resulted in the rejection of men of outstanding ability, not because they were unfitted for office, but " on the sole ground that they were personally obnoxious to the Senator or Senators from the State from which they came." [46]

Senator Glass issued a blistering reply, in which he termed the President's letter " unprecedented ", " most extraordinary " and " inaccurate ". What the Virginia Senators objected to, stated Senator Glass, was " the delegated power of the President's political vice regent in Virginia to veto Senatorial nominations." The courtesy of consulting the senators of a state concerning

[46] The letter was published in full in the Washington *Star*, Feb. 8, 1939.

Reviews

Book Notes

The POLITICAL SCIENCE QUARTERLY is a non-partisan review. Every article is signed and represents the personal view of the writer. Manuscripts, books for review, and communications regarding articles and exchanges should be addressed to the Managing Editor, John A. Krout, Columbia University, New York 27, N. Y.

nominations to federal offices in their state had existed for years, he declared, "and a reading of the debates shows that the writers of the Constitution intended it to be perpetual."

Senator Glass vehemently denied that the two Virginia Senators had in effect said to the President that they would oppose any nominee other than those whom they had recommended. "We were prepared to accept any capable man", he declared, "who was not deliberately intended to be offensive to us by himself, completely ignoring us and willingly making himself the beneficiary of an attempt to dishonor us in our State and among our colleagues." Senator Byrd declared that the power of appointment of district judges was divided equally between the President and the Senate, and neither should seek to exercise virtually the sole power in such appointments.[47]

On February 9 Senator Thomas of Utah challenged the assertion of President Roosevelt that the power of nomination under the Constitution rested exclusively with the President, and that he was free to consult with whomever he wished. Conceding that the phrase "advice and consent" historically meant simply an "affirmative vote", Senator Thomas maintained that in American constitutional practice it had come to mean that the President must secure the advice of the Senate before he submits a nomination.

> In regard to appointments [he said] it [advice and consent] has generally been interpreted as a dual action and the Executive has taken advice. He, of course, cannot take the advice of 96 Senators about appointments to office in 48 States; therefore, he must of necessity, take the advice of those who are close to the problem.

The President, he contended, has a "constitutional duty" to seek the advice of the senators of his party concerning appointments in their states, and "where possible" to accept it. He asserted that senatorial courtesy, although indefinable, is a "necessary development in the perfecting of an extra-Constitutional party practice in our federal system." For the President to act without the advice of senators, and without following that advice wherever possible, he maintained, is dangerous

[47] Washington *Post*, Feb. 9, 10, 1939.

to the constitutional and extra-constitutional position of the President, and disruptive of party unity. Although the function of the Executive in some appointments had become at times "merely a perfunctory one", he stated that this had never been true of the Senate, and warned that presidents will continue to be made and unmade by the actions of the Senate. With characteristic senatorial myopia, he declared that the Senate is "the only creature of the government which has remained continually in existence . . . [and] will remain that body around which Government will revolve." [48]

The contention of Senator Thomas that the President has a "constitutional duty" to seek the advice—that is, the nominations—of senators of his party for appointments in their states, and "where possible" to follow them, has several obvious flaws. The wording of the Constitution is that "The President . . . shall nominate, and by and with the advice and consent of the Senate, shall appoint . . . ." The provision for the advice and consent of the Senate thus relates, not to the power to nominate, which is vested exclusively in the President, but is required before an appointment can be made. The phrase "advice and consent" historically has meant a simple action of approval or disapproval, and the debates of the Constitutional Convention indicate that it was so regarded when the section was adopted. That the power to nominate was vested solely in the President was maintained by Washington and has been so interpreted by presidents since that time, as well as by members of the Senate on various occasions. Hamilton wrote in the *Federalist:*

> It will be the office of the President to NOMINATE and, with the advice and consent of the Senate to APPOINT. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive, and oblige him to make another; but they cannot themselves CHOOSE—they can only ratify or reject the choice of the President.[49]

History has proved that Hamilton was in error in thinking that there would be no disposition on the part of members of the

[48] *Congressional Record*, 76th Congress, 1st sess., pp. 1284-85 (Feb. 9, 1939).

[49] No. 76. Emphasis in the original.

Preliminary Announcement

THE ACADEMY OF POLITICAL SCIENCE

FALL MEETING (72nd Year)

On Wednesday, November 12, the Academy of Political Science will hold its Fall Meeting at the Hotel Astor in New York City. The subject will be:

THE UNITED NATIONS: SUCCESS OR FAILURE?

After seven years, the time has come when the American people can begin to make a dispassionate appraisal of the United Nations. Increasingly, since the outbreak of hostilities in Korea, the United Nations has been the subject of much controversial discussion. It is appropriate that the Academy now should sponsor an objective analysis by men of the highest scholarly and practical qualifications.

Major topics will include:

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Detailed programs will be sent to all Academy members living within the Eastern area. **We will also be happy to send a copy of the full program to all other members on request.** This will be an important meeting, and we hope that our members and their guests will take full advantage of it.

Senate to urge appointments on the President, but his statement may be taken as a correct interpretation of the intention of the framers of the Constitution.

Another weakness in the contention that the Constitution requires the President to consult with the senators of each state about appointments within their states, and to nominate their candidates " wherever possible ", is that the " advice and consent " requirement applies not to individual senators but to the Senate as a body. If this provision is interpreted to require the President to seek and follow the advice of individual senators about appointments within their states, the President would be required to consult with senators of the opposite party as well as those of his own party—something which no one has ever contended.

The practice of the President to consult with senators of his own party about appointments in their states is based on custom and party tradition—not on the Constitution. The President does not have a " constitutional duty " to consult members of the Senate of his party about appointments in their state and to accept their candidates, but he faces the practical necessity for doing so or else have his nominations blocked in the Senate. Constitutionally, the President is free to consult with whomever he wishes, and to nominate without regard to the wishes of individual members of the Senate.[50] The custom which requires the President to consult with senators of his own party leaves him some discretion and room for negotiation and accommodation. To hold that the President has little or no discretion, but has a constitutional duty to nominate the person recommended by the individual senator or senators from the state where the office is located, would, in effect, turn the nominating power over to the individual senators, and make the function of the President truly perfunctory. It would destroy any semblance of responsibility for appointments—the prime consideration of the constitutional framers in vesting the appointing power in the President.

[50] Washington made this quite clear in a sharp rebuff to Senator James Monroe (later President) when Monroe advised against the appointment of Hamilton to negotiate a treaty with England. Washington, *Writings*, vol. XXXIII, pp. 320-21.

Conclusions

The objections to the rule of senatorial courtesy are weighty. It is the sanction by which members of the Senate of the party in power are able to dictate appointments to federal offices within their own states, and, in effect, transfers the nominating function for these offices from the President to the individual senators of his party, leaving the President with only a veto on the choices of the senators. It is the means by which patronage appointments are retained for subordinate federal officers who should be placed under the regular career service, selected by the departmental officers to whom they are responsible.

The effects of political selection of the heads of federal field offices in the Treasury, Justice, and Postoffice Departments, which is based on senatorial courtesy, have been serious, as the current scandals in the Bureau of Internal Revenue abundantly indicate. These scandals have brought to light conditions of graft, political influence, bribery and maladministration which have existed for years and were partially revealed by earlier investigations. In most instances these conditions are directly traceable to the patronage selection of the local collectors and their chief assistants, though the latter were covered under civil service ten years ago. These shocking revelations of political spoils are proof enough that political appointments are bad appointments, regardless of whether the patronage is dispensed by the President, the senator, or the local political leaders.

For many years local collectors of internal revenue and customs, marshals, and district attorneys have been selected for their service to the party or to the senator, with little regard to the duties and responsibilities of the office which they fill. Despite the pseudo civil service examination now required, postmasters are still selected by the congressmen of the party in office, and in districts represented by the opposite party, the selection is made by a senator or the local party leaders. This system of using the heads of important field offices as party spoils has grave drawbacks. Often the offices are treated largely as sinecures, with assistants doing the work of the head. The politically selected heads owe their allegiance and loyalty, not to their administrative superiors, but to their political sponsors.

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POLITICAL SCIENCE QUARTERLY

THE PRESIDENT AND THE LAW

DURING the current dispute about the President's seizure of the steel mills two doctrines, complementary rather than opposing, but equally fallacious and equally dangerous, have been started. One is that the President, as the sole possessor of executive power, has a *legal* authority, granted him by the Constitution itself, in cases of imperious necessity, to do whatever needs to be done in the public interest. The other is that, under no necessity whatever, can an officer, even the President, be excused for departing from the law.

The first of these doctrines has been vigorously defended by President Truman, by the Department of Justice, and by four members of the Supreme Court. I say four members, because, in the recently decided case of *Youngstown Co.* v. *Sawyer*, Justice Clark, concurring in the judgment of the Court but not in its opinion, associated himself with Chief Justice Vinson and Justices Reed and Minton in vindicating President Truman's claim to a residual power under the Constitution to save the country when in danger. Said Justice Clark: "In my view . . . the Constitution does grant to the President extensive authority in times of grave and imperative national emergency. In fact, to my thinking, such a grant may well be necessary to the very existence of the Constitution itself."

The second doctrine has been less explicitly asserted. It seems to lie at the back of the minds of those who, in dinner-table conversation, cast imputations of a criminal nature on the President of the United States and loudly call for his impeachment. For the charge made against the President is not so much that

The retention of patronage appointments for these officers greatly limits the opportunities within the several services for career employees to advance through merit to higher positions. Fortunately, this method of appointment of the heads of field offices has not been extended to other federal departments whose field services have been established more recently.

The results of political appointment of local federal judges have also been unfortunate, though higher standards are maintained than for other field officers appointed in this manner. The system as applied to the judiciary works reasonably well in those states where the senators and the party leaders are mindful of the high standing and qualifications which should be required for judicial appointments; in other states it has produced quite unfortunate results.[51]

It is quite unlikely that the Senate will ever discard the rule of senatorial courtesy by formal resolution, as was proposed by Senator Borah in 1938. For a period it appeared that the Senate would limit the use of the rule by requiring objecting senators to state their reasons, and sustain the objections only if they were found to be sufficient, but in the last several years the trend has been in the opposite direction. In 1950 and again in 1951 the Senate sustained objections to the *method* of the President's nomination, which is virtually equivalent to the former practice under which the objecting senator was required only to state that the nominee was " personally obnoxious " to him. In 1950 for the first time in many years the Senate rejected a nomination to a national office because of the political opposition of the senators of the nominee's state.

The reform needed today is to take the appointment of the heads of local federal offices out of politics, and to provide for their selection from the regular, career civil service. This is already the general rule in most departments and services, and the retention of patronage appointments of field officers in the older services is an anachronism. The selection of local federal judges, however, presents a different problem, for obviously they cannot be placed under the civil service. President

[51] The effects of senatorial courtesy on judicial appointments are discussed at length in my forthcoming book on *The Advice and Consent of the Senate.*

Hoover's attempt to elevate the standards of judicial appointments under the present system proved to be rather futile. It is assumed that the Senate would be unwilling to give up its right to pass upon judicial appointments, and it may be questioned whether it could do so under the Constitution. The solution would not appear to be to give the President an uncontrolled discretion in the appointment of judges, which might lead to worse results. It is suggested that the solution lies rather in the creation of a commission on judicial appointments, whose function it would be to review the qualifications of persons under consideration for judicial appointment, to prepare panels of qualified persons, and to advise the President. Such a commission should be one of great standing and prestige, preferably headed by the Chief Justice, and consist of judges selected from each level of the federal bench, the Attorney General, and representatives of the bar, the leading law schools, and the public. In the course of time, a commission of this kind should be able to elevate the standards for judicial appointments and go far toward taking them out of politics.[52]

Joseph P. Harris

University of California

[52] This suggestion was advanced by Harold Laski in his *Studies in Law and Politics* (New Haven, 1932), pp. 163-80.

REFLECTIONS ON THE FRENCH REVOLUTION *

EVERY schoolboy, as Macaulay would say, knows that there was such a thing as the American Revolution. He probably even knows that it took place in 1776. It is likely that every schoolboy, even nowadays in the United States, has at least heard of the French Revolution. Many would correctly associate it with the year 1789. But it would be a learned schoolboy who could name any other revolutions that took place at this same time. And if, after mentioning the American and French Revolutions, our imaginary youthful friend became puzzled and silent when further questioned, it would not be his fault. We historians would be to blame. We have not sufficiently impressed one of the momentous facts of our history upon the popular or schoolboy consciousness, which is the historical consciousness that really matters, since it eventually becomes the historical consciousness of Senators, ECA Administrators, delegates to the United Nations, editorial writers or spokesmen for the Voice of America. I refer to the fact that the whole Atlantic civilization was shaken by revolution a century and a half ago.

Too often we think simply of a " French " Revolution, which then " expanded " to much of Europe. Edmund Burke, implacable enemy of this revolution, knew better. In 1796, after four years of war, he saw the old Europe collapsing under French republican victories. " It is not France extending a foreign empire over other nations," he wrote; " it is a sect aiming at universal empire, and beginning with the conquest of France." [1] If, for " sect ", we read " certain restless spirits disaffected with the old régime " the statement describes the condition of Europe, and America, in the decade of the 1790's.

* The present article is based on a lecture given at the University of Missouri on March 29, 1951. The author is much indebted to members of graduate seminars at Princeton.

1 *Letters on a Regicide Peace* (1796) in R. J. S. Hoffman and P. Levack (editors), *Burke's Politics* (New York, 1949), p. 462.

Burke died in 1797, terrified by the fear that all Europe, including most emphatically Great Britain, was about to be swept into revolution. Revolution broke out in Ireland in 1798. Dutch historians speak of revolution in the Netherlands in 1795, when the Batavian Republic was founded, and of a more radical movement of 1798. The Swiss feel that they were revolutionized in the Helvetic Republic of 1798. Italian writers speak of revolution in Milan in 1796, in Rome in 1797, in Naples in 1798. The Cisalpine, Roman and Parthenopean republics were the outcome. The Poles struggled to form a new state before, during and after the Partitions of 1793 and 1795. In the German Rhineland there were some who demanded annexation to France, or, that failing, the establishment of a revolutionary " Cisrhenane " or Rhineland Republic.[2] Elsewhere in Germany the disturbance was largely ideological. The philosopher Fichte, an ardent revolutionary thinker, found it " evident " in 1799 that " only the French Republic can be considered by the just man as his true country." [3] The city of Berlin was notably pro-French. In Spain revolution was no great menace, but the Catholic King, the Bourbon Charles IV, was reported by an eyewitness, in 1799, to wear a white satin vest on which was printed the constitution of the French Republic.[4] In Greece, in 1797, delegates from Athens, Crete, Macedonia and other parts of the Greek world met at a secret conclave in the Morea; they planned an uprising of all Greeks against the Ottoman Empire, if only the French would send weapons, ammunition and a few units of the French army.[5]

And at the other extremity of the Atlantic civilization, in the then thinly settled American Middle West, long after the Terror in France is supposed to have brought Americans to their senses, there was still so much pro-French feeling, so much

2 Jacques Droz, *La Pensée politique et morale des Cisrhénans* (Paris, 1940).

3 *Idem, L'Allemagne et la Révolution française* (Paris, 1949), p. 279.

4 Beatrice Hyslop, " French Jacobin Nationalism and Spain ", in *Nationalism and Internationalism: Essays Inscribed to Carlton J. H. Hayes* (New York, 1950), p. 234.

5 A. Dascalakis, *Rhigas Velestinlis: La Révolution française et les préludes de l'indépendance hellénique* (Paris, 1937), p. 15.

he did wrong in seizing the steel mills as that he did wrong in breaking the law.

In a more subtle way this same notion—that the laws of Congress ought never to be violated—underlies much of the reasoning which, in the *Youngstown* case, has been brought to bear by individual justices of the Supreme Court on the moot question of residual power. Chief Justice Vinson, in his dissenting opinion, has constructed a dilemma to prove that the power exists: either the President has a residual power, under the Constitution, to save the country when in danger, or he has not; if he has, well and good; if he has not, the country must be lost when danger comes; the second alternative being inadmissible, the first must be accepted. But this reasoning is wholly invalid, except on the assumption that the only action possible in emergencies is legal action. Some of the remarks of Justice Douglas, though directed toward a different conclusion, seem grounded on the same assumption.

Both of these doctrines, however, would have been denounced by the Founding Fathers, had they ever heard them seriously urged in the United States: the first, because it is bottomed on a principle of high prerogative which in the eighteenth century, on both sides of the Atlantic, in English-speaking countries, was considered " a thing so odious in its very name, but so settled in the notions of it, and so exploded in theory as well as practice, that nobody ever thought of it, but to hate it, and to thank God it was utterly exterminated out of the pure solar system of the English government, and English liberty "; [1] the second, because it is against common sense.

The Founding Fathers, it is important to understand, were not " so strait laced, as to let a nation die or be stifled, rather than it should be helped by any but the proper officers." [2] On the contrary, they thought it incumbent on those who accept great charges to risk themselves on great occasions, when the safety of the nation or some of its very high interests were at stake. But—and here is the significant point—they never con-

[1] The quotation is from A Speech in Behalf of the Constitution against the Suspending and Dispensing Prerogative, etc., 16 *Parliamentary History of England,* 251.

[2] The phrase is from Lord Halifax' "The Character of a Trimmer" in *Works* (Oxford, 1912), p. 65.

founded acts which the law says may be lawfully done in a case of necessity with acts done in violation of the law for the public good. They never pretended that acts of the latter type were legal acts. When, in some cases of urgent necessity, they ventured to act without law or against law, they boldly took a responsibility; they ran the risk of the law, sometimes the risk of their fortune in damages; then they hastened to acknowledge on the records of the legislature that they had done a thing, meritorious indeed, but illegal; and they asked the legislature to cover them with an indemnity.

Two examples will serve to illustrate their practice. The first was quoted by Representative White of Virginia in the first session of the First Congress:

> I will relate an example. In Virginia, when the operations of the war required the exertions of the chief magistrate beyond the authority of the law, our late governor Nelson, whose name must be dear to every friend of liberty, was obliged to issue his warrants and impress supplies for the army; though it was well known he exceeded his authority, his warrants were executed, his country was benefited by this resolute measure, and he himself afterwards indemnified by the legislature. This corresponds with the practice under every limited government.[3]

The second case is much the same. In 1806, during the recess of Congress, the *Leopard* attacked the *Chesapeake*. War with England appeared a possibility. The magazines were ill-provided with some necessary articles, nor had any appropriations been made for their purchase. In these circumstances Jefferson did not hesitate to provide them and place the country in safety, even though, in so doing, he violated the appropriation laws. Then he made a full disclosure to Congress and asked for an acquittance:

> To have awaited a previous and special sanction by law would have lost occasions which might not be retrieved. . . . I trust that the Legislature, feeling the same anxiety for the safety of our country, so materially advanced by this precaution, will ap-

[3] Thomas Lloyd, *Congressional Register,* I, 525-526. See also Jefferson's *Works* (Ford ed.), XI, 223.

> prove, when done, what they would have seen so important to be done if then assembled.[4]

In due course the *ex post facto* sanction which he asked was given.[5]

What is the constitutional doctrine which lies under these two particular cases and the many, exactly like them, that might be cited? It is simply this: Imperious circumstances may sometimes require the high officers of government to act *outside* the law; but when such action is taken, the causes of it ought to be truly imperious, and ought to be stated immediately to Congress, who is the only judge of the propriety of the measure, and not the man who has usurped its decision. If it shall appear, after full investigation, that the officer has acted honestly, under the pressure of such urgent necessity as he professes, then it becomes the duty of the Congress to sanction his illegal act—if damages have been recovered against him, to indemnify him for those damages.[6] On the contrary, if it shall turn out that the officer has acted unnecessarily and wantonly, from malice or resentment, Congress may decide to let him suffer the consequences.

* * * * * *

That this doctrine was accepted by every single one of our early statesmen can easily be shown. In 1793 William B. Giles of Virginia introduced in the House of Representatives a series

[4] J. D. Richardson, *A Compilation of the Messages and Papers of the Presidents*, I, 428.

[5] Act of November 24, 1807.

[6] The nature of an act of indemnification was explained in 1807 by Representative Barnabas Bidwell: "By indemnification, I do not mean an act of indemnity, in the British sense of the term, pleadable in bar both to an action for damages and to a prosecution for an offence. Such an act might here be considered unconstitutional and void. A remuneration for damages incurred has been the mode of indemnification adopted by our Government." (16 *Annals of Congress*, 564.) When damages were recovered against George Little, captain of the frigate *Boston*, for doing an illegal act in pursuance of orders from President John Adams, Congress reimbursed his damages, interest, and charges, from the Treasury of the United States (Act of January 17, 1807). The same course was followed in the similar case of Alexander Murray, captain of the frigate *Constellation* (Act of January 31, 1805). For the facts in these two cases see *Little* v. *Barreme*, 2 Cranch 170, and *Murray* v. *The Charming Betsey*, 2 Cranch 64.

of resolutions charging the Secretary of the Treasury with violating the appropriation laws. The first of these resolutions was phrased in the following terms:

> *Resolved*, That it is essential to the due administration of the government of the United States, that laws making specific appropriations of money should be strictly observed by the administrator of the finances thereof.[7]

Animadverting upon this proposition as specious but unsound, William Smith of South Carolina, Hamilton's spokesman in the House, proceeded substantially as follows:

> Though the position contained in the first resolution, as a general rule, was not to be denied; yet it must be admitted that there may be cases of a sufficient urgency to justify a departure from it, and to make it the duty of the legislature to indemnify an officer; as if an adherence would in particular cases, and under particular circumstances, prove ruinous to the public credit, or prevent the taking measures essential to the public safety, against invasion or insurrection. . . . Before the committee could come to a vote on such a proposition, it would be proper to examine into the exceptions out of the rule, to state all the circumstances which would warrant any departure from it. . . . Did any member wish at this period to attempt this inquiry? He supposed not. Let every deviation from law be tested by its own merits or demerits.[8]

The validity of this argument was not formally brought to debate because of the refusal of the House to involve itself in an investigation of theoretic principles of government when the short residue of the session was barely sufficient to examine the specific charges brought in Giles's subsequent resolutions. But it does not appear that anyone really held any other view. Findley, one of the most emphatic of the proponents of the resolutions, specifically conceded the point:

[7] *Journal of the House of Representatives*, Second Congress, second session (Philadelphia, 1793), p. 147.

[8] *Gazette of the United States*, IV, 321 (March 9, 1793). This speech is said to have been written by Hamilton. H. J. Ford, *Alexander Hamilton* (New York, 1920), p. 276.

democratic, republican, anti-Federalist sentiment, so much inclination to separatism or secession, to break away from the allegedly aristocratic East, that the outgoing president, George Washington, in his Farewell Address, earnestly begged his Western countrymen to put their trust in the United States. In 1798 the folk hero, George Rogers Clark, holding a commission as brigadier general in the army of the French Republic, attempted (for the second time) a secret recruiting of Kentuckians to invade and " revolutionize " Louisiana, which was then Spanish, and meant the whole territory west of the Mississippi. Blocked by an unsympathetic United States government, he fled to St. Louis. Here, a thousand miles up the winding Father of Waters, on the outermost fringes of the civilized world, there was a society of French *sans-culottes* to receive him.[6]

All these agitations, upheavals, intrigues and conspiracies were part of one great movement. It was not simply a question of the " spread " or " impact " or " influence " of the French Revolution. Not all revolutionary agitation today is inspired by the Kremlin, and not all such agitation in the 1790's was due to the machinations of revolutionary Paris. It is true, and not without contemporary significance, that persons of revolutionary persuasion, that is, active and convinced republicans, were everywhere a minority, and that they managed to install revolutionary régimes only where they could receive help from the French republican army. The same is probably true of France itself in the 1790's. The point, at present, is simply that revolutionary aims and sympathies existed throughout Europe and America. They arose everywhere out of local, genuine and specific causes; or, contrariwise, they reflected conditions that were universal throughout the Western World. They were not imported from one country to another. They were not imitated from the French, or at least not imitated blindly. There was one big revolutionary agitation, not simply a French Revolution due to purely French causes, and foolishly favored by giddy people in other countries.

[6] Arthur P. Whitaker, *The Mississippi Question 1795-1803* (New York, 1934), p. 155.

For this one big agitation there is no name, but it may be called the Great Democratic Revolution. A few definitions are in order, because many misunderstandings are possible. Revolutionary democracy is not the same as established democracy. The " democrat ", in the established democracies of 1951, is one who abstains from violence within the state, marches peaceably to the polls, selects between candidates offered by freely competing political parties, and returns home to await the announcement of the majority decision, which he accepts as the rule of law until it is changed by the same procedures. There is furthermore, in an established democracy, the thought that virtually all adults may freely vote, and that the majority is a majority of all who vote, counted numerically. Such democratic behavior, when it works, is far from revolutionary, because it works only if all parties agree to it, and it works best when it is inherited and taken for granted.

Believers in democracy today, emphasizing peaceable elections, universal suffrage and majority rule, sometimes reject the claim made by or for the revolutionaries of the 1790's to be democratic. It is a little as if we refused to call Calvin a Protestant because he failed to resemble a modern Presbyterian minister. Calvin was a fighter, an intolerant fanatic; so were some of the " democrats " of the 1790's. There has been a tendency, in recent American historical usage, to use the terms " Jacobinism " or " Jacobin nationalism " for revolutionary democracy.[7] This use of " Jacobin ", as of " nationalism ", is little known outside the United States except in highly partisan writings. It probably derives from the pioneering work of Crane Brinton and Carlton J. H. Hayes, from which much has been learned,[8] but a continuing overuse of such terms results in an obscuring of the issues. It suggests that " Jacobin nationalism " was an

[7] See Miss Hyslop's article cited in note 4 above; the editors' introduction to *Burke's Politics* cited in note 1 above; Crane Brinton, *A Decade of Revolution* (New York, 1934); and the writings of some of Hayes's students, such as G. G. Van Deusen, *Sieyès: His Life and His Nationalism* (New York, 1932), and J. M. Eagan, *Maximilien Robespierre: Nationalist Dictator* (New York, 1938).

[8] Crane Brinton, *The Jacobins: An Essay in the New History* (New York, 1930), where the term is restricted to actual members of the club; C. J. H. Hayes, *Historical Evolution of Modern Nationalism* (New York, 1931).

> I will admit that an executive officer, pressed by some urgent and unexpected necessity, may be induced to depart from the authorized path of duty, and have great merit in so doing. This may be the case with the general of an army or the admiral of a fleet, and, though more rarely, even with a financier. But in such emergency, the officer so acting will embrace the earliest opportunity to explain the matter and obtain a justification whilst the recent feeling arising from the occasion advocates his cause in the public mind. Has the Secretary done so in the present instance? No; his conduct has been the very reverse.[9]

Hamilton, of course, denied that he had violated any law; and the House sustained his denial.

In 1807 a somewhat similar debate was occasioned in the House of Representatives by the action of General Wilkinson at New Orleans in wilfully disregarding a writ of habeas corpus. A motion was introduced by Representative James M. Broom of Delaware to fortify, by penal laws, the privilege of that writ. This motion was attacked and defended on various grounds. But upon one point both sides were agreed: a case might be conceived in which an illegal suspension of the writ of habeas corpus might be an act so meritorious as to deserve the applause of the nation rather than its indignant frowns. According to Representative Bidwell,

> No one would deny that the commander of an army or of a post might be so circumstanced, that it would be his duty to make a seizure of suspected persons, or perhaps do other acts not provided for by any law. In such a case he must act under a high responsibility, and throw himself upon the justice of his country.[10]

Representative Early made the same point:

> Actions for damages are no doubt to be brought against the Commander-in-chief. Whether the damages which may be recovered, ought or ought not to be made good to him by the Government, must depend upon circumstances yet to be developed. That he has violated both law and Constitution, is not denied.

[9] *National Gazette*, II, 156 (March 13, 1793).

[10] 16 *Annals*, 516.

> But whether there existed that imperious necessity for such violation, which alone can justify it, and give him a claim upon the Government for the damages to which he may be subjected in consequence thereof, can only be determined upon a full view of all circumstances.[11]

Even Representative Broom admitted "that there may be circumstances under which it might be the duty of a public officer to depart from the laws and take the responsibility upon himself." [12]

In the debates of 1807 on the making of an *ex post facto* appropriation to cover the illegal expenditures incurred by President Jefferson after the incident of the *Chesapeake*, the same general agreement between Federalists and Republicans as to the course of action to be pursued in emergencies was exhibited. Dana, a Federalist, remarked that the great broad question was whether or not it was proper for Congress to make appropriations to cover expenditures of public money not authorized by law. This question had long been decided by practice:

> Prior to the year 1801, expenses were incurred without the express sanction of Congress; they were incurred with a view to the public service in case of emergency. It was then discretionary with Congress either to approve or disapprove this conduct; if they approved it they passed a bill making an appropriation to cover the expenditure. . . . In 1807, when public expectation was directed to the Executive, it had been thought proper to incur certain expenses for insuring the public safety. A public officer, who in a moment of public exigency undertakes to purchase supplies, may rely on public support. If the Legislature condemns the procedure, the officer must bear the loss. Would you, said Mr. D., had you assembled at this time, with a knowledge of all the existing circumstances—would you have authorized these expenses to be incurred? This was the fair question, and was presented to them under favorable circumstances for determination.[13]

The supporters of the President defended the same general principle. To give but a single example: Representative G. W. Campbell, chairman of the committee of ways and means, re-

[11] 16 *Annals*, 518. [12] 16 *Annals*, 570. [13] 17 *Annals*, 827.

anticipation of totalitarianism rather than of democracy. This is not the last word of historical wisdom on the subject, though it is true that the histories of democracy and of totalitarianism are interrelated.

The "Jacobins", after all, were members of a well-known club, called successively the Friends of the Constitution and the Friends of Liberty and Equality. This club was closed in November 1794; thereafter very few French republicans accepted the name "Jacobin" for themselves. It became almost purely an epithet. It is still a good rule, in the interests of non-partisanship, to avoid calling people by names which they do not accept. Sensible conservatives understood this at the time. Mounier, who detested the Jacobins, observed that there was a Jacobinism of aristocracy or of religion as well as a Jacobinism of democracy—the term meant to him an unscrupulous willingness to use force against one's opponents.[9] An American Federalist noted in 1803:

> "Jacobin" is too offensive to obtain currency as a universal name, and excepting to the leaders of the [democratic-republican] party, unjust; the appellation of republican is claimed in common by both parties, and therefore is not the least discriminative; whereas *democrat*, being the name taken by themselves and liable to no objection on our part, is that which alone should be used in writing of our political opponents.[10]

People then knew that they differed and fought over "democracy". A genteel tradition suppresses this fact today. It is more acceptable nowadays to say unpleasant things about "Jacobins" than about "democrats". It is more edifying to look for the origins of modern democracy, not in the horrors of revolution, but in the "classical and Christian tradition", in the works of Thomas Aquinas or the slow growth of British parliamentary institutions.

What, then, was revolutionary democracy as distinguished from established democracy? Since history is not logic, it actually clarifies the issue to adopt a vague and comprehensive definition. The basic idea was vague and comprehensive at the time. Revolutionary democracy, in the 1790's, was an overmastering and obsessive belief in the Sovereignty of the People. It was a popular idea, or rather an *idée-force*, a mixture of thought and feeling, an impulse motivating action, and a theory by which action was rationalized.[11] It appeared at all social levels, from rich to poor, and from the most educated to the least. It was not derived from books, though Rousseau of all writers had best expressed both the theory and the feeling. In intensity of feeling, in the number of persons who felt it, and in the range of specific matters to which it was applied, the idea of the Sovereignty of the People was something new. It was not the same as the idea, for which medieval and ancient exponents could be found, that government rose out of and represented the community. It was new, and revolutionary, in that it really meant Sovereignty, that is, absolute lawmaking or norm-setting power, and it really meant People, that is, the whole population considered in its relation to public authority.

The Sovereignty of the People, like Luther's priesthood of all believers, meant different things to different persons from the beginning, and was more passionately insisted upon at the beginning than it was later. It appeared as the power supposed to create government: in America in 1776 it is the "people" who "alter or abolish" government; in 1787 "we the people" establish a constitution; the French, in 1789, declare that no form of public authority is legitimate unless it "emanates expressly from the nation", that is, the people. Not merely government, but any public authority, is in question. Hence the public authority of churches and of feudal personages is undercut. To Frenchmen who thought themselves good Catholics, in 1790, it seemed reasonable and obvious for "citizens" to choose bishops and priests by election.[12] Indeed the Sovereignty of the People

[9] J. J. Mounier, *De l'influence attribuée aux philosophes, aux franc-maçons et aux illuminés sur la Révolution de France* (Paris, 1822), p. 122—first edition, 1802.

[10] Quoted by D. R. Fox, *Decline of Aristocracy in the Politics of New York* (New York, 1919), p. 87.

[11] J. Belin, *La Logique d'une idée-force: L'idée d'utilité sociale et la Révolution française* (Paris, 1939).

[12] As provided in the Civil Constitution of the Clergy, 1790. It is less generally known that the resulting constitutional (and schismatic) church remained internally divided for ten years by a kind of democratic movement (called "presbyterianism" by Catholic writers) which asserted the powers of parish priests against

marked that " cases of exigency required extraordinary remedies ",[14] and pointed out that the question before the House was " whether the House would sanction these expenditures or not: whether the exigency of the case would justify them? "[15]

Jefferson's view on the question of broad principle was no different from Hamilton's. He expounded it at length in a letter of September 20, 1810, addressed to John B. Colvin, a clerk in the State Department who had propounded to him the following questions: " Are there not periods when, in free governments, it is necessary for officers in responsible stations to exercise an authority beyond the law—and was not the time of Burr's treason such a period? "[16] Jefferson answered both of these questions affirmatively:

> The question you propose, whether circumstances do not sometimes occur, which make it a duty in officers of high trust, to assume authorities beyond the law, is easy of solution in principle, but sometimes embarrassing in practice. A strict observance of the written laws is doubtless *one* of the high duties of a good citizen, but it is not *the highest.* The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation. To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the end to the means.[17]

As far as General Wilkinson's conduct at New Orleans was concerned, the various circumstances of the case " constituted a law of necessity and self-preservation, and rendered the *salus populi* supreme over the written law." But Jefferson knew that the law of necessity was not law in the ordinary acceptation of that term. He did not subscribe to the exploded notion of the tendency of acts for the public good being sufficient to make them legal. And so he was careful to point out that a man who takes upon himself the responsibility for an act outside the written

[14] 17 *Annals*, 829. [15] 17 *Annals*, 824.

[16] Colvin to Jefferson, Sept. 14, 1810 (Library of Congress, Jefferson Mss.). Colvin was ghost-writing one of the volumes of Wilkinson's *Memoirs*.

[17] Jefferson to Colvin, Sept. 20, 1810, Jefferson's *Works*, XI, 146.

law must get an acquittance from Congress or suffer whatever consequences may follow from a deliberate and open breach of the law:

> The officer who is called to act on this superior ground, does indeed risk himself on the justice of the controlling powers of the constitution, and his station makes it his duty to incur that risk. . . . The line of discrimination between cases may be difficult; but the good officer is bound to draw it at his own peril, and throw himself on the justice of his country and the rectitude of his motives.[18]

* * * * * *

The contrast between the principles of emergency action which were accepted by our early statesmen and those which have been vindicated and defended by President Truman, the Department of Justice, and a minority of the Supreme Court in the steel seizure case is almost immediately obvious. For there is a wide difference between saying that the President has a *legal power* and saying that officers may act *at their peril.*

An officer who is called upon to risk himself for the public good—who must depend upon a positive act of Congress to justify him for a usurpation of power—is in a very different situation from an officer who can merely be charged with abusing a power which is legally his, who can plead necessity as a *legal* defense. The former will be very careful to see that the necessity which he pleads to excuse his act (not to justify his power) is indeed invincible; he will also take care that the necessity be not occasioned by any fault of his own, lest his very excuse be turned against him as an accusation. The latter, however, can act with less caution. He can safely resolve all doubtful cases in his own favor; for an abuse of power—unlike a usurpation—is condoned by the nonaction of Congress.

There is this, too, to be considered. A breach of the law, even a necessary one, that ought to be justified, can never destroy the law. It stands upon the records of Congress as an exception out of the law to be transmitted to posterity " as a safe-

[18] *Ibid.*, pp. 148, 149.

soars even higher; in 1794, by solemn pronouncement, "the French people recognizes the existence of the Supreme Being and the immortality of the soul."[13] The same *idée-force* breaks into economics. In the American and the French Revolutions, and in the accompanying Belgian, Dutch, Swiss and Italian movements, the "people" confiscates the property of kings, governments, clergy, *émigrés* or counterrevolutionaries, to re-sell it to individuals as private property; but there are also, in 1796, a few extremists, like Babeuf and Sylvain Maréchal, who believe that the people should really possess all productive wealth under national ownership. "People of France!" wrote Sylvain Maréchal. ". . . . We aspire to the COMMON GOOD or the COMMUNITY OF GOODS."[14] This was thought exaggerated at the time, but it followed as logically as anything else from the Sovereignty of the People.

Politically, the Sovereignty of the People was equally undifferentiated. It might go with constitutional monarchy or with republicanism, though in practice it led to republicanism because few monarchs were yet willing to be constitutional. It

the constitutional bishops. See E. Préclin, *Les Jansénistes du dix-huitième siècle et la Constitution Civile du Clergé* (Paris, 1929); and more currently, in the *Annales historiques de la Révolution française*, janvier-mars, 1951, an article on "Le presbytérianisme dans les conciles de 1797 et de 1801", by the Abbé Jean Boussoulade, who (p. 24) speaks of "these presbyterian tendencies given a new vigor by the democratic current." To the conservative *émigré*, Cardinal Maury, in 1800, it seemed that the French constitutional clergy was "intoxicated with presbyterianism and democracy." André Latreille, *L'Église catholique et la Révolution française* (Paris, 1950), vol. II, p. 14. The connection (or guilt by association) between religious and political radicalism is suggested by Fichte, when in 1799 he protested against the accusation of being an atheist: "The motive of the charge is clear; it is notorious . . . . In their eyes I am a democrat—a Jacobin, in a word. Any horrors, without proof, can be believed of such a man. Against him any injustice is permitted. It is not my atheism that they are hunting down, it is my democratism." Droz, *L'Allemagne et la Révolution française*, p. 272.

[13] Decree of the National Convention Establishing Worship of the Supreme Being, May 7, 1794. See J. H. Stewart, *Documentary Survey of the French Revolution* (New York, 1951), p. 526.

[14] Sylvain Maréchal, *Manifeste des égaux* (1796). This communistic manifesto was not formally approved by the Babeuf group, for fear of alarming the "straight" democratic or old Jacobin element, on whose support they were counting. See G. Walter, *Babeuf* (Paris, 1937), pp. 192-96.

might signify the republic of Hamilton or of Jefferson, of Robespierre, the Directory or General Napoleon Bonaparte. It might or might not be "national". Revolutionists in Milan proclaimed the Sovereignty of the People—of Lombardy.[15] There was a "sovereign people" of the state of Virginia, rather more than of the United States. To Brissot or Thomas Paine the people of the whole world were sovereign, about to rise, so they hoped, in a universal upheaval. The democratic idea of the Sovereignty of the People might, or might not, imply the further democratic idea of universal equal suffrage. Upholders of popular sovereignty, in both Europe and America, feared to give the vote to the poorest classes. Such fears were sometimes antidemocratic, but sometimes they were not; in Europe, if not in America, the mass of the population, if given the vote, would in all probability have voted itself straight back into the old régime. The Sovereignty of the People did not, in fact, necessarily connote voting or parliamentary procedures at all. It did not do so for Rousseau, nor for Fichte. Under revolutionary conditions the basic idea was not yet institutionalized, the driving impulse was not yet channeled. There was much experimenting with direct democracy. Some said that local assemblies of citizens, local municipalities, "communes", patriotic clubs, surveillance committees, correspondence committees, voluntary national guards, or the soldiery of citizen armies when led by patriot generals more truly expressed the Sovereignty of the People than formally elected representative bodies. Insurrection itself was considered a popular manifestation; if there is a riot in Paris, whether against the king in 1789 or against the elected Convention in 1793, it is the "people" that has risen—*le peuple est debout!* Probably the same psychology of direct democracy could be found in Shays' Rebellion or the Whiskey Rebellion in the United States. All such were manifestations of the still undifferentiated democratic impulse. It would unduly formalize the subject to exclude such anarchic tendencies from the history of incipient or revolutionary democracy.

[15] B. Peroni, "La passione dell' independenza nella Lombardia occupata dai Francesi: 1796-97", in *Nuova rivista storica*, vol. XV (1931), pp. 67, 76.

guard of the constitution, that in future times no evil might come of it, from a precedent of the highest necessity, and most important service to the country." But an act legally done can always be drawn into precedent. If the President be conceded a sort of chancery power to suspend or dispense with laws, or with the execution of laws, or to make laws for the time being, on suggestions of equity or expediency, for the safety of the people, then the acts of Congress are uncertain and positive law is brought under the discretion, that is the pleasure, of the President. For if the President is the judge of the necessity, his power is unlimited; he may apply his discretion to any instance whatever; and, since "men by habit make irregular stretches of power without discerning the consequence and extent of them," one small wrong must lead to a greater one, and in the end force must become the measure of law, discretion must degenerate into despotism.

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It is not therefore with equanimity that the action of the President in the steel crisis, or more particularly the line of defense which he has adopted to justify his action, can be viewed.

Let the comparison between his conduct in this case and that of the Founding Fathers in analogous cases be absolutely clear. If President Truman had followed the example of our early statesmen, he would not have claimed an authority above the positive law. He might still have seized the mills; but he would have gone immediately to Congress, confessed his illegal act, and thrown himself upon the justice of his country and the rectitude of his motives.

That course, it is true, might have been difficult. He would have had to prove the indispensable necessity of an illegal action taken when Congress is in session—a harder thing to do than when it is in recess. He would have had to show that the measures taken were such as Congress itself would have authorized had it been able to act promptly. He would have had to convince Congress that he had himself no voluntary agency in producing the state of things which made such an unconstitutional exercise of power necessary to the safety of the state.

But difficult or not, President Truman, had he followed this course, would have stood on what John Randolph used to call "the true old Constitutional ground". That in itself would have been a palliation of his offense against the laws, even assuming that that offense could not be fully justified. Doubtless Congress in the end, whether in its justice or its mercy, would have indemnified him.

President Truman, however, has chosen to rest his case upon the ground of high prerogative. He has declared that his act was a legal act, within the constitutional limits of the President's power. In so doing, he has (to use an old Whig phrase) laid the axe to the root of the Constitution. For such a doctrine, as I have suggested above, can tend to nothing but an utter subversion of the power of Congress, and of the most fundamental and essential rights and liberties of the people.

* * * * * *

The Supreme Court, to be sure, in the case of *Youngstown Co.* v. *Sawyer*, has found that the steel seizure was not a legal exercise of legal prerogative but a mere act of force, illegal and without authority of law.

Small comfort, however, is to be derived from this decision. For when all the concurring opinions in this case—six in number—shall have been read, it will be seen that what the Court decided was a narrow thing indeed: the steel seizure was illegal because it was inconsistent with any of the procedures which the legislature had especially prescribed for dealing with emergencies of which the steel crisis was a particular instance. Congress had foreseen the possibility that labor disputes might interrupt the production of articles necessary to the nation's survival; it had established by law three distinct modes of dealing with such disputes, each of them inconsistent with the mode which the President actually followed; it had reserved to itself the cognizance of all cases requiring the application of an extraordinary remedy—particularly, seizure. In these circumstances, it was not left to the superior wisdom of the President to anticipate the extraordinary remedy by applying it without the authority of a law.

Upon the main question—whether or not the President has an inherent *legal* power to act for the public good in emergencies—the decision of the Court is ambiguous. Of the six justices who concurred in the decision, three said no, one said yes, and two said maybe. Their common meeting ground was upon a disjunctive proposition: the President may or may not have the power he claims; but, even if he has, the steel crisis was not such an emergency as could draw it forth.

The decision does not point at all at the justification to be effected by an *ex post facto* law.

What the Court *would* decide on the broad question of the President's powers, should a case ever come before it absolutely requiring a decision, can only be guessed. It is by no means certain that the Court would come to a decision consistent with the principles upon which our Constitution was framed, adopted, and first put into practice. Four members of the Court have flatly declared themselves in favor of the doctrine of residual power. Two members have said that they do not face the issue; but their language is such as to suggest that in certain circumstances—say, invasion or insurrection—they might admit the power. Of these two, one has even hinted that he might have admitted the legality of the steel seizure itself had it been "only for a short, explicitly temporary period, to be determined automatically unless congressional approval were given." [19] And if it is true, as Chief Justice Vinson asserted,

[19] The notion of a *lex temporis* has always been very beguiling, even to the greatest patrons of law and liberty. In 1766 it led Lord Camden to defend an illegal act of the Crown, done during the recess of Parliament, as "but forty days tyranny at the outside", forty days being the time required to assemble Parliament: "The power exercised on this occasion was so moderate, that Junius Brutus would not have hesitated to intrust it to the discretion of a Nero."

To this argument Lord Temple replied substantially as follows: "Forty days tyranny! My lords, tyranny is a harsh sound. I detest the very word, because I hate the thing. . . . Forty hours, nay forty minutes tyranny is more than Englishmen will bear. . . . Forty days tyranny over the nation by the crown! who can endure the thought? . . . Establish a dispensing power and you cannot be sure of either liberty or law for forty minutes. . . . The noble lord has, indeed, been pleased to say, that Brutus would have entrusted Nero with such a power. A noble lord has already given this good answer: that though Brutus might have entrusted Nero with that power, Brutus would have been very sorry if Nero had exercised it when not entrusted to him." 16 *Parliamentary History of England*, 283, 290.

that some members of the Court are of the view that the President has no power at all, inside or outside the law, to act in time of crisis, these members, too, must be counted as potential converts to the doctrine of residual power. For the doctrine of "executive impotence" cannot stand up against the facts of life. If the President cannot perform an act which is necessary though illegal, then the law must be construed in such a way as to make legal every act which is necessary.

* * * * * *

At bottom the argument of those who contend for the doctrine of residual power is based on the great maxim of state: *Salus Populi, Suprema Lex,* the safety of the people is the supreme law. But this maxim, it is hardly necessary to observe, is a statement of duty rather than of law. To pretend that the law of nature, the law of necessity, the law of saving our country when in danger, is law in the same sense as written law is to play with words. In proving what few have denied—that there may be occasions which justify an interposition of executive power in derogation of written law—the advocates of residual power are guilty of the fallacy variously known as *ignoratio elenchi,* shifting the ground, or answering to the wrong point. Only if these men are willing to associate the maxim quoted with that other great maxim, the maxim of tyranny—*À Deo Rex, à Rege Lex,* God makes the King and the King makes the law—will their argument be logically sound. Then, indeed, *Salus Populi* would be not only *Suprema Lex* but *Sola Lex,* and we could say with the ancient defenders of high prerogative, *Quod Principi placuit, Lex esto,* What the Prince has decided, let that be law.

But the defenders of residual power have another argument, less high-flown but for that reason all the more convincing: the President has been granted by the Constitution itself a legal power to act in emergencies. If it be asked where in the Constitution this power is to be found, the questioner is referred to the opening sentence of Article II: "The executive Power shall be vested in a President of the United States." By this general grant, it is said, the people of the United States conferred upon the President an authority to save the country when in danger;

Vague, comprehensive, undifferentiated, as yet unimplemented by specific institutions, the notion of popular sovereignty or of "democracy" in a broad sense was widespread at the close of the eighteenth century throughout the Atlantic world. Vague as it was it had everywhere common features. Beneath all the class struggles, nationalisms, trade wars and religious quarrels that confused the issue lay a common denominator. A few simple ideas were felt from the banks of the Mississippi to the far interior of Europe.

The fundamental idea, or feeling, was that government and governed should be made up, so to speak, of interchangeable parts. The citizen of today might be the official of tomorrow, and the official of today might find himself abruptly retired to private life. There is no such thing, in this philosophy, as one kind of men who are normally and permanently the guardians or leaders of the others. There is no fixed ruling élite, whether based on heredity, property, wisdom, merit, special training or anything else. In religion, clergymen are merely agents for such persons as may wish to share their opinions. Government officials have only delegated and temporary powers. The right to rule should not be a badge of honor, a symbol and consequence following upon a certain status in society, a responsibility to be proudly if painfully assumed by the few on behalf of the many, as commonly maintained at the time in aristocratic circles. Nor should offices in church or state be regarded as a dignified source of income, more honorable than the work of tradesmen, as again commonly believed among the better born. Nothing so infuriated the democrat as the thought that anyone else had the duty to look out for his welfare. And nothing so annoyed the old guardians of society as much as the notion that ordinary people should look out for themselves, or decide to whom to entrust this dubious burden. "What then, young man," said Judge Cooper in upstate New York in 1792, "you will not vote as I would have you—you are a fool, young man, for you cannot know how to vote as well as I can direct you, for I am in public office!" [16] If this was the attitude in the primeval wilderness of New York, in the supposed democratic

[16] Fox, *op. cit.*, pp. 140-41.

paradise of the American frontier, one may conjecture the astonishment of the squires and J. P.'s in England; the patrician oligarchs of the Netherlands, the old Swiss cantons and the Italian city-states; the lords, nobles, *seigneurs* and gentry possessed of docile tenants; the shepherds of religious flocks of various denominations; the trained bureaucrats and civil servants of the great monarchies, not to mention the monarchs themselves, at the preposterous affirmation that people did not need or want their advice.

This unsettling idea, where circumstances were somewhat special, embodied itself in downright and actual revolution. This had happened in America in the years around 1776, and there were many Americans twenty years later who believed the revolution to be uncompleted. It happened in France in 1789. Elsewhere the idea, by itself, produced only a strong susceptibility to revolution. It made people dissatisfied with the closed oligarchies under which they lived, ready to welcome invading French republican armies as necessary instruments, believed to be temporary, for the forcible overthrow of the old governing groups. Hence arose, between 1795 and 1798, a family of sister republics both projected and actual—Cisrhenane, Cisalpine, Batavian, Lemanic, Helvetic, Ligurian, Roman, Parthenopean. If a French army had landed in Ireland, as almost happened in 1797, a Hibernian Republic would have surely followed. Nor was the infant United States immune to such possibilities. Considering the popular furor over the Alien and Sedition Acts, and considering the separatism implicit in the Virginia and Kentucky Resolutions, penned at a time when the United States was in a state of undeclared war with France, it is not unthinkable that if French troops had appeared at New Orleans, proclaiming liberty and equality, a certain number of Americans would have seized the opportunity thus afforded, and set up some kind of Mississippi Republic—one cannot think of an appropriate classical name.[17]

The one big agitation, the Great Democratic Revolution of which the American and French Revolutions were aspects, has

[17] This seems consistent with F. J. Turner's opinion. See his article, "The Policy of France toward the Mississippi Valley in the Period of Washington and Adams", in *American Historical Review*, vol. X (1905), pp. 249-79.

not been too well served by historians. Somehow it has not been brought into focus in our historical picture. We know about it, indeed; but we have not realized it. This is due in part to the habit of writing history in national units. There are excellent studies of the Jacobin Clubs in France, of the democratic-republican societies in the United States, of the correspondence societies in Great Britain, and we know that there were similar political clubs, at the same time, in Amsterdam, Mainz, Milan and elsewhere.[18] But there is no study of such clubs as a whole, comparing their membership, their methods or their stated aims. The approach by way of "international relations" is hardly more satisfactory, since international relations are really national relations in which nations figure as the units. The greatest of all works on the subject, Sorel's *L'Europe et la Révolution française,* which alone has undertaken to grasp the "one big agitation" in its full magnitude, still perhaps suffers a little from its concentration on diplomacy and war. It is true that the French exploited revolutionism in other states for military and strategic ends. But there was more to it than that, as, indeed, Sorel was well aware.

There are hazards also, for the understanding of the revolutionary movement, in either a conservative or a liberal viewpoint. Whether we look through liberal spectacles, mildly tinctured with an innocent pink, or through more conservative spectacles with a faint true blue of Toryism, we may find the picture a little discolored. In the former, or liberal, case, we may deplore the suspension of *habeas corpus* by William Pitt, or the enactment of the Alien and Sedition Laws in the United States; we may think of such measures as witch-hunting, or looking under the bed for burglars who were not there. The reality of revolutionary sentiment, in Europe and America in the 1790's, thus tends to vanish. Or we may lose patience with

[18] Brinton, *Jacobins;* L. de Cardenal, *La Province pendant la Révolution: Histoire des clubs jacobins* (Paris, 1929); E. P. Link, *Democratic-Republican Societies, 1790-1800* (New York, 1942); Robert Birley, *The English Jacobins from 1789 to 1802* (London, 1924); P. A. Brown, *The French Revolution in English History* (London, 1918). For other countries the material is abundant, but data on the specific question of the clubs must be extracted from the monographs and source collections. Link's book, on the United States, does attempt an international comparison.

the First French Republic, and even more so with the Batavian, Helvetic, Cisalpine, Roman and other republics which arose beside it; we may dismiss them as military creations, resting on force or chicanery and eventuating in Bonapartist dictatorship. Let us remind ourselves that the liberals of that time were less delicate in their sensibilities. Foxite Whigs continued for years to sympathize openly and plainly with the French revolutionaries, long after England had gone to war with France. Jeffersonian democrats remained pro-French despite conflict between the French and American governments. Andrew Jackson, destined for much democratic fame, rejoiced in 1797 that England might soon become a free republic under the "conquering arm of Boneparte [*sic*]."[19] Jeremy Bentham used his honorary citizenship in the French Republic to cast a vote for the life consulship of Napoleon Bonaparte in 1802.[20]

If we put on the bluish or mildly conservative spectacles, what do we see? The picture is not greatly different, for the glasses we are trying on are only faintly tinted; really extreme views are not in question. But in the bluish light, which pervades many excellent historical works, such as that of Sorel already mentioned, or of Crane Brinton in this country, our revolutionary characters begin to behave a little strangely. One would suppose that there were no issues, but only a flighty state of mind. The revolutionists are "fanatics"; the revolution is a "fever", rising, raging and finally falling; the republican principles are "Jacobinism", and "Jacobinism" is a "madness".[21] Somewhat similarly, in the work of Charles Downer Hazen, fifty years ago, the Americans who in 1793 and 1794 sympathized with France are represented as victims of a mass hysteria.[22] In this view it was doctrinaire radicalism that kept the world in a state of war and turmoil. It is true, of course,

[19] Whitaker, *op. cit.,* p. 101.

[20] Jules Deschamps, *Les Îles britanniques et la Révolution française* (Brussels, 1949), p. 51.

[21] *Cf.* Brinton, *A Decade of Revolution,* pp. 63, 120, 123, 143, 159; and his *Anatomy of Revolution* (New York, 1938) for the fever-image.

[22] *Contemporary American Opinion of the French Revolution* (Baltimore, 1897). Contrast more recent writers like Link, *ob. cit.*

it is a quiescent power only drawn forth into action in times of crisis, but once active it is just as legal as any other power.

This second argument, I would observe in passing, is inconsistent with the first. For if the President has a legal power to act in emergencies, the principle of *salus populi,* which (rightly understood) always supposes the direct opposite, is totally out of the question. What need is there to call upon the law of necessity, the law of nature, the law of saving our country when in danger, when the act to be justified is already within the protection of the positive law of the land?

However this may be, the construction which has been put upon the Constitution by the defenders of residual power would have greatly surprised the Founding Fathers. They would, no doubt, have conceded that the opening sentence of Article II was a grant of executive power " in the lump "; distinct from the restrictions on its use, and the grants of power not strictly executive, contained in the detailed clauses.[20] But they had very precise, eighteenth-century notions about the definition of executive power: it was a power to carry into execution the national laws—that and nothing more. It was a limited power; the action of the executive necessarily depending on the legislation of Congress. As Charles Francis Adams once said: " The legislative power is the precise measure of the executive power." [21] The Founding Fathers would have been vastly astonished if anyone had told them that a power to put in act the laws included a power to break them or to act without authority of law.

It is no doubt true that, in assigning powers to the President,

[20] It is not until Webster's time that we find this clause interpreted as a mere caption containing no grant of power whatever. The dispute between Madison and Hamilton—Helvidius and Pacificus—was mainly a verbal one: Hamilton had said that the powers of declaring war and making treaties were exceptions out of the general grant of executive power; Madison preferred to call them legislative powers. There was no disagreement as to where they belonged under the Constitution. When Hamilton remarked that " the executive is charged with the execution of all laws, the laws of nations as well as the municipal law which recognizes and adopts those laws," Madison agreed. *Writings of James Madison* (Hunt ed.), VI, 159.

[21] Charles Francis Adams, *An Appeal from the New to the Old Whigs by a Whig of the Old School* (Boston, 1835), p. 15.

the Founding Fathers had in mind the complex of exclusive and peculiar privileges which made up the so-called prerogative of the English Crown. Parts of this prerogative—the pardoning power, for example—they gave to the President. Other parts—the power to declare war, for example—they gave to Congress. But in eighteenth-century England the royal prerogative contained no residuum of undefined power. Its different chapters—to declare war, to make peace and treaties, to create peers, to pardon offenders, to see to the execution of the laws—were well defined and well understood. It contained no arbitrary power, nor anything so near to it as not to be distinguishable. In 1766 Lord Mansfield said:

> I have a very simple notion of it, and it is this, that prerogative is that share of the government which, by the constitution, is vested in the king alone. . . . I can never conceive the prerogative to include a power of any sort to suspend or dispense with laws, for a reason so plain that it cannot be overlooked, unless because it is plain; and that is, that the great branch of the prerogative is the executive power of government, the duty of which is to see to the execution of the laws, which can never be done by dispensing with or suspending them.[22]

In the light of these considerations it is safe to say that if the Founding Fathers had intended to give the President a legal power to suspend or dispense with law in cases of necessity, they would have done so by specific grant. In the eighteenth century a general grant of power to execute the laws was not considered wide enough to include a power to violate them. Even the whole prerogative of the English King did not contain such a power.

* * * * * *

The failure of our early statesmen to claim a residual power to act legally against law, together with the failure of the Founding Fathers to incorporate a suspending or dispensing power in the Constitution, suggests that the Founding Fathers did not admit the doctrine of residual power. This high prob-

[22] 16 *Parliamentary History of England,* 266-267.

that the revolutionaries and their sympathizers became very excited.

But a great many reasonably conservative people at the time, intelligent observers, considered the revolutionary behavior perfectly rational. They no more blamed the continuance of war and revolution on the revolutionaries than on obstinate counterrevolutionaries who opposed and tried to crush them. Mallet du Pan, no visionary, declared in 1793 that "every European is today engaged in this last struggle for civilization." By civilization he meant the preservation of certain values of the Old Régime. But he blamed the violence in France on the obstinate counterrevolutionaries, whose interminable threats and blind reaction, he noted, gave the great middling mass of the French people no choice except to follow the republican extremists.[23] Calonne, whose reforming efforts of 1786 and 1787 had opened the way to revolution (through aristocratic opposition), and who subsequently lived in England as an *émigré* of constitutional monarchist views, protested from the bottom of his soul against the die-hard royalists who would yield nothing.

> No, it is not for the poor remains of a life that has become indifferent to me, it is not for my house and property to which I have without regret bidden an eternal farewell, that I *cry out* against obstinate and irreconcilable zealots; but it is for the welfare of a State which they ruin by their blind infatuation . . . ; it is for the millions of citizens whom they sacrifice to their stubbornness . . . . I *cry out* against them because they are not intentionally, but in fact, the enemies of our country which I love, and the friends of despotism which I abhor . . . .[24]

A German journalist, Karl Julius Lange, closely agreeing with the Foxite Whigs, blamed William Pitt and British ambitions for the prolongation of war and consequent spread of revolution.[25] Even the Prussian Army disapproved of the war

[23] *Considérations sur la nature de la Révolution de France, et sur les causes qui en prolongent la durée* (London, 1793), pp. v and 70-75.

[24] *Political State of Europe in 1796* (London, 1796), pp. xii-xiii.

[25] *Deutsche Reichs- und Staatszeitung* (Bayreuth), e.g., for Jan. 24, May 2, May 5, July 18, Oct. 10, 1797.

against republican France. Many generals demurred, and even a Kleist called the war "execrable".[26] To the British diplomat James Harris, later Earl of Malmesbury, it seemed that "there is a strong taint of democracy among officers and men" in the Prussian Army, and "a dislike of the cause for which [in his opinion] they ought to be fighting."[27] Prussia and Bourbon Spain were among the first Powers to recognize the regicide French Republic. In Italy, in 1798, as the French republican armies poured into his diocese, the Bishop of Imola, as a pacifying gesture, announced that "the democratic forms now adopted among us . . . are not inconsistent with the Gospel."[28] The Bishop of Imola soon became Pius VII. The idea that European conservatives of the time all resembled Edmund Burke is exaggerated. Many showed more understanding of revolutionary democracy, and more willingness to recognize it as democracy, than some historians since.

No one should deny that the revolutionary democrats used force. Nor need it be denied that they were doctrinaire and aggressive. But much the same is true of the counterrevolutionary opposition. Royalists and *émigrés* were ready enough to use force on their own side. Conservatism, for many, froze into the doctrinaire constructions of Joseph de Maistre or of Burke's later writings. Burke was surely a "fanatic" on the subject, quite as much as Robespierre; and so was a certain clergyman of Medford, Massachusetts, David Osgood, who believed that all American "democrats" were tools of France, that the French "monsters" had massacred 2,000,000 people, including 250,000 women and 230,000 clergymen, and that mothers had their hands cut off as they pleaded for their children.[29] Revolution is like war. It is a violent clash between two or more groups over the structure of the whole society to which each belongs. The issue is one of power, and its resolution depends upon force. Both sides fight. Each hates and

[26] Droz, *L'Allemagne et la Révolution française*, pp. 86-88.

[27] G. P. Gooch, *Germany and the French Revolution* (London, 1920), p. 400.

[28] Latreille, *L'Église catholique et la Révolution française*, vol. II, p. 4.

[29] Link, *op. cit.*, p. 198.

ability becomes certainty, when we read the Constitution in the context of contemporary political ideas.

The doctrine of residual power, of inherent power, of emergency power—for it goes under many names—was not unknown to the Founding Fathers. In a general sort of way they remembered the days of the Stuart monarchy when it was largely admitted that the King in Council might, in great emergencies, make law and break law—when the power to dispense with law was itself law. And they remembered also " the fatal ground upon which that unhappy question was decided, with a vengeance," in 1688.

But they had also heard the doctrine defended in their own lifetime. In 1766 a famous case arose in England. Here are the relevant facts as they were related, for the instruction of the American Congress, in 1807 by the chairman of the committee of ways and means:

> It was a proclamation, issued in derogation of law, by the King, with the advice of the celebrated Lords Chatham and Camden, on a great national exigency. The measure was generally approved and applauded throughout the nation. The Parliament were ready to sanction it. But, instead of accepting an act of indemnity, those Ministers undertook to justify it, as legal, upon the principle of necessity. In that they erred. . . . Their error consisted, not in doing an illegal act, for the public good, but in doing it under color of legal authority, when the law did not authorize it.[23]

The arguments used by Lord Camden upon this famous occasion were not very different from those used today by our own Department of Justice:

> The necessity of a measure renders it not only excusable, but legal; and consequently a judge, when the necessity is proved, may, without hesitation, declare that act legal which would be clearly illegal where such necessity did not exist. The Crown is the sole executive power, and is therefore intrusted by the constitution to take upon itself whatever the safety of the state may require.[24]

[23] 16 *Annals*, 564. What had happened was this: The harvest had failed; a positive law forbade the placing of an embargo on the export of corn; prices were rising and a famine was threatened; Parliament was in recess. In these circumstances, the government, in violation of law, placed an embargo on the export of corn.

Lord Camden, to be sure, did not go so far as our own legal luminaries, for he added that this high prerogatival power existed only during the recess of Parliament and, even then, only when Parliament could not be conveniently assembled; but the qualifications cannot be admitted, for cases can be imagined when a prompt interposition of executive power (I will not say, authority) might be necessary to save the country even when the legislature is sitting.

However this may be, Lord Camden's argument even in its limited form was not successful. It was answered that

> The law is above the king; and the crown, as well as the subject, is bound by it, as much during the recess, as in the session of parliament; because no point of time, nor emergent circumstance, can alter the constitution, or create a right not antecedently inherent. These only draw forth into action the power that before existed, but was quiescent. There is no such prerogative in any hour or moment of time, as vests the semblance of a legislative power in the crown.[25]

In the end the advisers of the Crown were forced to accept an act of indemnity, the illegality of their action being frankly and fully acknowledged in the preamble. By way of warning, the words of Mr. Alderman Beckford, who had said in the House of Commons that " whenever the public is in danger, the King has a dispensing power," were taken down. He was admitted to explain himself, and thereupon declared that he meant to have added " with the advice of council, whenever the *salus populi* requires it." These words were also taken down, and Beckford, being admitted further to explain himself,

[24] Lord Charlemont's *Correspondence* (London, 1891-1894), p. 22. Quoted from Lord Campbell's *Lives of the Lord Chancellors* (London, 1846), V, 265.

President Lincoln in his private correspondence unguardedly made the same argument. He " felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the nation." *Works* (Nicolay and Hay, eds.), X, 66. Justice Clark quotes this passage in his opinion in the *Youngstown* case.

[25] 16 *Parliamentary History of England*, 259.

fears the other. Real questions are at stake. It is not simply a matter of psychology. Much depends upon which side wins. The whole future is involved. Ways of life are set for decades toward one course or another. We may indeed write the history of a war in which we constantly deprecate the resort to violence, regret the loss of individual liberties, comment on the bad feeling between the combatants, and note how all other pursuits become subordinated to one single overwhelming end. We would not thereby much elucidate the war. We would only be saying that we preferred peace. So it is with a revolution.

There is another mental hazard in the way of our seeing the great revolution of a century and a half ago. That is its all too apparent resemblance to the Communist or Marxist revolution of our own time. To this revolution we in this country today are definitely antipathetic. We simply do not like modern revolutions, if they are violent. But the parallels between the eighteenth- and the twentieth-century upheavals cannot be honestly denied. In both there is the same story of collapse of the old system, seizure of power by new and unauthorized groups, extermination of the old institutions; confiscation, emigration, terror; attack upon the church; consolidation of the new régime in a powerful country; setting up of dependent states in adjacent regions; agitation threatening all established governments, frontiers, interests, classes and views of life; cleavage of opinion, and formation of loyalties and aversions, that overrun all political borders and divide all states within. We do not like this today, and we are embarrassed to find it happening in the name of Liberty and Equality in the decade of the 1790's. We are further embarrassed by taunts from the Left, of Marxists who say that the proletarian today is only trying to do what the bourgeois once did; or that the bourgeois today, for obvious reasons, is trying to deny his own revolutionary background and suppress even the memory of it, lest it set a bad example.[30]

[30] See, for example, Daniel Guérin, *La Lutte de classes sous la première République* (2 vols., Paris, 1946), vol. II, pp. 366-400.

This may sound like an avoidable headache, due to a false application of present considerations to the past. Yet it is a real difficulty for anyone attempting more than a recital of historical fact. Disliking the comparable revolution of our own time, we do not know how far to give our sympathies to the revolution of the 1790's. Yet we cannot simply repudiate it. Certainly it would be hard to embrace the one alternative that is not purely Platonic, and to argue that the cause of human freedom depended on the triumph of the Bourbon dynasty, the unreconstructed French nobles, the Spanish clericals, the tsarist autocracy, and the unreformed House of Commons. It is not that we should wish to write partisan history in any case. It is not that we should vehemently take sides. It is rather that we cannot estimate the two sides clearly. The viewpoint wavers, the focus blurs, the grasp slackens. It is not a matter of subjectivity or objectivity. It is a matter of judgment and of art. Without these no comprehensive and sustained piece of work can be confidently entered upon or brought to a successful conclusion.

Yet this difficulty, like all others, must be faced. We should not be squeamish about admitting that we " bourgeois ", now so peace-loving and wedded to gradual methods, had a revolution a century and a half ago. We should admit that it resembles the revolution of the twentieth century. We should then add that the resemblances are largely formal. They are of pattern more than of substance. They involve abstractions. All wars are alike in being wars, and there is even such a thing as military science; but not all wars are alike in their implications for mankind. All revolutions may resemble one another as revolutions, and there is probably even a science or technique of revolution as such. Technique is important, but it is not as important as substance. The substance of a revolution may be judged by the kind of society that issues from it. It is permitted to believe, in 1951, that a better society, more humane, more open, more flexible, more susceptible to improvement, more favorable to physical welfare and to the pursuit of higher concerns, issued from the Great Democratic Revolution than from the Communist revolution of the twentieth century.

finally declared that he only meant to have said: "That on great and urgent occasions, where the safety of the people called for the exertion of a power contrary to the written law of these kingdoms, such exertion of power is excusable only by necessity, and justifiable by Act of Parliament." [26]

The Founding Fathers were all Whigs in the English sense of the term; this was Whig doctrine and they approved it. Indeed it would be easy to show that the whole idea of a legal power to act in emergencies was repugnant to them. In the First Congress a member remarked:

> It would be better for the president to extend his powers on some extraordinary occasions, even where he is not strictly justified by the constitution, than the Legislature should grant an improper power to be exercised at all times. . . . I say it would be better for the executive to assume the exercise of such a power on extraordinary occasions, than for us to delegate to him authority to exercise an extraordinary power on all occasions.[27]

In the Ninth Congress a similar view was put forward:

> Our Constitution, our laws, our liberty, and property, are more endangered by acts done silently, under color of law, by a constructive assumption or extension of powers, than by any which may be done openly, in the face of the nation, under a known and acknowledged responsibility, subject to the approbation or disapprobation of the Government, after a deliberate examination of the whole case. The temptation to pass such an ordeal cannot be so strong as to be dangerous.[28]

* * * * * *

I submit that the men who made our Constitution and first put it into practice understood the principles of government better than some of those who now profess to defend it.

LUCIUS WILMERDING, JR.

PRINCETON, N. J.

[26] *The Grenville Papers* (London, 1852-53), III, 374, 386.

[27] Lloyd, *Congressional Register*, I, 525, 526.

[28] 16 *Annals*, 565.

THE REVOLUTION IN VALUES: ROOTS OF THE EUROPEAN CATASTROPHE, 1870-1952

I: *Three Nonpolitical Revolutions*

THE political revolutions of modern times are more famous and familiar than the nonpolitical ones.[1] Yet the latter are just as *important*. It is precisely the nonpolitical background that explains the political revolutions of communism, fascism and nazism. Here, then, are the three most influential nonpolitical upheavals of the later nineteenth century in Europe, with a brief characterization of each.

(1) First, to coin a phrase, the ethical revolution. This will also be referred to as the revolution in values. It liquidated the ethical restraints governing the means societies used to reach their ends. Thereby it eventually transformed liberal nationalism into fascist nationalism, and democratic or utopian socialism into bolshevik socialism.

(2) The territorial revolution. It changed the territorial structure of Germany and Italy from the traditional decentralization into a centralized unity.

(3) The second industrial revolution, also called the neo-industrial revolution. It extended to these new areas, in an expanded form, the original industrial revolution of England and France.

For all three of these nonpolitical revolutions, the key date, the symbolic date, is 1871, and the key place is Paris and its near-by palace of Versailles. This date and this place are the most convenient starting point for reëxamining the roots of the twentieth-century European catastrophe.

On January 18, 1871 in Versailles, under the Prussian chan-

[1] The author's main project for the next two years is a detailed history of modern Europe. This brief essay is a series of very sweeping generalizations about the causes of the European catastrophe. They were written in a preliminary, tentative effort to "think through" the general problem of Europe *as a whole*, in preparation for writing the more concrete, more specific project of the two years ahead.

American historians, it is suggested in conclusion, might refurbish the well-worn theme of the French Revolution and related subjects in various ways. They might for one thing take it seriously as a great human struggle, and not as an exhibition of an overwrought state of mind. It is easy to be amused by the old revolutionaries; their speeches do sound archaic and peculiar. But the age of irony is over; the age of iron is at hand. Secondly, American historians might return to a realization that the issue was not primarily the triumph of the *bourgeoisie,* nor yet the imposition of order upon " feudal chaos ", but what we understand by democracy. That the struggle was over democracy was agreed to in the 1790's both by those who favored and by those who feared democratic advances. This fact is not very noticeable in our recent monographs on the subject. It comes as a refreshing experience to find, in a highly scientific monograph published in January 1951, a plain statement that the French Revolution was a " merciless conflict between aristocracy and democracy." [31] Thirdly, Americans in the field might wish to develop the idea that the Revolution was not French alone, though the French fought the hardest and suffered most from the battle; that much the same sentiments, both for and against democratic ideas, existed in all other Western countries as in France; that the movement was not confined by nationality, but reached from the Mississippi to the Milanese and beyond, as a common experience of the Western World.

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[31] Donald Greer, *The Incidence of the Emigration during the French Revolution* (Cambridge, Mass., 1951), p. 40 and *passim.*

A NOTE ON THE NATURE OF FEDERALISM

Federalism as a Juridical Concept

ALMOST every treatment of federal government and its problems has begun with the assumption that the problem here concerned is one of legal formalism and formal jurisprudence. Nearly all theorists have been at pains to point out that a federal constitution is a device for associating a number of distinct political and constitutional entities in such a manner that a new body is produced which is above and different from those that have come together. But the component states still retain their identity, sacrificing to the collectivity only such powers and functions as are necessary for the implementation of the purposes for which the association is formed. Or, as it is described in some instances, the powers of the central government are devolved upon the subordinate bodies in such a way that both central and regional units are thenceforth endowed with certain powers and functions of which neither can be deprived by the other. This is to say that the central government's functions cannot be assumed by the local governments, or the local governments' by the central. Each is placed in relation to the other in a position of autonomy; neither is subordinate and each may exercise within its sphere the full extent of its powers. There is also substantial agreement among writers on federalism that the extent of these powers is strictly limited by the simultaneous existence of comparable, though never identical, powers in the other unit. The problem thus becomes that of the proper delineation of these spheres. Where is the boundary between the central and the component governments to be drawn? How much power does the central government have and how much power do the local units have? This attempt to quantify power seems to be characteristic of the juridical approach to the problems of federal government.

In order that this line of demarcation between the two governments may be precise and understood by all it is ordinarily considered necessary that the constitution of a federal state be written. Most writers have held it impossible for a distribution of this nature to be produced by the slow evolution of institutions such as is found in Great Britain. The experience of federal governments in the modern world is cited to show that in fact they all do have written constitutions. Only a written constitution, it is held, could precisely assign powers and functions in the necessary manner.

Once the distribution of powers is made, the accounts continue, it must be protected; and this requires that some kind of obstacle be put in the way of constitutional change. If the component units have entered the federation on the understanding that they are to possess certain rights and functions, then these must not be taken from them except in circumstances where some agreed-upon criterion demands such reassignment. Conversely the powers of the general government must not be alienated unless this is clearly necessary. In order to protect the allotment of powers to local and central units, the constitution must be *rigid*. By this is meant simply that to amend the constitution a procedure different from (that is, more difficult than) that of ordinary legislation is to be used. Indeed, since Lord Bryce published his *Studies in History and Jurisprudence* the definition of a rigid constitution has turned on this very point. A rigid constitution, as contrasted with a flexible one, has come to mean one that can be amended only by a procedure more difficult than that by which ordinary laws are made.

This procedure for constitutional amendment in a federal state, it is ordinarily said, must be designed to protect the federal allocation of governmental powers and functions. Since one of the purposes of employing a federal rather than a unitary constitution is to assure the different units of their proper and agreed-upon share in governmental activity, the power to amend the constitution cannot be lodged in either the general government exclusively or in the local governments exclusively, for this would permit the one to take from the other without its consent those functions that it desires to retain. Hence the federal system necessitates an amending procedure in which the consent of both the general and the local governments must be secured before any change can be made. But, the accounts continue, this does not mean that the consent of all the local governments is necessary, for this would effectively cripple the federation and prevent all important change; it would also, according to some, transform the federation into a confederation. But the procedure must consist of some form of consent on the local level as well as some form of consent on the national level. Usually the need for local concurrence takes the form of a requirement that a majority or more of the component units must consent to the amendment, though the means by which this consent is secured and measured vary greatly.

It requires little demonstration to show that the constant emphasis throughout this chain of thought is on the legal aspects of federal organization. The questions are always of a legal nature. How much power? What vote is required? Upon what right may this or that action be based? Does it violate the constitutional distribution of powers? Does it violate the principles of federalism? The ordinary treatment of federalism is based upon a legalistic foundation and its problems are treated as problems of constitutional law.

The Operation of Federal Institutions

This is assuredly a convenient method of approaching the problem and in many instances it is the only possible one. But it is not the only one. If a question arises that requires a legal answer, it can be answered only in legal terms. But the validity of such an answer is limited to the frame of reference within which the question is posed. Legal answers are of value only in the solution of legal problems. And federalism is concerned with many other problems than those of a legal nature.

Above and beyond this legalism there is an aspect of federalism that has been largely ignored. The essential nature of federalism is to be sought for, not in the shadings of legal and constitutional terminology, but in the forces—economic, social, political, cultural—that have made the outward forms of fedcellor Bismarck, the German princes were proclaiming the foundation of the German Empire. Having invaded and defeated France, the King of Prussia was proclaimed Emperor of a newly united Germany.

On January 18, 1871, the great Hall of Mirrors in the palace of Versailles reflected and counter-reflected, in an endless glittering and counter-glittering, the swords which all the princes of Germany flashed from their scabbards, shouting "Hail the Emperor!" ("*Hoch der Kaiser!*"). This fiery scene of swords in mirrors is the very quintessence of the spirit of war. This shout of triumphant militarist nationalism—"*Hoch der Kaiser!*"—mingled in a single martial roar with the near-by Prussian cannons bombarding Paris. Both noises seemed to echo all Prussia's and Bismarck's aggressive wars of the past and then to reverberate future-ward into the two world wars of 1914 and 1939. By April 3, 1871 the noise of class war was already drowning out the noise of national war, as a radical Paris Commune fought bloodily with a conservative French National Assembly.

Hoisting a red flag as symbol of socialism, the Paris Commune, later glorified in a book by Karl Marx, created a heroic legend for the Russian Bolsheviks of 1917. "Do you want to know what a dictatorship of the proletariat looks like?" asked Engels. "Then look at the Paris Commune"—which Marx said "will be forever celebrated as the glorious harbinger of a new society." The so-called "proletarian" dictatorship of this Commune revolution was in reality a coalition of all brands of socialists and republican radicals, but for the European revolutionary movement the real facts have been replaced by the Marxist legend about it. It joined with German nationalism to make the Paris of 1871 a doubly prophetic place and time, the Year One of contemporary Europe.

This place and this time—the Paris and Versailles of 1871—are the most logical beginning for a history of Europe in our time. Symbolically the glass Hall of Mirrors was reflecting the approach of the two greatest history-making forces of modernity: forces that changed the map and changed society and trampled upon what Mussolini was to call "the rotting body of the Goddess of Liberty". These two forces are militaristic nationalism and militant socialism.

The ethics of this transition, when the European Christian heritage of "humanity" was exchanged for the pagan war-cult of "nationality", was summed up by Franz Grillparzer (1791-1872), the great Austrian dramatist. Observing the nationalistic revolutions of 1848, which were wrecking the international-minded Hapsburg empire, Grillparzer commented: "The path of modern culture leads from humanity, through nationality, to bestiality."

II. *Changes in Socialism and Nationalism*

Both socialism and nationalism had long been present in Europe. A bit of socialism and a lot of nationalism had modified—to left or right—the liberalism of the various uprisings of 1848. But to a great extent the original pre-Marx socialism and the original pre-Bismarck nationalism had been peaceful, conciliatory, tolerant, evolutionary, in the great liberal tradition. The pre-Marxist socialists—Robert Owen (1771-1858), Saint-Simon (1760-1825), Fourier (1772-1837), Proudhon (1809-65), and the rest—have been dismissed by Marxist and Soviet writers as mere "utopians". The label "utopian socialist" continues to cling mockingly to non-Marxist socialists, who hope to bring about socialism peacefully without class war. The label is not one to be ashamed of. Its advocates claim that only through peaceful evolution—as in the current socialist reforms in Scandinavia—can socialism be achieved without sacrifice of civil liberties. In contrast, Marxist socialism and Bismarckian nationalism have in common a resort to force, a contempt for tolerant parliamentary solutions. After the 1870's, these are the dominant kinds of socialism and nationalism.

The pre-Bismarck nationalists—like Herder (1744-1803) in Germany and Mazzini (1805-72) in Italy—are known as "liberal" nationalists. Like their historical brethren, the utopian socialists, they had tried and failed in the revolutions of 1848. Their nationalism was one not of hate for other races but of tolerant coöperation of all nationalities in a peaceful nondespotic Europe.

In deriding the attempt to achieve socialism through parliamentary means, Marx (1818-83) and Soviet writers are exactly as scathing as Bismarck was in deriding his " liberal nationalist " predecessors. Marx and Lenin might have said on behalf of class war and of the proletariat what Bismarck said on behalf of national war and of Prussia in his often quoted speech of 1862, attacking peaceful parliamentary methods: " The eyes of Germany are fixed not upon Prussia's liberalism, but upon her armed might. . . . The great questions of the day will not be decided by speeches or by majority decisions—that was the mistake of 1848 and 1849—but by blood and iron! "

The " blood and iron " nationalism that followed 1870 culminated eventually in Nazi Germany and Fascist Italy. The " blood and iron " Marxist socialism of the 1870's culminated eventually in Soviet Russia and in an Iron Curtain advancing over Europe and Asia. Preferring state omnipotence to individualism and preferring quick violent change to gradual parliamentary change, these are the two new value-systems that arose from the ethical revolution. They arose to challenge the traditional ethics and values of Europe and America (" the West ").

In contrast with the ethical revolution, man's traditional ethics are either individual or universal or both, being a very individual responsibility to a universally valid code of morality. This is true of Plato, of the Stoics, and of Christian thought. This combination of the *individual* responsibility and the *universal* validity continued through the eighteenth century. It inspired the rationalism of the Enlightenment as well as the " categorical imperative " of Kant's version of the Golden Rule.

The ethical revolution replaced both individual and universal ethics with national ethics. Thereby the national interest, its military power, its economic power, its expansion, became the final criterion of right and wrong. This criterion was openly and gloatingly proclaimed by such political writers as Friedrich A. J. von Bernhardi (1849-1930), German General and nationalist: " Political morality differs from individual morality, because there is *no power above* the state." (The " patriot " who wrote these words claimed to believe in God!)

Or in the words of Cavour (1810-61), who achieved the Italian territorial revolution: " If we did for ourselves what we do for our country, what rascals we would be! " That sentence might be taken as the motto for the whole ethical revolution and for the two world wars that followed.

Contrast the above Bernhardi credo about " no power above the state " with its direct opposite: Thomas More's dying words on the scaffold, " I die the king's good servant, but God's first." Substitute " the nation-state " for " king " and substitute " universal ethics " for " God ", and you have the perfect contrast between our value-heritage and the revolt against values.

Nationalized ethics has crushed internationalism on the one hand and individualism on the other. This made it the appropriate creed for that new power-group, the middle-class nationalists created by the industrial and territorial revolutions.

So-called Machiavellianism—ruthlessness in world affairs—is, of course, nothing new; it has always been with us. But not until after 1870 was it systematized so thoroughly, or thought out so deliberately. Never before the age of Hitler and Stalin was it practiced with such efficient total coördination. Never before was it accepted so popularly and widely as replacing Christianity as a religion and system of ethics.

At the same time, a scientific revolution—the " New Science " associated with Darwinism—not merely changed the science of Europe but had important indirect repercussions on its political and social ethics. Political and social misuses of Darwin's theory of " evolution through natural selection " gave a seemingly scientific justification to the ruthlessness accompanying the ethical revolution. National war and class war, the political militarism that followed Bismarck and the social militarism that followed Marx, could now claim to serve man's evolution by weeding out the allegedly " unfit " nations, races, or classes.

III. *The Assault on the Heritage*

The revolution in values has almost annihilated the European heritage. Nourished over the centuries by the teachings of Christ and Saint Paul, by Socrates and Pericles, by Aristotle eralism necessary. Federalism, like most institutional forms, is a solution of, or an attempt to solve, a certain kind of problem of political organization. It is true, on the whole, that federal governments and federal constitutions never grow simply and purely by accident. They arise in response to a definite set of stimuli; a federal system is consciously adopted as a means of solving the problems represented by these stimuli.

Whether a constitutional structure may properly be called federal, however, depends not so much on the arrangement of the institutions within it as it does on the manner in which those institutions are employed. Institutions have a habit of serving purposes other than those for which they are designed. The passage of time produces changes in the purposes of any society and these new purposes are reflected in new modes of operating old institutions which frequently retain their original forms. Thus a society may possess institutions that are federal in appearance but it may operate them as though they were something else; and, what is more likely, it may possess a unitary set of institutions and employ them as though they were federal in nature. The institutions themselves do not provide an accurate index of the federal nature of the society that subtends them.

Federalism as a Sociological Phenomenon

This leads us another step forward in the analysis. We have said that institutions may not be suited to the actual needs of the society and this point will be explored in greater detail later. If one could know exactly how the institutions are operated, one would have a much more accurate picture of the nature of the society itself. But the picture would still be incomplete and unclear; for institutional devices, both in form and in function, are only the surface manifestations of the deeper federal quality of the society that lies beneath the surface. The essence of federalism lies not in the institutional or constitutional structure but in the society itself. Federal government is a device by which the federal qualities of the society are articulated and protected.

Every society, every nation if you will, is more or less closely

integrated in accordance with its own peculiar historical, cultural, economic, political and other determinants. Each is composed of elements that feel themselves to be different from the other elements in varying degrees and that demand in varying degrees a means of self-expression. These diversities may turn on all sorts of questions—economic, religious, racial, historical; any of these can produce in a certain group within the population a demand for such self-expression. Furthermore, these diversities may be distributed among the members of a society in such a fashion that certain attitudes are found in particular territorial areas, or they may be scattered widely throughout the whole of the society. If they are grouped territorially, that is geographically, then the result may be a society that is federal. If they are not grouped territorially, then the society cannot be said to be federal. In either case coherence in the society may depend on the devolution upon these groups of the exercise of functions appropriate to the diversities that they represent. But in the first case only can this take the form of federalism or federal government. In the latter case it becomes functionalism, pluralism or some form of corporativism.

I realize that in using the term federal only in this restricted territorial sense I am taking from it some of the meaning attributed to it by writers who profess to see federal elements in the various forms of pluralism, such as feudalism or corporativism. But I suggest that these writers have added a meaning that was not there before and one that introduces an element of confusion into the term. No government has ever been called federal that has been organized on any but the territorial basis; when organized on any other it has gone by another name.

It is true that the geographical diversities may not always follow the boundary lines of the component units. In many countries, and particularly in the United States, the operation of the federal system has displayed patterns of diversity that are more nearly associated with regions or groups of states than with the individual states themselves. This is easily understood. Federalism embraces not merely a diversity of opinion on one issue but a whole pattern of diversities on a number of issues. It can scarcely be expected that state boundary lines and Erasmus, the European heritage is built on reverence for the precious uniqueness of the individual soul. This heritage, which has absorbed so many social and political changes, is compatible with democratic capitalism or with democratic socialism or with democratic nationalism. It is incompatible with the new totalitarian blood-and-iron nationalism and socialism, the extremes of which are fascism and bolshevism. Both are necessarily against the Christian ethic and the democratic polity. Both liquidate the concept of " Europe " and " the West ".

The European heritage, expressed in some of the freest and most creative cultures of mankind, is an amalgam of the four traditional ancestries of Western man: the stern moral commandments and social justice of Judaism; the love of the free Hellenic mind for beauty and for untrammeled intellectual speculation; the Roman Empire's universalism and its exaltation of objective impersonal rule of law; and the Golden Rule and international, interracial brotherhood of Christianity.

These four ancestries were often mutually conflicting and, still more often, hypocritically evaded. Nevertheless, their ever-shifting amalgam has for some two thousand years given Europeanism its society-building spark, its creative imagination, its urge to discover new continents—new Americas—of the earth and of the mind. Never attained, often betrayed, less often practiced than preached, yet never wholly extinguished, these traditional values are what goaded Western man to greatness.

The history of Europe after 1870 relates the decline—not necessarily fall—of Europe. It is the history of how a heritage of two thousand years was smashed in three generations of state worship, power worship, world depressions, and world wars. As a result, the historian of Nazi Europe and Communist Europe observes that the typical institutions are no longer the parliament, the university, and the cathedral, but the secret police, the gas chamber, and the forced-labor camp.

At first the value-system known as " Europe " did seem to tame the two revolutionary forces of nationalism and socialism, extracting from them what was valuable, changing national frontiers and social frontiers without sacrificing personal liberties. It was a good example of " challenge and response ". A seemingly successful absorption of the challenge, a case of practical evolutionary conservatism, marked the history of Europe from 1870 up to World War I. Reactionary tsars and kaisers and revolutionary socialists and nationalists were all making ever handsomer concessions (no matter how grudgingly) to reasonableness and to parliamentary processes.

By 1914, socialism and nationalism seemed " house-broken ". Marxist socialist parties had relaxed into " Social Democrats "; most nationalistic hotheads were calming down into national democrats; for a while, there was more talk of the Hague Peace Conferences than of the approaching war. To a great extent, the leading parties of socialism and likewise of nationalism had been assimilated into the European parliamentary system, working in lawful, gradual, parliamentary fashion for the changes they demanded.

That is why World War I was a tragedy so irrevocable. It cut suddenly short the slow, patient taming-process. World War I is the worst single catastrophe in human history. Even worse than World War II, though it killed less millions: for by the time of World War II there was much less freedom and decency left to destroy than in 1914; by 1939 Europe's decline into totalitarianism was already far advanced.

World War I smashed both the moral and economic fabric of European civilization. This is why its advent at the time was hailed so ecstatically by its two chief beneficiaries, Hitler (1889-1945) and Lenin (1870-1924). These two men between them, and what they stood for, brought about the terrible European crisis threatening America's very existence today. Hitler reduced blood-and-iron nationalism and racism to its ultimate, logical absurdity, just as Lenin was the ultimate extreme of the blood-and-iron socialism of the 1870's.

The foregoing analysis of the pre-1914 European heritage is substantiated by the fact that both men explicitly saw World War I as the salvation of their respective doctrines and as the smashing of the non-blood-and-iron world they despised. In his autobiographical *Mein Kampf*, Hitler described how he fell on his knees to thank Heaven for this bloodthirsty war:

will be adequate to mark off areas in which opinions differ on all possible questions. Indeed on many, or even most, questions the state boundaries will be of little significance in thus delimiting the areas of diversity. Federal organization is not perfect in every case.

No one supposes that it is, however. Component states exist because of some great significant diversity of such importance that it is felt that only a federal organization can offer it sufficient protection. Day-to-day issues may easily and reasonably produce alignments that follow regional lines. Regionalism in this sense is a valid manifestation of the federal principle. It conforms to the criterion suggested above, namely, that the diversities in the society be grouped territorially. It should be noted, moreover, that regionalism in the politics of a federal country is made possible only by the federal allocation of functions to the states themselves. The fact that several states within a larger region are dominated by similar opinions and hence unite in an effort to transform these views into policy does not detract from the importance of the states as the basic units of the federal system.

On the other hand, federalism becomes nothing if it is held to embrace diversities that are not territorially grouped, for there are then no territorial units that can serve as components of the federal system. I readily agree that this is a question of the definition of federalism and that society can be organized in accordance with any principle upon which there is substantial agreement among the members of the society. But if the distribution of powers, which is the essential feature of the federal structure, is made between the nation as a whole and component units that are functional in character, such as industries, trade unions, churches, and so on, then the traditional and, I think, necessary quality of federalism is lost. We confuse two distinct principles when we apply the terminology of federalism to a society organized on a functional basis.

It may be objected that the federal division of powers among territorial areas is in reality functional, since these areas differ from one another on questions of a functional character. I agree. But the important point is that they are territorially

organized. Such areas naturally differ in opinions, in composition, in interests, in function. This, however, only brings us back to the point that they differ. If there were no functional differences, there might be no need for federalism. But the point that must be emphasized is that these functional differences are territorially grouped; and thus they provide a reason for and a demand for a federal system of government.

Federal Institutions as a Reflection of Societal Diversities

The nature of a society is roughly reflected in the external forms of its political and constitutional arrangements; and it is true that the extent to which the society is federal can be more or less accurately measured by the extent to which these external forms are federal. The institutional patterns reflect the federal quality of the societies in varying degrees; they may be more or less " federal " in the way in which they manifest the degree to which the political society behind the institutional façade is integrated or diversified. But the institutional patterns and the constitutional structure are far from an adequate test of the federal qualities of the society; dependence upon them alone can lead to serious error in assessing the nature of the society itself.

If these did serve as an accurate measurement of the society, the problems of the constitution maker and of the political analyst would be much simpler and this essay would not have been written. But the weighing of the various forces that go into the making and maintaining of a political community is an extremely difficult task. Those who devise institutions can never be sure that the institutions they devise will accurately represent the nature of the society or will be adequate to the needs they are designed to fulfill. Moreover, social patterns are constantly changing. What may be good for today will very likely be outmoded and less adequate by tomorrow. Finally, institutions mean different things to different people; the same set of institutions may produce widely different results when adopted and operated in different communities. Hence there can be no assurance at any time that the institutional patterns fit the needs of the society below.

> The fight of the year 1914 was certainly not forced upon the masses, good God!, but desired by the entire people. . . . To me personally those hours appeared like redemption. . . . Overwhelmed by impassionate enthusiasm, I had fallen on my knees and thanked Heaven out of my overflowing heart that it had granted me the good fortune of being allowed to live in these times.

For Lenin, likewise, " these times " were his " good fortune "; without the moral and economic crash of Europe, he, too, would never have had the chance to remold half a continent nearer to his heart's desire. Lenin, too, was an accurate prophet when he foresaw before 1914 that the sole hope for bolshevism was a big war, adding wistfully—in a letter to Gorki in 1912—" I am afraid that Francis Joseph and Nicholas will not give us this pleasure." When two years later the two rulers did manage to please, they destroyed not only their own dynasties but the hitherto very promising effort of a resilient Europe to absorb nationalism and socialism peacefully and gradually into the traditional value-structure. The conservative, evolutionary solution to Europe became the first casualty of a nihilistic world war. The two new " isms " turned, via Lenin and Hitler, to that radical, revolutionary " solution " for sickness of which the ancient Greek doctor, Hippocrates, spoke: " What medicine does not heal is healed by iron; what iron does not heal is healed by fire."

The Pan-German nationalists and Pan-Slav nationalists, who between them incited the Austro-Serb and German-Russian clash of 1914—they, too, were accurate prophets when they proclaimed that only through war could they achieve their dreams. Only through war could they smash the old, law-abiding, parliamentary society of Europe, in which the new nationalism was tempered by a sense of international unity and the new socialism (as " Social Democracy ") was tempered by a sense of common liberties and a common noneconomic culture. These common liberties and cultural values transcended all classes and nations and contained a great European spiritual treasure.

Here is a typical example of how by 1914, in the eyes of one of the clearest minds of the time, this great European heritage had seemingly absorbed its opposition. The English historian J. B. Bury wrote in 1913: " The struggle of reason against authority has ended in what appears now to be decisive and permanent victory for liberty. In the most civilized and progressive countries, freedom of discussion is recognized as a fundamental principle. . . ." That there should ever be a swing back to tyranny and against this " permanent victory for liberty ", he deemed in 1913 " improbable ".

However, almost as an afterthought, Bury did see one threat to this triumphant European liberty and tolerance. Coercion might return if, in some supposedly remote future, " a revolutionary social movement prevail, led by men inspired by faith and formulas (like the men of the French revolution) and resolved to impose their creed. . . ." As a historic tragedy, World War I is unequaled, even by World War II, because World War I in a few years of chaos replaced Bury's " permanent victory for liberty " by the fascist and bolshevik revolutions of men " resolved to impose their creed."

In the light of the later Nazi and Communist consequences of that war, it is today interesting to recall what Sigmund Freud said of World War I in 1922: " No event ever destroyed so much of the precious heritage of mankind . . . or so thoroughly debased what is highest."

This analysis of World War I by the greatest of psychoanalysts was also noted at the time by the intuition of the century's greatest poet. Both these men of insight justify my view of that war as the worst thing that ever happened to mankind. In the year 1919, contemplating pre-war hopes like Bury's, William Butler Yeats observed:

> We too had many pretty toys when young:
> A law indifferent to blame or praise,
> To bribe or threat; habits that made old wrong
> Melt down, as it were wax in the sun's rays;
> Public opinion ripening for so long
> We thought it would outlive all future days.
> O what fine thought we had because we thought
> That the worst rogues and rascals had died out.

From this it follows that the real nature of the society cannot be divined merely by an analysis, however brilliant and profound, of the institutions only. No amount of reading of constitutions can properly inform the analyst about the societies served by those constitutions. The nature of the political society can be examined only by observing how the institutions work in the context of that society. It is the operation, not the form, that is important; and it is the forces that determine the manner of operation that are more important still.

The Spectrum of Federal Societies

This is no less true of federalism than it is of any other form of political organization. Federalism is a function not of constitutions but of societies. Viewed in this way, it will be seen that federalism is not an absolute but a relative term; there is no specific point at which a society ceases to be unified and becomes diversified. The differences are of degree rather than of kind. All countries fall somewhere in a spectrum which runs from what we may call a theoretically wholly integrated society at one extreme to a theoretically wholly diversified society at the other. Some are more unified than others; some are more diversified than others; and the differences between adjacent societies in this spectrum may be so slight or so incommensurable as to be incapable of assessment. But that there is a gradation is clear from observing societies that are widely separated in the spectrum.

As one moves from one end of this hypothetical spectrum to the other the societies encountered are more and more diversified. And the more diversified the society, the greater is the necessity of providing some means for articulating the diversities; for these diversities are nothing less than tensions and as tensions they demand and require means of self-expression. But there is no point at which it can be said that all societies on one side are unitary and all those on the other are federal or diversified. If a society contains territorial groups that are so different from the rest of the society that they require some instrumentality to protect and articulate their peculiar qualities, then the society is likely to provide some means for the creation

of such an instrumentality. One such circumstance doubtless does not make a society or a constitution federal. But two or six or twenty may produce a result that may be properly so called.

It cannot be said that when a society is just so diversified, it requires a federal constitution. In the first place we are unable to quantify social and political forces to the degree necessary to warrant such a demarcation; and secondly the forces themselves are incommensurable. (Which is more diversified, a society rent by religious schisms or one in which the members are divided by differences of language?) Societies employ instrumentalities for the expression of diversities in accordance with what men in particular societies think is necessary; and this view of what is necessary and what is not will vary considerably from society to society. Thus some societies which would seem to be highly diversified are able to get along with a set of institutions that seems to be nearly unitary; and, conversely, some that seem quite unified adopt institutions that we call federal. It may be that one especially strong unifying tendency in a society, such as a long historical tradition of unity, will overcome diversities of economic interest, language and the like which, in another society, with a weaker historical tradition, would necessitate federal institutions.

Types of Diversities

The social diversities that produce federalism may be of many kinds. Differences of economic interest, religion, race, nationality, language, variations in size, separation by great distances, differences in historical background, previous existence as separate colonies or states, dissimilarity of social and political institutions—all these may produce a situation in which the particular interests and qualities of the segments of the larger community must be given recognition. At the same time these differences must not be too great, else the community must break up into independent groups. Federalism cannot make coherent a society in which the diversities are so great that there can be no basis for integration.

There is no way to estimate the relative weights of these factors except in results; we have observed already that they are

All teeth were drawn, all ancient tricks unlearned,
And a great army but a showy thing;
What matter that no cannon had been turned
Into a ploughshare? Parliament and king
Thought that unless a little powder burned
The trumpeters might burst with trumpeting
And yet it lack all glory; and perchance
The guardsmen's drowsy chargers would not prance.

Now days are dragon-ridden, the nightmare
Rides upon sleep: a drunken soldiery
Can leave the mother, murdered at her door,
To crawl in her own blood, and go scot-free;
The night can sweat with terror as before
We pieced our thoughts into philosophy,
And planned to bring the world under a rule,
Who are but weasels fighting in a hole.

Recorded by the historian and confirmed by the psychologist and the poet, this shift in values from peaceful parliamentary gradualism to blood and iron, from stress on good means to exclusive stress on ends, is what I mean by "the ethical revolution" of modern Europe. "Man does not live by bread alone." Therefore, in the long run, the anti-Western and anti-Christian revolution in ethics is a historical earthquake as important as the far more famous industrial and political revolutions of Europe.

IV. "*There Is No Truth; Everything Is Permitted*"

Militarist nationalism and class-war socialism intentionally undermined the values of the West and intentionally fulfilled the ethical revolution of 1871-1951. Liberalism, though often slandered far too glibly by conservatives, does also have a partial guilt in this. It is a far lesser guilt than that of nationalism and socialism. Relativist liberalism unintentionally, not intentionally, served the ethical revolt against European values.

"Pragmatic" and "positivist" liberalism was so eager to prove all values "relative" that it undermined the ethical heritage and Christian restraints of the West, as well as the organic traditional institutions that served as a unifying social cement. Thereby liberalism unintentionally paved the way for Hitlerism and Stalinism. Liberalism always begins attractively by liberating men from absurd old prejudices and aristocratic

excesses. It ends tragically by putting all men in the position of those few illuminati who, when initiated into the seventh circle of Syria's medieval Order of Assassins, were told the Order's secret of secrets: "*There is no truth; everything is permitted.*" Or, to cite an unconscious Broadway jazz echo of the Assassins: "Anything goes." No wonder that Fascist and Communist mass-murder, based on the assumption that every means is permitted to achieve one's ends, followed a century of relativist liberalism and of the most modern "scientific" enlightenment.

To this indictment, most contemporary intellectual leaders in the sciences and in the humanities would react vigorously. Their reply would stress intellectual honesty, no matter at what cost to social unity and no matter at what cost to the sanction and alleged sugar-coating of religion still needed to enhance ethical behavior. Indeed they would see, as man's supreme ethic, that respect for reason and scientific method, no matter where it may lead, on which the decline of ethics and spirituality and the rise of materialism are sometimes blamed.

Their reply (to sum up very superficially the main intellectual trend in current secular culture) would run somewhat like this: For modern man, the answer to relativism and chaos in truth and ethics is not and cannot be a system of absolute codes of truth and absolute codes of behavior based on bigotry, superstition, and contempt for reason. The "modern" would, as a source of truth, disregard intuition and disregard religious inspiration. To him these are an emotional self-deception. Moreover, intuition and inspiration are "too hot to handle". They simply do not lend themselves to the scientific method of analysis.

Aside from this, the "modern" position does have great cogency in so far as it reminds outraged, antimaterialistic moralists that the answer to "Anything goes" is not some political or ideological Inquisition saying: "Nothing goes."

Small wonder that agreement cannot be reached about unprovable imponderables, even if the survival of a just and free society partly depends on such problems. Small wonder that contemporary philosophers and statesmen, men of good charlargely incommensurable. But it seems clear that some are more significant than others, at least within a single society. For example, a society that enjoys a uniformity of social and political background can still hold together despite deep cleavages in other matters. The point is that the diversities and similarities are of many different kinds and when taken together they produce a total picture of the extent to which the society is integrated or diversified.

The total pattern of these diversities produces a demand for some kind of federal recognition of the diversities. This demand must in most cases meet a counterdemand (or inertia, which is equally a force) for increased unity or integration. These two demands or forces—the one impelling toward autonomy and independence for the component units, the other impelling toward centralization and the suppression of diversity—meet each other head on; the result of their conflict is the federal system. The federal system is thus an institutionalization of the compromise between these two demands, and the federal constitution draws the lines of this compromise. The constitution will be more or less federal in accordance with the relative strength of the two demands. Thus societies in which the demand for integration is stronger than the demand for decentralization will produce a set of institutions that is more nearly unitary; and a contrary situation will produce a contrary result. It is in this sense that federalism is a matter of degree and not of kind. The varying degrees of federalism are produced by societies in which the patterns of diversity vary and in which the demands for the protection and articulation of diversities have been urged with more or less strength. But what determines the federal quality of the government is not only the constitution that draws the lines of the compromise but the whole pattern of instrumentalities that are employed as a result of these demands.

Types of Instrumentalities

The diversities within a society require certain instrumentalities for their expression and protection. Just as the diversities take many forms, so do the instrumentalities; the latter are designed to fit the needs of the former. But the relation and

correspondence between the diversities and the instrumentalities that express them will vary from society to society. A diversity that requires one kind of instrumentality for its expression in one social complex will require another kind in another social complex. So also similar instrumentalities in different social complexes will serve different kinds of diversities. It is this fact that has been largely ignored by most analysts of federal institutions.

We are too prone to say that federal constitutions must contain a certain five or eight or ten characteristics and that all constitutions lacking any of these are not federal. Such a set of criteria ignores the fundamental fact that institutions are not the same things in different social and cultural contexts. Two societies equally diversified with respect to a particular matter may require very different instrumentalities for the implementation of that diversity. By the same token, similar institutions or instrumentalities in different social contexts may serve to implement dissimilar diversities.

The word "instrumentality" is a broad one and necessarily so; but we must be clear about what is meant. First of all, it does not mean merely a clause in the constitution, though such clauses may be examples of such instrumentalities and it may be said that the provisions of the constitution are a good rough guide to the pattern of instrumentalities, though they become less adequate with the passage of time. But the word includes not only the constitutional forms but also the manner in which the forms are employed; it includes the way in which the constitution and its institutions are operated. Beyond this, moreover, it includes many things that are far from constitutional in importance in the ordinary sense of the word. It includes such things as habits, attitudes, acceptances, concepts and even theories. It includes perhaps the rules of the American Senate, the make-up of the Canadian cabinet, the zeal of the Baptist Karens in Burma. All these may serve as instrumentalities for the expression of the diversities within a society, and whether a country is federal or not may best be determined by examining the pattern of these instrumentalities and not by checking its constitution against an *a priori* list of the characteristics of a federal constitution.

acter and good intellect on both sides, disagree deeply and bitterly about the causes of the terrible totalitarian revolution in ethics and about its cure. The battle between the materialistic, scientific relativist and the idealistic, religious absolutist, with so many insights on both sides, is apparently reflecting an innate split in human nature which can never cease, never be solved. Naturally there is far less disagreement about the more factual, less " metaphysical " revolutions that accompanied the anti-Christian ethical revolution: namely, the industrial and territorial revolutions. It is, therefore, to them that the discussion may now turn.

V. *The Three Industrial Revolutions*

Nineteenth-century Europe has witnessed at least two distinct industrial revolutions. Today we are witnessing a third. The three may be conveniently summarized as follows:

(1) In the late eighteenth and early nineteenth century, the *first* industrial revolution, beginning in England, swept over Europe:

(a) It replaced hand power and horse power by steam power.

(b) It urbanized a hitherto rural Europe.

(c) It gave impetus to materialism and a worship of science in what had been the domain of religious philosophy.

(d) Needing a broader market than old provincial tariff lines permitted, it gave impetus to nationalism and the formation of the large, capitalist, nationalist state.

(2) In the 1870's, centering in Germany, the *second* industrial revolution swept over Europe:

(a) It replaced steam power with electric power.

(b) It replaced small laissez-faire capitalism with large mass-production monopoly-capitalism.

(c) It gave impetus to power politics and statism.

(d) It helped transform nationalism into imperialism by directing national aspirations outward to foreign colonial markets, raw materials, and dumping grounds (a fact which, despite the Hobson-Lenin theory of imperialism, did not make inevitable either World War I or the end of capitalism; it did, however, deeply transform not only the economy but the culture of both Europe and the two colonial continents).

(3) The first industrial revolution is symbolized by the railroad, which in turn became the unifying sinew of nationalism making local provincial markets outdated. The second industrial revolution is symbolized by the transoceanic freighter, speeding to Asia and Africa: the unifying sinew of world-wide imperialism. Similarly, the *third* industrial revolution, centering in America and Soviet Russia and now dawning upon us, may replace electricity by atomic power, just as the second replaced steam power and the first replaced hand power.

As the symbol of the first was the railroad, unifying the nation, and as the symbol of the second was the ocean liner, uniting the globe, so the symbol of the third may some day come to be (incredibly Buck Rogerish as it sounds) the interplanetary rocket ship, uniting all space and time and conquering everything in the material universe except that tiny catalyst, the heart of man. The ethical rightness or wrongness inside the human heart will still determine whether any given physical or economic advance is a blessing or a curse, just as it did when the first cave man invented the first ax in some prehistoric " industrial revolution ".

VI. *The Territorial Revolution*

The third great nineteenth-century convulsion, accompanying the ethical and industrial changes, was the territorial revolution of 1859-71. It created two new centralized states: Germany and Italy. It was far more than ideological in scope. But it was set in motion by an ideology: nationalism.

In turn, the territorial revolution altered nationalism. It militarized nationalism. It gave a bigger springboard for expanding a landlocked nationalism into transoceanic imperialism. And it made the new German and Italian nationalism synonymous with the cult of the existing state. The earlier German and Italian nationalism had been a cultural feeling that became political only in order to protest *against* the existing state. After 1871, nationalism and statism at last became reconciled, uniting into a single, overwhelming force.

Federal Constitutions and Federal Instrumentalities

Indeed the documentary constitution may be a poor guide in attempting to discover whether or not the society itself is federal. Several South American countries have adopted federal constitutions and yet an examination of those countries reveals a rather high degree of integration. Are we to infer that Soviet Russia is more federal than, say, the United States because it provides in its constitution for a right of secession?

Other examples may better illustrate the point. It is meaningless to insist that the Union of South Africa is unitary and not federal because of certain characteristics of its constitution. I should be quite willing to agree that the component units may be overwhelmed by the central government, if the testimony of the constitution is to constitute the only evidence. But I should at the same time insist that what is significant is, not what the constitution says, but how the people of South Africa employ it. The fact is that in many instances South Africa operates its institutions as though its constitution were federal; it works federally despite the unitary character of its legal forms. If one examines the South African polity from a strictly legal or constitutional point of view, it is clearly unitary. But if one probes deeper into the processes of politics one quickly perceives that federalism is still an operative principle in that society.

A similar argument may be advanced in regard to Great Britain, a country whose constitution is most often cited as being typically unitary. Many elements of British public life are witness to the vitality of the federal principle in British society. Indeed there would seem to be an operative right to secede from that community, exemplified by the withdrawals from it in recent years of such elements as Burma and Ireland. If Northern Ireland or Scotland, or perhaps even other elements, were to seek actively for secession, it seems most unlikely that the right would be challenged. A right of secession as an operative idea in a society suggests diversities of a rather acute nature and places that society, as far as the particular point is concerned, well over toward the diversity side of the spectrum of federalism. Federal elements in Great Britain take other forms as well. Northern Ireland has its own parliament; Scotland has its own courts and legal system as well as its own church. Scotland, furthermore, is especially protected in the House of Commons by a Scottish Committee which deals with questions pertaining to that area. If the central government were to attempt to abolish any of these institutions, the outraged complaints of injustice would bear adequate witness to the extent to which this society is diversified and to the necessity of providing these instrumentalities for the articulation and protection of the federal qualities.

Even France under the *ancien régime*, which is ordinarily considered to have been a very highly centralized executive state, manifested certain federal qualities. The laws and customs of the provinces were far from standardized. Each had its own legal code, its own body of customary law, its own historical tradition and a very considerable degree of local patriotism.

The Causal Relation Between Federalism and Its Instrumentalities

The point has been made that the pattern of forces within the society changes with the passage of time. Society is never static but changes constantly in accordance with the interplay of the various dynamic forces within it. As a result, the diversities within the society wax and wane in intensity so that the need for their articulation increases or decreases. A complex of psychological and sociological factors may require one type of instrumentality at one time and another type at some other time. As the nature of society changes, demands for new kinds of instrumentalities are created and these demands are met by changing or abolishing old instrumentalities and substituting new ones in their place. But it can scarcely be hoped that the instrumentalities will keep pace with the changing pattern of social relationships, and as a result the pattern of instrumentalities tends to lag behind the changes in society itself (though it may be observed that the functioning of the instrumentalities will not be so rigid in this respect as the constitutional forms).

This is complicated further by the fact that the instrumentalities, once put into operation, become rigidified and acquire a status of their own. They become substantive instead of merely adjectival; they become ends in themselves instead of merely means toward other ends. Their procedures become standardized; they may take on an honorific quality; they become matters of pride to the diverse elements that they serve; and ultimately the instrumentalities enter into and become part of the psycho-sociological complex itself.

This is by no means an unusual occurrence; almost every society manifests this tendency in one form or another. The Scottish Committee of the British House of Commons, mentioned above, is an example. This Committee was at the outset a device, an instrumentality, to permit the organized expression of Scottish opinion on affairs that directly concerned Scotland; it is still that. But it is also much more, for it has become a thing of value in itself, a thing to be preserved because it is an essential part of the federal relation between England and Scotland.

Another example is the Supreme Court of the United States which began as a mere court of law. But as judicial supremacy developed in the United States the Supreme Court became more and more an institution that connoted the maintenance of justice in federal relations in this country. (It came to mean many other things as well, but it is the federal arrangement that concerns us here.) Few men now claim that the Court is a mere court of law; and few men would dare to disturb its position without serious consideration of the effects of such a change on the shifting balance of national power and state power. The Court has ceased to be a mere instrumentality and has entered into the psycho-sociological complex that determines the nature of the instrumentalities.

Another example is to be found in the United States themselves. America adopted a federal constitution at the outset because the elements that were to make up the new country were so diversified that they could be brought together in no other form. But since that time the Federal Constitution has continued in force and has collected around it all the aura of a highly revered institution. As other states have entered the union they have taken their places in the federal arrangement and have found that all the perquisites and particularities of the

established states have accrued to them. Although at the time of their entry these later states may not have been sufficiently diversified to justify such special treatment, they rapidly acquired such consciousness of individuality that they would now be unwilling to part with the instrumentalities that permit the expression of that individuality. It is doubtful that the two Dakotas warranted the dignity of separate statehood at the time of their entry into the union; but who can deny now that, having lived as states for a number of years, they would look with disfavor upon any proposal to deprive them of their individuality by merging them into one? The Constitution, which endows the states with the characteristics of diversity, treats them indiscriminately and thus tends to create diversity where none previously existed. The Constitution with its federal plan, though designed as an instrumentality, has become a part of the complex of sociological and psychological values that constitutes the pattern of diversities. It is no longer merely an instrumentality serving to protect and articulate the diversities; *it has itself become a part of that complex of values which is the pattern of diversities and which determines the pattern of the instrumentalities.*

Thus the problem of the student of federalism is made much more difficult, for he cannot clearly distinguish between society and the instrumentalities it employs. Similarly with the problems of the statesman; he cannot devise means to accomplish new ends without disturbing the old relationship, for the old means have themselves become ends and the old techniques have become values.

The effort to draw the distinction must be made, however; for otherwise we end by confusing cause with effect and by attributing to the instrumentalities values that belong properly to the anterior diversities. The student of federalism must probe deeper than the institutional patterns, for these are but the products of the diversities in the society; it is to the pattern of these diversities that we must go if we would assess the federal qualities of the society.

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The territorial revolution occupied the dozen rapid years of aggressive war by which Cavour unified Italy and Bismarck unified Germany. To see how truly revolutionary were these dozen years of unification, it is necessary first to recall the preceding thousand years of a disunited center.

For the thousand years following the break-up of Charlemagne's united Central Europe, the constant factor in the shifting kaleidoscope was the weakness of the European center, the strength of the periphery. The German-French-Italian-Christian empire of the Frankish King, who became Roman Caesar in the year 800, was turned by feudal centrifugality into a jigsaw puzzle, the fragments of which never held together. Intermittent successes of a Pope or a Holy Roman Emperor, a Leo or a Hohenstauffen, were the exceptions. The rule was that Germany and Italy were, to use Prince Metternich's phrase for the latter, mere "geographical expressions". These two central areas consisted of many tiny, feeble, divided states while their neighbors to west and north and east—France, England, Sweden, the Grand Duchy and later Tsardom of Moscow, the Ottoman Sublime Porte—were powerful, large, united monarchies.

Nature abhors a vacuum. Into the power-vacuum of the German-speaking center, gravitated heathen Viking and Latinized West Frank; Tartar and Turk; Magyar and Pole; Pope and Bourbon and Romanov. The crescendo of this process was the Thirty Years' War (1618-48) when the Hapsburg armies were fighting the armies of Denmark's King Christian, Sweden's Gustav Adolph, and France's Cardinal Richelieu on the two-thirds-devastated soil of the many little "Germanies".

Meanwhile in the south, in the power-vacuum of the Italian-speaking center, Scandinavia's Christian pirates beat their swords in Sicily against the scimitars of Africa's Arab-speaking Mussulmans. On the Italian soil they both claimed, the heirs of Constantine debated the heirs of Peter over the endless question of what to render unto God and what to render unto Caesar. In the swamps of the Neapolitan boot, Spanish Aragon fought French Anjou with the Italian mercenaries both sides hired and could not pay, until both crumbled into luxury, corruption and malaria and were replaced by the cannily marrying Hapsburgs. Above all, it was Austrian and Frenchman who battled: in Naples and in Milan; first with crossbow and then with musket; from the days of a divinely anointed Charles and Francis through a brace of plebiscite-anointed Napoleons.

For ten trampling centuries, up to Cavour (1810-61) and Bismarck (1815-98), the boot-tread and hoofbeat of invasion passed always from east and west and north into the feeble German-Italian center. Then suddenly, amazingly, as a result of the twelve-year territorial revolution of Cavour and Bismarck, the tide of invasion reversed itself. It now hurtled outward for seventy years from a strong aggressive center into weak peripheries. Of this the crescendo was the Hitler-Mussolini empire, in which the two former "geographical expressions" mastered their geography and conquered a continent.

VII. *Hitler over Europe*

Riding this nationalist-militarist tide of the history he thought he was making, was the most headlined name and most dreaded radio voice and most familiar front-page face of twentieth-century Europe. Now that World War II has passed, leaving 22 million corpses in a Europe of rubble, what is there to say about the mentality behind the little moustache and forelock, the mentality that unleashed the greatest catastrophe ever recorded? What can the historian say, or the moralist, or the psychologist, or each bereaved mother, except some futile understatement?

This lower-middle-class Siegfried with the grand-opera rhetoric wanted so terribly hard to be considered respectable. And tried to achieve respectability by conquering the world. And in the process passed out of the category of "humanity", as defined before the ethical revolution, and instead became a monster, a respectable, patriotic, petit-bourgeois Corporal of monsterdom, murdering more human beings more sadistically than any other tyrant in history. And then pulled down half of Europe to be a quilt for his deathbed, as in the *Twilight of the Gods* of his beloved Richard Wagner. And in every minute of the dozen years of what he called his "thousand-year

Reich", was the most ignorant and surly slave of slaves; the cast-off waste matter of the industrial, territorial, and ethical revolutions; the casual blunt weapon snatched up for suicide by that "European History" in which he had received a grade equivalent to "C minus" in 1905 in a peaceful provincial school in Steyr.

During 1940-43, Nazi Germany and its Fascist Italian satellite ruled all Europe from Norway's Arctic Circle to the Sahara side of the Mediterranean, from England's French "Sleeve" up to the Volga River's little-known outpost of Stalingrad.

Up to Stalingrad! But Stalingrad is a time as well as place. In 1944 at Stalingrad, the Russian periphery replaced the German center as the first power in Europe. Like Versailles in January 1871, Stalingrad in 1944 is both a time and a tide, the beginning of a third surge over Europe.

VIII. *Russia over Europe*

As seen earlier, Europe's first great tide of troop movements was from periphery to center. This was the thousand years after Charlemagne. The second tide was from the German and Italian center outwards. This was the three quarters of a century that saw the aggressions of Bismarck and of the recent Rome-Berlin Axis. Today Europe's third tide is moving from east to west. This has been by Red Army since 1944; also by threat and political infiltration since 1945.

"Tides" is a metaphor. It can be misleading if taken literally. It should not be taken to mean some irresistible force of nature that denies man free will and personal responsibility. It should not be taken to mean inevitable determinism. There is no such thing as a "wave of the future" (to use the phrase by which American isolationists described the Nazi tide during World War II). The great historic tides here considered were, and are, not geological but human forces. This gives them all the unpredictabilities of human nature. Such historic tides, after sweeping everything before them, are sometimes halted by some forgotten human factor.

The human factor may be sheer luck. It may be unexpected dissension among the victors. An example was the sudden

death of the Great Khan. As Churchill hopefully pointed out in a public speech in Cambridge, Massachusetts, this death halted unexpectedly the medieval Tartar conquest of Europe. But though luck is ever welcome, it can never be a basis for sober calculations of Western policies against the third tide.

The human factor may be something more solid than luck to build policies on. It may be moral qualities of character: courage, lofty vision, dedicated ingenuity, passionate love of freedom. "Character is destiny." An example of character versus brutal force was England's successful resistance against odds to the German tide in 1940. Another example was West Berlin's resistance to the Russian tide during the American airlift of 1948. The former resistance was under the Conservative prime minister, Winston Churchill. The latter resistance was under West Berlin's socialist mayor, Ernst Reuter. Passionate love of freedom and courage against tyrants are nonpolitical, human qualities. They cut across class lines and across the outdated party lines of "Right" and "Left".

It is too early to say whether England in 1940 and West Berlin in 1948 are exceptions or the rule, in confronting contemporary totalitarianism. Not every resistance to overwhelming tyranny in the years ahead can expect to be as successful as the Athenian stand at Marathon in 490 B. C. and the American stand at Korea in 1950 A. D. But fatalism is always fatal. Resistance at least means hope. Such grim hope, against the numerically superior tide of the Red Army, is offered in the 1950s by the triple shield of the Truman Doctrine, the Marshall Plan, and the Atlantic Pact. The first is the political shield of the West against Communist assault. The second is the economic shield. The third is our military shield.

The "other side" has its nonmaterial, nonmilitary appeal also. The Soviet appeal is not only its vast resources, not only its vast man power. Hitler's National Socialism, in contrast, had no popular appeal outside Germany. Its "socialist" half was never taken seriously among the masses abroad. Yet in 1951 the equally bogus "socialism" of Stalin's equally "fascist" police-oligarchy was still being taken very seriously indeed by the voters of Western Europe. It won almost 37 per cent

THE POLITICAL, SOCIAL AND ECONOMIC DEVELOPMENT OF EASTERN GERMANY DURING 1950

THE basis for the political, social and economic development of the German Democratic Republic, as it has emerged today, was forged during the year 1950.[1] To understand the present situation the evaluation of the events of the year 1950 is essential. It can best be summed up by saying that the Communists succeeded in developing and fortifying the monolithic state by using a democratic façade as camouflage, by exerting far-reaching controls throughout the economic and social spheres; but they failed, in spite of " favorable " election results and millions in membership figures, to control the minds of a majority of the population. There is every indication, however, that the red-handed grip on the people is being tightened day by day.

Population and Creation of the State

The territory of the German Democratic Republic lying in the heart of Europe, " between the Baltic Sea and the Czech border " and called the zone of silence, is far more than the granary of partitioned Germany. Not only vast areas of farm land, but also forests, extensive brown-coal fields, " the world's greatest concentration of potash ", and other industries including the Jena optical works, the giant Leuna synthetic gasoline works, and the Meissen China plant, came under Russian control.[2] Of the companies in the I. G. Farben combine, forty-five are situated in East Germany.[3] In the north, a largely rural area, there are important cities, Wismar, Rostock, Stralsund

[1] See also Norbert Muehlen, " In the Shadow of the Iron Curtain ", *The New Leader*, Aug. 20, 1951; Joseph Wechsberg, " Remember Their Faces, Put Down Their Names ", *The New Yorker*, Sept. 8, 1951.

[2] Arthur Settel *et al.*, *This Is Germany* (New York, 1950), pp. 370, 374.

[3] *Frankfurter Rundschau*, Aug. 7, 1950.

(exit to the Baltic Sea), Greifswald, Schwerin and Pasewalk; in the west, Magdeburg with long-established industries, Wittenberg and Potsdam; in the east, Joachimsthal and Eberswalde; and in the south, a highly industrialized area, Halle, Leipzig, Merseburg, Naumburg, Dresden, Erfurt, Weimar and Aue. In the eastern part of Berlin, the capital of the German Democratic Republic, 1,250,000 people live. Population figures are estimated at a minimum of 17,313,734 (Brandenburg 2,527,-492, Mecklenburg 2,139,640, Saxony 5,558,566, Saxony-Anhalt 4,160,539, Thuringia 2,927,497)[4] and a maximum of 18,400,000.[5]

On October 12, 1949, the German Democratic Republic was proclaimed by the People's Council, the organ of the People's Congress, which was transformed into the " Provisional People's Chamber " and ratified an earlier decision not to hold elections prior to October 15, 1950.[6]

Political and Social Development

Robert Menzel, " a middle-aged Communist serving as state youth leader in the provincial capital of Halle ", was asked to define democracy and replied: " It means a system from which monopoly capitalists and big landowners have been eliminated and in which the people's will is law."[7] Under this theory of democracy, Eastern Germany " is based upon a concentration of power in the hands of the majority of the people—peasants, workers, and intelligentsia."[8]

Although statements concerning political and economic civil rights appear in the Constitution, analysis of the text and its implementation—honored more in the breach than in the ob-

[4] *Deutschland Jahrbuch 1949* by Klaus Mehnert and Heinrich Schulte (Essen, 1948), p. 8.

[5] Settel, *op. cit.*, p. 374.

[6] *Der kommunistische Wahlbetrug*, Memorandum No. 30, published by the Social Democratic party, Hanover, p. 22.

[7] Settel, *op. cit.*, p. 395.

[8] Harold O. Lewis, *New Constitution in Occupied Germany*, Foundation of Foreign Affairs, Pamphlet No. 6 (Washington, 1948), p. 33. Compare, as quoted by Lewis, Karl Pollak, " Gewaltenteilung, Menschenrechte, Rechtsstaat ", in *Einheit*, vol. 7, Dec. 1946, and " Was ist Demokratie ", vol. 4, Sept. 1946.

of the Italian vote in the May elections of 1951. It won 26.5 per cent of the French vote in the June elections of the same year: the largest percentage of any single French party.

Hitlerism had only a home appeal. This makes Russian communism the more malignant ideology abroad. Its double appeal woos millions of Asiatics and West Europeans today by promising socialism, while wooing Russians by a more-than-tsarist imperial expansion. Ideologically the strength of the third tide is its synthesis of the two most appealing secular religions of the post-1870 epoch: blood-and-iron nationalism; blood-and-iron socialism.

Such double psychological seductiveness, plus atomic and industrial power, plus three hundred potential infantry divisions, make National Bolshevik Russia the most dangerous aggressor in all history. The so-called "Union of Socialist Soviet Republics" is the final, complete fulfilment of the catastrophe of 1870-1952: Europe's revolution in values.

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THE STRUCTURE OF NATIONALIZED ENTERPRISES IN FRANCE

General Principles

WHILE British post-war nationalization appears at first sight to have followed, on the whole, a few general principles of organization with slight variations in detail, France has developed and maintained an almost bewildering variety of patterns. No wonder that efforts at unification so far have been without success. One intention, however, is common to both countries: the rejection of nationalization through *étatisation,* in particular the administration of nationalized industries as a governmental department. Whether and to what extent this objective has been attained will be discussed below. But the intention is clear from the public and private utterances of the political and trade-union leaders in both countries.*

In France the unions which were the main driving force behind the nationalization program defended the "anti-etatistic" ideas under the slogan of the "industrialized nationalization". This term was adopted by the C.G.T. (*Confédération Générale du Travail*) as early as 1920 to characterize the intention of keeping the state as far as possible out of the control of nationalized industrial enterprises.

The British device has been the public corporation. It constitutes a separate entity, administered by a board of management, appointed and not elected, whose powers and duties are determined by law. This form of public enterprise evolved after a long experience in which various other forms had been used such as that of the Post Office, the municipally owned enterprises, joint authorities—where more than one municipality

* The author is indebted to the Social Science Research Council and to a Fulbright award for assistance which made possible the research for this article.

is involved—and the partly elected, partly appointed boards such as the Port of London Authority. In establishing the public corporation " the aim was to combine the advantages of private enterprises with public responsibility; to escape the dangers of bureaucracy by embracing the flexibility of commercial operation." [1] Its supporters quote President Roosevelt's definition of the Tennessee Valley Authority as " clothed with the power of government but possessed of the flexibility of private enterprise."

French nationalized industries, on the other hand, range from pure government departments and " mixed enterprises " to the French counterpart of the public corporation, the *établissement public à caractère industriel et commercial.* Some of the armaments factories nationalized before World War II are administered as government departments. The aircraft construction plants and the railroads are mixed enterprises combining private and public share capital. Coal, banks, insurance, gas, electricity, Renault, are public corporations. This last form has gained greatly in popularity since World War II, while the mixed enterprises, as well as the administration by a supervised private enterprise (*concession* in France, roughly corresponding to the " public utility " in the United States), have lost in favor.

In some cases—coal, electricity, gas—the nationalized enterprises hold a near-monopoly or full monopoly. In others—banking, insurance—they control the largest part of an industry, but a substantial private sector continues to exist. In still others, as for example the automobile industry, public enterprise competes with a number of privately owned undertakings.

To this diversity corresponds that of legal forms. In banking and insurance, the former legal structure of the individual enterprises was maintained, but the state became the owner of all shares. For coal, gas, electricity, the formula applied was similar to the British. The existing enterprises were dissolved and replaced by a new establishment—or a small group of undertakings, as in the case of coal—uniting the entire industry in an effort aimed at concentration and " rationalization ". For

[1] Ernest Davies, *National Enterprise: The Development of the Public Corporation* (London, 1946), p. 23.

the Renault automobile factory a special solution was found; a new organization, the *Régie Nationale des Usines Renault,* was set up, which is in fact the same business as the former *Société Anonyme des Usines Renault.*

The Unit of Management

While the question of centralization in the administration of the nationalized industries has been widely discussed in Britain, it has played a rather minor part in French public opinion. This may be a result of the fact that, on the whole, the outward forms of administration are less centralistic in France than in Great Britain.

This is particularly obvious in the case of coal mining. Compared with the British system, French coal mining is more decentralized. There is a central organ, the *Charbonnages de France,* which must establish the program for the development of production, propose price policies, provide for financing of equipment, direct technical research and professional training and—through a " compensation fund "—provide for the financial equilibrium of the different coal fields. Actual production, however, is in the hands of nine distinct organs, the *Houillières de Bassin,* set up on a geographical basis. To assure the necessary coöperation between these operating agencies and the central board, two devices have been employed: the presidents of the boards of the *Houillières* have the right to take part with consultative status in the meetings of the central board, while the latter is in turn empowered to send six full delegates to each of the boards of the *Houillières.*[2] Ideally this assures at the same time a high degree of autonomy in the day-to-day operations of the different coal fields with their tremendous diversities, and the necessary over-all coördination.

In transportation, there is no French counterpart to the British Transport Commission which administers all kinds of transport services, railroads, canals, docks, harbors, road (goods and passengers) transportation, London transport, and a number of hotels. In France only Parisian transport services and the railroads are nationalized, the latter in the form of a

[2] Law of May 17, 1946, Arts. 3, 4, 21, 22.

mixed enterprise, with public and private shareholders. But there is one essential difference: although a general shareholders' assembly is held every year at which representatives of the state and of the private shareholders are present, the board is not elected by the shareholders' assembly. It consists of representatives of the state, of the private shareholders and of the personnel nominated by the unions. The general director is appointed by the chairman of the board with the approval of the minister.[3]

Electricity supply and distribution is similarly set up in France and Britain. In both countries there is a national board —the British Electricity Authority and the *Electricité de France, Service National*—and under them regional organizations for the distribution of electrical energy—area boards in England, *Electricité de France, Service de Distribution,* followed by the geographic designation of the area. This apparent similarity, however, disappears upon closer examination.

The French *Service National* has exclusive competence only for the transportation of energy; but this is the decisive link in the chain, since the development of hydroelectric power plays a large and increasing part in a country which is not too richly endowed with satisfactory coal supplies. As a result the producing areas in the mountains are widely separated from the main consuming regions. Moreover, hydroelectric energy production tends to have considerable seasonal variations in output, the timing of which is not the same for the various producing regions. Thus, interconnection of the various energy plants and transmission of energy have to be provided for on a national scale. Production itself is left to "at least six sectors which shall under the direction of the *Service National* study, carry out and exploit the means of production of electricity." [4]

As to distribution, the law specifies that the board of each organ of regional distribution will be appointed by the *Service National* and must include four representatives of the *Service National* among the eighteen members of the board. Moreover, the director of each distribution service, though appointed by

[3] Jean Rivero, *Le Régime des nationalisations* (Paris, 1948), No. 28.

[4] Law of April 8, 1946, Titre Ter, Art. 2. Rivero, *op. cit.*, No. 517A.

the regional board, needs the approval of the *Service National.*[5] Thus, the *Service National* has considerable influence upon the regional distribution services. In this way, France has tried to solve the problem presented by the—more apparent than real—dispersion of the industry in many enterprises and by its slow development in certain regions. There were 2,378 enterprises dealing with the production, transmission and distribution of electricity, but in fact a small number controlled all the rest; thus one firm dominated in Paris, another in Lyon, a third one in Marseille, and so on. This, together with the fairly strict supervision of these enterprises by public authority, facilitated nationalization.[6]

In the gas industry nationalization followed the same form as in the case of electricity. For some time, indeed, the administration of gas was in the hands of the authorities of the electricity industry. But the law provided—against the original government proposal—for a separate organization of gas under a central board and regional services, stating specifically (Art. 20) that the board members and general directors of gas must be different from those of electricity.[7] Only in financial matters was a connection established through a joint *Caisse Nationale d'Equipment,* an investment fund. In actual fact, however, the two industries were so closely interwoven that separation became difficult: of 264 enterprises distributing gas, 160 also distributed electricity; in 394 towns the two services were combined. An agreement concluded on May 15, 1946 between gas and electricity directors, therefore, entrusted the latter with the administration of both enterprises. It was only as a consequence of a new law on January 1, 1949 that the separation of the two enterprises was undertaken. But, even under the new system, some combined organizations of gas and electricity continue to exist.

The French nationalization laws concerning banking and insurance distinguish among the banks and insurance firms ac-

[5] Art. 22, Law of April 8, 1946.

[6] La Documentation Française, *Les Nationalisations en France et en Grande Bretagne* (1948), p. 12.

[7] Law No. 46-628 of April 8, 1946 on the nationalization of electricity and gas.

cording to size, nationalizing the larger ones and leaving the smaller ones to private enterprise. Moreover, certain regulations have been established for the entire group. Thus all banks, whether nationalized or private, are subject to the action of the National Credit Council (*Conseil National du Crédit*) which is a policy-making body, and of the Control Commission (*Commission de Contrôle des Banques*) which is a supervisory organization. With regard to the four large deposit banks which are nationalized—*Crédit Lyonnais, Société Générale pour favoriser le développement du commerce et de l'industrie en France, Comptoir National d'Escompte de Paris, Banque Nationale pour le Commerce et l'Industrie*—the Control Commission performs the functions of the shareholders.[8] These four banks continue to exist as individual entities under individual boards whose composition is prescribed by the law.

A somewhat parallel arrangement has been made for the insurance companies. Only thirty-four of the roughly one thousand insurance companies operating in France have been nationalized, namely, those whose turnover was more than about 700 million francs a year. All insurance companies, however, whether nationalized or private, are under the control of the National Insurance Council (*Conseil National des Assurances*), a policy-making and supervisory agency, and of the Central Reinsurance Fund (*Caisse Centrale de Réassurance*) which enforces the policies laid down by the Council and is the compulsory reinsurance agency of all nonnationalized enterprises up to 4 per cent of their premiums. The Council acts as the shareholder of the nationalized companies. Each of these has its own board, but the president of the board who is at the same time general director is appointed by the Minister while in the nationalized banks this appointment is made by the board.[9]

[8] These four banks are described in the *exposé des motifs* of the government as having a network of agencies covering the entire country—all together 1,852 of them—and deposits amounting on August 31, 1945 to 55 per cent of all bank deposits in France. George Thomas in *Les Nationalisations en France et à l'Etranger*, Juilliot de la Morandière and Byé, ed. (Paris, 1948), p. 150.

[9] There does not seem to have been any reason for this difference. Rivero (*op. cit.*, No. 484) explains it "by the haste of the work of the legislators."

A peculiar case is that of the *Régie Renault* in which a single enterprise has been nationalized as a punitive measure against the owner because of collaboration with the enemy. The unit of management in this case coincides with that of the former private enterprise. The authority of the state over the enterprise is extremely strong, however, although in appearance the *Régie Renault* is very similar to any privately owned share company. The president who is also general director is directly appointed by the government. There is a board whose composition is set in detail by a decree,[10] but it has mainly advisory functions. Since the general director who alone has power of decision on most matters is subject to dismissal by the government at any time,[11] it is the government which in the last resort administers the enterprise.

The Boards

To be realistic, a discussion of the actual administration of nationalized enterprises in France must take into account the profound differences between the administration as set up by law or decree and the one that in fact operates.

The ideal scheme of the top administration as advocated by the French unions is that of a tripartite council of part-time administrators representing the state, the consumers and the employees—the last through their unions. The board elects the president-administrator with the approval of the corresponding council. In the different nationalization measures, however, many variations have been introduced into this basic pattern without any clear justification.

Great diversity exists in the legislation with regard to the method of selection of the workers' representatives on the boards. To give a few examples: In Renault the 6 workers' delegates (out of 15 board members) are appointed by the Minister of Industrial Production from among the members of a Works Committee, the *Comité Central d'Entreprise*, which is elected by the employees. In the aeronautical firms, S.N.E.C.M.A., the 3 workers' delegates (out of 11) are ap-

[10] March 7, 1945, Art. 3. Rivero, *op. cit.*, No. 432.

[11] *Ibid.*, No. 427.

appointed by the *Comité d'Entreprise*. In the Commission for the Control of the Banks the one workers' delegate (out of 5) is proposed by the most representative federation of bank employees.[12] However, on the boards of the individual banks the employees have 4 out of 12 members; one of the 4 represents the higher grades, one the lower ranks, of the employees of the particular bank, 2 are proposed by the two most representative trade-union confederations. For gas, electricity, the *Charbonnages* and the 9 *Houillières de Bassin*, the workers' delegates (6 out of 18 except for the *Houillières*: 7 out of 19) are proposed by the most representative unions.[13]

No clear reasons are given anywhere for the discrepancies and variations. It seems likely that they were due more to accidents of the parliamentary discussion and to the haste of the preparation of the texts than to any plan.[14] It is, therefore, extremely difficult to find common traits and to make generalizations. Perhaps the only ones that can be established—subject to many reservations—are these:

(1) According to the text of the laws the boards have typically the following functions: they make purchases and sales, borrow, hire and fire, determine wages and salaries, fix the administrative budget, make production plans, allocate sums to reserve funds, determine the use of disposable funds. They need the approval of the minister (or ministers involved) for the following decisions: delegation of powers to the general director, equipment and production programs, fixation of the budget or changes in it, profit and loss statement and balance sheet (including depreciation rates, allocation to reserves), issue of bonds with five-year maturity or longer, purchase or sale of financial participations, general rules on wages and working conditions for the personnel. On a number of these questions the Minister of Finance, in addition to the minister to whose

[12] Regarding the concept of the "most representative" union see my essay on "Collective Bargaining in France", *Industrial and Labor Relations Review*, vol. 4, No. 2, Jan. 1951.

[13] On the board of the *Charbonnages* two further union delegates appear as consumers' representatives. See *infra*, note 23.

[14] *Cf.* Rivero, *op. cit.*; see *supra*, note 9.

competence the particular industry belongs, has to give his approval.[15]

(2) Interest groups are represented on the boards in proportions which are variations around the basic principle of the tripartite board. The members are appointed for a determined period; for the *Charbonnages* and *Houillières* this was originally a six-year period which was later reduced to three years.[16] The appointment is made by the competent minister upon recommendation of the interest groups concerned (or—for the government representatives—of the government departments involved). In the case of Renault the workers' representatives are appointed by the minister from among the members of the Works Committee.

As to their recall, there exist considerable differences among the various nationalization measures. For electricity and gas, the recall by the interest group which nominated the particular member is excluded. The members can be recalled only by that body which has to approve the work of the particular board. Thus, for the board members of the distribution services, the boards of *Electricité de France* and *Gas de France* are competent. These higher boards must order the recall of all members of a board whose administration has produced a deficit at the end of a fiscal year, unless a specific decision to the contrary is taken by the board of *Electricité de France* or of *Gas de France*. By a queer oversight, the law has neglected to state who has the competence to recall the board members of *Electricité de France* or *Gas de France* themselves.[17] An entirely different formula has been applied for the coal industry. The interest groups have the right to ask for the recall of their representatives, but they must state the reasons. The board member may answer in writing. The minister is free to decide; the recall must take the form of a decree voted by the government (*Conseil des Minis-*

[15] This list is based primarily on the enumeration of the functions of the boards of the *Houillières* in Arts. 13 and 14 of the Decree No. 47-156 of Jan. 16, 1947. Reasonably similar functions are allocated to the boards of other industries, but for Renault the board has only advisory functions.

[16] Decree of June 12, 1947, Art. 2.

[17] Rivero, *op. cit.*, No. 562a.

tres). In the case of a serious fault on the part of board members, the procedure is similar to that of *Electricité*: the higher board may recall the member of the lower board; and for the board members of the *Charbonnages*, the Prime Minister has this right upon request of the competent ministers (coal mines, National Economy, Finance).[18] Total recalls are provided for as in the case of *Electricité* and *Gas*, but also by decision of the government as a whole (*Conseil des Ministres*) if after warnings the board fails to carry out its duties, "particularly by not securing the production necessary for the needs of the national economy." [19] A legal appeal procedure against recalls is provided for. No proviso for the recall of board members of banks or insurance has been made by the legislators.

(3) The board members are carrying out their functions part time and have no salary; they are paid a modest fee for participation at meetings. They cannot be members of parliament. Former members of the government cannot be board members within five years after their resignation from office. They must be free from the influence of interest groups which they are not officially representing on the board.[20]

In actual fact the boards have not played the part which the law and the idea of the "industrialized nationalization" allocated to them. In the case of the Renault factory the rôle of the director has been emphasized by the nationalization decree itself, at the expense of the board. In coal, gas, electricity, the power of decision seems to rest less with the boards than with the directors and even more with the government departments

[18] On this basis board members of the *Charbonnages* and *Houillières* have been dismissed because of their participation in a strike in the coal mines during which the striking miners refused to continue to operate the safety devices. *Cf.* Decrees of Oct. 29 and Nov. 10, 1948; Rivero, *op. cit.*, No. 683.

[19] Arts. 7 and 8, Decree of Jan 16, 1947.

[20] For Renault it is expressly stated that the board members are paid only attendance fees (*jetons de présence*) (Art. 5, Decree of March 7, 1945). In the banks and insurance companies, the model is the private share company where the shareholders' assembly determines the fee. Nothing is stated for gas and electricity. For coal, it was originally specified that no compensation would be paid; this was changed (Decree of June 12, 1947) to attendance fees the amount of which would be determined by the ministers.

under whose competence the industries fall, particularly the Minister of Finance. The degree of autonomy which the nationalized enterprises were to enjoy has, in fact, been greatly reduced.[21]

This development, which contradicts to a large extent the entire philosophy upon which the "industrialized nationalization" was based, has a number of causes. At this stage it may be sufficient to anticipate the result of the examination of the boards' weaknesses and to point out that the boards cannot do more—at the best—than settle some of the high-policy questions that may come up from time to time. Even within this limited field of action they will depend greatly upon the advice of those familiar with the problems of the industry; that is, of persons devoting themselves full time to the industry. But it is precisely in these high-level decisions that, as we shall see, government and parliament have assumed far-reaching powers. Squeezed in between the permanent staff of the industry and the government, the boards have lost most of the powers which, according to the program of the "industrialized nationalization", they were supposed to have. In effect, the power of decision is concentrated in the hands of the ministers or of a small number of civil servants.

The Directors

In fact, therefore, a large part of the top-level administration is in the hands of general directors who sometimes combine in their person also the office of president of the board. Where the two offices are separated, the president of the board may have added functions or enhanced status with regard to the other members of the board.

Once again we are confronted with a variety of administrative solutions the reason for which is not always easy to understand. The functions of president and general director are combined in one person in the Renault works and the insurance companies. They may be combined in the banks. They are separate for electricity, gas and the mining industry. The

[21] Rivero, *op. cit.*, No. 756, 588-83.

presidents (or president-general director) of Renault and the insurance companies are appointed by the minister, but elected by the board in the case of the banks. They are also elected by the board members of the *Electricité de France* and *Gas de France,* as are those of the distribution services of the two industries, although in the latter case the law is silent. In the *Charbonnages* the board elects a president and two vice-presidents, while in the *Houillières* the boards elect only a president. The typical functions of the presidents are described as those of their counterparts in private enterprises, but, since the government has actually retained or acquired far-reaching power, the presidents have in fact shared in the decline of the boards' influence.

The position of the general director is far more influential. He is a full-time official paid at rates which are on the whole attractive, according to French standards, although they vary a good deal. As a result of the weakness of the boards, the general director carries in effect most of the responsibility, not only for the execution of the board policies, but also for the policies themselves, to the extent to which ministerial and parliamentary control leaves the boards latitude of decision. In Renault, he is appointed by government decree and has power of decision since the board—whose president he is—has only advisory functions. The main restriction on his power is—apart from governmental instructions—that, in case of conflict between the general director and the Works Committee, the Minister of Industrial Production has the right to decide. In the banks, the general directors are elected by the boards while in the insurance companies they are appointed by the Minister of Finance upon the advice of the boards. For electricity and gas, a distinction is made between the general directors of the *Service National* and the distribution services. The first are appointed by the entire Cabinet (*Conseil des Ministres*) on recommendation by the board; they must be experts, that is, they cannot be one of the members representing interest groups on the board. The general directors of the *Services de Distribution* are appointed by their boards with the approval of the corresponding *Service National* who also determines their salary. However, in the coal

mines the general director of the *Charbonnages,* and those of the *Houillières de Bassin,* are appointed by the ministers. Once again, no reason for these variations has been stated.

The Board—Critique

There is little room for doubt that the French board "is the weakest feature of the French legislation and is a threat to the successful operation of the French nationalized industries."[22] Part of the reason for this is the structure of the board; part is the political circumstances under which the boards operate; and the remainder of the weakness comes from the economic and financial conditions in which the nationalized industries were placed.

The tripartite organization of the French board is a main source of weakness. It transfers bargaining and negotiation to a body which ought to be united in purpose and have a consistent policy. Compromises between interests are inevitable in any arrangement; but when they become the main substance of activity, one is confronted with a legislative rather than an executive organ. Moreover, it is not reasonable to expect that unpaid part-time board members—who, in practice, it seems, meet for a few hours every month—can in fact control the fate of large and complicated enterprises.

It is clear, furthermore, that the main loyalty of the board members, who represent interest groups, must be with those rather than with the enterprise. Not only do they derive their income and their board position from these interest groups, but they also devote most, if not all, of their time and attention to them. Nor can the civil servants on the boards be expected to have any detailed knowledge of the enterprise, although they may serve as useful communication channels between the government and the enterprises.

In actual fact, however, the boards were only rarely tripartite in the strict sense of the word. Trade-union representatives appeared on the boards under the guise of consumer and government representatives as well. To a certain extent this was a

22 William A. Robson, "Nationalized Industries in Britain and France", *American Political Science Review,* June 1950, p. 317.

weakness contained in the very conception of the laws. In the absence of strong consumers' organizations in France, Parliament substituted in some cases trade-union representatives who were supposed to defend consumers' interests. Thus Léon Jouhaux, president of the non-Communist Trade Union Confederation, *C.G.T.–Force Ouvrière,* serves on the board of *Charbonnages de France,* not as a trade-union delegate, but to represent consumer interests.[23] This is an obvious mistake: trade unionists even if not members of the particular union represented in the industry are not advocates of consumers' interests. Léon Jouhaux whose confederation is engaged in a bitter competitive struggle with the Communist-led C.G.T. for the organization of the miners cannot reasonably be expected to be more concerned with low prices of coal for the benefit of the consumer than with the advantages which he might be able to obtain for the coal miners, although these advantages might be at the expense of the consumers.

Moreover, the French trade unions have been conspicuously successful in organizing the civil servants. Indeed the *fonctionnaires* form one of the strongholds of the trade-union movement. As a result at least some of the government representatives on the boards are likely to be trade unionists.

The actual appointments, however, did not always correspond in any real sense to the meaning of the law, with the result that the boards were often very far from reflecting the tripartite representation intended by the law-makers. Thus trade-union representatives not only appeared as such, but were also appointed under the title of government and consumers' representatives even beyond the text of the law. As a result—to quote the most important but in no way unique example—of the eighteen members of the board in coal mining (*Charbonnages de France*) appointed by Marcel Paul, the Communist Minister of Industrial Production, fourteen were in fact trade unionists.

The result of all this has been described as a ball game in

23 Art. 21 of the Law of May 17, 1946 provides that two of the six consumer members on the board be designated by workers' organizations. See *supra,* footnote 13.

which the main trade-union *Confédération,* the C.G.T., appearing in the rôle of union, government and consumer representative, is throwing the ball in a three-cornered arrangement, always to itself.[24]

Whether this deformation of the tripartite principle has had any actual influence upon board policies is not quite clear. But at least the suspicion has been aroused that the somewhat unusual advantages granted to the miners and the workers in gas and electricity might be *partly* explained by the preponderance of trade unionists on the boards of these industries. Protests against this abuse of the legislation caused Marcel Paul's successor as Minister of Industrial Production, the Socialist Robert Lacoste, to introduce a number of changes in the methods of designating the members of the Council. A decree of June 12, 1947 has attempted to make impossible the overrepresentation of one interest group on the boards by providing that "every member of the board must present full guarantees of independence with regard to the categories of interest which he is not instructed to represent." This has been implemented so far for the top organization of the coal mines, the *Charbonnages de France*.[25] But this principle has a double disadvantage: it emphasizes even more than the nationalization laws themselves the idea that the board members are there to defend sectional interests "whose sum is not necessarily the interest of the enterprise,"[26] and it is very difficult to enforce. How (and why)

24 See an anonymous article: "Le tripartisme et l'administration des entreprises nationalisées" in *Economie Contemporaine,* Centre de Recherches et de Documentation Economiques, April 1948. So powerful is the influence of the tripartite formula in France that, after a searching criticism of the effects of its application, the author resigns himself to the statement that "it will perhaps be impossible, now that the rule of tripartism is in force for the appointment of board members, to abandon it." He proceeds then to make reform proposals to reduce the admittedly bad consequences of the system. See also Bernard Wilmet and Maurice Faber, "De la Société Anonyme a la Régie Nationale des Usines Renault", *Economie et Humanisme,* No. 33, 6th year, Sept./Oct. 1947, esp. p. 515.

25 The "Rapport d'Ensemble" of the Commission de Verification des Comptes des Entreprises Publiques (*Journal Officiel,* Aug. 21, 1949), describes the reform as far as the *Charbonnages de France* is concerned. See page 375, column 1 of the report. Rivero, *op. cit.,* No. 679, p. 45.

26 Rivero, *op. cit.,* No. 679.

should one prevent the representatives of, say, the workers from taking the side of the general interest of the enterprise or the trade unionist who is instructed to defend the consumers' interests from siding with the workers? [27] Even if this problem could be successfully solved, it would still leave intact the congenital weaknesses of consumer representation and of the union loyalties of the government delegates.

In fact, therefore, the boards are in most cases consultative bodies with little real responsibility for the life of the enterprise. It is true that the interest groups only propose their representatives, while the actual appointment is made by the minister in charge, and that nothing in the text of the laws would prevent the minister from rejecting a particular name and asking for another nomination. But this is a somewhat theoretical possibility. In actual practice the minister controls only the appointment of the government representatives, who are in a minority on the boards. The organizations to whom the law gives the right to propose members have the decisive voice in their selection.

This may explain such incidents as that of July 1946, when the board of the *Charbonnages de France* declared that it was possible to increase wages by 25 per cent without increasing the price of coal. About the consequences of this recommendation the report of the *Commission de Verification des Comptes des Entreprises Publiques* has this to say:

> The need for an increase [of the coal price] was recognized only as a result of the work done by a Commission which was later set up and this increase became effective only on January 1, 1947. The granting of a subsidy of 6,130 million francs was the consequence of this serious error which has been investigated by another commission appointed by the Prime Minister in order to reveal those responsible for it.[28]

This may be described as a case of what is called in American politics, "logrolling". The consumer representatives support

[27] A decree of Nov. 25, 1950 extended this principle to the *Houillières*. *Cf.* "Deuxième Rapport d'Ensemble" of the Commission de Verification des Comptes, *Journal Officiel*, Jan. 26, 1951.

[28] *Journal Officiel*, Aug. 21, 1949, p. 372, 3rd col.

the wage demands of the workers whose delegates in return support the consumer representatives in urging that prices not be raised. The resulting deficit will be at the expense of the taxpayer—whose representatives, presumably the government delegates on the board, are in a minority.

The call for the appointment of experts to the boards—which would, in effect, add a fourth category of members—has its origin in the hope that the technicians might avoid such combinations. Whether such independent experts can be found in sufficient number and with sufficient authority remains an open question. The unions have rejected this proposal because they fear the return of the former owners and managers in the guise of "nonpolitical experts".

One of the main purposes of the "industrialized nationalization" formula was to prevent the "politisation" of nationalized enterprises. In fact, the system has led exactly to the dreaded result. In a certain sense this was inevitable. Public life in France is so highly "political" that it would have been impossible, under any system, to prevent politics from entering the administration and policies of public enterprise. The "expert above politics" is a rare phenomenon in France and, if he were found, he would probably be criticized precisely on the score of being nonpolitical. In addition, the very same social forces which made for the nationalization of substantial parts of the French economy ensured that the positions were put at the service of political organizations. This applies particularly —but by no means exclusively—to the French Communist party. The commanding positions in a number of industries which Communists did obtain in the first two post-war years were for the Communists mainly strategic positions; their real importance was less in the power they gave to the Communists to influence the development of the nationalized enterprises, but rather in the possibilities which they ensured of expanding Communist influence and of counteracting undesirable government policies.

The parliamentary situation after the war greatly favored the Communist strategy. As the strongest single group in parliament—from November 1946 on—they were represented in the governments of post-war France until May 1947. Since De to set up its own plans for development of an air force. Coal, gas, electricity, show rapid increases of output, surpassing during the first post-war years those of private enterprise.

Thus the output of coal, which had dropped from 46.7 million tons in 1938 to 33.5 in 1945, passed the pre-war level only one year later. After slight drops—caused mainly by large-scale strike movements in 1947 and 1948—output increased to 51.5 million tons in 1949 and roughly the same amount in 1950. During the first half of 1950, sales dropped, coal began to accumulate at the mines, and shorter hours were not infrequent. At the same time the ambitious plan of 1946 providing for an annual output of 73 million tons was revised downward to 63 million tons and even this figure was being questioned when the Korean crisis and the Schuman Plan profoundly changed the picture.

It is true that this rapid increase of output was produced by a vastly increased labor force (108,000 men in 1947 and 74,000 in 1938). Output for each worker at the coal-face had been 1,227 kilograms in 1938; in 1947 it was 958 kilograms, but rose rapidly after the great strikes of 1947 and 1948 and reached pre-war figures again in 1950.

Complaints about the output of electricity have been frequent. They are due, however, to a large increase in consumption as well as to the failure of hydroelectric plants during two consecutive dry years. Nevertheless, electricity production has increased from 19 billion kilowatt-hours in 1938 to 33 billion in 1950. For gas the level of output in 1948 was 41 per cent above that of 1938; an increase in the calorific content of gas in 1949 made up for a slight loss in quantity.

The financial record of the nationalized industries is uneven. Not only the aircraft companies, but also coal and gas have shown large deficits. In the case of the coal mines at least, the real deficits were even larger than the 7.5 billion francs shown for 1946-48 since depreciation allowances were underestimated. However, during the first post-war years the government controlled prices and wages, and in particular kept the prices of gas and coal at low levels. Moreover, inflation caused most nationalized enterprises to suffer from a shortage of working capital which was frequently met by expensive short-term borrowing from banks. In the light of these facts, the responsibility of most nationalized enterprises for their financial record is severely limited.

Many of them apparently have been doing quite well. The banks, Renault, and electricity have shown profits. The accounts of coal for 1949 were almost balanced, even providing for reasonable depreciation allowances. The deficit of gas (and the railroads) can be wiped out if and when their prices are raised by a proportion comparable to the price increase of other goods and services.

All in all, this record is by no means unfavorable. Yet, the French " man in the street " seems convinced that the nationalized industries have been doing very badly. The major reason for this is a system of publicity, or rather lack of publicity, which makes it almost impossible for everyone to obtain a fair picture of the results of public enterprises. A veil seems to hang over their activities which is lifted mainly when there is a crisis of some kind. Then, a commission of investigation is appointed which reports on failures and shortcomings. The reports of the Commission for the Verification of the Accounts of public enterprises appear with great delay and, in spite of their excellence, are hardly noticed by the general public. Attention seems to be fixed on scandals, failures and deficits. In addition, the fact that the administration does not proceed according to plan, but rather in an improvised and unintended fashion, contributes to the public's confusion. Since public enterprises are supposed to be every citizen's property, is he not entitled to get accurate information on what belongs to him?

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Gaulle preferred to keep the Communists out of the "key" ministries—War, Foreign Affairs, Interior—they filled most of the important economic positions. During the First Constituent Assembly, 1945 to June 1946, the Communists held among others the Ministry of Armaments (Charles Tillon), the Ministry of Reconstruction (François Billoux), the Ministry of Industrial Production (Marcel Paul), the Ministry of Labor (Ambroise Croizat); in addition the Communist, Auguste Lecoeur, was Under-Secretary for Industrial Production in charge of coal mining. The party held the same positions during the Second Constituent Assembly (with the addition of one Under-Secretary each in the Ministry of Labor and in that of Armaments). It was only in January 1947 that it lost some of these positions, and was forced out of the government altogether in May 1947. Since most of the original appointments to the boards of the nationalized industries were made before this date, they were made by Communist ministers. Moreover, the Communists controlled throughout this period the largest trade-union confederation—the C.G.T.—which gave them additional and large influence upon the selection of the personnel of the boards.

The result was that a number of the nationalized industries were Communist-controlled. This was true particularly for the coal mines and for aircraft construction.[29] It would require a good deal of space to describe in detail the methods used for the "politisation" of the enterprises. Two examples may be sufficient. Announcements of open jobs were placed exclusively in newspapers of the Communist party or friendly toward it; in one factory ten top administrators (including the chief of personnel) were removed and replaced by new men of whom at least seven were known members of the Communist party.[30]

It must be added, however, that the "depolitisation" since 1947 seems to have consisted mainly of a process by which Communists were ousted from leading positions and replaced by

[29] See in particular: *Rapport sur les Sociétés Nationales de Constructions Aeronautiques* par M. l'Inspecteur Général Pellenc, of Jan. 1948; *Rapport sur le projet de loi plaçant la Société Nationale d'études et de construction de moteurs d'aviation sous un statut provisoire en vue de sa reorganisation*, par M. René Pleven; doc. No. 4629, Assemblée Nationale, June 18, 1948; also, Wilmet and Faber, *op. cit.*, p. 515.

[30] Pleven, *op. cit.*, pp. 15-17.

members of other political parties, mainly *Mouvement Républicain Populaire*, and partly Socialist. In other words, "politisation" of two colors has been substituted for "politisation" of a third color.

The financial situation of France after the war has, in effect, destroyed what little was left of the original idea of "industrialized nationalization". What small working capital the nationalized enterprises had to begin with vanished soon during the rapidly progressing inflation. Bank credit and government loans became indispensable. The large outlays necessary for the reëquipment and expansion of the nationalized enterprises could be financed only by the government. In turn the government exerted close control, depriving the boards of the last vestiges of their influence. Moreover, for a number of years the government controlled prices and wages. Thus little was left of the autonomy of the nationalized enterprises in France.

The Record

Production figures for the nationalized enterprises compare, nevertheless, favorably with those of privately owned industry. Indeed for the first two or three post-war years, the index of production of the nationalized industries—apart from the aircraft industry—rose more rapidly than that of the remainder of industry. This was a result partly of the large volume of investment made in the key industries—which are nationalized—and partly of the intensive production drive of the Communists until they left the government. The system has functioned—but it is not at all the system which the unions and the legislators intended. Not the boards, but competent civil servants, engineers and workers have jointly mined the coal, developed the production and distribution of energy, produced automobiles, run the banks and insurance companies. Once again, the French have shown their ability to overcome administrative difficulties which they themselves created—the well-known gift of the French *à se débrouiller*.

The aeronautical companies form the major exception in this picture. The difficulties of the aircraft companies—not only of the nationalized enterprises in the field—are largely attributable to the failure of the government—the largest single customer—

FRANCO SPAIN: A REAPPRAISAL

FRANCO'S foreign policy has been one of the most effective the world has witnessed during this century. It should serve as a model for all small states trying to survive in today's Machiavellian world. During World War II Spain successfully played the Axis against Great Britain and the United States, selling profitably to both sides and avoiding invasion or reprisals by either. At war's end, convinced the cold war was only a matter of time, Franco continued the same game but against a new set of international rivals. Playing upon our fear of Russian communism, he led us from a position of open opposition to his régime to one of financial and military support—all in the span of five short years. And as yet he has done little in return save promise to spend some of our money.[1]

During the first four years of this period we were induced to follow a " do nothing " policy of watchful waiting. Translated into positive terms this meant that, perhaps without meaning to do so, we often ignored and thereby weakened progressive forces such as the democratic underground, the Republican Government in Exile and liberal Monarchists, while at the same time we continued, in effect, to support Franco. By so doing we lent succor to the Spanish Communists and suffered a severe blow to our prestige throughout the world by furnishing propaganda material to those who portray us as champions not of democracy but of reaction.[2]

Now United States support is becoming both more open and more positive, as is that of nearly all the West. Before the ap-

[1] An interesting explanation of Spain's foreign policy by a Franco spokesman is to be found in José M. Doussinague, *España Tenía Razón* (Madrid, 1950). See also *The Spanish Government and the Axis: Documents*, U. S. Department of State Publication 2483.

[2] For a somewhat different viewpoint see former Ambassador Carlton J. H. Hayes's recent book, *The United States and Spain* (New York, 1951).

pointment of Stanton Griffis as United States Ambassador to Madrid, over twenty United Nations members had exchanged ambassadors with Franco since 1946, in direct violation of the diplomatic sanctions called for in the United Nations resolution of that year.[3] Following upon Mr. Griffis' appointment, the United States Senate—under the leadership of Senators McCarran and McCarthy—appropriated a sixty-two billion dollar " loan " for General Franco. Following this, negotiations were begun on a " Treaty of Commerce, Friendship and Navigation ", and now a United States-Spanish military accord is in the making. Meanwhile a series of bank loans has been granted the Spanish dictator by the Chase National Bank, the New York City Bank, and the United States Export-Import Bank.

These events call for a reëxamination of the Franco régime and the socio-political forces supporting it. Is the Generalissimo's government " fascist "? How clearly antidemocratic is it, and how anti-American? How stable is it, how popular? The answers to these and similar questions lie in a correct appraisal of General Franco, his government, and the forces supporting his régime.

The Generalissimo

To understand properly the present Spanish régime, General Franco must be clearly distinguished from his two prototypes, Hitler and Mussolini. Franco undoubtedly has been deeply influenced by their experiences and doctrines, and he has used the ideas, trappings and devices of European fascism extensively. However, he is equally a product of Spanish history and of his

[3] The resolution called for United Nations members to recall their ambassadors and ministers from Madrid. It was finally resolved on November 4, 1950; meanwhile it had been ignored by most U. N. member states, including Britain and France. To show his gratitude, Franco proposed two ardent Fascists as his ambassadors to these latter countries. Fernando Castiella, Franco's nominee for the Court of St. James, is closely affiliated with the Falange, is an ex-member of the Blue Division which fought against the Allies during World War II, and was decorated by Hitler with the Iron Cross. When his appointment was rejected as an insult, Franco proposed a more " acceptable " candidate, the brother of José Antonio Prima de Rivera, father of Spanish fascism and founder of the Falange party.

own religious and military training.[4] Thus, though General Franco is undeniably a convinced fascist, he must also be thought of as a traditional Spanish Army dictator, Spain's latest in a long line of Primo de Riveras.[5] He has adopted fascism for reasons of expediency as well as conviction.

Regardless of the similarity, or lack of it, between Francisco Franco and Mussolini or Hitler, one important difference should never be overlooked: the Italian and German rulers were popular with their people; Franco has never been.

At the end of World War II it was conservatively estimated by foreign diplomats that over 85 per cent of the Spanish people were against his régime in one degree or another. Since that time the opposition has become less bitter and violent, perhaps, yet real supporters of General Franco—as distinguished from those who merely tolerate him—are still a small minority.

Franco rules the country by the use of political bribery, armed force, terror and the thorough suppression of his opposition. His power rests upon a coalition of the elements that comprise the 15 or 20 per cent of the population supporting him: the Falange party, the military, the higher clergy, and a majority of the landowners and industrialists. (I say a majority because some of the Spanish upper classes are decidedly anti-Franco.) All these groups backing the Caudillo have differences among themselves—especially the Falange, Spain's fascist political party, and the Army. Nevertheless, they all are bound together by their common fear of another popular uprising and the loss of their privileges and security.[6]

[4] Francisco Franco's father was an admiral in the Spanish Navy. Franco graduated from the Spanish Military Institute at Toledo when he was only seventeen and has spent the remainder of his life in the Spanish Army. He is a devout Catholic.

[5] In the words of the U. N. Security Council Subcommittee appointed to study the Spanish situation: "In origin and nature the Franco regime is Fascist. . . ." Security Council Document No. 75, July 1, 1946, p. 2.

[6] This fact was recognized by Dean Acheson who, in explaining United States policy toward Franco Spain, declared: "The internal position of the present regime is strong and enjoys the support of many who, although they might prefer another form of government or chief of state, fear that chaos and civil strife would follow a move to overthrow the government." His letter of January 19, 1950, to Chairman Connally of the Senate Foreign Relations Committee.

The Falange[7]

Of these pro-Franco groups, the Falange is the most distasteful. It is Spain's only legal political party and is undeniably fascist. Its strong inner core of young fanatics, many of whom were members of the infamous "Blue Division" which fought with the Germans during World War II, largely control the civil administration of the country. The party has about 100,000 paid officials, ranging from the heads of Spain's syndicates and the civil governors of the provinces, to secret agents and gangs of uniformed ruffians paid to "maintain order" and terrorize resistant elements of the population. The most loyal of the groups backing Generalissimo Franco, the Falange is also the most fanatically antidemocratic. It does not hesitate to use violence and would readily suppress the slightest attempt to oppose the régime. It is in many ways a carbon copy of Hitler's Nazis. The party receives an annual state subsidy amounting to over twenty million dollars, in addition to untold amounts received from the Spanish people in tribute. Every business organization, every worker and peasant—in fact it can be said practically every individual in Spain—pays fees, dues and taxes in one form or another to the Falange, apart from regular government taxes. In addition, Spanish subjects are obliged by law to work without pay for the party as part of their required "social service".

Through the party's control of patronage the most radical and antidemocratic elements of the population receive the government, syndicate, and other Falange-controlled jobs. Moreover, these positions number far more in the semi-totalitarian Spain of today than in most other Western European countries still laboring under post-war controls. Government graft has long been one of Spain's major problems, but the country today is gripped by a parasitical bureaucracy so corrupt as to make our spoils system and local political machines appear saintly in comparison.

[7] The following material regarding the Falange is based largely on information which the author is not at liberty to cite. An excellent report available to the public is B. Davidson's series of articles, "Spanish Journey", in the *New Statesman and Nation*, December 2-30, 1950.

Besides maintaining " public order " and providing the personnel to man Spain's bureaucracy, the Falange runs the *Auxilio Social,* Spain's social welfare organization, and the *Frente de Juventudes,* or " Youth Front ". It should be mentioned that both filled a deep-seated need in Spanish life, for organized youth activities have long been lacking. However, the good that has been accomplished is far overshadowed by the evil of fascist indoctrination. Spanish youth is still being taught daily the blessings of totalitarianism and the decadence, corruption and impotence of liberal democracy.

In its constant struggle for power with the Army and the other forces supporting Franco, the fascist party has not fared too well since the war. The Caudillo is quick to realize the loyalty of the Falange, however, and its importance as a check upon the power and ambitions of the Army. Consequently, Franco continues to appease the party by periodic pronouncements of his loyalty to fascism. The gist of his many recent statements is that, while Spain is opposed to communism, it must also hold aloof from the " errors " of Western liberalism. Typical is his statement that Marxism is " barbarous and cruel ", capitalism " antiquated and unjust ", and his own régime " human and social ".[8]

The Army

Next in importance to the Falange (ignoring Spain's numerous police organizations) are the officers of the armed forces—principally the Army. The country is practically in a state of martial law. Under the Franco régime, the officers have gained more in profit and prestige than ever before in Spain's recent history. Of the total expenditures of the state, well over 50 per cent annually go to " defense ".[9] Of this amount three fourths or more goes to the Army, which has 20,000 generals and officers, one for every 20 soldiers. It is reputedly the largest army in Europe, outside Russia and Yugoslavia.[10]

[8] *The New York Times,* April 1, 1947, p. 16.

[9] See Spain's budget as reported in *ibid.,* January 3, 1951, p. 79.

[10] An excellent review of the character and size of the Spanish Army may be found in an article by C. L. Sulzberger, *ibid.,* February 7, 1950, p. 1.

The rank and file of the Army and Navy are republican in sympathy, like their civilian counterparts. The younger officers, largely appointed since the Civil War, are reactionary and often Falangistas. But it is only *Los Generales,* the higher ranking officers, that at the moment have any political weight, and they are on the whole Monarchists. Because of this fact, the innumerable rumors and " oust Franco " tales that constantly float about Madrid's bars and embassies always have one note in common; that is, the generals will throw out the Generalissimo and return Don Juan to the throne. The names of the generals change but the story goes on just the same.

It should be made clear that any internal overthrow of the Franco régime will depend ultimately for its success upon the Army. A successful revolution requires mass discontent, organization, and military supplies. The Falange has the guns and organization but is loyal to Franco and apparently will remain so, having no one else to turn to. The Spanish people, on the other hand, surely would support a revolt but are poorly organized and do not have the wherewithal. Only the Army can qualify, and a successful military *coup d'état,* supported by disgruntled business men and monarchist landowners, is probably the way Franco will finally meet his downfall. This should be kept in mind by those who criticize our Spanish policy. Support of the Republican Government in Exile or other anti-Franco forces would prove fruitless without Army backing. Realizing the Army's power, the Caudillo has wisely maintained and strengthened the Falange, in the face of both internal and diplomatic pressure, by arming its more loyal members.

The mutual jealousy of the Army and the Falange is a well-known fact in Spain today. In spite of the Army's contempt for the fascist party, its leaders continue to support Franco because he has given practically carte-blanche authority to the military.[11] Consequently, *Los Generales* continue to do little more than swagger, complain, and childishly intrigue with

[11] " Army officials now control public works, banks, entertainment, and many basic occupations in Spain's economy. . . . This has imposed a crushing burden upon the country's finances." *Hispanic American Report,* vol. III, No. 3 (March 1950), p. 4. This is a monthly review published under the direction of Ronald Hilton by Stanford University.

henchmen of Don Juan, pretender to the Spanish throne. It is an old Spanish custom for Army officers to plot against the régime in power. Though only the generals could put an end to Franco's rule, they have not done so for one all important reason: an ever-present fear that the moment the terroristic régime of the Falange and Franco is gone, the underground will arise to wipe out every last remnant of the Franco order—which would most definitely include *Los Generales.* To this must be added the fact that world events since the war have induced greater loyalty to Franco than he might have otherwise.

The Church

The Church is less directly concerned with the general administration of the country than either the Falange or the Army. But though more in the background, its influence is greatly felt at all levels, and reputedly Franco, who is a devout Catholic, is greatly influenced by his religious advisers. From the outbreak of the Spanish Civil War in 1936 until the end of the war in Europe in 1945, the Spanish higher clergy was openly and wholeheartedly behind General Franco.[12] Soon after the end of the war, however, the Archbishop of Toledo, head of the Spanish Church, openly criticized the régime (in a speech which was only partially reported in the Spanish press).[13] The clergy then seemed to favor a gradual evolution of the régime which would do away with its more obnoxious fascist aspects. Shortly thereafter the raised arm salute was officially abolished, though it has the embarrassing habit of popping up, as for example upon the occasion of Eva Perón's visit to Madrid. As envisioned by the Church, the Falange would become a Catholic youth movement, and a new clerical authoritarian state somewhat on the order of Salazar's Portugal would result.

The Spanish Church has long been notorious for its reaction and has often openly resented the more liberal position of the Vatican. This aloofness to Franco on the part of the higher

[12] With one exception: Pietro Cardinal Segura y Saenz, Archbishop of Seville, who has repeatedly attacked the Franco order. He has declared that " the daily official wage does not meet the needs of the workers," who say that " in the past slaves were bought and now they are rented ". *New York Times,* December 1, 1951, p. 14.

[13] A censored version appears in *ibid.,* September 3, 1945, p. 1.

clergy immediately following World War II was undoubtedly due to the defeat of the Axis in Europe and the consequent democratic turn in the Vatican's policy. It represented a reluctant, feeble attempt on the part of the Spanish Church to disassociate itself from the Franco régime in the hope that it could somehow evade reprisals should the Caudillo be ousted. The higher clergy took as its example and guide the Italian Church, which weathered all storms upon the defeat of Mussolini. However, nothing is clearer than that the Spanish people, the majority of whom are still good Catholics and deeply religious, believe the clergy to be in definite alliance with Franco and hold the Church in contempt accordingly. Because of this, and with the horrors of the Civil War still fresh in its memory, the clergy continues to support Franco's government, even if less outwardly than previously.[14] It is perhaps needless to add that events since the war have strengthened the hand of the Church and have done much to cement the bond between Franco and Catholicism.[15]

The Landowners

The landowners, their titles and privileges restored and strengthened, their grip on the land and the peasant secure again, are Monarchists. A few—the lunatic fringe—are *Carlistas,* those rare individuals to be found in no other European country who want everything the way it was in the fifteenth century. They are honest reactionaries, advocating a return to absolute monarchy, preferably the " divine right " brand. They oppose the return of Don Juan to the throne and instead are loyal to the ancient Salic Law, insisting that the descendants of Don Carlos, brother of King Ferdinand VII, are the rightful pretenders to the throne. At present there are two Carlist contenders. The most important is forty-one-year-old Carlos VIII, an Austrian by birth, who has been living in Barcelona since

[14] It should be noted that during the series of general strikes that occurred throughout northern Spain in the spring of 1951, priests were reliably reported to have given open support to the strikers. The Catholic workers' weekly, *Tu,* was suspended for approving the Barcelona strike.

[15] See the report on the Spanish Church and its relationship in the Franco régime appearing in the *New York Times,* February 8, 1951, p. 9.

1944. The other is Prince Xavier de Bourbon Parma, brother of the former Empress Zita of Austria. His mother has long been a recluse in a Quebec convent; the Prince himself lived in Philadelphia during World War II but has since returned to his permanent home in France.

The Carlists are of little or no political significance, except that Franco and the Falange do their best to keep alive Carlist differences with the less reactionary followers of Don Juan.

The majority of the landowners are, in theory and sympathy, for Juan. In practice they back the régime, fearing that if Franco goes they may follow. They are a proud and sentimental lot, and continue to pay lip service to Juan and dream of that never-never land where the King is on his throne, Spain is back in the good graces of the Western World, and political Rightists are always in power. Like the more cynical Army officers, however, those with any sense of political realism know that a constitutional monarchy which allowed such " nonsense " as open elections could lead to only one thing: a return of the Left to power, the loss of their lands and titles, and the probable restoration of the republic. They consequently frown upon Don Juan's periodic pronouncements to the Spanish people (obviously a play for moderate and Leftist support), which promise that upon his return elections will be held, political prisoners released, and civil liberties respected.[16]

With regard to Don Juan himself, it has been said that his greatest contribution to liberalism was sixpence, spent for a copy of the Beveridge Plan, which he probably never read. Until recently he had persistently refused to accept the throne as Franco's puppet, realizing that this would discredit the monarchy in the eyes of the Spanish people. Since the United States has changed its policy toward Spain, however, Juan apparently realizes that Franco is sure to remain Chief of State for some time to come. Early this year Juan reportedly wrote the Generalissimo that a restoration of the monarchy was feasible only " with Franco ".[17]

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wage does his " Manifesto to the Spanish People " (*New York Times*, March 23, 1945, bought and now his reform program. It is typical of the many others that appear

[13] A censored versi

15, 1952, p. 8.

Following the defeat of Germany, when Franco's chances of remaining in power looked slim, he undertook prolonged negotiations with various of Juan's emissaries, hoping to strengthen his régime by restoring the monarchy, with Juan's son as his puppet king. (Juan had previously rejected Franco's offer to " educate " his nine-year-old heir, the Prince of Asturias, in the principles of Spain's " New Order ".) When the negotiations failed, Franco decreed Spain a Kingdom (without a King) and established a " Regency Council " under his direction with power to choose a royal successor, who must be over thirty and swear to uphold the Franco order.[18] Juan's son would not be eligible until Franco was nearly eighty years old, a respectable age for any dictator to retire.

Meanwhile, the possibility of a restoration of the monarchy is complicated by the existence of so many candidates for the throne. Two lesser pretenders, Carlos VIII and Prince Xavier de Bourbon Parma, have already been mentioned.[19] Don Juan's main contender, however, is his older brother, Don Jaime de Bourbon, Duke of Segovia, a deaf mute. Don Jaime, the eldest son of the late King Alfonso XIII, renounced his rights to succession in 1933. His bid for the throne last year has thrown Spanish Monarchists into a turmoil, all the more because he has a claim to the throne that is prior to that of his younger brother, Don Juan, the most popular contender.[20]

The Business Elements

Unlike their aristocratic landowning brothers, the industrialists and commercial classes of Catalonia and Bilbao work for a living. This difference is reflected in their more pragmatic view of politics. They frankly do not like the open corruption, the bribery, and the government, party and syndicate meddling they must put up with. They are quick to recognize, however,

[18] The official text of Franco's decree appears in the *New York Times*, April 1, 1947, p. 16.

[19] The latter's supporters were jailed last year for demonstrating in his favor on the Feast-Day of San Carlos.

[20] Don Jaime's belated bid for the throne is reportedly due to the ambitious prodding of his second wife, Charlotte Tiedeman. The situation is complicated, as Jaime's first wife Emmanuela—the only one recognized in Catholic Spain—is still living.

that under Franco their profits have quadrupled, while the Falange keeps the worker in his place, insures low wages, and prevents strikes and unions. Compare this—granted the graft and red tape—with what they fear would result from a new popular front, and it is easy to understand why as long as Franco delivers the goods they continue to back him.

Thus the Spanish upper classes—fifteen or twenty per cent of the population—continue to subdue their differences and support the Caudillo, as did the *Wehrmacht*, the Nazis, the Junkers, and the German industrialists. Many foreigners in Spain persistently attempt to convince the privileged classes that they could rid themselves of Franco and still retain their power, ignoring the facts that civil war atrocities are still fresh in their memories, communism threatens to envelope Europe, and every Spaniard is within hearing distance of Radio Moscow.

The Spanish People

It is hard for us in this country to understand the dread and hatred the Spanish upper classes have for their less fortunate countrymen. Fear dominates their reasoning and they seem utterly void of social consciousness. The peasant and worker reciprocate in kind: they hate because they are afraid.

The plight of the Spanish masses is desperate. One report declares that "the average per-capita income in Spain is estimated at $120. a year." [21] It takes the average farm worker's full daily wage to buy two loaves of black bread, with which he must feed a large family. Yet the peasant is comparatively lucky. He has regular work in a small village where necessities are more available. The urban worker makes better wages but black market prices keep him in a constant state of poverty, and since the war there often has been employment only three or four days a week due to the power shortage and disruption of the economy. The middle classes fare no better. During World War II, when there was no unemployment, a bank clerk earned around 300 pesetas a month, about $22 at the official (artificial) rate of exchange. This monthly wage is much less than we in the United States give our ***unemployed a week!***

[21] Camille M. Cianfarra, in the *New York Times*, November 24, 1951, p. 3.

A man's suit cost 700-1,000 pesetas, a cheap pair of shoes, 90-150 pesetas, eggs, 25-35 a dozen, and what was sold for butter, 50 pesetas a kilo.[22] Moreover, things have not improved since the war.[23]

According to official figures, which may be questioned, wages have increased 300 per cent since 1945, while prices have climbed 700 per cent during the same period.[24] Complete chaos has been avoided only because World War II brought boom conditions and full employment to Spain. During the war there was, if anything, a labor shortage. Whole families were therefore able to work, women and children being in demand even more than men, as they require less pay under fixed Spanish wage scales. By sharing living quarters with other families and buying nothing not absolutely needed, the Spanish people have been able barely to exist.

With the end of the war in Europe, two new factors arose to worsen the situation. The war boom collapsed and German purchases no longer supported the Spanish economy. Coupled with this, one of the worst droughts in Spain's history has caused a severe shortage of electric power during the post-war period. These two factors for a time caused industry to come to a near standstill. During the Spanish Civil War many of the country's dams and power plants were destroyed or worn out, and during World War II Spain was unable to replace her power-producing equipment, which she must buy abroad. Yet during the same period German demands for Spanish goods caused an abnormal increase in the use of power-driven machinery by Spanish industry. The power shortage became so serious the government was forced to impose severe restrictions on the use of electricity. During the last six years electrical output has

[22] The official rate of exchange at that time was 10 pesetas to a dollar; it is now 16 pesetas to a dollar. On the Tangier open market, the rate is over 60 pesetas to a dollar.

[23] The most extensive survey of Spain's economy, replete with statistics, is a semi-official apologia by the present Director of Madrid University's Institute of Applied Economics; see Higinio Paris Equilaz, *Diez anos de politica economica en España* (Madrid, 1949). An excellent summary review of Spain's economic situation also appeared in the *New York Times*, January 3, 1952, p. 76.

[24] Equilaz, *op. cit.*, pp. 135 and 181.

been reduced an estimated 40 per cent throughout Spain. Business houses, banks, stores, industries, housewives, all periodically have been getting along since the war on electricity provided only three or four days a week. Even during the days when there is power it is generally cut off during certain hours to ease the load.[25] In 1950 Madrid's factories were reduced to a nine-hour week and hydroelectric reserves were down to less than 5 per cent of capacity.[26]

Industries and small businesses which depend heavily on electric power have been extremely hard hit. The working man, who is paid by the day, has often suffered the loss of half his income.[27]

Coupled with the lack of fertilizer, short since the Civil War, Spain's post-war drought has also brought on the worst series of crop failures in almost three quarters of a century. It is doubtful if half the yearly wheat crop has been harvested during the years since the war's end. It is estimated that post-war olive yields have been 60 per cent less than normal. The poorest rice crops in decades have been reported since 1945, and it is the same with potatoes and other crops. Fodder was so scarce for a time that livestock had to be slaughtered and sold for meat.[28]

For some years Spain has been able to feed her people only because of the 1946 Franco-Perón Trade Agreement, under which Argentina shipped Spain enough wheat to make up the yearly deficit. Little was forthcoming in return, however, and by early 1950 Argentina refused to continue wheat shipments, announcing that it could no longer afford to continue exports at the rate of 10 pesetas for every peseta of Spanish imports.

[25] There is a current joke in Spain about the signs so often seen hanging on elevator doors. A visiting foreigner, upon returning to his own country, declared that the only Spanish he learned was the word for elevator: "*No Functiona*".

[26] The city of Malaga suffered from such an acute power shortage it was obligated to rent an Italian ship whose generators, as far as is known, are still producing electricity for the city.

[27] Moreover, inflation steadily whittles away his purchasing power. According to latest available official figures (reported in the *New York Times*, January 3, 1952, p. 76), prices have increased 20.8 per cent in twelve months (November 1, 1950-October 31, 1951). Meanwhile there has been no wage increase.

[28] For official figures on agricultural production during the last decade, see Equilaz, *op. cit.*, pp. 44-54.

An Argentina economist reportedly stated at the time: "The Perón Government has for the past four years supported Spain; now [speaking of the United States] it is your turn." [29]

Argentina's severance of trade with Spain has had a crippling effect upon the country's financial status. Forced to buy cereals from the United States and Canada, Franco was obliged during 1950 to expend the remainder of a $25 million United States bank loan, and in addition dip into his rapidly dwindling gold reserves. Spain's international credit [30] is so bad that immediate payments in United States dollars are the only terms available to Franco in the world market.[31] A series of dollar loans has been granted Franco by the Chase National Bank, but in each case the Spanish government has been forced to deposit an equal amount of gold as collateral.[32] Moreover, United States Department of Commerce trade statistics show that Spain is consistently importing from the United States goods worth twice as much as those being exported to the United States. Spain's gold reserves are estimated as less than $120 million.[33]

Recently two things have occurred which promise some improvement for Spain's tottering economy. After five years of severe drought, spring rains in overabundance the last two years have made possible full agricultural production and ample electrical power for the first time since the end of the Second World War.[34] Along with this, Franco won a great victory when on February 12 of last year the United States Export-Import Bank extended credits totaling $12,200,000 to Spain, the first to be released under the $62,500,000 "loan" authorized by Congress in 1950. It was approved by Congress in spite of protests from the State Department and the opposition of

[29] Quoted in *Hispanic American Report*, vol. III, No. 2 (February 1950), p. 7.

[30] Official statistics appear in Equilaz, *op. cit.*, pp. 80-96, 110-124.

[31] See the series of articles on Spain's trading position appearing in *Foreign Trade* from January 21 to February 8, 1950. Recent statistics are given in the *New York Times*, January 3, 1952, p. 76.

[32] In spite of this, many of the bank's stockholders have vigorously protested the granting of the loans.

[33] *Hispanic American Report*, vol. III, No. 2 (February 1950), p. 8.

[34] As a result, rationing was recently abolished in Spain for the first time since 1936.

Protestant and labor groups. The Truman Administration refused to release the loan until the necessity of granting Yugoslavia similar credits forced its execution for the sake of Congressional support. In releasing credits it was made clear that the loan would be on a "strictly business basis", subject to guarantee by the Spanish government. Spain is also expected to make several economic reforms advocated by the United States.[35]

The burden of Spain's agricultural and industrial crisis has been borne largely by the peasants and working class, who are living from hand to mouth. Where during the war they could at least get by, following the war they were thrown out of work in the face of rising prices and food shortages. Up to the present time they have been able to get along with what clothing, furniture and other necessities they had from pre-Civil War days. However these things are now worn out and cannot be replaced, and what savings the people once had disappeared long ago.[36]

The Underground [37]

In their plight, the Spanish people have turned to the underground. For some time following the victory of Franco in the Civil War, disillusionment and sickness of war prevented the growth of any organized opposition. With the coming of World War II, which was seen in Spain as a struggle of democracy against fascism, several underground movements sprang into being. By the end of the war two factions had emerged:[38] the *Alianza Democrática* and the *Unión Nacional*. The first is a coalition of the parties of the old Popular Front, minus the

[35] Primarily, the simplification of export and import controls, the abolition of restrictions limiting foreign investors to 25 per cent participation in Spansh enterprises, and a revaluation of Spanish currency. Some reforms have already been carried out; see the *New York Times*, January 3, 1952, p. 76.

[36] An excellent report on the dwindling purchasing power of the Spanish people appeared in the *New York Times*, December 18, 1950, p. 13.

[37] The following material is derived largely from sources the author is not at liberty to cite. Perhaps the best published information on the Spanish underground available in this country appears in *Hispanic American Report*.

[38] Apart from the Monarchists, who should not properly be classed with the clandestine movements in Spain.

Communists. Its core and driving force is the *Confederación Nacional de Trabajadores* (National Labor Confederation), the *Unión General de Trabajo* (General Workers' Union), and the Socialist party. By the end of the war in Europe the *Alianza* had become the largest of the underground movements. It is still by far the most popular, being supported by the majority of the Spanish people. It is extensively but poorly organized, and is less revolutionary than the *Unión Nacional*. Its activities consist mainly of publishing reams of anti-Franco literature. Throughout the war it staunchly supported the Allies; but, where the *Unión Nacional* looks to Russia, the *Alianza* fears the Communists and leans toward the Western democracies. It is largely republican in sympathy, but has indicated its willingness to accept a restoration of the monarchy.[39]

Its rival, the *Unión Nacional,* boasts elements of all opposition groups but in fact is little more than a front for the Spanish Communist party. The movement derives its strength from Russian and French support and its ties with what remains of the old *Maquis,* in which Spanish Communists played a prominent rôle. It is a much smaller organization than its rival and is far less popular, but it is better organized and, needless to say, is more militant, advocating the violent overthrow of every last remnant of the Franco order. It also maintains a printing press and, since the liberation of France, which made it possible to receive aid from across the border, the organization more than holds its own in the distribution of clandestine literature. Its leaders are tireless, brave, and good organizers. However, they can never live down the intolerant, ruthless Civil War record of the Spanish Communist party, for which it is distrusted and feared by the Spanish masses and the other Leftist parties. It is precisely this distrust that caused the other Popular Front parties to reject Communist overtures for collaboration and unite instead in the *Alianza Democrática.*

In 1948 a new underground organization appeared, the "Committee for Interior Cooperation", a group aiming at the establishment of a common front for the various anti-Franco

[39] Indalecio Prieto's Moderate Socialists have been negotiating for a union with the Monarchists for some time. *The New York Times,* on May 1, 1950, p. 9, gave a report on this situation. As of July 1952, Prieto's efforts had failed.

elements of the Spanish underground.[40] As a result of the Barcelona bombings of July 1949, several of its leaders were imprisoned. It is significant that Antonio Castaños Benavente, Secretary General of the National Confederation of Labor (C.N.T.), received the heaviest sentence—25 years—for negotiating a Monarchist-Socialist front. Unity between Monarchists on the one hand and Socialists or republican elements on the other is something Franco has tried desperately to prevent, fully cognizant of the threat to his régime such a coalition poses.

The Spanish Communists deserve special attention, in view of their significance to United States policies in the cold war. It has already been indicated that the Spanish Communist party does not command much popular support. American policy in Spain has not helped this situation, however. Throughout World War II the Spanish people were led to believe that Franco's overthrow awaited only the defeat of his two more dangerous allies, Hitler and Mussolini. Spaniards were convinced that only military necessity and practical wartime politics prompted the democracies to deal with the Franco régime; there was a strong implication that the end of the war would see a reversal of our appeasement policy. Reams of O.W.I. propaganda, echoed by the clandestine press of the *Alianza,* led the people to pray desperately for an Allied victory, and to wait hopefully for the day when they too would see victory. Now they feel duped, and the longer we continue to support Franco the more embittered and desperate they become. A worker in the Spanish underground summed it up this way:

> If the Americans support Franco, then we must abandon hope for a democratic future in Spain. . . . For the moment our greatest enemy is Franco. . . . The allies of our enemies are our enemies too. . . . So the question we ask the Americans is this: Whom do they prefer to have on their side—Franco or the Spanish people? They can't have both.[41]

[40] A review of its activities is given in *ibid.*, February 10, 1951, p. 10.

[41] Quoted by Jean Marabini, an Italian journalist living in France, whose articles on the Spanish underground for the French newspaper *Franc-Tireur* appeared in *Harpers' Magazine*, September 1951, pp. 24-31. The quotation is found on p. 31.

Many Spaniards have turned in despair from the opposition forces they have come to associate with the United States, to the Communists, who boast of Russia's long and vehement anti-Franco record. On the other hand, Russia's post-war record has done much to offset the support her opposition to Franco has gained for the Spanish Communist party. One thing is certain, however: the Communists would undoubtedly lose much of their already small popular following if the British and Americans took the lead in advocating concrete measures for the removal of Franco in favor of the establishment of a more democratic régime in Spain.

With regard to the leadership of the Spanish underground, it has brought a new and refreshing realism to Spanish politics. Leaders of the old Popular Front parties have been killed or driven into exile; even the present underground leadership is in a continual state of change, due to the systematic searches and executions carried out by the police and Falange agents. The new leaders have come forward since the end of the Spanish Civil War and show the marks of their proletarian origins and of their defeat and long years of stubborn resistance under the dictatorship. This is manifest in their less doctrinaire attitude and their willingness to coöperate with other opposition groups. There is an old Spanish saying that where you find three Spaniards you find three potential political parties. This extreme individualism and inability to coöperate politically are still the main characteristics of Spanish politics. After thirteen years under an oppressive dictatorship, the political factions represented by various monarchist groups, exiled leaders and underground movements within Spain are still unable to form a common front against Franco. This accounts for Dean Acheson's statement, explanatory of this country's position regarding Franco: " There is no sign of an alternative to the present government." [42]

Nevertheless, the existence of a common enemy has imposed an unusual degree of unity upon opposition groups. Life under the dictatorship has made doctrinal differences unimportant,

[42] In his letter of January 19, 1950, to Chairman Connally of the Senate Foreign Relations Committee.

and coöperation essential. The new membership of the National Labor Confederation and the Socialist party hears little and cares less about pre-Civil War anarchist teachings or the theories of state socialism. Furthermore, the new parties have often expressed a willingness to join forces with any group opposed to Franco—any, that is, except the Communists. They would not hesitate to unite with their old enemy, the Army, should the chance arise; they do not want a monarchy but have already shown their willingness to coöperate with Catholics and Monarchists should Don Juan's return appear feasible. They look on the Republican Government in Exile with no particular enthusiasm and it has surprisingly little prestige inside Spain, but if its return were possible they would rally behind it. All they want is a chance for the Spanish people to go to the polls, for they know that if elections were held they would come to power and could then get on with the job of making Spain over from a semifeudal state into a modern social democratic country. Land reforms, checks upon the political power of the Church, a decrease in the size and political influence of the Army, representative government—reforms that most Western European countries fought for and achieved a century ago—are their goals.

Meanwhile Franco continues to cultivate the favor of his followers and play upon their fears of *los rojos*, the Reds. He has astutely lumped all those who oppose his fascist régime under the dreaded term " Communists ".[43] It is a common joke in Madrid's diplomatic circles that *Tio Pepe* (" Uncle Joe " Stalin) is in reality Franco's best friend, for it is largely fear of Russia and communism that keeps Franco in power. If any wayward Monarchist or digruntled army officer should have any doubts about the régime, all he need do is glance at any page of the Falange-controlled press, and the latest horror story on *los rojos* will remove all doubts from his mind.

Yet anyone not motivated by fear who is acquainted with the real situation in Spain today knows that the Spanish Communists are a small minority, perhaps ten per cent of the population, and are feared by the people. If elections could be held today the Communists would not have the slightest chance of gaining power; they can do so only by revolution or a *coup d'état*.

[43] Except the Monarchists, whose clandestine activities are tolerated, largely in order to disrupt efforts at a Monarchist-Republican union.

Conclusion

As we have seen, the present governing power in Spain rests firmly upon five pillars of the Spanish *status quo*: the Falange, the Army, the Church, the landowners and the industrialists. Beneath lie the Spanish people, helplessly disorganized and feebly represented by various underground and exiled movements.

What can be drawn from this picture? To begin with, the present Spanish régime differs in several important characteristics from the fascism of other countries. First, its leader is no Hitler. He is a Catholic militarist, a man who belatedly allied himself with Spain's fascist party in his war against the republic, not a man who rose to power through the ranks of the Falange. Secondly, Spanish fascism, largely centered in the Falange, is only one of several competing forces of nearly equal strength, all of which share in the ruling power. The Falange is not dominant as was, say, the Nazi party in Germany. Thirdly, Franco's ascendancy to power has not changed the fundamental character of Spanish society. There has been no " fascist revolution " if one means by that a disturbance of the economic and social structure. On the contrary, Spain's traditional class system has been frozen. Franco served to solidify the *status quo*.

This leads to a significant fact: Apart from the Falange, an innovation of the present régime, the societal elements supporting the Franco dictatorship have been the bulwark of every Spanish government in modern times save one—the one overthrown by General Franco to restore " normalcy " to the Spanish scene. And herein lies the tragedy of Spain: If Spain is to become a modern country, changes must be wrought which are diametrically opposed to the interests of its present ruling classes. Yet, short of revolution, no government can rule without the support of at least a majority of these classes. Hence, no government can come to grips with Spain's fundamental problems.

There are those who place great faith in the possibility of a peaceful removal of General Franco in favor of a more "popular" government. Popular with whom? No force can come to power without at least the support of the Army, and in view of its present makeup Army blessings would imply approval by landowners and the Church also. The most that realistically can be hoped for is the establishment of a puppet monarchy, the reigns of government remaining in their present hands. Even should something better be obtained, what would come of efforts at land reform, or of attempts to weaken the power of the Army or the Church? The lesson of the Spanish Civil War is clear to those in doubt.

The ugly conclusion is that the answer to Spain's ills, inherent in its present socio-political structure as they are, can be found only in a social upheaval involving a complete turnover of Spain's social forces. When and how this will come the author does not pretend to know. But come it will.

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ALLIED UNITY OF COMMAND IN THE SECOND WORLD WAR: A STUDY IN REGIONAL MILITARY ORGANIZATION

MILITARY rule has often been used in the past in place of civil government, and there have always been standing national armies in time of peace; but the maintenance of large coalition armies in peacetime is a new phenomenon. General Eisenhower's SHAPE headquarters, formally established at Marly-le-Roi in April 1951, was, as he pointed out, the first allied headquarters "set up in peace to preserve peace and not to wage war." Military organization has had only an insignificant part heretofore in the normal association of nations. Small international "constabularies" have been organized to maintain order in certain areas where national jealousies would not permit the task to be entrusted to a purely national force. But international military coöperation on this scale is picayune compared to the establishment now maintained and contemplated by the United States, Great Britain, France and other Powers in Europe and the Far East.

The phenomenon may well become permanent. Indeed, we shall be fortunate if we are given time to make it so. Any international organization for collective security in the foreseeable future must face the possibility of an indefinite prolongation of world conditions that used to be regarded as unmistakable harbingers of war. That organization must therefore have its military side as well as its political side. The United Nations has already gone far along this path, since the end of the last great war, by developing permanent multinational military forces, organized regionally under unified commands, to resist aggression as a continuing function, a purpose fundamentally different from that of defeating a specific enemy at a specific time. The analogy of a police force is trite but exact. International military organization thus has a legitimate claim upon the interest of the student of government and administration, not merely the professional soldier.[1]

The regional international military commands now functioning in Europe and the Far East can trace a direct line of descent to the great coalition theaters in which Anglo-American forces operated in World War II. It is upon the organizational experience of these Allied theaters that today's architects must primarily build. The Allied theater of 1942-45 is difficult to describe in the conventional terms of administrative organization; for it was not, properly speaking, a territorial or an administrative unit at all, although it had certain functions which most nonmilitary laymen would call administrative. Its territorial boundaries were usually vaguely defined, and territorial jurisdiction was not in any case an essential feature of its mission. Military administration within the area of an Allied theater, in fact, was primarily the function of the national forces, organized in clearly demarcated national theaters.[2] Yet these national theaters, though they served a common strategy in a given region, were not integral parts of the Allied theater. They stood, in a sense, apart from it, and comprehended jurisdictional areas, both territorial and functional, over which the Allied commander had no control. The national theater was an

[1] This study is based largely on Department of the Army records and on studies, published and unpublished, prepared for the series, *The U. S. Army in World War II*, currently being published by the Office of Military History in the Department of the Army. The author is especially indebted to Dr. F. C. Pogue's *The Supreme Command,* to be published soon in this series. The following generally available works have been incidentally useful: D. D. Eisenhower, *Crusade in Europe* (Garden City, 1948); H. C. Butcher, *My Three Years with Eisenhower* (New York, 1946); R. E. Sherwood, *Roosevelt and Hopkins: An Intimate History* (New York, 1948); Winston Churchill, *The Grand Alliance, The Hinge of Fate,* and *Closing the Ring* (Boston, 1950-51); H. L. Stimson and McGeorge Bundy, *On Active Service in Peace and War* (New York, 1947); Fleet Admiral W. D. Leahy, *I Was There* (New York, 1950); W. F. Craven and J. L. Cate (eds.), *Europe: Torch to Pointblank,* Vol. II in *The Army Air Forces in World War II* (Chicago, 1950); T. H. White (ed.), *The Stilwell Papers* (New York, 1948); L. H. Brereton (Lt. Gen., USA), *The Brereton Diaries* (New York, 1946); Maj. Gen. Sir Frederick Morgan, *Overture to Overlord* (Garden City, 1950); Otto Nelson, *National Security and the General Staff* (Washington, 1946); General Omar Bradley, *A Soldier's Story* (New York, 1951); Chester Wilmot, *Struggle for Europe* (New York, 1952); and the wartime reports of the Chief of Staff of the Army, the Commanding General of the Army Air Forces, and the Supreme Commander, Allied Expeditionary Force (SHAEF).

[2] The administrative rôle of the Allied theater has been omitted owing to considerations of space. The author hopes to treat this subject in a subsequent article.

extension of the national military organization into overseas areas, closely controlled by the national military authorities at home. In the coalition structure it served primarily to provide and organize the forces and other means essential for coördinated Allied operations in its geographical area. The rôle of the Allied theater centered in its headquarters and above all in its "supreme" commander. Its proper function was *command,* in the special and limited form—*unity of command*—which this traditional military function assumed when transplanted to the soil of a coalition.[3]

Command and Unity of Command

The essence of command is concentration of responsibility and commensurate authority in one individual. The United States Army *Staff Officers' Field Manual* in 1940 defined "command responsibility" as follows: "The commander alone is responsible to his superior for all that his unit does or fails to do. He cannot shift this responsibility to his staff or to subordinate commanders." Ideally, therefore, a superior commander, like a feudal lord, can command only his immediate vassals, the commanders on the next lowest level of authority. The jurisdiction of each of these commanders is indivisible. Disciplinary action by a superior authority theoretically can be exercised only upon the commander immediately subordinate, who in turn is responsible for the transgressions of *his* subordinates. When a superior commander short-circuits the chain of command to discipline a subordinate lower than the next echelon below him, the action is clearly recognized as extraordinary, disruptive of normal command relationships, and reflecting upon the intermediate commander scarcely less than upon his culpable subordinate. Authority flows downward from a single source through constantly multiplying channels; responsibility reaches upward from a subordinate commander through but a single channel. The chain of command never by-passes a commander.

[3] The problem of inter-service or "joint" unity of command was distinct from that of Allied or "combined" unity of command; it is not treated here. It should also be noted that the problem of *central* unity of command, i.e., at the Washington level, in both joint and combined matters, is not considered in this study. The committee system of top-level military control prevailed throughout the war, despite many pressures to unify the system of command at the center.

The phrase " unity of command " is thus, strictly speaking, tautological. In practice, however, it implies special arrangements to bring together under a single commander elements ordinarily controlled by separate sources of authority each " sovereign " within its own sphere—that is, forces belonging to more than one of the major armed services, or forces belonging to more than one sovereign state. Unity of command obviously grew out of the tradition of command, but in their actual functioning the two have not often been recognizable as offspring and parent. Invariably the powers of the joint commander have been closely hedged about by restrictions designed to preserve the direct chain of command from the central authority of the service or nation to its own commanders in the field. General Eisenhower once noted:

> Alliances in the past have often done no more than name the common foe, and " unity of command " has been a pious aspiration thinly disguising the national jealousies, ambitions and recriminations of high-ranking officers, unwilling to subordinate themselves or their forces to a commander of a different nationality or different service.[4]

From long and bitter experience in coalition warfare, a formal distinction has emerged between command and unity of command, recognizing the limited authority implied by the latter term. " Every commander in the field ", writes General Eisenhower,[5] " possesses direct disciplinary power over all subordinates of his own nationality and of his own service. . . . But such authority and power cannot be given by any country to an individual of another nation."

The ABDA Directive [6]

Informal understandings reached between military representatives of the United States and Britain in March 1941, looking to eventual American intervention in the war, anticipated that the military forces of the two nations would probably operate jointly in some areas, and laid down the principle, though not the blueprint, of unified command to govern such operations. The agreement reflected a strong feeling that joint operations should be the exception, not the rule; it was expected that normally the forces of each nation would operate in areas for which it assumed strategic responsibility.[7]

The first real charter of unified command was drawn up in the gloomy atmosphere of the Anglo-American military conference which met in Washington immediately after Pearl Harbor. The conference had the task, among others, of organizing the command of Allied forces opposing the Japanese advance into the Netherlands East Indies and Malaya. General George C. Marshall, U. S. Army Chief of Staff, proposed that Allied forces in this theater, and in any other where they might henceforth operate jointly, should be organized under a single commander. He declared:

> I feel very strongly that the most important consideration is the question of unity of command. . . . With differences between groups and between services . . . there must be one man in command of the entire theatre—air, ground and ships—. . . but operating under a controlled directive from here. We had to come to this in the First World War, but it was not until . . . much valuable time, blood and treasure had been needlessly sacrificed.

For the post of Supreme Allied Commander of the new theater (ABDACOM) he nominated General Sir Archibald Wavell, the British Commander-in-Chief in India.

Marshall's draft directive for the new commander, which he submitted for the consideration of the other chiefs, was indeed " controlled ". It was a grim table of commandments, bristling with the phrase " you may not ". Its provisions forbade the commander to relieve any subordinate officer; to alter the " major tactical organization " of national forces or to disperse them among multinational task forces; to take over " for gen-

[4] Commander-in-Chief's Dispatch, North African Campaign, p. 1. In files of Office of Military History, Dept. of the Army.

[5] *Crusade in Europe*, pp. 29-30.

[6] This section is based largely on the minutes and papers of the Arcadia Conference (Washington, December 1941-January 1942), filed in Office, Assistant Chief of Staff, G-3, Dept. of the Army. The letters " ABDA " stood for American, British, Dutch and Australian.

[7] U.S.-British Staff Conversations, *Report* (Short Title ABC-1) 27 March 41. In *Pearl Harbor Attack*, Hearings before the Joint Congressional Committee, 79th Cong. (Washington, 1946), Pt. 15, pp. 1493-94.

eral use " supplies, munitions, or other resources without the consent of the owning government; to interfere in the administration or disciplinary measures of a national commander over his own forces; to interfere with direct communication between a commander and his home government; to prevent a commander from obeying his own government in detaching troops or matériel to another theater; or to assume direct command of any part of the forces assigned to him. He could not transfer land forces from their own national territory without permission from their government; his only mobile forces, in fact, were naval elements and bombardment aviation, and each government could employ its tactical aircraft at its own discretion. All his major commanders were to be named by their own governments.

These restrictions would have reduced the supreme commander to the rôle of a coördinator with little more real authority than a chairman without a vote. What did Marshall, certainly no believer in figurehead command, really have in mind? It was fairly clear, of course, that the ramshackle front in the Far East, with the possible exception of Singapore, was probably already doomed. Churchill was unenthusiastic over Marshall's proposal. Allied forces were scattered over a vast area; " certain strategic points had to be held, and the commander in each locality was quite clear as to what he should do." General Wavell, he foresaw, " would have to bear a load of defeat in a scene of confusion." [8]

Marshall's stated purpose was simply " to start something ". Once unity of command had been adopted as a working system, more cohesive arrangements might be hammered out in time as experience accumulated and mutual trust grew. But the immediate problem, as he told his British and American colleagues, was to determine " whether a directive could be drawn which would leave the Supreme Commander with enough power to improve the situation, and still not give him power to destroy national interests or to exploit one theatre without due consideration to another." In the existing dangerous situation in the

[8] According to Churchill, the U. S. Navy also opposed Marshall's proposal. *The Grand Alliance*, pp. 674-77.

Far East, no charter would be worth the parchment it was written upon if any of the governments concerned feared that to support the commander's decisions, in any given situation, would mean disaster. As Admiral Stark remarked, " better to have the restrictions first and then remove them, than to fail in establishing the principle."

The directive finally sent to General Wavell actually omitted several of the explicit prohibitions of the original, and all its invidious " you may not's ". The governments were explicitly pledged neither to reduce the forces assigned to the theater, nor to withhold promised reinforcements, except upon " timely " notification. Specific provision was made for unified naval and air commands, and for a deputy supreme commander, these appointments to be made jointly by the governments. While the supreme commander was to have no jurisdiction over internal administration of national forces, he was nevertheless authorized " to direct and coordinate the creation and development of administrative facilities and the broad allocation of war materials."

The Allied commander's jurisdiction, nonetheless, remained narrowly circumscribed. The prohibitions against transferring land forces out of their own national territory, against interfering in normal administrative processes or with communication between national commanders and their governments, against altering the basic tactical organization of national forces or fragmenting these forces, and against exercising command directly, across the normal channels of authority passing through national commanders—all these were explicitly enunciated. " In general," read the directive, " your instructions and orders will be limited to those necessary for effective coordination of forces in the execution of your mission."

One restriction had been spelled out at length, and it was perhaps more fundamental than all the others.

> If any of your immediate subordinates, after making due representation to you, still considers that obedience to your order would jeopardize the national interests of his country to an extent unjustified by the general situation in the ABDA area, he ha[s] the right, subject to your being immediately notified of such in

> tention, to appeal direct to his own government before carrying out the orders. Such appeals will be made by the most expeditious method, and a copy of the appeal will be communicated simultaneously to you.

This right of appeal was the symbol and the crux of the problem of command in a coalition. It was to haunt all later efforts to make the system work.

This was a first attempt, made at a time when, as Eisenhower later observed, "we had not yet come to appreciate fully the nature of an allied command." Most of the laborious spelling-out of rights of appeal and scope of authority was later omitted in directives to Allied theater commanders, as it became clear the restrictions were implicit in the sovereignty of the contracting powers.

ABDACOM was short-lived. By the end of February the Allied front had collapsed, and the command was dissolved. Meanwhile China had been declared an Allied theater, with Generalissimo Chiang Kai-shek as its commander. It was long, however, before American mobilization and deployment, slowly gathering momentum and busy for many months with the tasks of garrisoning outposts and long lines of communication, had poured a sufficient volume of forces into the areas where coalition operations were feasible to permit the new command system to function. National forces operated in national theaters —British and Empire forces in Libya, Australia, Egypt, the Indian Ocean and the Bay of Bengal, the Americans mainly along the vast curved perimeter from the Aleutians through Midway to Australia. On both major fronts the enemy was checked, Rommel before El Alamein, the Japanese in the Coral Sea and at Midway. Not until late in the summer were limited operations undertaken by American and Australian forces in New Guinea to counter the enemy thrust toward Port Moresby, while predominantly American forces early in August secured precarious landings a little to the east in the southern Solomons. In November combined Anglo-American forces landed on the shores of French North Africa and pushed into Tunisia in an offensive coördinated with that of the British Eighth Army launched at El Alamein. At Casablanca early in the new year

the political and military leaders of the coalition mapped a program of coalition strategy for the coming year. This strategy envisaged a major joint effort in the European-Mediterranean area, with subsidiary ventures in Burma, China and New Guinea. In these theaters the problems of regional coalition organization were to be worked out.[9]

Regionalism and the " Sphere of Interest " Principle

The ABDA directive contained a curious duality. Wavell was given command both of a certain area and of certain forces, that is, the " ABDA area " and " all armed forces " of the ABDA governments within that area. These two jurisdictions, however, were not coterminous. The ABDA area did not include India or Australia, bases through which would have to be funneled whatever troops and material reached the new command; in Australia Wavell was to command only troops which had been " allotted by the respective governments for service in or support of " the ABDA area.

This arrangement was full of potential jurisdictional conflict. How could the Allied commander draw upon the resources, other than troops definitely assigned to him, in base areas outside his control? India served the British Middle East theater as well as ABDACOM, while the American supply organization in Australia, even before the new Allied command had been set up, had been given the primary mission of supporting MacArthur's forces in the Philippines. The latter were now nominally a part of ABDACOM but in fact isolated from it, and General MacArthur, under " special " arrangements, received his orders direct from Washington. During January and February 1942 the harassed American commander in Australia was under pressure from Washington and the beleaguered commander in the Philippines to rush supply shipments northward, while Wavell's headquarters in Java clamored for similar support. Even within the ABDA area national regional jurisdictions hamstrung the Allied commander, who was forbidden to transfer ground troops from one national territory to another.

[9] During the later course of the war, Allied theaters were organized in Europe, North Africa, the Mediterranean, the Middle East, Southeast Asia, and the Central, South and Southwest Pacific areas.

Later in the spring, after ABDACOM's collapse, Allied leaders agreed on a division of all the war areas into geographical spheres of primary strategic responsibility for each of the two dominant partners. In the Pacific, as the arrangement was worked out, the military interests of the United States were conceded to be paramount; supreme commanders there were American and reported to the American Joint Chiefs as the executive agency for the Combined Chiefs. The British Chiefs of Staff acted in a similar capacity with respect to the Middle East, India and Burma and the waters and islands to the south and southeast, and for a time the Eastern Mediterranean. Allied commanders in these areas were British. Strategy was determined in general terms for all these areas by the Combined Chiefs; the national committees each supervised detailed planning and the conduct of operations in its own sphere. China, a special case, fell within the American sphere, though strategic coördination by the Joint Chiefs of operations by Chinese armies became largely a myth. In the European-Mediterranean area, both Allies had an equal interest. Here the Combined Chiefs kept their hands on the pulse of operations, and an effort was made to share top command posts between the two Allies.[10]

These regional arrangements inevitably raised jurisdictional problems in the " border " areas between national spheres. In Southeast Asia, for example, the boundary between American and British spheres ran roughly along the eastern frontier of Burma. In China, which thus fell within the American sphere, Lieutenant General Joseph Stilwell had the title of Chief of Staff to the Chinese Generalissimo—one of the " five hats " which this busy officer wore. Outside China, Stilwell was also field commander of the Chinese troops which he trained in India; in this capacity, though operating in the British sphere, he was independent of British authority. As American theater commander, Stilwell had jurisdiction over all American forces in

[10] Sherwood, *Roosevelt and Hopkins*, p. 510; Churchill, *Hinge of Fate*, pp. 197-98. The President's original proposal placed the whole Mediterranean in the British sphere, the North African invasion then having been shelved. He was also considering a single supreme command for the Pacific, with local operating commands going to the country principally concerned.

China, Burma and India; in Burma, from late 1943 on, he was deputy to the Allied Supreme Commander, Admiral Lord Louis Mountbatten.[11] American forces in India, a base area for both British and Americans as well as for the movement of supplies to the Chinese, had a " tenant " relationship to the local authorities similar to that in the United Kingdom and in Australia. The Persian Corridor, where an American " service command " was created late in 1942 to handle the northward movement of Russian supplies, was in effect an enclave within the British Middle East sphere, with an intricate delimitation of jurisdictions—British, American, Iranian and Russian, political, economic and military, command and administrative.

The European-Mediterranean area, being a dual-interest sphere, naturally presented particularly difficult " border " problems. British interest historically centered in the Mediterranean. Into the center of this region, in the spring of 1943, Allied forces converged from east and west, meeting in Tunisia. Coördination of these operations, involving mixed Anglo-American-French forces in the west and mostly British forces in the east, was assigned in February 1943 to General Eisenhower, who in turn named the British General Sir Harold Alexander to command the ground forces in the field. But the American theater which was established at about the same time for American Army forces in Tunisia and the area to the west extended only to the eastern boundary of Tunisia. British forces to the east were territorially within the British Middle East theater. Eisenhower had no jurisdiction in the Eastern Mediterranean, beyond Tunisia, Sicily and Italy, and in the west, as Supreme Allied Commander, he controlled only the forces assigned for specific operations. As American theater commander, Eisenhower was of course in charge of all rear-area activities serving American forces; but he had no similar jurisdiction over British administrative activities in the same area.

Eisenhower's Allied Force Headquarters was thus, not the " capital " of a territorial *theater*, but a control center for operations in a vaguely defined zone straddling the boundary be-

[11] His " fifth hat " was the position of regional administrator for Chinese Lend-Lease.

tween national spheres of responsibility. His original directive made no mention of territorial boundaries. At the end of 1943, however, a unified Allied theater was created under British direction, embracing the whole Mediterranean region except the Libyan, Egyptian and eastern shores.[12]

These regional arrangements were products of the spreading and converging of military operations. The same process, before the end of 1943, was shaping up a similar " border " problem between the Mediterranean and the Northwestern European areas. The logic of a strategy of three-pronged Continental invasion—the campaign already under way in Italy and the planned simultaneous landings on the Channel coast and in Southern France—called for a single supreme command for the whole area. In the air war against Germany this goal was already in view, with the creation in January 1944 of a single *American* air theater in the whole European-Mediterranean area. These forces, moreover, were now coördinated along with the RAF Bomber Command, their British counterpart, by the Combined Chiefs themselves in the Combined Bomber Offensive against the European Axis. But this was coördination, not command. The process stopped short of the creation of a single Allied air theater. Similarly, no unified control of ground operations was achieved in the two major areas, and the two-pronged invasion of France in the summer of 1944 was a coordinated, not a unified, operation.

The organization of coalition operations thus developed along parallel lines through the principle of unified command and the system of spheres of national responsibility.[13] The trend was toward consolidation and integration, as the convergence of military operations on the homelands of the Axis Powers tended to intensify the scale of military effort within steadily contracting areas. But the association of unified command with regionalism was always uncomfortable. Despite its dependence upon regional organization, Allied unified command was always primarily concerned with control of *forces* rather than territory, and it shunned as far as possible the administrative jurisdiction which was inseparable from territorial control. This remained the province of the national theater organizations. In Eisenhower's directive from the Combined Chiefs naming him to lead the European invasion, no territorial boundaries were laid down; he was designated " Supreme Allied Commander *of the forces placed under your orders* for operations for liberation of Europe from the Germans."

[12] Command organization in the Mediterranean is treated in *History of Allied Force Headquarters and Headquarters NATOUSA*, on file in Office of Military History.

[13] In the Pacific the important divisions of responsibility were inter-service and mainly American, rather than inter-Allied.

The Allied Commander and the High Command

The system of national spheres of responsibility was a rationalization of one of the most fundamental anomalies in the coalition system, the existence of two channels of responsibility reaching upward from the Allied theater commander. In theory an Allied commander was responsible to the coalition's duumvirate, the President and the Prime Minister, for whom the professional military heads, sitting together as the Combined Chiefs of Staff, acted as a central executive committee. But as ranking military representative of his own nation in the area, the Allied commander was in fact responsible through his own national chiefs of staff to the political-military head in his own country—the President as Commander-in-Chief, or the Prime Minister as Minister of Defense. So, also, was the commander of national forces immediately subordinate to an Allied commander of another nationality—thus creating a third channel by-passing the Allied commander altogether. The pattern became almost unbelievably complex in the Southeast Asia Command and the Allied China theater. American forces in both theaters were under a single commander, who thus divided his allegiance among two Allied superior commanders and his own superiors at home, while at the same time the channel from one Allied commander, the Chinese Generalissimo, to the Combined Chiefs of Staff was sheer fiction since the former was the head of a sovereign state. Allied commanders were thus subject to the historic malady of coalitions, a split-command personality aggravated by frustration arising from the limitations upon their authority to control their subordinates.

Beyond these problems inherent in the organization of the coalition, there was a profound divergence of opinion and custom between Britain and the United States with respect to the rôle of a field commander. American tradition favored a broad delegation of responsibility and authority to a commander, on the principle that he should be assigned a job, given the means to do it, and held responsible for its fulfillment without scrutiny of the measures employed. There was a natural tendency to adopt the same outlook in considering what powers should be assigned to an Allied commander, particularly if the latter were an American officer. General Marshall assured Eisenhower, soon after his appointment to command North African operations, that "it is the desire of the War Department that you as Commander-in-Chief of the Allied Forces should have the maximum feasible degree of authority and responsibility, and that you should operate at all times under as broad a directive as possible."

The British High Command, by contrast, kept a vigilant check on its commanders, with little regard to channels of command. Theater commanders-in-chief and sometimes even their subordinates were required to make daily reports direct to London.

> It is not sufficient [Churchill argued] to give a general a directive to beat the enemy and wait to see what happens. The matter is much more complicated. The general may well be below the level of his task, and has often been found so. A definite measure of guidance and control is required from the staffs and from the high government authorities.[14]

This illustrated what Eisenhower once referred to as "the inevitable trend of the British mind toward 'committee' rather than 'single' command." He and other American officers objected sharply to the "British tendency toward reaching down into a theatre and attempting to compel an organization along the lines to which they are accustomed," to invest with independent powers the commanders-in-chief subordinate to an Allied "supreme" commander, making the latter in effect the chairman of a board of directors who, under instructions from

[14] Quoted from a "Minute to the Chiefs of Staff", 24 Oct. 43, in Pogue, *The Supreme Command.*

home, could overrule him on any point. "It seems impossible", Eisenhower commented privately, "for the British to grasp the utter simplicity of the system that we employ"—that is, the "task force" principle of undivided authority and responsibility.[15]

These two opposing points of view clashed late in 1943 over the question of the appointment of a supreme commander for Allied forces in the invasion of Europe. The logical, and, it was generally assumed, inevitable, choice for this position was General Marshall, whom the Prime Minister himself, at the Quebec Conference in August 1943, suggested to the President. But Marshall had become well-nigh indispensable in the central direction of the war; some elements of American public opinion, moreover, now raised the cry that he was being removed from the Washington scene in order to make way for a "political" general (perhaps Somervell), and because his influence there had become objectionable to the British. Partly in answer to this clamor, partly as a means of retaining Marshall's tested counsel on the High Command, consideration was given to combining the European and Mediterranean areas into a single theater and placing all Allied operations against Germany under Marshall's command, while allowing him at the same time to retain his seat on the Combined Chiefs of Staff. Another proposal was to make Marshall field commander of all Anglo-American forces.

The implications of these proposals were revolutionary. The existing system rested upon two cardinal principles: separation of local field command from central coördination and direction, and parity among theater commanders in their relation to the High Command. It is doubtful whether this theory could have stood up if a commander of Marshall's enormous prestige were in charge of a "super theater" which absorbed the overwhelming bulk of the coalition's resources, while also retaining a directing voice in the High Command. The plan to put him at the head of *all* Allied forces in the field would have given him an equal preëminence. The system of committee control, under which strategic decisions represented compromises between na-

[15] Letter to Gen. Marshall, 8 Feb. 43. Filed in OPD Hist. Unit, Office of Military History.

tional and service views, or in case of deadlock were referred to the top political leaders, must have yielded to an uneasy mingling of the committee principle with a heavily centralized field command weighted in the interests of one strategic area.

The British successfully resisted the American proposal to place Marshall in command of all operations against Germany. It was not the man they objected to, however, and in a certain sense it was not primarily a man, but rather a new principle of coalition organization, that the American chiefs were putting forward. Leahy, King and Arnold had agreed, in fact, that they would be willing to support Field Marshall Sir John Dill instead of Marshall if they could thereby induce the British to accept an integrated European-Mediterranean command—not merely for the land invasion, but for the strategic air offensive as well. But the British were unwilling to give up their freedom of action in the Eastern Mediterranean. They were also wary of tying their heavy bombers to the needs and the discretion of a supreme comander who might be inclined to use them solely for close support of the land forces in the invasion of the Continent. In other ways, too, the British showed their aversion to a powerful and autonomous field command. When the Supreme Commander's directive was being drawn up, the British chiefs objected to assigning him a mission extending beyond the securing of a lodgment on the Continent, holding that the command arrangements for the great campaigns to follow constituted a separate problem to be taken up later. The British also proposed to spell out in the directive detailed specifications of the mission and duties of subordinate commanders, thus depriving the Supreme Commander of discretion in this matter. On these two points, however, the British eventually yielded. But the whole " super theater " project died, and the President named Eisenhower to the European command.

The American High Command, in the spring of 1942, had hoped for a more concentrated war culminating in an early, mass invasion of Northwestern Europe, and pressed for such a strategy more and more strongly at each successive Allied conference. With operations concentrated largely in the theater where the main decision would finally have to be won, and restricted elsewhere to holding operations, the problem of strategic planning as well as the direction of military operations would have fallen upon the commander of the predominant theater. But the strategy of concentrating all but a bare minimum of effort upon reëntering the Continent in the northwest, ostensibly agreed upon in April 1942, had begun to collapse even before the assembly of forces in the British Isles had gotten well under way. By autumn it seemed to have been indefinitely postponed.

Until early 1944 the High Command had to direct a war delicately balanced between several points of impact. This demanded not only frequent adjustment of the over-all strategy but also close coördination of strategic plans and developing operations within each theater. The Combined Chiefs of Staff dealt not alone in broad strategic concepts, but with the details of material, troop and shipping requirements and the scheduling of build-up programs. Every plan of campaign developed by a theater commander had to be reviewed in the light of its impact on the whole military situation, and it was usually the High Command which made the decision as to which operations within a theater should receive the needed allotment of precious resources. This was true, for example, of the decision at Casablanca to attack Sicily. Through their numerous working committees, moreover, and their access to the technical staffs of the American and British military departments, the Combined Chiefs were in a position to scrutinize intelligently and critically theater commanders' estimates of their own needs. At the Washington (Trident) Conference of May 1943 General Somervell, head of the American Army Service Forces, cited the findings of his own logistical experts in challenging before the Combined Chiefs the requirements in transport and material which the British commander in India had asserted to be necessary for a major Allied offensive in Burma.

The theater commander, in fact, could scarcely be expected to have a real perspective of the whole war or of his own theater's place in it; he was inevitably disqualified, therefore, from being sole judge of his own needs. As Sherwood has aptly commented,

> there was no theatre commander in the war who did not feel that he was the most neglected, most abused and most basely cheated of them all, and that if it hadn't been for Certain Sinister Influences in High Places *his* theatre would have been recognized as the decisive battleground and he would have been given top priority in the allocation of men and matériel.[16]

The rôle of the High Command might well be defined as that of distributing available means, human and material, to the best advantage in meeting the needs of a global war—or, as General Somervell once succinctly put it, the " division of a deficiency ".

The definite decision late in 1943 to invade Northwestern Europe, followed by the convergence of Allied armies in growing strength upon the enemy citadels in Europe and the Pacific, created something like the concentrated war that Stimson, Marshall and Eisenhower had had in mind two years earlier, though divided between two major sectors rather than focused upon one. This process, together with the firm possession of the strategic initiative enjoyed by the Allies, freed the High Command of a great part of its detailed directive responsibilities. Much of this burden was now shifted outward to the great overseas theaters. But the failure of the American schemes to unify the ground and air operations against Germany under a single command or to create an all-embracing Allied field command ensured the preservation of the existing structure of coalition organization.

This period also saw an extension of the rôle of the High Command in another direction—the direct control of strategic bombing operations from a central command post. The combined bomber offensive against Europe from early 1944 on was directed by the Combined Chiefs, with certain reservations designed to ensure the availability of heavy bombers to the Supreme Commander during the period of the Continental invasion. Similarly, strategic bombing operations in the Pacific were placed under the command of General H. H. Arnold in Washington as the executive for the U. S. Joint Chiefs, themselves the executive agency for the Allied High Command. These innovations decisively limited the jurisdiction of [illegible]

[16] See note 15 above.

commanders in a vital sphere of military power, and underlined their subordination to the High Command. By the end of war, the American Joint Chiefs had in effect assumed operational control of the impending attack on Japan, with control in the field divided between General MacArthur and Admiral Nimitz.

Control of National Forces

For any military commander the final and decisive measure of his authority is control over troops. The limitations upon an Allied commander's autonomy were nowhere more evident than in the formal restrictions upon his freedom to control the national forces under his command.

Complete unity of command—over " air, ground and ships " —was not achieved in any theater. In the Mediterranean, for example, although a unified air theater was organized early in 1943 embracing all Allied air forces in that region, its commander, Air Marshal Sir Arthur W. Tedder, was subordinate to General Eisenhower, the Supreme Allied Commander, only for operations in Northwest Africa. Otherwise he reported directly to the British Air Ministry. In the naval sphere, Admiral Sir Andrew Browne Cunningham commanded Allied naval forces in the Western Mediterranean but not those in the Eastern Mediterranean, and except for operations in support of amphibious landings he was subject, not to General Eisenhower, but to the British Chiefs of Staff. These arrangements, and similar ones in other theaters, placed under the Allied theater commander, not all forces within the defined region of the theater, but only such specific forces as the High Command considered necessary, by a more or less narrow interpretation of the need, for the accomplishing of his mission. Even in his capacity of national theater commander, an Allied commander seldom controlled all air and naval forces of his own country within his area, since the regional extension of air and naval operations never conformed to the geographical boundaries of a theater defined largely in terms of ground operations.

An Allied commander's control over the forces in the theater was determined in part by the extent to which the basic organization of the forces cut across national lines. Eisenhower believed in extending the " task force " principle, by which all forces needed to perform a given mission were placed under a single commander, downward into the organization of forces for subordinate missions.

> When the two governments accept the principle of unified command—which means a Task Force Commander—in a particular theatre, I not only believe that they must leave him a considerable freedom in organizing his own forces as he sees fit, but that when it becomes necessary to organize subordinate task forces, he should be free to do it under the principle of unified command if he so chooses.

This principle, as already noted, conflicted with what the Americans called the "committee" system of the British. As far as theater organization was concerned, this seemed usually to mean placing all forces of each arm—"air, ground and ships"—under a single Allied "commander-in-chief" responsible directly to the Allied theater commander. In itself, of course, such a grouping implied no limitation of the theater commander's authority; it was the tendency of these commanders-in-chief to interpose purely service points of view against efficient organization and operation along task force lines to which Eisenhower objected, particularly when their points of view received support from their national military superiors at home.

The difference in the American and British attitudes in this connection was also related, however, to the rôle that the Allied commander was expected to play in military operations. There was a strong feeling among many American military men that a field commander, no matter how exalted, should personally direct the battle. The British, by contrast, appeared to envisage for the Supreme Commander in the European invasion the more aloof rôle of coördinator, with a small headquarters concerned primarily with political matters and liaison. When Eisenhower named Field Marshal Bernard L. Montgomery to command all ground forces in the Normandy invasion, British opinion appeared to see in this a kind of abdication of the real direction of the invasion to the British commander. But the arrangement was not intended to be permanent. Eisenhower's plan was to form an American army group under General Omar Bradley as soon as sufficient American troops could be thrown across the Channel; Bradley's status would then be equal to that of Montgomery. Eisenhower expected, moreover, to establish his own command post in France as soon as possible. As it happened, this could not be done until about two months after the first landings, despite impatient admonitions from the U. S. War Department. Eisenhower himself, grappling with complex problems of coördination during this tense period, found the pressure from home a little annoying; as he put it (according to his Boswell), if he had to control ground operations directly, instead of through army group commanders, "then they will have to get someone to be Allied Commander."

General Bradley, in due course, took command of the bulk of American forces in France—Twelfth Army Group—although Montgomery's Twenty-first Army Group included the American Ninth Army and other American elements. But Montgomery himself and a vociferous body of British opinion continued to believe that there should be a single ground force commander. This insistence irritated the Allied Commander. On so vast a front (following the break-through of July-August), a single field commander could not possibly have kept in close daily touch with the battle, nor could he have exercised the coördinating function of the Supreme Commander of assigning major objectives, directing the flow of supplies and reinforcements as needed, and, in emergencies, concentrating massed air power in particular sectors or shifting major units from one command to another. "The only effect of such a scheme", Eisenhower has commented, "would have been to place Montgomery in a position to draw at will, in support of his own ideas, upon the strength of the entire command." [17]

Behind these differences over the measure of direct control of operations to be exercised by the Supreme Commander was, of course, the central issue of control over national forces by a superior commander of another nationality. The British theory of command organization, as applied in the initial organization of the invasion forces in Europe, had the effect of placing a buffer of British officers, as Allied commanders-in-chief, between the Supreme Commander and the British forces. In thea-

[17] *Crusade in Europe*, pp. 284-85; Butcher, *My Three Years with Eisenhower*, pp. 718-19.

ters where British officers held the top command the Americans similarly sought the intermediate positions of authority. American theater commanders doubled in brass as deputies to British Allied commanders in the Mediterranean and in Southeast Asia. In North Africa, moreover, Eisenhower had an American deputy (Major General Clark) for the three months following the initial landings.

Whatever his position, a national commander in a theater was expected by his superiors at home to be a watchdog for national interests. His most formidable instrument for doing so was the right of appeal. The instructions, for example, from the British Chiefs of Staff to Lieutenant General K. A. N. Anderson, commanding the British First Army in the North African invasion, authorized him to appeal to the British War Office any order which appeared " to imperil any British troops in the Allied force." Eisenhower's vigorous protest brought about a rewording of these directions, guarding against the loss of military opportunities resulting from such an appeal and ensuring prior notification to the Allied commander in case of appeal. But the principle remained.[18]

One of the rare instances of the kind of situation at which the right of appeal was aimed occurred in Burma in 1944, when a British officer, Major General W. D. Lentaigne, commanding some Indian troops under General Stilwell's operational control, refused Stilwell's orders to advance. The latter demanded Lentaigne's dismissal, and the matter went before the Allied Commander, Admiral Mountbatten. An investigation ordered by Mountbatten revealed, according to its report, that Lentaigne's force " had in fact been ordered to undertake tasks for which it was no longer fit." Mountbatten was driven to attempt a reconciliation between the two officers. The significant point is that no disciplinary action and no clear settlement resulted. Stilwell was unable to exercise the control inherent in command, Mountbatten was equally unable to dictate to either his immediate subordinate or his subordinate's subordinate, because the

[18] *Hist. of AFHQ*, I, 9-10; Butcher, *op. cit.*, pp. 137-38. There seems some doubt, according to certain former members of the British Chiefs of Staff interviewed since the war by Dr. Pogue, whether British commanders were formally given this right in the European theater in 1944 and 1945.

situation was laden with overtones of national interest and national prestige.

The corollary of the right of appeal, as also illustrated by this episode, was the Allied theater commander's lack of effective power to relieve or to discipline commanders of another nationality. This prohibition, explicit in the ABDA directive, seems to have prevailed thereafter as a tacit understanding in all theaters. National commanders, moreover, were expected (in the words of one directive) to keep their superiors at home " fully advised of all that concerns your command " and to " communicate your recommendations fully and freely." Admiral Mountbatten, complaining later of General Stilwell's direct communication to Washington of his differences with his British superior, recommended for the future,[19] " a system of control by which there is only one channel along which recommendations and instructions regarding policy and strategy can pass . . . only in this way can divisions of policy and strategy within the theatre be avoided."

Another manifestation of the impossibility of achieving unqualified subordination of national forces to an Allied commander was the generally prevailing prohibition against disturbing the organizational integrity of troop formations. Instructions to the American theater commander in the Mediterranean early in 1942 stressed as an " underlying idea " the point that " the forces of the United States are a separate and distinct component of the combined forces, the identity of which must be preserved." The principle was supported, too, by practical obstacles to administrative intermingling of troops organized under different systems. Allied field commands in the European-Mediterranean area were usually large, in order that their national components might be separately administered and supported by separate supply lines. By a standing agreement preceding the Normandy invasion, units smaller than a corps in the Anglo-American forces were not to be placed under a commander of another nationality except in an emergency. In Burma and the Pacific, where operations were on a smaller scale,

[19] Report by Earl Mountbatten in 1947, published in 1951 by the British government, as reported in an Associated Press dispatch in the Washington *Evening Star*, 4 Feb. 51.

unity of command sometimes reached farther down into the organizational structure.

Unity and Unity of Command

"We cannot manage by cooperation," General Marshall had declared at the Arcadia Conference, implying, evidently, that in the principle of unified command lay a far greater measure of solidarity. Upon coöperation and little more, nevertheless, the effective functioning of the coalition in the last analysis depended. If all the limitations upon the effective authority of Allied theater commanders had been brought into play, the forces of the coalition overseas would have been obliged to operate separately and without coördination. In one war area—Burma and China—this was, in fact, essentially what happened. Unified command was not even formally achieved in Burma until the end of 1943, and in the region as a whole it was never more than a façade behind which the American, British and Kuomintang forces fought their separate wars for the most part in widely separated sectors. The absence of a sense of common purpose in this theater, apart from that of defeating the common enemy, made coördinated military action by combined forces impossible and reduced the alternatives of coördinated strategy almost to zero.

Fortunately, this was not the crucial theater. In the Mediterranean and even more in Europe, despite a fundamental conflict over strategy which had to be resolved within the High Command, Anglo-American unity was sufficient to serve its ends. Yet this was scarcely an achievement of command *organization*. The limitations upon Eisenhower's authority, as we have seen, were essentially the same as those imposed upon other Allied commanders.

Evidently unity of action was not wholly dependent upon unity of command. Eisenhower quite obviously recognized this. His whole effort was directed, not to gaining a coercive authority over unwilling subordinates, but to creating a spirit of willing and enthusiastic coöperation. No doubt he was aided by the similarity of language and tradition, and the historic ties of sympathy, between the English and American peoples. But the task, with contrasting systems of staff organization and military

administration, and mercurial temperaments like Patton and Montgomery to deal with, was difficult enough.

Overshadowing all other problems, and aggravating them beyond their ordinary dimensions, was that created by national jealousy and pride. British and French consciousness of dependence upon superior American power and resources inevitably exacerbated their sensitivity to the slightest implication that this inequality was being used by the Americans as a lever for any purpose whatsoever. Only tact and understanding could allay this feeling; to exercise it wholly was beyond the power of Eisenhower or any other. Nor was national sensitivity confined to the British and French; the Americans shared it in full measure. As Eisenhower himself admitted once, "I am not British and I am not ambidextrous in attitude." Eisenhower often tried to bring narrowly nationalistic views out into the open by labeling them as such as soon as they appeared. This dangerous method apparently had some success. ("I *think* the results have been good.") With General Montgomery, Eisenhower attempted through frank discussion to reconcile differences of view, recognizing that any "unbridgeable gulf of convictions" would have to be settled by the Combined Chiefs. Happily the gulf did not develop, though at the climax of the European campaign, while German armor was battering through the Ardennes and both Montgomery and the British press were clamoring for a British commander to head all Allied ground forces, it yawned uncomfortably close. This crisis required delicate handling of American commanders as well.[20]

In dealing with the ebullient British Prime Minister, Eisenhower had to cope not merely with a domineering temperament but also with the persuasive arts of a consummate politician and the polished intellect of a great statesman. Eisenhower's arsenal, indeed, did not contain weapons of this caliber. Against them he could only oppose his basic honesty and sincerity, and the steadfast support given him by his superiors at home. Before very long, it was evident that he had gained another weapon in Churchill's spontaneous liking and admiration for him. Never-

[20] Letters to Gen. Marshall and Gen. Handy, 8 Feb. 43 and 28 Jan. 43, respectively, in OPD Hist. Unit, Office of Military History; Butcher, *op. cit.*, 736-37; *Crusade in Europe*, pp. 355-57.

theless, the Prime Minister was a British patriot to the core, and disagreements were sharp and frequent. Over the issue of strategic air command—which the British wanted to keep independent of the Supreme Commander—Eisenhower was driven on the eve of the invasion to threaten " to go home." A few months later Churchill, on the issue of the American plan for invading Southern France, was threatening to " lay down the mantle of my high office." [21]

In their own way, the French were far more difficult to deal with than the British. While their contribution to the Allied cause was smaller than the British, the problem of satisfying their aspirations and understanding their attitudes was all the more complex. It was much more a political than a military problem, however, partly as a result of French insistence upon being dealt with at that level.

In his efforts to work with his allies, Eisenhower was of course under pressure from his own superiors, who sometimes pushed him into paths not always commended by his own judgment. In the early plans for the North African operation, for example, he was inclined to agree with the British desire to gamble on landings far to the eastward and a rapid drive into Tunisia; the American Chiefs of Staff, however, insisted upon securing the line of communications by firm lodgments on the Atlantic Moroccan coast. His efforts to serve impartially the best interests of the coalition, as he saw them, inevitably drew attacks from both sides. The Prime Minister complained of his " bullying " insistence upon the Southern France operation, while officers in his own headquarters referred to him, behind his back, as " the best general the British have." Eisenhower's own conception of the problem of Allied unity is perhaps best exemplified by the widely circulated story of a remark he is supposed to have made to General Patton: " I don't mind if one officer refers to another as that son of a bitch. He's entitled to his own opinion. But the instant I hear of any American officer referring to a brother officer as that *British* son of a bitch, out he goes." [22]

[21] Butcher, *op. cit.*, pp. 498, 639; *Crusade in Europe*, pp. 221-23, 281-84.

[22] Butcher, *op. cit.*, pp. 490, 493, 639, 644, 667; *Crusade in Europe*, ch. 5. The anecdote mentioned, as quoted, is in Sherwood, *op. cit.*, p. 677; another version is in Butcher, *op. cit.*, p. 582.

The successful achievement of Anglo-American unity in the most crucial theaters of coalition effort made it possible for the Allied commanders there to exercise the *normal* functions of command. It is not necessary to test the effectiveness of command organization solely by the authority of the commander to coerce recalcitrant subordinates. The authority inherent in command is a kind of reserve power, rarely asserted. This reserve power Allied commanders lacked. American commanders of Allied theaters did possess, to be sure, a potent lever of control in numerically superior American armies and access to the cornucopia of American munitions; in the case of Australia there was the additional argument that that country and her resources, though important assets, were not indispensable to America's security. But these arguments alone could never have served to forge genuine coalition unity; tactlessly employed, they might well have destroyed it. For the power to coerce, Allied commanders everywhere had to substitute the power to persuade. As Eisenhower has since observed, " only trust and confidence can establish the authority of an allied commander in chief so firmly that he need never fear the absence of this legal power."

The Allied commander's true function, like that of any commander, was not coercion but decision, the final responsibility of choosing among various possible courses of action. This normal function Allied commanders exercised, every day and every hour. Butcher's statement that no major undertaking occurred in the European theater " without General Ike's approval " was, in this sense a commonplace. In some theaters, where unity of command functioned less smoothly, decision might occasionally be the end product of a complicated process of discussion and pressure, but such occasions were rare. Few moments in history have dramatized more vividly the terrible loneliness of a commander who must make a fateful decision than that on the early morning of 5 June 1944 when Eisenhower, after weighing the multiple risks of threatening weather against that of an opportunity irrevocably lost, finally gave the word which launched the European invasion.

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THE PRESS AND POLITICAL CORRUPTION DURING THE FEDERALIST ADMINISTRATIONS

"HAVE our Stewards been found faithful?" So ran the leading line of a front-page newspaper article more than a century and a half ago,[1] and so might it run today. Then as now, the query implied considerable doubt.

Betrayal of public trust is no novelty in American history, or indeed in the annals of any nation. If not a continuing phenomenon, it has been at least a recurring one in our political life down to the present year. Frequently the country's newspapers have pioneered in directing popular attention to graft and corruption,[2] and an examination of the periodicals of that day shows clearly how the matter became a crucial issue during our very first presidential administrations.

This may surprise twentieth-century citizens who assume that unimpeachable integrity marked early American politics—that high-minded leaders invariably shunned temptation, or that temptation did not exist. Evidence shows that our forefathers did not share this belief. Large segments of the voting population then became convinced that there were those in high governmental positions who had sacrificed the nation's interests in order to advance their own. As today, the press was a primary agent in producing this conviction.

That the Federalist régime, ushered in with apparent unanimity in 1789, was irreparably crushed in little more than a decade is common knowledge. Less widely recognized, perhaps, is the fact that in that political transformation newspapers played a vital part,[3] and that some of their most incisive arguments dealt with the topic of political dishonesty and graft.

The government was still in its infancy, and Congress barely

[1] *Boston Gazette*, September 20, 1790, citing the New Haven *Connecticut Journal*.

[2] The scandals of the Grant, Harding and Truman administrations immediately come to mind; for brief comments on the first two, see James E. Pollard, *The Presidents and the Press* (New York, 1947), pp. 438-443, 448-450, 711.

[3] This topic is the central theme of the writer's *Jeffersonian Journalism* (unpublished doctoral dissertation, Columbia University, 1950).

convened, before strident cries were raised against excessive costs. Six dollars a day seemed to be an inordinate salary for lawmakers, particularly when the federal "debating-society" frittered away countless hours on trivia such as forms of address, orders of procedure, or a library for Congress. Even doorkeepers to the legislative chambers received more than any honest laborer was entitled to expect for his services.[4] These things all added to the pyramiding expense of the central government, which some men feared was rapidly approaching the insupportable.

Current administrative outlays were as but the seedling, however, compared with the veritable forest of governmental obligations growing out of the various fiscal measures proposed by Alexander Hamilton as first Secretary of the Treasury. Not a few friends of the recently adopted Constitution were unable to visualize how the shaky, untried government could possibly assume such appalling financial responsibilities. Had not the Revolution itself been fought largely in protest against burdensome taxation?

Yet even the mounting public debt produced less misgiving than the dark charges concerning the opportunities it afforded for manipulation. It must be recalled, as Robert East has so ably pointed out, that this was a transition period in American business methods as well as in political organization. Investments were beginning to be encouraged by large-scale projects for internal improvements, and by such devices as joint-stock companies and commercial banks. Speculation in land was an old story for America, but investors were now turning to securities. Both types of speculative activity were flourishing; but the post-war willingness to experiment with the more impersonal forms of capitalism was revealed by the fact that American security values quadrupled in the two years following October 1789.[5]

[4] Numerous instances of these objections are cited in Stewart, *op. cit.*, pp. 59, 127-133.

[5] Robert A. East, *Business Enterprise in the American Revolutionary Era* (New York, 1938), pp. 322-323; Joseph Davis, *Essays in the Earlier History of American Corporations* (Cambridge, Mass., 1917), I, 195. The Boston *Independent Chronicle*, September 8, 1791, asked if "inequality in property, without any adequate consideration, ever before so suddenly took place in the world?"

Such appreciation, largely in governmental paper, produced ominous mutterings in the press. The age-old question of speculation by public officials on the basis of inside information appeared almost immediately. Already grim rumors were rampant concerning widespread leaks of advance knowledge concerning Hamilton's plan to refund the national debt at par. William Duer,[6] the Assistant Secretary of the Treasury, was particularly suspect. There seems little doubt that he purchased large amounts of certificates before funding went into effect, and that he kept his business partner, Andrew Craigie, constantly informed on matters which would affect the public credit.[7] By February 1790, several gazettes were demanding that Congressmen be required to certify publicly that they were not speculating in governmental obligations.[8] That corrupt pressure had been exerted upon the people's representatives was hinted by a correspondent who asserted that the move to refund had gained ardent supporters some three months before the general public had any inkling of the scheme.[9]

Integrity and industry were no longer the chief sources of public and private wealth in this country, lamented a disillusioned and cynical citizen. Of the fortunes gained since 1775, fewer than a score had been come by honestly.[10] The creation of the Bank of the United States was to other correspondents an even more forceful illustration of this than had been the refunding idea.[11] Speculators had acquired without charge from

[6] Duer came to America to purchase timbers for the British navy in 1768. He stayed on in the colonies and joined the American side in the War for Independence, advancing with startling rapidity to posts of some prominence. He was elected to the Continental Congress, and secured a contract to furnish supplies to Washington's army. After the war he became Secretary of the Treasury Board under the Congress of the Confederation. Duer hoped to further his own interests by accepting the office of Assistant Secretary of the Treasury in 1789, and resigned in 1790 apparently because of a regulation barring Treasury employees from buying governmental lands and securities. See Davis, *op. cit.*, I, 113-122, 124-126, 174-176.

[7] *Ibid.*, I, 183-184, 191-192.

[8] Philadelphia *Pennsylvania Gazette*; reprinted in the Baltimore *Maryland Gazette*, February 26, 1790.

[9] New York *Daily Gazette*, February 10, 1790.

[10] Philadelphia *General Advertiser*, July 14, 1791; reprinted in the Norwich, Conn., *Norwich Packet*, August 18, 1791.

[11] Exeter *New Hampshire Gazetteer*, August 26, 1791.

the government valuable exclusive privileges for that institution,[12] and the prohibition against the holding of more than thirty shares of Bank stock by any individual had been grossly violated.[13]

Especially caustic was the antiadministration *National Gazette*, in commenting on the lack of direct denials that public officials had speculated on the basis of their own measures before those measures had become law.[14] The *American Daily Advertiser* made use of the ugly term "corruption", and doubted that many Congressmen could show evidence that they had not enriched themselves through their positions of public trust.[15] The *New York Journal* seconded the demand for a display of popular indignation, although it noted that "those who warn the people against speculating and stock jobbing corruption in the government" were being berated as "enemies to the government and to the people themselves." [16]

"No time will wipe away", thundered the *National Gazette*, the stain upon our national honor because of legislation funding the public debt "into the hands of D[uer] and Co." [17] Unbridled speculation, added the *State Gazette of South Carolina*, would fasten "features of slavery and disgrace" upon America's "boasted free and rising empire." [18] "A Citizen" was positive that the avaricious appeal of Hamilton's measures had enticed many officials to league themselves with brokers and speculators.[19] Many of the latter were already in Congress, or hoped to get there to enhance their own fortunes; "A Planter" noted they offered themselves for election in every district in

[12] New Haven *Connecticut Journal*, August 24, 1791.

[13] Boston *Independent Chronicle*, August 18, 1791.

[14] Philadelphia *National Gazette*, June 4, 1792.

[15] A Pennsylvania governor (Thomas Mifflin) was said to have made a list of his property when he assumed office, and to have published a similar one when he left, to show that he had not profited at the public's expense. The paper doubted that Congressmen could "stand this *test*." Philadelphia *American Daily Advertiser*; reprinted in the *National Gazette*, March 8, 1792.

[16] *New York Journal*, June 9, 1792.

[17] Philadelphia *National Gazette*, July 14, 1792.

[18] Charleston *State Gazette of South Carolina*, April 30, 1792.

[19] Philadelphia *National Gazette*, May 3, 1792; see also June 21, 1792.

the Union.[20] When the greatest men in Congress were described as those who were "the greatest Speculators", where then was "the security of the PEOPLE?"[21]

A lengthy article on the prevalence of stockjobbing attempted to inform the public as to those "who may be esteemed the most arch and finished *speculators* in our country":

> Those who speculate themselves into Congress—then *speculate* upon the public finances till they establish a funding system and a bank—then *speculate* in the funds and the bank till they engross the whole management of them—then *speculate* upon the people to obtain six dollars per day for labouring *for themselves*—then *speculate* into Congress at the next election and thus *speculate* upon the property and welfare of their country.[22]

With such profiteering in federal securities infesting the government itself, the press reiterated, the public was at the mercy of these scoundrels.[23] Small wonder that an ironical *Baltimore Daily Intelligencer* commented that Hamilton's cohorts had written a chapter in the "New Political System of the United States", with notes from corrupt British ministers on how to obtain legislative majorities.[24]

When Duer failed in the panic of 1792, one writer sneeringly suggested that Congress should assume *his* debts.[25] Examination of the Bank subscription books was demanded, to ascertain which officials had speculated in their own interests. It was denounced as a "silly evasion" to plead that there were *some* members of the executive branch who were in "no wise involved in paper-jobbing"; no one claimed all men in government were corrupt, but the legislative as well as the executive branch had its share.[26] True believers in republican government were mortified beyond measure, editorialized the outspoken *National Gazette*, "That so much corrupt speculation and avaricious jobbing should have polluted the infant character of our government. . . ." It was to be devoutly hoped that there would soon come (now that the people had awakened) a "lopping of rotten branches" in the administration.[27] Several years later there were still complaints that a considerable proportion of the First Congress had participated in the monopolization of the public debt, at a profit of 400 per cent or more.[28] Judges, too, had speculated grossly in lands and in paper, and the populace needed to watch carefully the behavior of all those in government office.[29]

Proposals for a national bankruptcy law in 1794 were designed, it was feared, to bring relief to those speculators who were now in financial straits. Duer's friends in Congress were said to be pushing the measure, in order that he might retain a portion of the sums he had gained by fleecing others.[30] The law, asserted one punster, should "ever prove mild and lenient to the [truly] unfortunate, but a scourge to *Evil*—DUERS."[31]

Much of the early Duer-Craigie speculation had been in land; the two had promoted the Scioto land grant in the Northwest Territory during 1787.[32] About the same time John Cleves Symmes, a member of the Confederation Congress from New Jersey, obtained a similar grant of Ohio land. Closely associated with Symmes in this venture was his fellow-Jerseyman Jonathan Dayton, whose name eventually became a Jeffersonian byword for corruption in high places. The original terms of

20 Baltimore *Maryland Journal*, August 24, 1792. As late as 1800, charges were made to that effect concerning land speculators; see the Pittsburgh *Tree of Liberty*, September 6, 20, 1800.

21 Fredericktown, Md., *Bartgis's Federal Gazette*, May 22, 1792.

22 Norwich, Conn., *Norwich Weekly Register*, March 27, 1792.

23 See the Philadelphia *National Gazette*, November 3, 1792.

24 *Baltimore Daily Intelligencer*, November 12, 1793.

25 *Norwich Weekly Register*, April 3, 1792.

26 Philadelphia *National Gazette*, July 7, 1792.

27 *Ibid.*, July 4, 1792. This article (unlike later ones, however) added that those who had lost their integrity were still more odius when contrasted with the pure conduct of Washington.

28 *Woods's Newark Gazette*, February 4, 1795.

29 Baltimore *Federal Intelligencer*, April 7, 1795.

30 "A SUFFERER BY SWINDLERS", in the New York *Columbian Gazetteer*, February 8, 1794; see also the New York *Greenleaf's New York Journal*, March 11, 1795.

31 Worcester, Mass., *Independent Gazetteer*, January 7, 1800.

32 East, *op. cit.*, p. 275; Davis, *op. cit.*, I, 130-134. The latter (p. 143) notes, however, that the rise in governmental securities after refunding actually worked to the detriment of the Scioto Company.

this million-acre Symmes Purchase were never fulfilled. Symmes and Dayton made the down payment, and defaulted on the remainder. With the connivance of the government surveyor, however, and by the use of cheaply purchased military warrants instead of cash, the promoters were able to get more than one fourth of the original grant confirmed to them at the rate of one and one-half acres of actual land for one acre on paper, thus defrauding the United States of some $30,000.[33]

Such chicanery was not unique. Daniel Carroll, member of Congress from Maryland from 1789 to 1791, was one of the commissioners appointed to lay out the District of Columbia and saw to it that the government bought his land as a site for the capitol building.[34] Alexander Macomb (who sat in the New York legislature before he failed with Duer in the spring crash of 1792), Robert Morris, and many another politician figured that the funding system would tend to increase land prices and accordingly acquired huge tracts of Western land.[35] These men, who had "almost certain knowledge of the mode of establishing of the U. S. Securities and the funding system," had also purchased from Congress lands in Ohio, and then obtained from the national legislature an army to extirpate the Indians thereon. St. Clair's defeat, it was dourly predicted, would produce an investigation into this entire muddle of intrigue.[36] Speculative interests had also affected, it was charged, the treaties negotiated by the national administration with the Creek and Cherokee Indians—treaties made without consulting the state of Georgia.[37]

33 Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York, 1935), p. 85; see also East, *op. cit.*, p. 319.

34 Beard, *op. cit.*, p. 82.

35 East, *op. cit.*, pp. 315-318.

36 Boston *Argus*, February 21, 1792. Duer's report on the contractors for St. Clair's expedition revealed both corruption and incompetence to the Concord, N. H., *Concord Herald*, June 20, 1792. Later it was estimated that every scalp taken from the Northwestern Indians had cost between $20,000 and $30,000; Washington, Ky., *Mirror*, September 4, 1799.

37 The treaties presumably would bring peace to the troubled southwestern frontier, and enhance the value of land already engrossed by speculators; see the *National Magazine*, pp. 128-129.

The Yazoo frauds, in which the majority of the Georgia legislature were bribed to approve a fraudulent land operation, are well known, and plagued the federal government for years. They were cited at the time as illustrative of the low morality among members of the party in power.[38] Once again there were rumors of federal officials—even United States judges—who were implicated, and accompanying demands for a thorough housecleaning and dismissal of the guilty parties.[39]

All this surge of feeling against the duplicity of speculators who held public office served to make more intolerable the burden of public debt, which was growing with frightening rapidity—particularly during John Adams' administration. By 1800 James Thomson Callender of the Richmond *Examiner* estimated the government owed nearly $90,000,000. According to his calculations, reputedly based on figures furnished by Albert Gallatin, the United States was paying well over $5,000,000 annually in interest alone—at a time when governmental revenues were declining, and had fallen to less than $7,500,000 a year.[40]

Federalist boasts of prosperity and greater production had certainly not been reflected in the government's financial status. Probably no nation on earth, caustically commented the New York *American Citizen*, had committed itself, by borrowing, more completely into the hands of those who lacked "either the power or the disposition to act in conformity to the public welfare."[41] When the undeclared war with France forced the Federalist administration to float a loan at the ruinous rate of 8 per cent interest, the *Examiner* could scarcely restrain its gloating: "Such things may enrich speculators, but the only consequence which the people can hope from them is a greater in-

38 It was predicted that the transactions would inevitably entail another Indian conflict, and perhaps one with Spain as well; Halifax *North Carolina Journal*, January 12, 1795; Providence, R. I., *United States Chronicle*, March 5, 1795. With one exception, every legislator who voted for the sale was a stockholder in one of the benefiting land companies; see the abstract of Charles B. Haskins, "The Yazoo Land Companies", *Annual Report of the American Historical Association, 1901*, II, 29-30.

39 Halifax *North Carolina Journal*, January 12, 1795; see also the Philadelphia *Aurora*, February 16, 1795; and the Charleston, S. C., *Columbian Herald*, March 18, 1795.

40 Richmond, Va., *Examiner*, January 14, 1800.

41 New York *American Citizen*, March 24, April 16, 1800.

crease of their taxes."[42] Conflicting figures given on governmental finances—even Federalists themselves were often not in agreement—[43] in themselves were pointed out as indicating a desire to conceal the true state of affairs.[44] As early as 1792 it had been intimated that the "*studied obscurity*" of Treasury financial reports may well have been to hide peculation.[45]

In our first administrations as well as during more recent ones, the faults found in government were often associated with individuals rather than with abstract principles. Many critics of the Federalist program had been ready long before 1800 to make rather definite charges of official corruption. At least twenty-five, it was said, of the Representatives who defended Hamilton against Giles's resolutions concerning maladministration had quickly changed their Bank and public security holdings in order to claim economic disinterestedness in the matter.[46] "Ham and his chickens", hinted *Greenleaf's New York Journal,* had been able to feather their nests rather lavishly, thanks to the funding system.[47]

Accusations by Andrew G. Fraunces that Hamilton had been guilty of misconduct in nonpayment of Treasury warrants and of speculative profiteering called attention to sums paid by the Secretary to one James Reynolds for mysterious "services rendered".[48] Thus Reynolds' blackmailing activities were at first mistaken for payments to him as Hamilton's confidential agent in graft or illicit speculations, especially since when jailed he claimed to possess financial documents damaging to the Secretary. Democratic-Republican Congressional leaders con-

42 Richmond *Examiner,* March 21, 1800; Richmond *Virginia Argus,* September 19, 1800.

43 For example, Secretary of the Treasury Wolcott admitted a slight increase in the debt, whereas a House Committee headed by Theodore Sedgwick (also denounced as a speculator) reported a decrease of approximately $1,000,000. See the Providence, R. I., *Impartial Observer,* September 8, 1800.

44 *Ibid.* See also the Worcester *Massachusetts Spy,* November 4, 1800.

45 Philadelphia *National Gazette,* October 17, 1792, January 9, 1793.

46 *Ibid.,* March 27, 1793.

47 *Greenleaf's New York Journal,* October 31, 1795.

48 Boston *Independent Chronicle,* October 17, 1793. The payments amounted, it was charged, to $1,415—enough to excite suspicion.

fronting Hamilton with these charges were answered by the astounding disclosure of the latter's relations with Reynolds' wife.[49] That ended the official investigation for the time being, but J. T. Callender later published the original insinuations of corruption in his *History of the United States for 1796.* The implication of dishonesty in office forced the harassed Hamilton to publish a pamphlet revealing the whole sordid affair with Mrs. Reynolds and providing opposition critics with a choice bit of scandal. The (by then) former Secretary of the Treasury had vindicated his official integrity, but hardly under conditions which would inspire confidence in the purity of the administration.[50] As Jeffersonians insistently noted, the fact that Hamilton was an adulterer did not preclude the possibility that he had been a grafter also.[51]

By 1797 all the ills of America were being blamed on "the depravity, the error, or the corruption" of those in office.[52] Opposition papers found it symbolic when the ornamental refreshments for a presidential party included a sugar cake to represent the Constitution. Without doubt the fundamental document had proved itself a veritable sugar cake for some of those entrusted with its administration.[53]

A new anti-Federalist periodical, the *National Magazine,* announced in its prospectus a determination to expose malfeasance in public places. It pledged itself to review the young nation's history and trace the "origin, progress and alarming influence of that system of iniquity, bribery and oppression, hypocrisy

49 Nathan Schachner, *Alexander Hamilton* (New York, 1946), pp. 364-372.

50 See the Philadelphia *Daily Advertiser,* July 17, 1797; *Aurora,* July 19, October 10, 1797; Boston *Independent Chronicle,* September 28, October 2, 5, 1797; and the *National Magazine,* pp. 87-94, 156-164. Fraunces, who claimed to have been a clerk in the Treasury Department, was still unconvinced, continuing to insist that—whatever Hamilton's relations with Mrs. Reynolds had been—he had also used public funds with which to speculate, using Reynolds as a tool. The charge is made in a letter to the *New-York Diary,* republished in the Washington, D. C., *Washington Gazette,* November 4, 1797.

51 Philadelphia *Daily Advertiser,* July 17, 1797; Boston *Independent Chronicle,* September 28, October 2, 5, 1797.

52 Baltimore *City Gazette,* March 16, 1797.

53 New York *Time Piece,* October 31, 1797; Boston *Independent Chronicle,* November 9, 1797.

and injustice " to be found in the " corrupt mazes " of Federalist policy.[54]

Even before this promised systematic exposé of official corruption, there had been concentrated assaults upon the probity of key Federalist figures. Washington himself had not escaped. Following the nation's resigned acceptance of the Jay Treaty, largely because he signed it, there had been a concerted effort among Democratic-Republican newspaper editors to make public life so unpalatable for the First President that he would be virtually driven from office.[55] In conjunction with this campaign, John Beckley, Clerk of the House of Representatives, wrote a series of letters, charging that Washington—despite oft-repeated assertions made about his disinterestedness—had received from the Treasury advances exceeding his lawful annual compensation.[56] Oliver Wolcott, who had followed Hamilton as head of the Treasury Department, admitted that it had been the practice to forward to the President money for household expenses in advance of the quarter for which an appropriation had been made. But, Wolcott insisted, no sums had been paid for which there had not been a prior authorization.[57] As might be expected, opposition newspapers refused to find this explanation satisfactory.

By 1798 it was asserted that a record of support for administration measures outweighed considerations of ability, or even common honesty, as a qualification for position under the Federalists.[58] Known miscreants, it was stated, were retained by the government, or presented to the voters as candidates for public office. An example was one Joseph Thomas of Philadelphia, leader of a mob which had tried to intimidate the *Aurora's* editor, Benjamin Franklin Bache, and destroy his home in the spring of 1798.[59] Thomas shortly afterward ran for Congress, but found it expedient to leave Philadelphia suddenly as a result of apparently well-founded accusations of forgery and of selling nonexistent lands for speculative purposes. Republican journals delightedly depicted him as a " bellwether " of the Federalist flock and an outstanding sample of " Tory virtue " and " patriotism ".[60] Thomas' speculations were said to have exceeded $2,000,000, and when Federalists noted that no Jeffersonians had been victimized, the latter commented that Thomas swindled exactly " as many [Republicans] as would trust him—and no more." [61]

During the election year of 1800 corruption charges in the Jeffersonian press grew even longer. Except for President Adams, no one in the administration seemed exempt—and even he, it was intimated, might have some knowledge concerning $50,000 which had seemingly disappeared from the humiliating bribes paid the Barbary pirates by either Stoddert's Navy or Pickering's State Department. Similar " perquisites " allegedly had been withheld by McHenry's War Department from the customary presents to the Western Indians.[62] Good Federalist New Englanders who were appointed to take the census were reputed to have absconded to Spanish Florida with the expense money advanced to them.[63] Customs collectors were accused of acting as spies and informers for the administration; and agents for paying invalid pensions had been given grants for Federalist electioneering purposes. Several of the latter owed the government sums ranging as high as $10,745.40.[64]

Almost three years previously, it was asserted, the customs collector for Charleston had died, with his accounts over three quarters of a million dollars in arrears; and no steps had yet been taken to collect from his estate. One man by the name of Simmons was denounced for enormous profiteering in contracting for public buildings in the new city of Washington, and his brother was $4,000,000 short in his books as principal account-

54 Reprinted from the Richmond *Virginia Argus*, in the *National Magazine*, p. 103.

55 For a development of this thesis see Stewart, *op. cit.*, pp. 968-995.

56 The first of these letters appeared in the *Aurora*, October 23, 1795.

57 *Ibid.*, October 26, 1795; Boston *Independent Chronicle*, November 5, 1795.

58 *Aurora*, February 27, 1798; Boston *Independent Chronicle*, March 15, 1798.

59 *Aurora*, May 9, 1798; Philadelphia *Constitutional Diary*, January 1, 1800.

60 *Aurora*, August 7, 8, 1798; Philadelphia *Carey's United States Recorder*, August 9, 1798.

61 *Aurora*, August 8, 1798.

62 *Aurora*, June 6, 1800; Richmond *Virginia Argus*, June 13, 1800.

63 Alexandria, Va., *Alexandria Times*, January 10, 1800.

64 Baltimore *American*. July 24, 1800.

ant for the War Office.[65] Tobacco inspectors in Savannah and other ports were accused by English merchants of approving substandard tobacco rather than lose their inspection fee of 43¾ cents a hogshead.[66]

Corrupt practices were not confined to minor federal officials, said the Jeffersonians. Jonathan Dayton's earlier Ohio land speculations paled into insignificance, they insisted, beside his perfidy after becoming Speaker of the federal House of Representatives in 1795. At that time the Speaker's duties included paying out the salaries to the House members, and once again Dayton had an opportunity to benefit at public expense. In 1798 he drew from the Treasury $33,000 to pay less than one half that sum to the Representatives. Over a year later it was discovered that he had used over $18,000 for speculative purposes. At the demand of Secretary of the Treasury Wolcott, Dayton finally returned the money, but paid no interest.[67]

A law suit which was commenced about this time by Dayton against his New York business agent also had painful repercussions for the party in power. The agent, Francis Childs by name, exhibited in court a number of letters which definitely embarrassed the (by then) former Speaker. These communications, gleefully published by the New York *American Citizen*,[68] disclosed that Dayton had bought lands whose value had been enhanced as a result of measures he afterward sponsored in Congress. Military land warrants, which could be obtained in New York on credit at $25 a hundred acres, were purchased to acquire land in the Northwest Territory for which Congress was about to fix a price of $2 an acre.[69] Other letters afforded Childs advance notice of expected Congressional action, in order that advantageous purchases or sales might be made. Dayton's

[65] Newark, N. J., *Centinel of Freedom*, September 23, 1800.

[66] Only about 40 per cent of the Georgia tobacco passed was held to be of marketable quality; Augusta, Ga., *Augusta Chronicle*, October 4, 1800.

[67] Claude G. Bowers, *Jefferson and Hamilton* (Boston, 1925), p. 466. See the Baltimore *American*, July 9, 1800; and the Wilmington, Del., *Mirror of the Times*, January 28, 1801.

[68] New York *American Citizen*, July 17, 22, 26, 1800; these were republished in a number of other papers.

[69] Newark *Centinel of Freedom*, July 22, 1800.

own handwriting revealed that he had supported both the Jay and the Pinckney treaties because he was convinced they would speed passage of the Land Office bill which would raise the price of Western lands.[70] What was more, he had requested Childs to send campaign workers into the Congressional districts of those Representatives opposing appropriations to render Jay's Treaty effective, in order that key votes in the House might be coerced into approving the funds.[71] Since one letter cautioned Childs to burn the message upon reading it, there was no doubt that Dayton was fully cognizant of the impropriety of his deeds.[72]

Thus was unmasked, in the words of the Kentucky *Palladium,* the system by which the Speaker had "enriched himself, while ostensibly serving the public." [73] Dayton's withdrawal of his suit against Childs was held proof of the authenticity of the letters, and it was suggested that his profits from land speculation might have been utilized to push through the Jay Treaty appropriations. One letter had mentioned $3,000 which would not have to be returned to him as soon as expected, inasmuch as the Senate was not yet ready to adjourn. Was this more public money which would be needed at the session's close? [74] No wonder the speculations of "the late speaker" had "rung throughout the western world." [75]

The Philadelphia *Aurora,* by this time most prominent of the Jeffersonian journals, commenced a series of articles which it ran under the screaming caption, "PUBLIC PLUNDER!" William Duane, who had become editor of the paper after Bache's death, claimed access to official accounts of the Treasury Department which indisputably proved treachery in high posts.

[70] Letters Nos. V, VIII, IX, in the New York *American Citizen,* July 22, and Nos. XII, XIV, XVI, *ibid.,* July 26, 1800.

[71] Letter No. XV, *ibid.,* July 26, 1800.

[72] Letter No. III (April 17, 1798), *ibid.,* July 17, 1800.

[73] Frankfort, Ky., *Palladium,* August 28, 1800.

[74] New York *American Citizen,* July 26, 1800; Richmond *Virginia Argus,* August 8, 12, 1800.

[75] John Woods, *Suppressed History of the Administration,* cited in Beard, *Economic Interpretation of the Constitution,* p. 86.

Prior to the series, asserted Duane, he had merely hinted at perfidy, in the vain hope that President Adams would order an investigation. Now he pledged that the country should know, after three years of loans and grievous taxes apologized for by fear of war with France, the whole black story "of abuse and waste of the public money." [76] A hurried check of only a fraction of the Treasury records was said to expose a shortage of over $8,000,000.[77]

On the books of Joseph Nourse, Register of the Department, Dayton was shown to have held for a considerable period over $90,000 of federal funds. Only a portion of this had at that time been returned—and without any interest. As his letters to Childs showed, Dayton had used in speculative ventures at least a part of these sums which did not belong to him.[78]

When the unhappy ex-Speaker attempted a reply, noting a discrepancy in the paper's figures, and sneering that if anyone wished thoroughly to discredit a story all that was needed was to say "it originated in the *Aurora*," Duane published his effort.[79] But the editor went on to state that any inaccuracies were the fault of the Comptroller or Auditor rather than the newspaper, and that the comparatively slight error noted in one entry had already been recognized by a later correction on the Treasury books. In any instance, the *amount* of government money withheld by Dayton was not the issue. Surely the culprit was in a bad way when forced to resort to scurrility at a time he needed *facts*. Even Wolcott, who had attempted to defend the records of Washington and of Secretary of State Pickering, "dares not lisp a word, in mitigation of Mr. Dayton's unsettled accounts." The $18,000 Dayton held out from the amount advanced to him as Speaker to pay Congressional salaries had now been in his hands almost a year since he vacated the Speaker's chair. Presumably neither he nor Comptroller John Steele would ever have made any statement of their accounts "if the LEGAL NECESSITY of making an annual report to Congress, had not COMPELLED them to it." If these sums had been repaid, there should be entries and receipts to prove it.[80] In the absence of such evidence, Dayton was clearly a "public defaulter".[81]

Calling Duane a liar did not clear Dayton, noted the *Centinel of Freedom*; it charged those in authority to furnish the information (if it existed) which would restore his reputation. There were intimations that he had used improper means originally to get elected to Congress when first he scented possibilities of making a fortune through the funding system. Reluctance to present actual evidence on his behalf reflected seriously on not only his own honor, but that of his New Jersey constituents as well.[82] The *Aurora* insisted that its various accusations could be proved in court, and virtually challenged Dayton to sue. There was, it asserted, an "enormous and deep-laid" conspiracy of "official influence with vast speculations." [83]

Certainly Dayton was not alone in malfeasance. At the very least, Wolcott was culpable on the score of negligence. A corrupt or careless Secretary could cost the public immense sums; for instance, a Treasury report showed that at the end of 1799 the customs collectors and supervisors of the revenue had over $530,000 of United States money in their hands.[84] Two officials in Boston alone possessed almost $300,000 of public funds —and one of these men was a known bankrupt! [85] Sharp Delany, Collector of Customs for Philadelphia, had died owing the government some $86,000, which the Treasury must collect from his estate as best it could. Public funds, said the *Aurora*, should be publicly accounted for. It was Adams' and Wolcott's

76 *Aurora*, June 17, 1800, *et. seq.* Duane claimed his figures were extracted from Department files, and compared with the originals in the presence of three witnesses; see the Morristown, N. J., *Genius of Liberty*, June 26, 1800.

77 *Aurora*, June 17, 1800.

78 *Ibid.*, June 18, 1800; Baltimore *American*, June 21, 1800.

79 *Aurora*, June 30, 1800 (see also the *Philadelphia Gazette*, June 28, 1800). This received wide circulation all over the nation (e.g., the Newark *Centinel of Freedom*, July 1, 1800; *Augusta Chronicle*, July 19, 1800; Frankfort *Palladium*, August 24, 1800), but Federalist papers refrained from publishing Duane's comments.

80 *Aurora*, July 2, 1800; Baltimore *American*, July 9, 1800.

81 Frankfort *Palladium*, August 24, 1800.

82 Newark *Centinel of Freedom*, July 1, 8, 1800.

83 *Aurora*, July 9, 1800; Baltimore *American*, July 12, 1800.

84 *Aurora*, July 14, 1800; Baltimore *American*, July 17, 1800.

85 *Aurora*, June 19, 1800; Petersburg, Va., *Petersburg Intelligencer*, June 27, 1800.

was clearly intended to operate " as a final settlement of all accounts." [104]

Federalist charges that Republicans were the incendiaries were scoffed down. Clearly, asserted the New York *Temple of Reason*, the Jeffersonian firebugs had entered the Treasury Office through the keyhole.[105] Calls were made for an investigation, and, while the official report characterized the loss as trifling, opposition editors implied whitewashing and assiduously exploited this opportunity to throw further odium upon the already discomfited Federalist administration.[106]

* * * * * *

" Turn the rascals out! " is a commonplace demand in politics. In 1800, however, the charges seemed well documented—and they were certainly voluminous and persistent in a significant portion of the American press. Undoubtedly there were other, and very potent, issues in the campaign leading to Jefferson's triumph. But the incessant newspaper emphasis on betrayal and corruption, in a political party which had become entrenched in power, did much to further the development of our first opposition party—one which was able successfully to convince the electorate that it, rather than the incumbent Federalists, should be entrusted with the direction of national affairs. The exact accuracy of the charges made is relatively unimportant—except, of course, to the accused themselves. But without question these reiterated accusations were powerful in bringing the Federalist régime to an inglorious end.

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[104] Cited in the *Aurora*, January 25, 27, 29, February 2, 1801.

[105] New York *Temple of Reason*, January 13, 1801.

[106] Washington, D. C., *National Intelligencer*, January 30, March 4, 1801.

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Lucius Wilmerding, Jr., has written two important books on government—*Government by Merit* (1935), a study of the American civil service prepared for the Commission of Inquiry on Public Service Personnel, and *The Spending Power* (1943), a history of the efforts of Congress to control expenditures, based on researches made while in the Treasury Department, 1934–1941. His article on " Reform of the Electoral System " appeared in the March 1949 issue of the Quarterly.

cal irregularities. One Treasury supervisor had been liable to the United States for $117,103.38 for two years. The Accountant of the Navy was short in his accounts over $2,500,000.[93] John Stockton, a Treasury agent for Delaware who owed a paltry $2,399.26, denied the *Aurora's* charges, but the letter he produced from the Comptroller as evidence showed him indebted for that amount on the pension fund alone.[94] The Federalist administration seemed to have a definite policy of (1) eliminating all those considered political heretics, (2) controlling the press through printing contracts or fear of the Sedition Law, and (3) appropriating sums, over and above their actual expenditures, for government officials to use for electioneering purposes or private gain.[95]

As election time neared and Jeffersonian hopes mounted, a number of Federalist officials resigned from public service or refused to stand for reëlection. Duane compared these individuals to rats deserting a sinking ship; they had grown fat on their loot, but were now frantically seeking safety with their undeserved plunder.[96] It was reported that one administrative officer had been overheard saying that if Jefferson should be elected the accounts of the Department of State " ought never to be suffered to go into his hands." [97]

Today we know that the Jeffersonians *were* victorious, but even before the results were positively ascertained,[98] a fire of mysterious origin consumed many War Department records. A number of Republican papers were cynically curious about the conflagration, and convinced that it was no mere accident. According to the Baltimore *Federal Gazette,* Secretary of War Samuel Dexter's office had been " locked *for two weeks* "; was it only coincidence that the fire was discovered the very night of his return from the North? The Treasury Department's

93 Morristown *Genius of Liberty,* June 26, 1800.

94 Wilmington, Del., *Mirror of the Times,* July 12, 1800; *Aurora,* July 15, 1800.

95 *Aurora,* July 18, 1800; Baltimore *American,* July 24, 1800.

96 *Aurora,* July 23, 1800, *et seq.*

97 Richmond *Virginia Argus,* September 19, 1800.

98 As late as December 8, 1800, some Federalist papers still claimed a victory; see the Hartford *Connecticut Courant* of that date.

Wolcott had been vehemently denying that Pickering and McHenry were guilty of peculation. Quite conveniently, the records which might have settled the issue were now destroyed. Although Wolcott had been the first person at the flames, and apparently had tried to extinguish them, he was reticent as to the origin of the blaze and resigned from office suspiciously soon afterward.[99] " Simon Slim " was certainly not alone in his insistence that something was seriously amiss.[100] When squirming Federalists countered these " diabolical " charges by implying that Duane had caused the fire,[101] there were loud Republican snorts of derision, and the *Aurora* editorialized about the " Federal Bonfire ".[102]

Suspicions multiplied when a similar conflagration gutted the Treasury Department records in January 1801. By this time there was a new Secretary of the Treasury, but once again the " Honorable OLIVER WOLCOTT . . . of ' blazing fame ' " had been among the earliest persons present.[103] The Georgetown *Cabinet* insisted the fire was no accident. Paper had been scattered over the floor of the Auditor's office, presumably to aid in setting the blaze; and three unidentified men had been seen locked in a near-by room. Wolcott's ability to be first on the spot was decidedly interesting—as was the fact that wagons, so difficult to hire even in the daytime, were available to haul away some trunks and boxes of papers almost immediately after the alarm. If these effects were Wolcott's personal property, as he claimed, why did he not sacrifice them for the Treasury papers? His own records had no business there, anyway.

Obviously Federalists feared what would be revealed when the Republicans came into power. When a check was requested of the funds set aside to maintain the standing army raised against France, the War Office went up in smoke. Now that Pickering's accounts and Wolcott's official actions were to be scrutinized, there was combustion in the Treasury. This fire

99 Baltimore *Federal Gazette,* November 10, 1800.

100 Baltimore *American,* January 3, 1801.

101 Providence, R. I., *Providence Journal,* November 26, 1800.

102 Baltimore *American,* January 3, 1801.

103 *Ibid.,* January 31, February 4, 1801.

REVIEWS

Economy in the National Government. By PAUL H. DOUGLAS. Chicago, The University of Chicago Press, 1952.—vii, 277 pp. $3.75.

Although the facts recited in this book, telling as they do of waste on a large scale in federal expenditures and favoritism in federal tax legislation, leave the reader depressed, the fact that the book was written renews his spirit. For here is a blending of the legislator, economist and political scientist, producing a volume that is at once penetrating, specific, yet well proportioned and easy to read. Senator Douglas makes a convincing case for balancing the budget of 1952-1953 without raising tax rates. He also offers more general procedural and policy recommendations for the future that reflect his appreciation of recent developments in economic and political theory.

His achievement is the more impressive because of the obvious difficulties of suggesting precisely where economies in expenditure might be made without endangering necessary programs. The difficulty is greatest, perhaps, in the military field, where so much of the necessary information is unavailable even to the Congressman because " restricted " (Douglas was unable to find out how much was spent for rent and servants' staffs of our military attachés—" confidential ", says the Army). But Senator Douglas comes up with a list of general measures to save $4 billion. The fact that he does so has depressing implications: the military are so obviously wasteful in so many ways that even a nonmilitary observer can show how to save 7½ per cent of their budget.

Of course, the military are not unique in this respect. Senator Douglas notes some general categories in the nonmilitary part of the budget, where he specifies $1,400 million of possible savings.

To be sure, in some instances, particularly in the nonmilitary field, the savings can be obtained only by a policy change, a determination to be less responsive to the pressure of particular interests. But in plenty of cases no policy need be injured, except the policy of slackness, or a private-enterprise policy of maximizing profit in the short run. The 1951-1952 budget for the Navy appropriated $215 million

for ninety-five airplanes for " administrative purposes ". Retail prices were paid in some cases for wholesale lots of equipment items. The Navy bought golf-club sets with four matched woods and eight matched irons. A half-empty Army depot in Oakland was not far from a one-third empty Navy depot. Common ten-penny nails were catalogued three different ways for three different services, with prices ranging from 6½ cents (Navy) to 12 cents (Air Force). Douglas cites instances of unnecessary middlemen, costly overspecification (five and a half pages, single spaced, for ping-pong balls), flight pay that did little to keep flyers in trim, but that wasted even more in gasoline and similar costs than in the pay itself; and so on.

Moreover, there remains the even bigger problem: how to eliminate the waste that is not so obvious? Here, the present book does not help much; the possibilities of a program type of budget, as used in some municipalities, is not explored. The subject is so difficult that omission of it is understandable, but some readers may draw undue optimism from the suggestions for improvement of procedure made by the author: to provide the appropriations committees with more staff help; to set up in the General Accounting Office a staff to make continuing studies of means of reducing expenditures; to return to a consolidated appropriations bill (which Douglas agrees has many drawbacks). The trouble lies deeper, even apart from the pressures of special interests.

Senator Douglas' recommendations for closing tax loopholes will, of course, find opponents in those adversely affected. Will they find supporters among the body of taxpayers who would benefit? Opposition can be expected, as before, from the petroleum industry, where depletion is allowed as a percentage of gross receipts, with no limit on the cumulative annual total of depletion that may be taken on a given property over the years, as long as the oil keeps flowing, at a profit. The Senator imperils his standing with the infants' lobby by protesting against the permission given in the 1951 Revenue Act to bring members of the family, no matter how young, into a partnership by gift of a partnership interest, with consequent multiple splitting of income and tax savings. (Will the newer textbooks on business administration be printed on cloth, in bright colors?) Astute investors equipped with the best legal advice who are daily transmuting base metals of ordinary income into the gold of capital gains will not welcome the Senator's remarks on this subject. Even ordinary investors may resent his suggestion that withholding of tax, restricted so far to wages and salaries, be extended to dividends and interest. But Douglas' case in each instance is a strong one, from the viewpoint of public interest.

The importance of achieving economy and eliminating tax favoritism is so great that one hesitates to suggest that the penalties for not doing so may be somewhat less than Senator Douglas implies. But would a deficit of $15 billion in 1952-1953, on top of a deficit of some $8 billion in the current year, " have an almost catastrophic effect upon American life ", because it would " give rise to a disastrous inflation " ? When the huge increase in the size of the money stock that was needed, in, or at any rate accompanied, the inflation of the past decade is recalled, it seems that the case is somewhat overstated. Similarly, the economic difficulties and dangers in raising additional revenue from an increase in the income tax, if that should be needed, are overstressed. But of course we should not need the threat of catastrophe to push Congress into a series of reforms so plainly needed, and into a long-term, detailed study of substantial changes in the technique of budgeting.

Finally, it is refreshing to read, in Appendix A, remarks from a senator on fiscal budgetary policy in prosperity and depression that make sensible use of Keynesian analysis, calling for surpluses in boom periods and deficits in depressions, but without rash assurance that all our troubles will then be over.

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The Control of Public Expenditure: Financial Committees of the House of Commons. By Basil Chubb. Oxford at the Clarendon Press; New York, Oxford University Press, 1952.—viii, 291 pp. $5.00.

This is a book—and a very good one—about " the institutions and procedures which the House of Commons has devised to assure itself that its orders and wishes are carried out by the administration precisely and economically."

The House of Commons has had two distinct problems to solve: one is concerned with the regularity of expenditure; the other with its economy. The House wants to know, in the first place, whether the administration has or has not complied with the directions of Parliament as to the manner in which the various grants to the Crown should be applied. Then it wants an assurance that the goods and services which Parliament has authorized the administration to obtain have been obtained at the lowest possible cost.

A complete solution to the first of these problems was worked out nearly a century ago. By requiring the submission to itself of appropriation accounts showing the relation between grant and expenditure, promise and performance; by arranging to have these accounts audited by a great public department responsible only to itself; by scrutinizing through a committee of its own members—the Public Accounts Committee—the audited appropriation accounts and the reports of the auditor thereon; and by insisting that the responsibility of the accountants be real, the House of Commons has achieved a control over the detail of expenditure which our own Congress has never come close to attaining.

Mr. Chubb's book deals with this machinery of control from the viewpoint of the Public Accounts Committee. He not only exhibits the principles of the system but he shows how those principles have in fact been reduced to practice.

The second problem—that of introducing into financial administration economies consistent with policy—has proved more difficult of solution. Mr. Chubb shows that every effort of a parliamentary committee to make direct savings on the estimates has failed. The reason for this failure is not far to seek. The business of preparing estimates is essentially the province of the administration. Only the men who work the departments are in a position really to know what expenditure is needed to provide a given volume of goods and services. When the estimates are presented to the House the departments—and the Treasury also as the central controlling body—have already done their work. Presumably they have already effected whatever economies they think practicable. An Estimates Committee is therefore confronted by an impossible task. It has not the knowledge to criticize the estimates itself; it can get no expert assistance from those who have, because these are the very persons who have prepared the estimates. Nor can an Estimates Committee provide itself with an expert staff of its own. Such a staff could never be as well informed as the departments and the Treasury; unlike the departments it would not bear any responsibility for the expenditure it advised; at best it would be useless, and at worst dangerous.

It is only by abandoning the futile task of looking into the detailed estimates—of trying to do the Treasury's job over again—that the House of Commons has approached a solution of its second problem. The work of the Public Accounts Committee pointed the way. That Committee has never been content with the mere discovery and punishment of financial irregularities. It has never hesitated to study the methods of expenditure with a view to making helpful criticisms of financial administration and to proposing alterations of system designed to avoid repetitions of the objects of its censure. The unsuccessful Estimates Committees of 1912-1914 and 1921-1939 also did some useful work along these lines. The National Expenditure Committees which sat during the two World Wars—having no estimates to examine—did nothing else but this type of work.

Impressed by the lessons of experience, the present Estimates Committee, established in 1946, has continued the work of the wartime expenditure committees and confined itself to the study of systems to the exclusion of the study of estimates. It is indeed required by its terms of reference to "examine the estimates", but it has interpreted the word *estimates* to mean *current activities*.

Mr. Chubb shows why this Committee has organized itself differently from the Public Accounts Committee and explains in detail its procedures and techniques.

In general, his book falls into two main divisions—one historical, the other descriptive and normative. An American reader may be troubled by some of the technical terms of English finance; but this should not deter him. Mr. Chubb has avoided as much as possible all official technicalities of phrase. What terms of art he does use are fully explained in the *Epitome of Reports from the Committees of Public Accounts* and in the Treasury's *Notes for the Use of Accounts Branches*—two works which the student of English finance should always have at hand.

In conclusion I would say this: if our own Congress is ever to make real as well as nominal its constitutional power of controlling public expenditure, it could do no better than to begin its studies with a perusal of Mr. Chubb's book. Problems of this nature are not affected by a sea-change. Where the difficulties are the same, the solutions, too, are the same.

LUCIUS WILMERDING, JR.

PRINCETON, N. J.

Capitalism in America: A Classless Society. By FREDERICK MARTIN STERN. New York and Toronto, Rinehart and Co., Inc., 1952.—vii, 119 pp. 50 cents.

Mr. Stern formerly had many political, business and intellectual connections in Germany, which he left in 1933. He has lived in the United States since 1937. In 1945, in *The Junker Menace*, he published his ideas on his native country. He now offers a little book on the country of his adoption. Written in the literary form of letters to a French friend who contemplates turning Communist, it argues

that capitalism as exemplified in the contemporary United States offers the world a better model than Marxism or communism. It is a personal book, written without prearrangement; but the State Department, the Voice of America and Radio Free Europe are currently using it, and translations have already been undertaken into seven European and eight Asian languages. Despite its popular form, propagandist purpose and decided preference for the United States, it is a serious work in which the data and concepts of history, economics and sociology are put to constructive use.

The author, meeting the Left on its own ground, holds that Marxism and the United States share the "common aim" of a just and classless society. He then points out with great emphasis, since he thinks it too little known abroad, that the American Revolution was not merely a revolt against Britain but an internal upheaval in which the American "caste and class system" was undermined. He dwells on the signs of real belief in equality in America today, so strange to Europeans, as in attitudes to each other of customer and salesgirl, or rider and taxi-driver. Ours, he says, is a society in which classes do not struggle. The common man has not been humiliated, as in Europe. Hierarchy has no place in the mores; upper-bracket people, having no status to defend, do not need to argue that lower-bracket people are natively inferior; the working man therefore does not despise or fear his wealthy neighbor; and since he does not believe that his labor benefits mainly the rich, he is willing to do his best on the job, with a resulting increase of production. The same argument is worked out in many other ways.

Mr. Stern holds not merely that capitalism and a classless society are consistent, but—well aware of how astonishing the idea will seem to his intended reader—that the purpose of a classless society "cannot be realized without capitalism." By capitalism he means the "mature capitalism" of today, in its most liberal manifestations, rather than the capitalism of a century ago; its hallmarks are a degree of separation between political and economic power, and a realization, on the part of all, that high production, mass purchasing power, coöperative spirit, and the recruiting of talent from all walks of life (that is, equality of opportunity) are practical requisites for the effective functioning of the system. Mature capitalism promotes equality, as the sense of equality helped capitalism to mature. Mr. Stern insists that there has never been, and need not be, a revolution against capitalism in this sense. Marxist revolutions, in Russia and China, he holds, have in fact, contrary to Marxist theory, been directed against the very autocracy, landlordism, servility and fixed-status society which mature capitalism itself has had to overcome.

Mr. Stern tries honestly to face all difficulties, including the Negro question. Readers of a learned journal may nevertheless find objections. Granting that America is what he says it is, it is not clear how Europe or Asia is to imitate us. Possibly less than justice is done to Marx's original analysis. Possibly the degree of struggle and discord in American history, though by no means ignored, is underestimated. But, in the reviewer's opinion, the book tells what ought to be told about the United States, and it is to be hoped that those still open to persuasion, in Europe and elsewhere, will be persuaded.

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The Challenge to Isolation, 1937-1940. By William L. Langer and S. Everett Gleason. Published for the Council on Foreign Relations by Harper & Brothers, New York, 1952.—xv, 794 pp. $7.50.

Current controversy, political and literary, much of which is in devious form a debate over the policies of the Roosevelt Administration, bears witness to the durability of the idea that it is regrettable that the United States should be involved in the quarrels of Europe. Indeed one may sympathize with this view, even though it is as relevant and useful as the general disapprobation of sin. Like Europe, America is of this world.

The behavior of the American people after the First World War affords the historian a unique example of collective surrender to wishful thinking. Supported by such factual data as the Nye investigation gathered, to cite but one typical example, American foreign policy might be summed up in the phrase, *pour vivre heureux, vivons cachés*. It was also a fact, however, that America wielded enormous power; but the implication that power entails responsibility was too unpleasant to face. The squirmings between existing reality and wishful thinking produced that strange offspring, the neutrality legislation of the second half of the thirties.

The pressure of a fast deteriorating situation abroad during this period and finally the outbreak of hostilities among major European Powers in 1939 put an increasingly severe strain upon the policy of isolation. The first phase of the record of the evolution from isolation to involvement is surveyed in this aptly titled book that covers the period from the "quarantine" speech of October 1937 to the

conclusion of the destroyer-for-bases deal with Britain in September 1940.

The record is a tortuous one, and the characterization by the authors of one particular incident (the issue of help to Finland in the first Russo-Finnish war), "in the end, the government and the country cut a sorry figure" (p. 340) might well be applied to a good part of it. In fairness, be it said that the British and French records before 1939 were no less sorry ones. The Roosevelt Administration had the advantage of excellent information, fuller than that of other foreign offices, but the temper of opinion and the operation of constitutional limitations were effective brakes on action. This is especially true of the latter; President Roosevelt evinced a fear of Congress that caused him at times to lag behind opinion and stands in interesting contrast with his readiness to pursue certain domestic policies.

This hesitation is well brought out in the discussion of the steps leading to the destroyer deal. The decision to go through with it in the end, without prior Congressional assent, represents a masterpiece of political maneuvering. If the decision was an eminently sound political one, the manner of it, skating on thin legalistic ice, causes concern over the operation of our system and leaves a less than pleasant afterflavor. By contrast, such a view as that expressed by General Johnson is refreshing: "If we rely on England to that extent, in morality we should not confine our help to clever little schemes for a sleazy bootlegging of a few arms in violation of our own and international law. We ought frankly to declare war tomorrow" (p. 566).

This in fact points to the root of the matter and to the real issue that had to be faced; it was an issue far more vital than that of constitutionality of practice. American opinion had received a rude shock from the collapse of France, to which its reaction was less than creditable. The realization of the vital importance of Britain's survival was perhaps such as to make necessary the devious handling of the destroyer deal, in which case one may say that the country was fortunate in having a President willing to act as he did. Unfortunately, there is cause to suspect that the record will serve to feed the fires of controversy.

The authors are not concerned, however, with such controversies, but merely with presenting the story on the basis of an unusually full record that has been made available to them. As a study in diplomatic history, this may be expected to stand the test of time. Concerned primarily with an American problem—the challenge to isolation—of necessity the book deals also in large part with the record of European developments (to a lesser extent with Far Eastern) and that part also constitutes a record of the first order of quality. The sequel to the present initial study may be expected to be of equal interest and value, when the record of the demise of a hope will turn into that of the acceptance of responsibility.

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Chinese Communism and the Rise of Mao. By BENJAMIN I. SCHWARTZ. Cambridge, Harvard University Press, 1951.—258 pp. $4.00.

The Tragedy of the Chinese Revolution. By HAROLD R. ISAACS. Revised Edition. Stanford, Stanford University Press, 1951.—xv, 382 pp. $5.00.

Strangely little is known with definiteness about the development of the communist movement in China, considering the weight of its impact on international politics—raising the Korean affair from a minor punitive expedition almost to a major war—and on American domestic politics—provoking the most envenomed dissension the country has known in decades. Material in West European languages has been general and vague and not always based on much knowledge. Russian sources are warped. The Chinese sources brought to light till recently have been scanty and not too reliable.

Mr. Schwartz has made the first serious attempt to fill the need and done it creditably. He has worked from Chinese sources mainly, collating and reconciling them. He has brought together systematically what had been known before only sketchily and added much that was new. He uses his material with a sound critical sense and against a knowledge of Russian communist thought. He traces the course of the Chinese party from the almost accidental, if not capricious, beginning to the ascendancy of Mao Tse-tung, with the intervening period of typical but second-hand communist polemics and Chiang Kai-shek's recurrent campaigns to annihilate the Communist forces.

One thing stands out clearly. This is the artificiality, almost the falsity, of the communist movement at least in the early years. The first Communists were political and philosophical adolescents who snatched at ideas of every color in the ideological spectrum, snatching one after another and chattering equally superficially about each. The conditions for a revolution were present in China beyond doubt: some radical change was inevitable. But what came about between 1923 and 1927 was almost accidental and on the whole spurious. There was an importation of alien issues on ideas superficially comprehended and violent polemics on abstruse questions of philosophy, tactics and strategy that may have had meaning in Russia but had no meaning at all in China. The verbalistic hair-splittings and medieval disputations of Moscow factionalism were reproduced in China, the healthy movement for national independence and social reform was distorted and the communist movement itself made sterile. Theoreticians in Moscow who knew little about China said that this had to be so in China or that; therefore Chinese in China parroted that this or that was so in China when plainly for all Chinese to see neither was so.

It was Mao Tse-tung who first put the Chinese movement in a Chinese setting, gave it a relation to Chinese social conditions and in a way naturalized it. But credit for that achievement, perhaps his highest, as well as for his ultimate victory, goes less to him than to developments both inside and outside of China that were beyond his control. First was Chiang's success in driving Mao and the small remnant core of his forces to the barren hinterland of the Northwest, where, cut off from other Communist groups and in effect from Moscow itself, he could be free from party factionalism and sectarian verbal polemics. Second was the Japanese invasion which gave him a legitimate excuse for increasing and spreading his armies and administrative organs coincidentally with fighting the common enemy. Most important was the degeneration of the Kuomintang government under Chiang Kai-shek, which made it possible for Mao Tse-tung to take over the country by default. Mao Tse-tung did not win China; Chiang Kai-shek lost it. In a sense the accession of the Communist régime is as artificial as its inception. But the results are the same as if it were genuine. China is a country under Communist rule allied with Russia, with all the international complications arising therefrom.

Nevertheless Mr. Schwartz's account is illuminating and Far East scholars are in his debt. For the first time there is an account of the rise of Chinese communism with background and substance.

Mr. Isaacs' book is a reissue of one published in 1938, when it deservedly received a good deal of attention, for it was based on his own observations of the events that led to the Communist-Kuomintang split, the elimination of Russian influence, and the proscription of the Communists. There is considerable revision, Mr. Isaacs having himself taken a revisionist attitude toward his earlier impassioned espousal of the Trotsky view of the Chinese revolution. Trotsky held that the Chinese revolution had to be conducted by the urban proletariat and power seized at once. That the urban proletariat was negligible, if existing at all, that it could not possibly have seized power, and that, if it had, an international intervention would have crushed it out of hand and perhaps precipitated war between Russia and the West—all this was nothing to Trotsky, the incontinent ideologue. Mr. Isaacs has now modified his own ideas. His book, out of print for many years, is now available once more, which is fortunate.

Nathaniel Peffer

Columbia University

Greece: American Dilemma and Opportunity. By L. S. Stavrianos. Chicago, Henry Regnery Company, 1952.—ix, 246 pp. $3.25.

The task which Dr. Stavrianos has set for himself is to explain the nature of Greece's domestic problems and to suggest the solutions which American policy should sponsor in connection with its extensive assistance program.

His argument, in brief, rests on the assumption that political stability will not be achieved in Greece until a concerted effort is made to increase the productivity of the Greek economy, and thus to raise the standard of living of the Greek people. Dr. Stavrianos demonstrates that, despite assistance from the West amounting to some two billion dollars in the period 1944-1950, Greece is still bankrupt. He cites figures to show that by 1949 the pre-war level had not yet been attained in the output of agriculture and industry, in foreign commerce, or in national income, despite the fact that Greece possesses significant natural resources and technical skills. The author recognizes that there are many economic reasons for Greece's plight, but he believes that the fundamental difficulty lies in the corruption and maladministration of the Athens administration. He is convinced that British policy supported corrupt régimes after 1944 because they were believed to be safer allies than such dynamic coalitions as the E.A.M. (National Liberation Front), and he finds no reason to believe that the United States has done much better since 1947. The American dilemma, as he sees it, is whether to play safe and preserve the *status quo*, or to sponsor a fundamental modernization of the Greek economy, and he warns of the danger that the Greek people may abandon their government in a moment of crisis if their economic problems are not attacked more vigorously.

Few would question the underlying approach of Dr. Stavrianos to the dilemma faced by the United States in many of the Mediterranean and Middle Eastern states, but his discussion of the Greek case is weakened by the polemical tone of the political narrative and by the sketchy treatment of economic problems. While he stresses the shortcomings of the policies of the British and of the Greek royalists, he does not give a clear impression of the available alternatives. He does not maintain that the British should have supported the E.A.M., which he recognizes to have been controlled by the Communist party. At the same time he criticizes all the steps taken to suppress the E.A.M., and he tends to take their offers of compromise at face value despite the accumulated evidence regarding Communist tactics. If neither the E.A.M. nor the British-sponsored cabinets were acceptable, what was the alternative during the crisis of 1944-45? No clear answer is given to this question, and hence the criticism of British and later American policy loses much of its impact.

This intense preoccupation with British policy during and after the war occupies the greater part of the volume, and is stressed at the expense of Greece's economic problems. It is easy enough to point to the malpractices of the government in Athens, but it is quite another matter to outline a viable program of economic development. The problems of the Greek economy are in some respects unique, depending as they so largely do on a few specialized exports. Criticism of current policies can therefore carry little weight unless it is accompanied by a thorough consideration of alternative proposals.

These shortcomings weaken the case presented by Dr. Stavrianos, but they certainly do not destroy it. The dilemma for American policy is a real one, and the author has drawn on his extensive knowledge of Greek politics to present issues which are deserving of most serious consideration.

C. E. Black

Princeton University

Near Eastern Culture and Society: A Symposium on the Meeting of East and West. Edited by T. Cuyler Young. Princeton, Princeton University Press, 1951.—x, 250 pp. $4.00.

This strangely misnamed volume, which is issued as Volume XV of the Princeton Oriental Series, consists of papers prepared for a three-day Conference at Princeton, in March 1947, on the relations of the Islamic World with the West, particularly in modern times. The Conference was part of the Princeton bicentennial celebrations, when the occasion was taken to bring together a goodly number of students interested in current problems in the Islamic world. The papers were doubtless followed by discussion at the Conference, and some of them read as though they were meant to introduce discussion rather than themselves discuss in any adequate way the subject proposed for consideration. It is true that in an introductory paper the general editor refers briefly to earlier and more important currents of cultural influence flowing from East to West and from West to East, but the papers are concerned exclusively with one element in Near Eastern Culture and Society, namely the Islamic world of the Near East and North Africa in its contacts with the West.

The book falls into two parts. After the introductory chapter which sets the stage, the first part consists of five papers which discuss the rise and progress of Islamic studies in the West, in particular how the West came to such acquaintance as it has with Islamic art and archaeology, Islamic literature in Arabic and Persian, the scientific disciplines which were mediated by writers in Islamic lands from the tenth to the fifteenth century, and the religion of Islam, its Prophet and its Holy Book. To many readers it will probably come as somewhat of a surprise to discover how much was known in Europe, directly or indirectly, about the civilization of the Eastern Caliphates as well as of the Moors in Spain, and though the two papers on art and on science are somewhat inclined to "enthusiasm", it is good to be reminded of this. The paper on art and archaeology is beautifully illustrated with excellent reproductions. The second part of the book consists of six papers and a concluding essay. Three of these papers discuss what the reactions to Western influences have been in modern Turkey, Persia and the Arab world, while three discuss the present situation in these lands as regards national and international relations. In this part of the book three of the papers are by native inhabitants of the lands concerned and so have the added interest of allowing the reader to see how these problems present themselves, not to an onlooker from the West, who often feels how inadequate is his background for a judgment on these matters, but to persons who were born and brought up in the living context of Muslim lands and can understand things from within. In a final paper Professor Gibb of Oxford attempts a summary of the present situation with a tentative glimpse at what the future may promise.

There are strangely conflicting currents active in the Islamic world of today, some of them, though small in size, yet moving strongly toward reform and readjustment, but others reactionary and hopelessly confused. Many of the recent upheavals in this area are obviously the surface manifestations of these confused and churning currents underneath, and such studies as this book presents are welcome as a contribution to a better understanding of at least some of the problems involved in the present situation in the Islamic world.

The Princeton University Press has printed the book well, but the present reviewer has noticed a goodly number of mistakes, particularly in the matter of foreign words and names, which escaped the editor.

ARTHUR JEFFERY

COLUMBIA UNIVERSITY

The United States and Turkey and Iran. By LEWIS V. THOMAS and RICHARD N. FRYE. Cambridge, Harvard University Press, 1951.—xii, 291 pp. $4.25.

From ancient time to the present day the area of the Middle East has played an important part in the imperial expansion of Great Powers, including the Persian and Ottoman Empires. Until recently, because of lack of commercial and political contacts, the United States did not have any special interest in Turkey and Iran. Mr. Sumner Welles, however, rightly states in his Introduction to the book under review that "most Americans now see clearly that the maintenance of world peace will in no small measure hinge on the ability of the Turkish and Iranian peoples to preserve their integrity and freedom and to resist successfully the increasing pressure which emanates from Moscow."

The reader finds in this volume two separate books, one on Turkey by Mr. Lewis V. Thomas and the other on Iran by Mr. Richard N. Frye who are experts in their respective fields. These studies are for the general public as well as for those students who are interested in gaining general knowledge of the history, economics and politics of these two countries. The section on Turkey is covered by 170 pages which also include three appendices on "General Information about Turkey", "Turkish Constitution", and "Suggested Readings". The section on Iran is compressed into 110 pages which include five short appendices. Among them are Articles 1 and 2 of the Supplementary Fundamental Laws to the Iranian Constitution, which indicate the place of Islam and the influence of religious leaders in Iranian life; the Anglo-American-Soviet Declaration Concerning Iran, December 1, 1943; and suggested readings.

Both Turkey and Iran have many internal problems to solve; but the future stability and survival of the peoples of these lands depend ultimately upon the international situation, upon factors which they themselves can, at best, only partially control. Turkey, even with the support of her Asiatic neighbors, cannot protect herself from any Russian aggression. She rightly felt that American aid to develop her defense forces and industries was necessary. Through this aid, Turkey has become a powerful and stable factor in the Middle East. The Turks have been pressing for their entrance in the North Atlantic Pact; and it is gratifying that this has happened. As a result her defense has been strengthened, and she has become a factor in the total defense of the Mediterranean.

Since the days of Peter the Great, Russia has been pressing toward the Persian Gulf and thus to the Indian Ocean; and Soviet Russia is determined to gain this end by increasing her influence in Persia. On the other hand it is clear to all that the Anglo-American policies are to prevent Russia from getting control over Persia, not only for strategic reasons, but also for the reason that Persian oil resources must not be controlled by Russia and used against the Atlantic Pact Nations, including Turkey.

The late Riza Shah of Iran, who will do down in history as the modernizer of present-day Iran, maintained that Turkey, Iran, Iraq and Afghanistan should coöperate to preserve their national independence. This idea was given the needed concrete form in the Saadabad Pact (of 1937) of friendship and non-aggression among these Powers. To check Russian aggression in the Middle East, the Saadabad Pact Powers must have support from the North Atlantic Pact Powers and India.

The author discusses the Anglo-Iranian oil dispute up to the time of nationalization of oil by the Iranian government. He points out, however, that in 1949 the total income of the Anglo-Iranian Oil Company was £79 million sterling. Of this amount a sum of £17 million was used for operating expenditure. Thus the net income was £62 million sterling. Of this sum, the company paid British income tax to the amount of £28 million or more than 43 per cent of the net income. It also put away £17 million sterling or more than 27 per cent to the reserve fund while £10 million or a little over 16 per cent was paid to the Iranian government while £7 million sterling or about 12 per cent of the income was distributed among other shareholders. (It must not be forgotten that originally nearly 52 per cent of the shares belonged to the British Admiralty.) Thus the British government received nearly 50 per cent of the net income while the Iranian share was about 12 per cent.

At the beginning the Iranian demand was that the royalty should be increased; but the British authorities were dilatory in bringing

about the changes. As a result of this, the Persian Parliament passed a law to nationalize the oil resources of the country. The Persian government did not want to expropriate the properties of the Anglo-Iranian Oil Company. This is quite evident from the fact that the Persian Parliament made a provision that 25 per cent of the operating profit of the Iranian national oil concern will be set aside to meet compensation claims of the Anglo-Persian Oil Company.

As things stand today the Anglo-Iranian oil dispute is far from being settled. However from the standpoint of American interests, it is desirable that Iran be as true and coöperating a friend as Turkey. Will American statesmanship be able to bring about an amicable settlement between Iran and Britain, so that Iran may not be thrown in with the Soviet Russian bloc of Powers?

Taraknath Das
Columbia University

Belgian Foreign Policy Between Two Wars, 1919-1940. By Jane K. Miller. New York, Bookman Associates, 1951.—337 pp. $5.00.

A large number of volumes have by now appeared dealing with the foreign policy of the various European countries in the inter-war period. The present volume seeks to fill in the details of Belgian foreign policy in these highly significant but as yet far from completely understood years.

After an introductory chapter on the Belgian domestic scene between 1918 and 1940, Miss Miller deals in some detail with the important aspects of Belgian policy over the decade following the end of the war: the Belgian attitudes at the Peace Conference and toward the League; war debts, reparations and the search for security under Locarno. The final four chapters are devoted to the reorientation of Belgian policy from 1933 on, away from reliance on the League system of collective security, or a return to a pre-war position of guaranteed neutrality, to an independent policy. The full effect of this could scarcely be felt of course before it was destroyed by the German invasion.

Unfortunately, too little space in the work is given to this later development of Belgian policy. While the earlier chapters contribute valuable details of the Belgian reaction to the problems of Europe between 1920 and 1930, the broad picture of the war debts, reparations and Locarno problems have been amply covered and are well known.

Much less information is available on the complex effects of the indication of the Belgian desire to act independently of the League and to be released from her Locarno commitments. The position of France and to a lesser extent that of Britain were immediately affected in that the new policy caused grave doubts in both countries of Belgium's intentions in the face of the rising German threat.

The volume is characterized by factual accuracy and thorough documentation. However, the reader misses that vital element which transforms the documentary fact into living history. At few points does the author seek to interpret the facts brought forth. Many of the statesmen who made Belgian policy during the inter-war years were important not only at home but on the world scene, yet the individual personality which in some degree prompted and conditioned their actions scarcely appears. Of the leaders discussed only the King appears as a living figure; the others remain shadowy and somewhat remote from the actions in which they are involved. Through frequent reference to press reports, public reaction to policy changes is more clearly brought out. It is possible, of course, that the events described could have been rendered more vivid had confidential documents been available, but even with the material at hand the author might well have indulged in at least some speculative interpretation.

From a factual viewpoint the study fulfills a valuable purpose. It is to be hoped that with the availability of heretofore confidential sources it might be widened into a story not only of the events of Belgian policy, but of the persons who played such a large rôle in bringing those events about.

The work is enhanced by an excellent bibliography, regrettably marred by a poor job of proof reading.

L. GRAY COWAN
COLUMBIA UNIVERSITY

The Hapsburg Monarchy, 1867-1914. By ARTHUR J. MAY. Cambridge, Harvard University Press, 1951.—x, 532 pp. $6.00.

Professor May's book is a comprehensive and readable history of Austria-Hungary from the establishment of the Dual system to Sarajevo.

It does not take much time to realize that the book was written after a thorough study of the available materials. Professor May had at his disposal a large number of analytical studies in English, German and French. There is in his footnotes and bibliography no evidence of acquaintance with the non-German languages spoken in the area,

Slavic, Magyar or Rumanian. The narrative is clear and well proportioned. An almost equal number of pages has been given to each of the three principal themes, to the internal history of the western monarchy, called for brevity's sake Austria, to the developments in Hungary, and to the external policy of Austria-Hungary, conducted, with Francis Joseph's approval, by the imperial and royal ministers of foreign affairs. Students of modern European history will certainly welcome the new book and keep it on the shelves along with Oscar Jászi's *Dissolution of the Habsburg Monarchy* and A. J. P. Taylor's outline, *The Habsburg Monarchy, 1809–1918.*

It is really to be regretted that such a serious book begins with an inaccuracy. What opened the long reign of Francis Joseph, on December 2, 1848, was not a coronation as Emperor of Austria but a less spectacular act of abdication by Ferdinand V in favor of his eighteen-year-old nephew. It was one of the anomalies which characterized the highly complicated structure of the Dual monarchy that Francis Joseph, while crowned solemnly as King of Hungary, never was seriously interested in accepting the visible symbol of his imperial dignity. A study by Heinrich Friedjung, *Die österreichische Kaiserkrone* (Historische Aufsätze, Stuttgart, 1919, pp. 9-23) sheds some light on this important problem.

It is most likely that the principle *quieta non movere* was the main reason for the monarch's hesitation to be crowned as emperor. Some extremely delicate questions would have arisen if Francis Joseph had submitted to the elaborate ceremony. As the matter was left in abeyance, the Kingdom of Hungary was consolidated by the Magyar political leaders and remained their stronghold until October 1918, whereas in the Austrian half of the monarchy centralistic efforts foundered on the growing consciousness of the German nationalities. It should be borne in mind, too, that the monarch was not only Francis but also Joseph and that he followed in the footsteps of Joseph II more often than the court historiographers and their American imitators have been willing to admit. A strong dislike of pomp was one of the distinct traits of Joseph's personality.

Professor May writes with great skill and competence on political events and is at his best when he depicts the personal life of the monarch and the easygoing habits of the Austrian aristocracy. The cabinets, both in Austria and in Hungary, parliamentary elections, efforts of the successive prime ministers to secure a working majority in the representative bodies, nationality struggles and party maneuvers—these and many other aspects of public life aroused lively interest among the contemporaries and were reported by both the metropolitan and the provincial press. Many colorful facts can be gleaned from the rich crop of pamphlets and magazine articles. Professor May made full use of such sources. But passages on economic problems lack in depth and his brief descriptions of intellectual life are disappointing. Such errors as the statement (p. 55) that Stanislaw Przybyszewski was born in Russia (he in fact originated from the Prussian-controlled part of Poland), and that Wyspiański was Przybyszewski's foremost disciple, detract from the value of these sketches. As many typographical errors have been left uncorrected, anyone using Professor May's book would be advised to verify the non-German names before quoting them from his text.

We do not wish to dwell on minor blemishes or enumerate details which should be corrected. Professor May endeavored to distribute fairly the light and shade. But he has written, perhaps unwittingly, an apologia of the Dual system and of its functioning. His book is unduly optimistic and contributes comparatively little to the knowledge of the causes of the gradual disintegration of the Habsburg Empire and of its ultimate collapse in the autumn of 1918.

Columbia University

Otakar Odlozilik

The Foreign Policy of Palmerston, 1830-1841: Britain, the Liberal Movement and the Eastern Question. By Sir Charles Webster. London, G. Bell & Sons, Ltd., 1951. Distributed by British Book Centre, Inc., New York.—2 Vols. xii, vii, 914 pp. £3 3*s*.; $12.50.

These two substantial volumes on the diplomacy of Lord Palmerston, 1830-1841, are fitting companions to Sir Charles Webster's earlier studies on the foreign policy of Lord Castlereagh, 1812-1822. Both periods were crowded with events on the international scene; and in both eras the British foreign policy was skillfully directed by masterful men. But, whereas in 1822 Lord Castlereagh died tragically by his own hand at a time when Britain was diplomatically isolated, in 1841 Lord Palmerston retired from office with the Melbourne ministry in the plenitude of his power having won a remarkable diplomatic triumph in the settling of the Straits Question.

In November 1830, when Lord Palmerston became British foreign secretary, Europe was in the midst of political upheavals which threatened its peace and foreboded action by the Eastern Powers, Austria, Prussia and Russia—action that might crush liberal movements everywhere and impose a blight on the cultural and political life of the European continent. That neither of these dread alternatives materialized was in a large measure due to the ability, courage and resourcefulness of Lord Palmerston.

The Low Countries, Portugal, Spain and the Near East were the critical areas where Britain under Palmerston's guidance interfered decisively. The hapless Poles who rose in 1830 against Russia were left to their fate, not because Palmerston failed to sympathize with their plight, but because he foresaw that British intervention could not change the outcome of the Polish revolution. Moreover, at that very time the Belgian uprising against the union with the Netherlands presented Palmerston with a series of pressing and complex problems. Equally intractable were the difficulties of Portugal and Spain. But, with the sometimes reluctant coöperation of France, Palmerston checkmated the Eastern Powers; the Belgian kingdom was established; and the form of liberal government preserved in the Iberian peninsula.

Sir Charles Webster retells these old stories with a wealth of new information gleaned from Palmerston's papers at Broadlands and from other private and public collections of manuscripts. Multifarious details are deftly fitted into the narrative. The study concludes with a summary and appraisal of Lord Palmerston's achievements, 1830-1841. And five appendices contain illuminating selections from sources.

Although Sir Charles depicts the achievements of Lord Palmerston on a large canvas, he does not cover the entire field of British diplomacy in the 1830's. The Middle East is dealt with in a perfunctory way; the Far East, the Americas, and Scandinavia are barely mentioned. In view of the author's emphasis on Anglo-Russian relations, it is surprising to find that he ignores Palmerston's watchfulness of possible actions by Russia in Baltic and Scandinavian lands.

During most of the 1830's, Britain and France formed a liberal bloc. The French revolution of 1830, which overthrew Charles X and placed Louis Philippe on the throne of France, and the British Reform Bill of 1832 were anathemas to those great upholders of the *status quo*, Metternich of Austria and Tsar Nicholas I of Russia. The researches of Sir Charles reveal, however, that King Louis Philippe was not a dependable ally of Palmerston. On the contrary, more than once the king of the French sought Russian friendship, but was repulsed by the mighty ruler of all the Russias who never relented in his contempt and hatred of Louis Philippe. Among the French statesmen of the period only Broglie seems to have coöperated wholeheartedly with Palmerston.

Fortunately for him, Austro-Russian friendship was shaky. No amount of diplomatic doubletalk by Metternich could hide the fact that his country and Russia were rivals in the Balkans—a rivalry utilized to Britain's advantage by Palmerston and his able representative in Constantinople, Lord Ponsonby.

Lord Palmerston encountered difficulties at home as well as abroad. The two prime ministers under whom he served, Grey and Melbourne, especially the former, often held views which differed from those of the foreign secretary. King William IV stubbornly refused to be a mere cipher when relations with foreign countries were discussed. And before the end of the 1830's King Leopold of Belgium offered advice to his niece, Queen Victoria, on diplomatic issues which did not always please Palmerston. Recalcitrant colleagues, notably Edward Ellice and Lord Holland, intrigued and gossiped in ways often highly embarrassing to the foreign secretary. Nor did he always have the full support of the British representatives at foreign capitals.

Lord Palmerston came to the foreign office without experience in the great game of international diplomacy. He faced old and past masters at this game, masters such as Metternich and Talleyrand, but he outwitted and defeated them time and again. His amazing good temper, abundant energy, extraordinary resourcefulness, steady nerves, and unfaltering courage gave Palmerston a substantial advantage over the jaded representatives of a bygone age. Most patently he, too, represented a past soon to vanish, a past when British aristocrats were scornful alike of crowned heads and their minions and of demos. But that was a stage not reached by Austrians, Prussians and Russians. Hence Palmerston was looked upon by them as a revolutionary.

Contemptuous of ideologies, Lord Palmerston blatantly proclaimed that his chief aim was to serve the interests of Britain. As it happened the establishment of constitutional government in foreign lands and their adoption of free trade were deemed progressive measures in the 1830's. These innovations also served British interests. It should be observed, however, that for all his cynicism, Lord Palmerston had a healthy hatred of tyranny and of human slavery. His efforts to destroy the slave trade deserve, indeed, fuller treatment than they receive in the work under review.

On some points Sir Charles corrects or differs from opinions concerning events and policies of the 1830's expressed by Professors Bell, New, and Temperley. He is often sharply critical of Palmerston's first biographer, Sir Henry Lytton Bulwer. Sir Charles deflates Metternich and Talleyrand, and reduces the stature of Lord Durham and some others.

Although in the years 1830-1841 Lord Palmerston scored great diplomatic triumphs, Sir Charles Webster does not place him in the top flight of British foreign secretaries. Palmerstonian failures at later dates deprive the hero of the 1830's of a secure place on that pedestal.

Sir Charles Webster's scholarly work contains much new information about a past age. It stimulates reflection on the character and nature of diplomacy and of international relations. It makes one wonder if, in the 1930's, those in charge of British foreign affairs had had the courage and skill of Palmerston in the 1830's, the world of today might not be a different and a better one.

Paul Knaplund

The University of Wisconsin

Genesis and Geology: A Study in the Relations of Scientific Thought, Natural Theology, and Social Opinion in Great Britain, 1790-1850. By Charles Coulston Gillispie. Cambridge, Harvard University Press, 1951.—xv, 315 pp. $4.50.

The struggle for intellectual autonomy recurs frequently in the History of Science as each field establishes the right to organize itself on principles based on the evidence within its own domain. In the history of the social sciences, the eighteenth century presents attempts to interpret political systems in the light of Newton's system of the world, and after 1859 the school of social Darwinism tried to impose zoölogical interpretations of the struggle for existence and the survival of the fittest upon the study of human society. The history of geology from 1790 to 1850 shows a struggle over analogous attempts to interpret the history of the earth in theological terms. *Genesis and Geology* gives a thorough and illuminating account of the conflict between theological beliefs and geological evidence as they touched on the history of the earth.

Mr. Gillispie presents persuasive evidence to show that the major theological issue was not so much a fundamentalist defense of the Book of Genesis as a source of scientific truth as it was a position aptly termed " providential materialism ". This involved the assumption that an important duty of geologists was to provide material proofs of the existence of God through evidence of the direct interference of Providence in the determination of earth history. During this period much discussion was devoted to the theme of the evidences of design in nature. The Reverend William Paley's *Natural Theology; or, Evidences of the Existence and Attributes of the Deity Collected from the Appearances of Nature,* and the eight Bridgewater Treatises, which included the Reverend William Buckland's *Geology and Mineralogy, Considered with Reference to Natural Theology* were outstanding examples, the very titles of which convey the point of view of the period. When we remember that the older universities were so closely integrated with the Anglican Church that it was almost a matter of course that William Buckland and Adam Sedgwick, professors of geology at Oxford and Cambridge, were both ordained priests, we can appreciate the fact that this intellectual confusion between scientific and theological standards reflected a genuine duality of obligations to science and church. Keeping in mind this atmosphere, which Gillispie so ably presents, we can better understand the resistance to those uniformitarians who strove to establish geology as a science to be explained solely in terms of natural processes open to direct observation.

Gillispie's book opens with a brief survey of the eighteenth-century currents of natural theology which were so clearly summarized by William Paley. Then follows the great controversy between the Neptunists and the Plutonists as to whether water or fire was the primary agent responsible for forming the rocks of the earth's crust. The Neptunists' belief in the power of water made them sympathetic to the development of catastrophism. This school pictured periods in which the mountain ranges were swiftly unheaved with devastating violence attended by great floods, comparable to the deluge in Genesis. These were believed to be catastrophes which wiped out the dinosaurs and later the mammoths to make room for the present animal population of the earth.

Charles Lyell's uniformitarianism, which rejected catastrophes and insisted upon slow change by the quieter processes of erosion and earthquakes on a scale known to history, seemed very sober in contrast. Yet even though Professor Henslow of Cambridge disagreed with Lyell, he gave young Charles Darwin a copy of Lyell's *Principles of Geology* to take on the voyage on *The Beagle*. While further attempts to apply theology to geology were being made by other writers, Darwin was quietly working to extend geological uniformitarianism to biological evolution. In 1859 the evidence was presented; for future generations of scientists the verdict was easy.

Genesis and Geology is a penetrating study based on thorough mastery of source materials. The appended bibliographical essay gives an excellent introduction to the source material. This book presents an unusual combination of valuable synthesis and sparkling style.

UNIVERSITY OF WISCONSIN ROBERT C. STAUFFER

Raymond of the Times. By FRANCIS BROWN. New York, W. W. Norton and Co., 1951.—x, 345 pp. $5.00.

The early newspaper editors of New York City have written some of the most significant chapters in the history of American journalism. In the first half of the nineteenth century there appeared in Gotham a galaxy of four stars, Horace Greeley, James Gordon Bennett, J. Watson Webb and Henry Jarvis Raymond. As journalism in those days was highly personal, the leading papers were but the printed reproductions of the minds and personalities of their editors. Readers entered into personal relationship with these mentors and accorded to their editorial pages an importance which they do not have today. The biographies of these journalists, therefore, can be historical documents of unusual significance. Unfortunately biographers heretofore have concentrated their attention almost exclusively upon Greeley; so this study of Raymond is very welcome.

The future editor of the *Times* was born in a strict Presbyterian household in rural New York and had a good education at the University of Vermont. He had no difficulty in convincing himself that journalism was his career, and going to New York at the age of twenty he became an employee of Horace Greeley in 1840 and then of Colonel J. Watson Webb of the *Courier and Enquirer*. By 1851 he had established a journal of his own, the ever-increasingly famous *New York Times*.

Among the famous New York journalists, Raymond achieved a unique position. Instead of seeking circulation by vigorous partisanship, zeal for reform or crass sensationalism, he undertook to create a newsy, matter-of-fact, even-tempered family newspaper which people would find informative and trustworthy—and unoffending to the rather prudish morality of the age. In this he was eminently successful; but in much else he was not.

Side by side with this journalistic ambition flourished a passion for politics, but passionless politics. For politics Raymond had the qualifications of shrewdness, high oratorical skill, brains and personality. All he lacked were partisan blindness, robust health and ruthlessness. He went to the New York legislature and became speaker of the House and lieutenant governor but he never became governor. He went to Congress but never became Senator. He achieved high place in national party councils but never appreciable appointments for services rendered. Somehow he never reached his political goals. Nor was he successful in his marriage and he drove his frail body to death at the early age of forty-nine.

This biography gives keen insight into Raymond's journalistic capacities, his techniques and his reportorial enterprise. We also learn much of politics, of his patron W. H. Seward, of New York political methods, of the formation of the Republican party there. On the national stage we look behind the scenes and watch Raymond's cooperation with Lincoln particularly in the operation of the campaign of 1864. There is the story, not too complete, of the part which Raymond played in the Johnson Administration and the battle over reconstruction. Then too there are scattered glimpses, more suggestive than descriptive, of the editor's involved private life.

Mr. Brown, himself of the *New York Times,* has told this strange story of success and failure with sympathy and candor. He has had exceptional opportunities to secure access to the surviving evidence and he has endeavored to fit Raymond's career into the furious and finally tragic years which he reported and commented upon in his journals. This biography is conscientious, thorough, marked by good judgment, impeccable taste, perhaps too impeccable, and excellent writing but somehow Raymond himself does not emerge too clearly. For there remains still unsolved the interesting puzzle in personality presented by the absence of intellectual and political passion in a man who seemingly was so physically consumed.

Roy F. Nichols

University of Pennsylvania

The Estates General of 1560. By J. Russell Major. Princeton, Princeton University Press, 1951.—viii, 146 pp. $2.50.

In this brief but valuable volume, Professor Major examines the various phases of the Estates General of 1560 in their historical context of French governmental policy and institutional growth. The volume is presented to the scholarly world as but a small part of a much larger project which its author has undertaken, namely, an analysis of the history of the French Estates General from the standpoint of comparative institutions, in an effort to determine why representative bodies developed successfully on a national scale in England but were ultimately abortive in France. Appropriately, the author finds the sixteenth century to be the key moment for his investigations, since it was then that the "new" monarchs were developing governmental policies which were to determine the fate of representative institutions in their states during later centuries. This volume presents only the first phase of this very large project, since detailed treatment is limited chiefly to the Estates General of 1560. Furthermore, it is based entirely upon the published collections of documentary materials and secondary sources. Thus, the author's conclusions are presented as tentative hypotheses, pending further research in the appropriate manuscript materials. However, even at this stage, his interpretation of the historical position of the Estates General will give the interested reader considerable food for thought.

In his first four chapters, Professor Major examines the circumstances under which the Estates General of 1560 were held. The first chapter, which serves as an introduction to the work, is devoted to previous institutional developments and the policies of the "new" monarchs of the Renaissance. The treatment of these complex matters is necessarily quite general and leaves many questions unanswered, although the author is correct in representing the Estates General as an instrument used by the French monarchs in combating the ever-present provincialism which sharply limited the central authority. This interpretation is supported in the next two chapters which show that the governors of France, who ruled in place of the young Francis II, believed that such an assembly would forestall the various opponents of the régime, and would therefore serve to strengthen the central authority rather than weaken it. The fourth chapter is devoted to the election of deputies to the assembly, and contains the most intensive research of the book. Here the author painstakingly revises the "classical" description of the process of election by showing that the peasants were allowed to participate only on very rare occasions, and that in many districts the proctors who represented each of the three estates were chosen in a general assembly of all three groups. As a result, it is stressed that each deputy represented not only the interests of his social estate but also those of the province or community. The fifth and sixth chapters discuss the procedures which were followed during the Assembly of 1560. It is shown that the three estates met separately and prepared an individual *cahier*—a procedure which Professor Major finds an unfortunate departure from previous practice. Also, the competence of the Estates General is analyzed, in an effort to account for the relative futility of this assembly. It is shown that the legislative authority of the body was restricted to merely that of petition, while its competence regarding taxation was so limited that any solution of the pressing financial problem was quite impossible.

In his conclusion, Professor Major attempts to evaluate the factors which prevented the growth of representative institutions in France on a national scale. Brushing aside such older explanations as the adverse influence of Roman law, the lack of political experience among the deputies, procedural difficulties and the historic frictions among the three estates, he would find the true explanation in the failure of the Estates General to strengthen the monarchy. The rulers summoned the body only when they thought it would alleviate a governmental crisis, but the deputies refused to vote the needed taxes—a development rendered inevitable by the refusal of the provincial assemblies to grant adequate powers to their representatives in the larger institution. Thus, the author concludes that the Estates General were rendered abortive by the provincialism which they were created to combat. With patriotism and communal sense of responsibility restricted to individual provinces, the Estates General were denied participation in the central government even to the restricted degree desired by the monarchs of the sixteenth century. With these views, the present reviewer finds himself in general agreement. However, since these interpretations are presented as hypotheses only, it would seem fitting to suggest that the documentary materials might well be investigated further concerning the degree to which the practice of uniting into a single body the deputies from all three social estates in local and national assemblies brought about a fusion of interests and an elimination of class frictions, the reasons why this procedure was not always followed, and any evidence that provincialism and class consciousness were being overcome by the royally focused patriotism so characteristic of the Renaissance. Also, from the standpoint of comparative institutions, it would be well to compare in greater detail the French Estates General with the English Parliament regarding their respective powers and procedures concerning legislation and taxation, and the relations of both institutions with the conciliar government of the period. These matters await further clarification. In its present form, however, the volume shows very considerable insight into the complexities of sixteenth-century constitutional history and provides the basis for a valuable reinterpretation of a neglected portion of Western institutional development.

William F. Church

Brown University

BOOK NOTES

Few figures of the nineteenth century have exercised such potent intellectual influences as has John Stuart Mill. In philosophy and the social sciences, his is still a commanding voice. Yet we lack a comprehensive biography of this seminal figure. Professor F. A. Hayek's *John Stuart Mill and Harriet Taylor: Their Correspondence and Subsequent Marriage* (Chicago, The University of Chicago Press, 1951; 320 pp. $4.50) supplies considerable material for such an essential work. It presents unpublished correspondence between Mill and the woman who first entered his life as Mrs. John Taylor and later became his wife. In his famous *Autobiography,* Mill pictured her as one of the greatest women of all times. He described Harriet Taylor as a greater poet than Carlyle and a greater thinker than himself, and asserted that she had exercised a tremendous influence over his own views in matters of most importance. However, he furnished little concrete evidence to justify his opinion, and readers have generally been skeptical of his estimate. The correspondence published in this volume bears out Mill's judgment to a certain extent. Here is found sufficient evidence that Harriet Taylor possessed strong intellectual character and persuasive powers, and that she was an important influence in making Mill the fountainhead of the modern liberal tradition. She belonged to that group of intellectual women of early nineteenth-century England who successfully crystallized a science, whether chemistry or political economy, into its "first principles", for popular consumption. Harriet Taylor's critical abilities were quite far ranging. Thus for example, in 1849 she criticized Mill's objections to socialism and persuaded him to moderate them for the second edition of the *Political Economy;* at the same time, she wrote her then husband, John Taylor, a wholesale druggist, concerning the great California gold discoveries: "Do you suppose this Californian discovery will make any change in the value of money for some time to come? If it continues, I suppose it will lower the value of fixed incomes, but I suppose benefit trade. If I were a young man, I would go there quickly . . . there must be some fine opportunities for placing *goods* and especially drugs, in the *placiemento.* Are you going to send out quinine?" As Professor Hayek says, "She has some real understanding of economic problems." Professor Hayek has performed the difficult task of editor with that same high skill that has distinguished his work in economic theory. To help illumine the relationship between Mill and Harriet Taylor, he has also included a substantial amount of their correspondence with others. Not the least of the many excellent features of the volume are the editor's introductions and notes which give us a revealing picture of the great age in which Mill moved.—JOSEPH DORFMAN, Columbia University.

The Ukrainian Revolution, 1917–1920: A Study in Nationalism (Princeton, Princeton University Press, 1952; xi, 363 pp. $5.00) by John S. Reshetar, Jr., is an extremely valuable book, for it traces the development of the spirit of Ukrainian nationalism and independence from the early days of the Russian Revolution to the final peace between the Poles and the Soviets at Riga in the fall of 1920. With infinite pains the author has tried to combine into a coherent story the tangled personal and political oppositions and the mistakes and misunderstandings not only on the part of the Ukrainians but also of the representatives of the great Powers during these years. The result is a story of heroism and idealism often marked with sordidness and unjustified violence, but Dr. Reshetar has recognized that there was a certain conception of honor and of patriotism in the leaders of the conflicting movements. The national revolution was competing against a social-economic revolution and the leaders of each struggle maintained all possible views as to the other. This fact and the inability of the leaders to agree or compromise on the primary issues doomed the movement but left Ukrainian nationalism as a vital factor in the country. The political inexperience of the leaders and the lack of understanding of the followers, the great mass of the peasants, were the primary cause of the confusion. It is not disparagement of the book to say that it improves as it goes along and particularly after the Bolshevik Revolution. The year 1917 was one of false starts, for neither the Ukrainians nor the Provisional Government had any conception of the meaning of autonomy or federalism about which they were fighting. The Military Congresses had some clearer notion of the meaning of order, even of democratic order but the Rada too often showed itself afflicted with that paralysis of action which so characterized the Provisional Government. As a result the national revolution had gone further than the author seems to indicate in the early pages of his narrative, although it was not definite in the minds of its supporters. The " Congress of Nationalities " held in Kiev in September 1917 surely deserves more than a footnote; for the participation of the other non-Russian nationalities and the Ukrainians of Siberia during the summer of 1917 in Kievan Congresses did much to organize public opinion among all except the Great Russians and had its reflection upon the course of the Civil War. We can only hope that similar careful studies will be made not only of the Baltic movements but also of the peoples of the Caucasus and of Central Asia, for then we shall have a real picture of the independent thought of the non-Russian peoples at the moment of the fall of tsarism. It is an important and baffling subject, for Great Russians of all schools of thought cannot separate the idea of Russian unity from the Russian Empire-U.S.S.R. and the bulk of the opposition to Bolshevism was borne by the ex-tsarists, the officers and bureaucracy, and the peoples struggling for liberation. The opposition to communism was thus hopelessly split and it apparently still is. Dr. Reshetar is one of the first to study in detail part of the separatist movement. His work deserves serious consideration and many successors, especially since the Ukrainian Soviet Republic is now one of the members of the United Nations.—CLARENCE A. MANNING, Columbia University.

Daniel Waley's *Mediaeval Orvieto: The Political History of an Italian City-State, 1157–1334* (London and New York, Cambridge University Press, 1952; xxv, 170 pp. $4.00) traces the effort of this town of 20,000 inhabitants to subject and retain a large contado, and narrates a colorful history of the struggle between Guelf and Ghibelline, the rise of the Popolo and its " democracy ", and the eventual triumph of a tyrant. Mr. Waley's essay is a chronicle of political and diplomatic events. Despite incidental discussion of social and legal history, the careers of individuals, the mutations of political institutions, and social movements appear only in the context of a very generalized struggle for power. Except in the case of specifically political legislation—Guelf against Ghibelline or Popolo against Magnati—we are only occasionally given a glimpse of what Orvietan institutions were created to do. We are told little about the issuing and effects of legislation and nothing about civil or criminal justice. Such indifference to the legal and sociological aspects of history sometimes results in meaninglessness. To cite an example, while Mr. Waley tells us that Orvieto was democratic in its own terms, the only real definition of this democracy appears in a footnote on page 39. On no cited evidence at all, we are there told that women, minors, apprentices, journeymen, and the foreign-born were not " citizens ". What the author presumably means is that they did not have the right to vote or hold office. Even this is a debatable statement and one which should be discussed at length. Mr. Waley goes on to say that only about a quarter of Orvieto's inhabitants were citizens, the lowest admitted element being master craftsmen. Using the author's own terms, one wonders if the franchise was really even that big. If women, minors, workers, the foreign-born, and—to add categories not mentioned by Mr. Waley—clergy and domestics were not voters, the franchise must have been well below a quarter of total population. Moreover, the author's dislike of terminological exactitude leads him to underestimate two basic thirteenth-century social and constitutional changes. His failure to distinguish clearly between such terms as knights, nobles, and Magnati causes him to forget that the nobility of the early fourteenth century may well have been quite different from the patriciate of the late twelfth century. Again, he is singularly indifferent to the meaning of the gradual growth within the Popolo of the power of relatively undemocratic gilds and societies. Perhaps Mr. Waley's difficulty is that he has concentrated only on primary sources. True, he has addressed some unkind words to Salvemini, and has briefly cited Ottokar, Volpe, and Davidsohn. But one looks in vain for names like Plessner, Besta, Ercole, Gualazzini, Georg Dahm, and Heinrich Wolf. There is much history in Mr. Waley's little book, but its meaning must be read between the lines.—JOHN H. MUNDY, Columbia University.

In a sermon preached twenty years after the beginning of the English Reformation Hugh Latimer spoke of "the king's proceedings" and thereby supplied Philip Hughes with a subtitle for the first volume of his most recent work, *The Reformation in England* (New York, The Macmillan Company, 1951; xxi, 404 pp. $6.00). In this Father Hughes, formerly Archivist of the Archdiocese of Westminster and the author of important works on the history of the Catholic Church and other historical subjects of interest primarily to Catholics, presents a history of the English Reformation down to the fall of its chief architect, Thomas Cromwell, in 1540. And he does a good deal more than this. Henry VIII's failure to obtain papal sanction for the annulment of his first marriage may explain what the author calls the "peculiar spirit" in which the Henrician Reformation was carried through, but it cannot, of course, account for pre-existing conditions, some of which were highly important factors in the coming religious revolution. In six chapters preceding the one on the divorce Father Hughes examines a number of these pre-Reformation conditions, including weaknesses and abuses in English ecclesiastical institutions and religious life, widespread anticlericalism, and heresies; and it is apparent

that he believes there was great need of a reformation, though not of "the" Reformation. On the important question of the nature and quality of the religious instruction given to Catholic laymen on the eve of the Reformation he leans heavily on G. R. Owst's writings on medieval English preaching. He thinks that the sermons men listened to did not tend to strengthen their faith and that "if Dr. Owst's reconstruction is exact, we need go little further in our search for the secret of the coming general apostasy, and of the extraordinary phenomenon that so often, in the course of a single lifetime, the English were ready to endure radical changes and counterchanges in religious life." A list of the books quoted from in this volume and the bibliographical references in the numerous footnotes indicate the breadth and depth of Father Hughes's erudition. The book bears an ecclesiastical imprimatur, and its author's theological soundness is, of course, never in doubt. But he shows no inclination to whitewash Catholics—not even popes. Clement VII is pictured as weak and vacillating, guilty of habitual duplicity in politics, and incompetent in practical judgment. Especially commendable is the author's desire, and strong effort, to understand the spirit of the times of which he writes, to recapture, for example, the deep religious convictions of the Reformers and their passionate enthusiasm. Here and there his historical sense may have failed him, as in his frequent references to "St." Thomas More. Granted that canonization is retroactive, is retroactivity historical? In connection with More's reply to Luther's reply to Henry VIII's reply to Luther's *Babylonian Captivity of the Church*, Father Hughes takes occasion to speak of the writer's "remarkable success in that field of scurrility which was peculiarly Luther's own." A scurrilous saint raises problems.—R. L. SCHUYLER, Columbia University.

Volume XII of the *Documents on American Foreign Relations* (Princeton, Princeton University Press, 1951; xxvi, 702 pp. $6.00) is a comprehensive and intelligently planned source book on the foreign relations of the United States in 1950. Sponsored by the World Peace Foundation and edited by Raymond Dennett and Robert K. Turner, it succeeds in removing American diplomatic history from the vacuum in which some scholars have repeatedly placed it. This highly desirable objective is achieved by providing documentary material on both the domestic and international background of the foreign policy of the United States. As a consequence, the book's range is enormous, and it includes documents that deal not only with every significant phase of American foreign policy but also with the major developments in regional organizations, the United Nations, and large and small nations in every part of the world. The introductory sections are concise and free of irrelevant material, and the editors have not insulted their readers by furnishing introductions to those documents that are self-explanatory.—HAROLD C. SYRETT, Columbia University.

Julius Turner's *Party and Constituency: Pressures on Congress* (Baltimore, The Johns Hopkins Press, 1951; 190 pp. $2.50) is a welcome departure from the literature of political " science " which is too often a random collection of untested hypotheses and generalizations based on incomplete observation. Exhibit Number One: the American Political Science Association's *Toward a More Responsible Two-Party System*. Turner's brief volume, which presents a statisical analysis of the principal factors influencing congressional voting behavior, tests empirically a great many previously unproved speculations. On the basis of an analysis of 226 roll-call votes in four sessions of Congress from 1921 to 1944, the author proves the obvious but often overlooked fact that a Congressman must please those groups who elect him to office. The study demonstrates that the most important of these groups is the political party. Although the analysis shows significant differences in the votes of Congressmen representing (1) metropolitan and rural constituencies, (2) districts containing large numbers of foreign-born citizens and those with primarily a native-born electorate, and (3) various sections of the country, none of these pressures was as effective as party affiliation. Furthermore, on certain issues—the tariff and expansion of governmental power into social and economic spheres—there has been a consistent and definite cleavage between the two major parties. Turner's book emphasizes the complexity of legislation in a bicameral legislature subject to the influences of party, sectionalism, traditionalism, and pressure groups—a fact not understood by advocates of tightly disciplined parties having all liberals in one camp and all conservatives in the other. *Party and Constituency* fills a gap in the literature of political parties. The statistical methods are clearly explained and the conclusions forcibly presented. Turner deals with the implications of the data he has collected and does so with real sophistication and astuteness.—JOSEPH A. ROSENTHAL, Walkersville, Md.

— *Announcement* —

To the Members of the Academy:

In accordance with the provisions of the By-laws, notice is hereby given that the Board of Directors has fixed the date, Monday, January 19, 1953, on which the Annual Corporate Meeting of the Academy will be held in the office of the Academy of Political Science, Room 411, Fayerweather Hall, Columbia University, New York City, at 4 P.M. promptly.

This is the annual business meeting to receive reports from the officers of the Academy, to elect six directors as members of the Board of Directors, and to transact other business. At this meeting the President's Annual Report will be presented.

Members are reminded that the officers of the Academy will always be appreciative of suggestions for possible topics for our spring and fall meetings.

GRAYSON L. KIRK, *Secretary*

THE ACADEMY OF POLITICAL SCIENCE
411 Fayerweather Hall, Columbia University
New York 27, N. Y.

This will be the only notice of the Annual Corporate Meeting impact of the Great Depression, the lines were drawn differently than they are today. The question at that time was whether American foreign policy, then largely economic in scope and motivation, was aimed not at promoting the welfare interests of the nation as a whole but instead at satisfying the material interests of powerful sub-national interest or pressure groups. While it was found hard to define what was in the interest of national welfare or to discover standards by which to measure it, there could be no doubt as to what people had in mind: they desired to see national policy makers rise above the narrow and special economic interests of parts of the nation to focus their attention on the more inclusive interests of the whole.

Today, the alternative to a policy of the national interest to which people refer is of a different character. They fear policy makers may be unduly concerned with the " interests of all of mankind ". They see them sacrificing the less inclusive national community to the wider but in their opinion chimeric world community. The issue, then, is not one of transcending narrow group selfishness, as it was at the time of Beard's discussion, but rather one of according more exclusive devotion to the narrower cause of the national self.

There is another difference between the current and the earlier debate. While it would be wrong to say that the economic interest has ceased to attract attention, it is overshadowed today by the national security interest. Even in the recent debates on the St. Lawrence Seaway, clearly in the first instance an economic enterprise, the defenders of the project, when seeking to impress their listeners with the " national interest " involved, spoke mainly of the value of the Seaway for military defense in wartime while some opponents stressed its vulnerability to attack.

The change from a welfare to a security interpretation of the symbol " national interest " is understandable. Today we are living under the impact of cold war and threats of external aggression rather than of depression and social reform. As a result, the formula of the national interest has come to be practically synonymous with the formula of national security. Unless explicitly denied, spokesmen for a policy which would

take the national interest as its guide can be assumed to mean that priority shall be given to measures of security, a term to be analyzed.[1] The question is raised, therefore, whether this seemingly more precise formula of national security offers statesmen a meaningful guide for action. Can they be expected to know what it means? Can policies be distinguished and judged on the ground that they do or do not serve this interest?

The term national security, like national interest, is well enough established in the political discourse of international relations to designate an objective of policy distinguishable from others. We know roughly what people have in mind if they complain that their government is neglecting national security or demanding excessive sacrifices for the sake of enhancing it. Usually those who raise the cry for a policy oriented exclusively toward this interest are afraid their country underestimates the external dangers facing it or is being diverted into idealistic channels unmindful of these dangers. Moreover, the symbol suggests protection through power and therefore figures more frequently in the speech of those who believe in reliance on national power than of those who place their confidence in model behavior, international coöperation, or the United Nations to carry their country safely through the tempests of international conflict. For these reasons it would be an exaggeration to claim that the symbol of national security is nothing but a stimulus to semantic confusion, though closer analysis will show that if used without specifications it leaves room for more confusion than sound political counsel or scientific usage can afford.

The demand for a policy of national security is primarily normative in character. It is supposed to indicate what the

[1] Hans Morgenthau's *In Defense of the National Interest* (New York, 1951) is the most explicit and impassioned recent plea for an American foreign policy which shall follow " but one guiding star—the National Interest ". While Morgenthau is not equally explicit in regard to the meaning he attaches to the symbol " national interest ", it becomes clear in the few pages devoted to an exposition of this " perennial " interest that the author is thinking in terms of the national security interest, and specifically of security based on power. The United States, he says, is interested in three things: a unique position as a predominant Power without rival in the Western Hemisphere and the maintenance of the balance of power in Europe as well as in Asia, demands which make sense only in the context of a quest for security through power.

The following volumes in COLUMBIA STUDIES IN HISTORY, ECONOMICS, AND PUBLIC LAW have recently been published or are in press.

#568—*The Puritan Frontier: Town-Planting in New England Colonial Development, 1630–1660.*
By William Haller, Jr. Price, $2.00

#569—*The French Franc between the Wars, 1919–1939.*
By Martin Wolfe. Price, $3.25

#570—*Seeds of Italian Nationalism, 1700–1815.*
By Emiliana P. Noether. Price, $3.00

#571—*Regional Organization of the Social Security Administration.*
By John A. Davis. Price, $4.00

#572—*The Old Dominion and Napoleon I: A Study in American Opinion.*
By Joseph I. Shulim. Price, $4.50

#573—*Republican Ideas and the Liberal Tradition in France, 1870-1914.*
By John A. Scott. Price, $3.00

#574—*Judicial Review of Legislation in New York, 1906-1938.*
By Franklin A. Smith. Price, $3.50

#575—*Commentaries on the Constitution, 1790-1860.*
By Elizabeth K. Bauer. Price, $4.75

#576—*William Conant Church and the Army and Navy Journal.*
By Donald Nevius Bigelow. Price, $3.50

#577—*French Corporate Theory: 1789-1948.*
By Matthew H. Elbow. *In press.*

#578—*Towards an Understanding of Juvenile Delinquency.*
By Bernard Lander. *In press.*

The entire list is published by the Columbia University Press, New York City; and in Great Britain, Canada and India by the Oxford University Press, London and Bombay.

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"NATIONAL SECURITY" AS AN AMBIGUOUS SYMBOL

STATESMEN, publicists and scholars who wish to be considered realists, as many do today, are inclined to insist that the foreign policy they advocate is dictated by the national interest, more specifically by the national security interest. It is not surprising that this should be so. Today any reference to the pursuit of security is likely to ring a sympathetic chord.

However, when political formulas such as "national interest" or "national security" gain popularity they need to be scrutinized with particular care. They may not mean the same thing to different people. They may not have any precise meaning at all. Thus, while appearing to offer guidance and a basis for broad consensus they may be permitting everyone to label whatever policy he favors with an attractive and possibly deceptive name.

In a very vague and general way "national interest" does suggest a direction of policy which can be distinguished from several others which may present themselves as alternatives. It indicates that the policy is designed to promote demands which are ascribed to the nation rather than to individuals, sub-national groups or mankind as a whole. It emphasizes that the policy subordinates other interests to those of the nation. But beyond this, it has very little meaning.

When Charles Beard's study of *The Idea of National Interest* was published in the early years of the New Deal and under the policy of a nation should be in order to be either expedient—a rational means toward an accepted end—or moral, the best or least evil course of action. The value judgments implicit in these normative exhortations will be discussed.

Before doing so, attention should be drawn to an assertion of fact which is implicit if not explicit in most appeals for a policy guided by national security. Such appeals usually assume that nations in fact have made security their goal except when idealism or utopianism of their leaders has led them to stray from the traditional path. If such conformity of behavior actually existed, it would be proper to infer that a country deviating from the established pattern of conduct would risk being penalized. This would greatly strengthen the normative arguments. The trouble with the contention of fact, however, is that the term " security " covers a range of goals so wide that highly divergent policies can be interpreted as policies of security.

Security points to some degree of protection of values previously acquired. In Walter Lippmann's words, a nation is secure to the extent to which it is not in danger of having to sacrifice core values, if it wishes to avoid war, and is able, if challenged, to maintain them by victory in such a war.[2] What this definition implies is that security rises and falls with the ability of a nation to deter an attack, or to defeat it. This is in accord with common usage of the term.

Security is a value, then, of which a nation can have more or less and which it can aspire to have in greater or lesser measure.[3] It has much in common, in this respect, with power or wealth, two other values of great importance in international affairs. But while wealth measures the amount of a nation's material

[2] Walter Lippmann, *U. S. Foreign Policy* (Boston, 1943), p. 51.

[3] This explains why some nations which would seem to fall into the category of *status quo* Powers *par excellence* may nevertheless be dissatisfied and act very much like " imperialist " Powers, as Morgenthau calls nations with acquisitive goals. They are dissatisfied with the degree of security which they enjoy under the *status quo* and are out to enhance it. France's occupation of the Ruhr in 1923 illustrates this type of behavior. Because the demand for more security may induce a *status quo* Power even to resort to the use of violence as a means of attaining more security, there is reason to beware of the easy and often self-righteous assumption that nations which desire to preserve the *status quo* are necessarily " peace-loving ".

possessions, and power its ability to control the actions of others, security, in an objective sense, measures the absence of threats to acquired values, in a subjective sense, the absence of fear that such values will be attacked. In both respects a nation's security can run a wide gamut from almost complete insecurity or sense of insecurity at one pole, to almost complete security or absence of fear at the other.[4]

The possible discrepancy between the objective and subjective connotation of the term is significant in international relations despite the fact that the chance of future attack never can be measured " objectively "; it must always remain a matter of subjective evaluation and speculation. However, when the French after World War I insisted that they were entitled to additional guarantees of security because of the exceptionally dangerous situation which France was said to be facing, other Powers in the League expressed the view that rather than to submit to what might be French hysterical apprehension the relative security of France should be objectively evaluated. It is a well-known fact that nations, and groups within nations, differ widely in their reaction to one and the same external situation. Some tend to exaggerate the danger while others underestimate it. With hindsight it is sometimes possible to tell exactly how far they deviated from a rational reaction to the actual or objective state of danger existing at the time. Even if for no other reasons, this difference in the reaction to similar threats suffices to make it probable that nations will differ in their efforts to obtain more security. Some may find the danger to which they are exposed entirely normal and in line with their

[4] Security and power would be synonymous terms if security could be attained only through the accumulation of power, which will be shown not to be the case. The fear of attack—security in the subjective sense—is also not proportionate to the relative power position of a nation. Why, otherwise, would some weak and exposed nations consider themselves more secure today than does the United States?

Harold D. Lasswell and Abraham Kaplan, *Power and Society* (New Haven, 1950), defining security as " high value expectancy " stress the subjective and speculative character of security by using the term " expectancy " ; the use of the term " high ", while indicating no definite level, would seem to imply that the security-seeker aims at a position in which the events he expects—here the continued unmolested enjoyment of his possessions—have considerably more than an even chance of materializing.

modest security expectations while others consider it unbearable to live with these same dangers. Although this is not the place to set up hypotheses on the factors which account for one or the other attitude, investigation might confirm the hunch that those nations tend to be most sensitive to threats which have either experienced attacks in the recent past or, having passed through a prolonged period of an exceptionally high degree of security, suddenly find themselves thrust into a situation of danger.[5] Probably national efforts to achieve greater security would also prove, in part at least, to be a function of the power and opportunity which nations possess of reducing danger by their own efforts.[6]

Another and even stronger reason why nations must be expected not to act uniformly is that they are not all or constantly faced with the same degree of danger. For purposes of a working hypothesis, theorists may find it useful at times to postulate conditions wherein all states are enemies—provided they are not allied against others—and wherein all, therefore, are

[5] The United States offers a good illustration and may be typical in this respect. For a long time this country was beyond the reach of any enemy attack that could be considered probable. During that period, then, it could afford to dismiss any serious preoccupation with security. Events proved that it was no worse off for having done so. However, after this happy condition had ceased to exist, government and people alike showed a lag in their awareness of the change. When Nicholas J. Spykman raised his voice in the years before World War II to advocate a broader security outlook than was indicated by the symbol "Western Hemisphere Defense" and a greater appreciation of the rôle of defensive military power, he was dealing with this lag and with the dangers implied in it. If Hans Morgenthau and others raise their warning voices today, seemingly treading in Spykman's footsteps, they are addressing a nation which after a new relapse into wishful thinking in 1945 has been radically disillusioned and may now be swinging toward excessive security apprehensions.

[6] Terms such as "degree" or "level" of security are not intended to indicate merely quantitative differences. Nations may also differ in respect to the breadth of their security perspective as when American leaders at Yalta were so preoccupied with security against the then enemy countries of the United States that they failed or refused to consider future American security vis-à-vis the Soviet Union. The differences may apply, instead, to the time range for which security is sought as when the British at Versailles were ready to offer France short-run security guarantees while the French with more foresight insisted that the "German danger" would not become acute for some ten years.

equally in danger of attack.[7] But, while it may be true in the living world, too, that no sovereign nation can be absolutely safe from future attack, nobody can reasonably contend that Canada, for example, is threatened today to the same extent as countries like Iran or Yugoslavia, or that the British had as much reason to be concerned about the French air force in the twenties as about Hitler's *Luftwaffe* in the thirties.

This point, however, should not be overstressed. There can be no quarrel with the generalization that most nations, most of the time—the great Powers particularly—have shown, and had reason to show, an active concern about some lack of security and have been prepared to make sacrifices for its enhancement. Danger and the awareness of it have been, and continue to be, sufficiently widespread to guarantee some uniformity in this respect. But a generalization which leaves room both for the frantic kind of struggle for more security which characterized French policy at times and for the neglect of security apparent in American foreign policy after the close of both World Wars throws little light on the behavior of nations. The demand for conformity would have meaning only if it could be said—as it could under the conditions postulated in the working hypothesis of pure power politics—that nations normally subordinate all other values to the maximization of their security, which, however, is obviously not the case.

There have been many instances of struggles for more security taking the form of an unrestrained race for armaments, alliances, strategic boundaries and the like; but one need only recall the many heated parliamentary debates on arms appropriations to realize how uncertain has been the extent to which people will consent to sacrifice for additional increments of security. Even when there has been no question that armaments would mean more security, the cost in taxes, the reduction in social benefits or the sheer discomfort involved has militated effectively against further effort. It may be worth noting in

[7] For a discussion of this working hypothesis—as part of the "pure power" hypothesis—see my article on "The Pole of Power and the Pole of Indifference" in *World Politics*, vol. IV, No. 1, October 1951.

this connection that there seems to be no case in history in which a country started a preventive war on the grounds of security—unless Hitler's wanton attack on his neighbors be allowed to qualify as such—although there must have been circumstances where additional security could have been obtained by war and although so many wars have been launched for the enhancement of other values. Of course, where security serves only as a cloak for other more enticing demands, nations or ambitious leaders may consider no price for it too high. This is one of the reasons why very high security aspirations tend to make a nation suspect of hiding more aggressive aims.

Instead of expecting a uniform drive for enhanced or maximum security, a different hypothesis may offer a more promising lead. Efforts for security are bound to be experienced as a burden; security after all is nothing but the absence of the evil of insecurity, a negative value so to speak. As a consequence, nations will be inclined to minimize these efforts, keeping them at the lowest level which will provide them with what they consider adequate protection. This level will often be lower than what statesmen, military leaders or other particularly security-minded participants in the decision-making process believe it should be. In any case, together with the extent of the external threats, numerous domestic factors such as national character, tradition, preferences and prejudices will influence the level of security which a nation chooses to make its target.

It might be objected that in the long run nations are not so free to choose the amount of effort they will put into security. Are they not under a kind of compulsion to spare no effort provided they wish to survive? This objection again would make sense only if the hypothesis of pure power politics were a realistic image of actual world affairs. In fact, however, a glance at history will suffice to show that survival has only exceptionally been at stake, particularly for the major Powers. If nations were not concerned with the protection of values other than their survival as independent states, most of them, most of the time, would not have had to be seriously worried about their

security, despite what manipulators of public opinion engaged in mustering greater security efforts may have said to the contrary. What " compulsion " there is, then, is a function not merely of the will of others, real or imagined, to destroy the nation's independence but of national desires and ambitions to retain a wealth of other values such as rank, respect, material possessions and special privileges. It would seem to be a fair guess that the efforts for security by a particular nation will tend to vary, other things being equal, with the range of values for which protection is being sought.

In respect to this range there may seem to exist a considerable degree of uniformity. All over the world today peoples are making sacrifices to protect and preserve what to them appear as the minimum national core values, national independence and territorial integrity. But there is deviation in two directions. Some nations seek protection for more marginal values as well. There was a time when United States policy could afford to be concerned mainly with the protection of the foreign investments or markets of its nationals, its " core values " being out of danger, or when Britain was extending its national self to include large and only vaguely circumscribed " regions of special interest ". It is a well-known and portentous phenomenon that bases, security zones and the like may be demanded and acquired for the purpose of protecting values acquired earlier; and they then become new national values requiring protection themselves. Pushed to its logical conclusion, such spatial extension of the range of values does not stop short of world domination.

A deviation in the opposite direction of a compression of the range of core values is hardly exceptional in our days either. There is little indication that Britain is bolstering the security of Hong Kong although colonies were once considered part of the national territory. The Czechs lifted no finger to protect their independence against the Soviet Union and many West Europeans are arguing today that rearmament has become too destructive of values they cherish to be justified even when national independence is obviously at stake.

The lack of uniformity does not end here. A policy is not characterized by its goal, in this case security, alone. In order to become imitable, the means by which the goal is pursued must be taken into account as well. Thus, if two nations were both endeavoring to maximize their security but one were placing all its reliance on armaments and alliances, the other on meticulous neutrality, a policy maker seeking to emulate their behavior would be at a loss where to turn. Those who call for a policy guided by national security are not likely to be unaware of this fact, but they take for granted that they will be understood to mean a security policy based on power, and on military power at that. Were it not so, they would be hard put to prove that their government was not already doing its best for security, though it was seeking to enhance it by such means as international coöperation or by the negotiation of compromise agreements—means which in one instance may be totally ineffective or utopian but which in others may have considerable protective value.

It is understandable why it should so readily be assumed that a quest for security must necessarily translate itself into a quest for coercive power. In view of the fact that security is being sought against external violence—coupled perhaps with internal subversive violence—it seems plausible at first sight that the response should consist in an accumulation of the same kind of force for the purpose of resisting an attack or of deterring a would-be attacker. The most casual reading of history and of contemporary experience, moreover, suffices to confirm the view that such resort to "power of resistance" has been the rule with nations grappling with serious threats to their security, however much the specific form of this power and its extent may differ. Why otherwise would so many nations which have no acquisitive designs maintain costly armaments? Why did Denmark with her state of complete disarmament remain an exception even among the small Powers?

But again, the generalization that nations seeking security usually place great reliance on coercive power does not carry one far. The issue is not whether there is regularly some such

reliance but whether there are no significant differences between nations concerning their over-all choice of the means upon which they place their trust. The controversies concerning the best road to future security that are so typical of coalition partners at the close of victorious wars throw light on this question. France in 1919 and all the Allies in 1945 believed that protection against another German attack could be gained only by means of continued military superiority based on German military impotence. President Wilson in 1919 and many observers in 1945 were equally convinced, however, that more hope for security lay in a conciliatory and fair treatment of the defeated enemy, which would rob him of future incentives to renew his attack. While this is not the place to decide which side was right, one cannot help drawing the conclusion that, in the matter of means, the roads which are open may lead in diametrically opposed directions.[8] The choice in every instance will depend on a multitude of variables, including ideological and moral convictions, expectations concerning the psychological and political developments in the camp of the opponent, and inclinations of individual policy makers.[9]

After all that has been said little is left of the sweeping generalization that in actual practice nations, guided by their national security interest, tend to pursue a uniform and there-

[8] Myres S. McDougal ("Law and Peace" in the *American Journal of International Law*, vol. 46, No. 1, January 1952, pp. 102 *et seq.*) rightly criticizes Hans Morgenthau (and George Kennan for what Kennan himself wrongly believes to be his own point of view in the matter; see fn. 15 *infra*) for his failure to appreciate the rôle which non-power methods, such as legal procedures and moral appeals, may at times successfully play in the pursuit of security. But it is surprising how little aware McDougal appears to be of the disappointing modesty of the contributions which these "other means" have actually made to the enhancement of security and the quite insignificant contributions they have made to the promotion of changes of the *status quo*. This latter failure signifies that they have been unable to remove the main causes of the attacks which security-minded peoples rightly fear.

[9] On the problem of security policy (*Sicherheitspolitik*) with special reference to "collective security" see the comprehensive and illuminating study of Heinrich Rogge, "Kollektivsicherheit Buendnispolitik Voelkerbund", *Theorie der nationalen und internationalen Sicherheit* (Berlin, 1937), which deserves attention despite the fact that it was written and published in Nazi Germany and bears a distinctly "revisionist" slant.

fore imitable policy of security. Instead, there are numerous reasons why they should differ widely in this respect, with some standing close to the pole of complete indifference to security or complete reliance on nonmilitary means, others close to the pole of insistence on absolute security or of complete reliance on coercive power. It should be added that there exists still another category of nations which cannot be placed within the continuum connecting these poles because they regard security of any degree as an insufficient goal; instead they seek to acquire new values even at the price of greater insecurity. In this category must be placed not only the " mad Caesars ", who are out for conquest and glory at any price, but also idealistic statesmen who would plunge their country into war for the sake of spreading the benefits of their ideology, for example, of liberating enslaved peoples.

The actual behavior of nations, past and present, does not affect the normative proposition, to which we shall now turn our attention. According to this proposition nations are called upon to give priority to national security and thus to consent to any sacrifice of value which will provide an additional increment of security. It may be expedient, moral or both for nations to do so even if they should have failed to heed such advice in the past and for the most part are not living up to it today.

The first question, then, is whether some definable security policy can be said to be generally expedient. Because the choice of goals is not a matter of expediency, it would seem to make no sense to ask whether it is expedient for nations to be concerned with the goal of security itself; only the means used to this end, so it would seem, can be judged as to their fitness—their instrumental rationality—to promote security. Yet, this is not so. Security, like other aims, may be an intermediate rather than an ultimate goal, in which case it can be judged as a means to these more ultimate ends.

Traditionally, the protection and preservation of national core values have been considered ends in themselves, at least by those who followed in the footsteps of Machiavelli or, for other

reasons of political philosophy, placed the prince, state or nation at the pinnacle of their hierarchy of values. Those who do so today will be shocked at the mere suggestion that national security should have to be justified in terms of higher values which it is expected to serve. But there is a large and perhaps growing current of opinion—as a matter of fact influential in this country for a long time—which adheres to this idea. We condemn Nazis and Communists for defending their own totalitarian countries instead of helping to free their people from tyranny; we enlist support for armaments, here and in Allied countries, not so much on the grounds that they will protect national security but that by enhancing such security they will serve to protect ultimate human values like individual liberty. Again, opposition in Europe and Asia to military security measures is based in part on the contention that it would help little to make national core values secure, if in the process the liberties and the social welfare of the people had to be sacrificed; the prevention of Russian conquest, some insist, is useless, if in the course of a war of defense a large part of the people were to be exterminated and most cities destroyed.[10]

While excellent arguments can be made to support the thesis that the preservation of the national independence of this country is worth almost any price as long as no alternative community is available which could assure the same degree of order, justice, peace or individual liberty, it becomes necessary to provide such arguments whenever national security as a value in itself is being questioned. The answer cannot be taken for granted.

But turning away now from the expediency of security as an intermediate goal we must ask whether, aside from any moral considerations which will be discussed later, a specific level of

[10] Raymond Dennett goes further in making the generalization that, " if economic pressures become great enough, almost any government, when put to the final test, will moderate or abandon a political association " (such as the alliance system of the United States with its usefulness to national security) " if only an alteration of policy seems to offer the possibility of maintaining or achieving living standards adequate enough to permit the regime to survive." " Danger Spots in the Pattern of American Security ", in *World Politics*, vol. IV, No. 4, July 1952, p. 449.

security and specific means of attaining it can claim to be generally expedient.

When one sets out to define in terms of expediency the level of security to which a nation should aspire, one might be tempted to assume that the sky is the limit. Is not insecurity of any kind an evil from which any rational policy maker would want to rescue his country? Yet, there are obvious reasons why this is not so.

In the first place, every increment of security must be paid by additional sacrifices of other values usually of a kind more exacting than the mere expenditure of precious time on the part of policy makers. At a certain point, then, by something like the economic law of diminishing returns, the gain in security no longer compensates for the added costs of attaining it. As in the case of economic value comparisons and preferences, there is frequently disagreement among different layers of policy makers as to where the line should be drawn. This is true particularly because absolute security is out of the question unless a country is capable of world domination, in which case, however, the insecurities and fears would be " internalized " and probably magnified. Because nations must " live dangerously ", then, to some extent, whatever they consent to do about it, a modicum of additional but only relative security may easily become unattractive to those who have to bear the chief burden. Nothing renders the task of statesmen in a democracy more difficult than the reluctance of the people to follow them very far along the road to high and costly security levels.

In the second place, national security policies when based on the accumulation of power have a way of defeating themselves if the target level is set too high. This is due to the fact that " power of resistance " cannot be unmistakably distinguished from " power of aggression ". What a country does to bolster its own security through power can be interpreted by others, therefore, as a threat to their security. If this occurs, the vicious circle of what John Herz has described as the " security dilemma " sets in: the efforts of one side provoke countermeasures by the other which in turn tend to wipe out the gains of

the first. Theoretically there seems to be no escape from this frustrating consequence; in practice, however, there are ways to convince those who might feel threatened that the accumulation of power is not intended and will never be used for attack.[11] The chief way is that of keeping the target level within moderate bounds and of avoiding placing oneself in a position where it has to be raised suddenly and drastically. The desire to escape from this vicious circle presupposes a security policy of much self-restraint and moderation, especially in the choice of the target level.[12] It can never be expedient to pursue a security policy which by the fact of provocation or incentive to others fails to increase the nation's relative power position and capability of resistance.

The question of what means are expedient for the purpose of enhancing security raises even more thorny problems. Policy makers must decide how to distribute their reliance on whatever means are available to them and, particularly, how far to push the accumulation of coercive power. No attempt can be made here to decide what the choice should be in order to be expedient. Obviously, there can be no general answer which would meet the requirements of every case. The answer depends on the circumstances. A weak country may have no better means at its disposal than to prove to stronger neighbors that its strict neutrality can be trusted. Potentially strong countries may have a chance to deter an aggressor by creating " positions of strength ". In some instances they may have no other way of saving themselves; while in others even they may find it more expedient to supplement such a policy, if not to

[11] Not everyone agrees that this can be done. Jeremy Bentham wrote that " measures of mere self defense are naturally taken for projects of aggression " with the result that " each makes haste to begin for fear of being forestalled." *Principles of International Law,* Essay IV.

[12] The Quakers, in a book on *The United States and the Soviet Union: Some Quaker Proposals for Peace* (New Haven, 1949), p. 14, state that " it is highly questionable whether security can be achieved in the modern world through an attempt to establish an overwhelming preponderance of military power." This can be read to mean that a less ambitious military target than overwhelming preponderance might be a means of achieving security.

replace it, by a policy intended to negotiate their opponent out of his aggressive designs.

The reason why " power of resistance " is not the general panacea which some believe it to be lies in the nature of security itself. If security, in the objective sense of the term at least, rises and falls with the presence or absence of aggressive intentions on the part of others, the attitude and behavior of those from whom the threat emanates are of prime importance. Such attitude and behavior need not be beyond the realm of influence by the country seeking to bolster its security. Whenever they do not lie beyond this realm the most effective and least costly security policy consists in inducing the opponent to give up his aggressive intentions.

While there is no easy way to determine when means can and should be used which are directed not at resistance but at the prevention of the desire of others to attack, it will clarify the issue to sketch the type of hypotheses which would link specific security policies, as expedient, to some of the most typical political constellations.

One can think of nations lined up between the two poles of maximum and minimum " attack propensity ", with those unalterably committed to attack, provided it promises success, at one pole and those whom no amount of opportunity for successful attack could induce to undertake it at the other. While security in respect to the first group can come exclusively as a result of " positions of strength " sufficient to deter or defeat attack, nothing could do more to undermine security in respect to the second group than to start accumulating power of a kind which would provoke fear and countermoves.

Unfortunately it can never be known with certainty, in practice, what position within the continuum one's opponent actually occupies. Statesmen cannot be blamed, moreover, if caution and suspicion lead them to assume a closer proximity to the first pole than hindsight proves to have been justified. We believe we have ample proof that the Soviet Union today is at or very close to the first pole, while Canadian policy makers probably place the United States in its intentions toward Canada at the second pole.

It is fair to assume that, wherever the issue of security becomes a matter of serious concern, statesmen will usually be dealing with potential opponents who occupy a position somewhere between but much closer to the first of the two poles. This means, then, that an attack must be feared as a possibility, even though the intention to launch it cannot be considered to have crystallized to the point where nothing could change it. If this be true, a security policy in order to be expedient cannot avoid accumulating power of resistance and yet cannot let it go at that. Efforts have to be made simultaneously toward the goal of removing the incentives to attack. This is only another way of saying that security policy must seek to bring opponents to occupy a position as close to the second pole as conditions and capabilities permit.

Such a twofold policy presents the greatest dilemmas because efforts to change the intentions of an opponent may run counter to the efforts to build up strength against him. The dangers of any policy of concessions, symbolized by " Munich ", cannot be underestimated. The paradox of this situation must be faced, however, if security policy is to be expedient. It implies that national security policy, except when directed against a country unalterably committed to attack, is the more rational the more it succeeds in taking the interests, including the security interests, of the other side into consideration. Only in doing so can it hope to minimize the willingness of the other to resort to violence. Rather than to insist, then, that under all conditions security be sought by reliance on nothing but defensive power and be pushed in a spirit of national selfishness toward the highest targets, it should be stressed that in most instances efforts to satisfy legitimate demands of others are likely to promise better results in terms of security.[13] That is probably what George Kennan had in mind when he advised policy makers to use self-restraint in the pursuit of the national interest. While in the face of a would-be world conqueror who is beyond the pale of external influence it is dangerous to be di-

13 As A. D. Lindsay puts it, " The search for perfect security . . . defeats its own ends. Playing for safety is the most dangerous way to live." Introduction to Thomas Hobbes, *Leviathan*, p. xxii.

verted from the accumulation of sheer defensive power, any mistake about his true state of mind or any neglect of opportunities to influence his designs, where it has a chance of being successful, violates the rules of expediency. It should always be kept in mind that the ideal security policy is one which would lead to a distribution of values so satisfactory to all nations that the intention to attack and with it the problem of security would be minimized. While this is a utopian goal, policy makers and particularly peacemakers would do well to remember that there are occasions when greater approximation to such a goal can be effected.

We can now focus our attention on the moral issue, if such there be.[14] Those who advocate a policy devoted to national security are not always aware of the fact—if they do not explicitly deny it—that they are passing moral judgment when they advise a nation to pursue the goal of national security or when they insist that such means as the accumulation of coercive power—or its use—should be employed for this purpose.[15]

Nations like individuals or other groups may value things not because they consider them good or less evil than their alternative; they may value them because they satisfy their pride, heighten their sense of self-esteem or reduce their fears. However, no policy, or human act in general, can escape becoming a subject for moral judgment—whether by the conscience of the actor himself or by others—which calls for the sacrifice of other values, as any security policy is bound to do. Here it becomes a matter of comparing and weighing values in order to

[14] On the moral problem in international relations see my article on "Statesmanship and Moral Choice" in *World Politics*, vol. I, No. 2, January 1949, pp. 176 *et seq.*, especially p. 185. In one of his most recent statements on the subject, Reinhold Niebuhr, *The Irony of American History* (New York, 1945), points specifically to the moral problem involved in security policy—"no imperiled nation", he writes, "is morally able to dispense with weapons which might insure its survival" (p. 39).

[15] It is not without irony that of the two authors who have recently come out for a policy of the national interest, the one, George F. Kennan, who calls for a policy of national self-restraint and humility, usually identified with morality, should deny "that state behavior is a fit subject for moral judgment" (*American Diplomacy, 1900-1950*, Chicago, 1952, p. 100), while the other, Hans Morgenthau (*op. cit.*), calling for a policy of unadulterated national egotism, claims to speak in the name of morality.

decide which of them are deemed sufficiently good to justify the evil of sacrificing others. If someone insists that his country should do more to build up its strength, he is implying, knowingly or not, that more security is sufficiently desirable to warrant such evils as the cut in much-needed social welfare benefits or as the extension of the period of military service.[16]

Many vivid examples of the moral dilemma are being supplied by current controversies concerning American security policy. Is a "deal with fascist Spain" morally justified, provided it added an increment to our security, though principles valued highly by some were being sacrificed? Should we engage in subversive activities and risk the lives of our agents if additional security can be attained thereby? Should we perhaps go so far as to start a preventive war, when ready, with the enormous evils it would carry with it, if we should become convinced that no adequate security can be obtained except by the defeat of the Soviet Union? In this last case, would not the exponents of amoralism have some moral qualms, at least to the point of rationalizing a decision favoring such a war by claiming that it would serve to satisfy not primarily an egotistical national demand for security but an altruistic desire to liberate enslaved peoples? It is easier to argue for the amorality of politics if one does not have to bear the responsibility of choice and decision!

Far be it from a political scientist to claim any particular competence in deciding what efforts for national security are or are not morally justified. What he can contribute here is to point to the ambiguities of any general normative demand that security be bought at whatever price it may cost. He may also be able to make it more difficult for advisers or executors of policy to hide from themselves or others the moral value judgments and preferences which underlie whatever security policy they choose to recommend or conduct.

The moral issue will be resolved in one of several ways de-

[16] It would be unrealistic to assume that policy makers divide their attention strictly between ends and means and only after having chosen a specific target level as being morally justified decide whether the means by which it can be attained are morally acceptable. Moral judgment is more likely to be passed on the totality of a course of action which embraces both the desired end and the means which lead to it.

pending on the ethical code upon which the decision is based. From one extreme point of view it is argued that every sacrifice, especially if imposed on other nations, is justified provided it contributes in any way to national security. Clearly this implies a position that places national security at the apex of the value pyramid and assumes it to constitute an absolute good to which all other values must be subordinated. Few will be found to take this position because if they subscribed to a nationalistic ethics of this extreme type they would probably go beyond security—the mere preservation of values—and insist that the nation is justified in conquering whatever it can use as *Lebensraum* or otherwise. At the opposite extreme are the absolute pacifists who consider the use of coercive power an absolute evil and condemn any security policy, therefore, which places reliance on such power.

For anyone who does not share these extreme views the moral issue raised by the quest for national security is anything but clear-cut and simple. He should have no doubts about the right of a nation to protect and preserve values to which it has a legitimate title or even about its moral duty to pursue a policy meant to serve such preservation. But he cannot consider security the supreme law as Machiavelli would have the statesman regard the *ragione di stato*. Somewhere a line is drawn, which in every instance he must seek to discover, that divides the realm of neglect, the " too-little ", from the realm of excess, the " too-much ". Even Hans Morgenthau who extols the moral duty of self-preservation seems to take it for granted that naked force shall be used for security in reaction only to violent attack, not for preventive war.

Decision makers are faced with the moral problem, then, of choosing first the values which deserve protection, with national independence ranking high not merely for its own sake but for the guarantee it may offer to values like liberty, justice and peace. He must further decide which level of security to make his target. This will frequently be his most difficult moral task though terms such as adequacy or fair share indicate the kind of standards that may guide him. Finally, he must choose the means and thus by scrupulous computation of values compare

the sacrifices, which his choice of means implies, with the security they promise to provide.

It follows that policies of national security, far from being all good or all evil, may be morally praiseworthy or condemnable depending on their specific character and the particular circumstances of the case. They may be praised for their self-restraint and the consideration which this implies for values other than security; they may instead be condemned for being inadequate to protect national values. Again, they may be praised in one instance for the consideration given to the interests of others, particularly of weaker nations, or condemned in another because of the recklessness with which national values are risked on the altar of some chimera. The target level falls under moral judgment for being too ambitious, egotistical and provocative or for being inadequate; the means employed for being unnecessarily costly in other values or for being ineffective. This wide range of variety which arises out of the multitude of variables affecting the value computation would make it impossible, and in fact, meaningless, to pass moral judgment, positive or negative, on " national security policy in general ".

It is this lack of moral homogeneity which in matters of security policy justifies attacks on so-called moralism, though not on moral evaluation. The " moralistic approach " is taken to mean a wholesale condemnation either of any concern with national security—as being an expression of national egotism—or of a security policy relying on coercive and therefore evil power. The exponent of such " moralism " is assumed to believe that security for all peoples can be had today by the exclusive use of such " good " and altruistic means as model behavior and persuasion, a spirit of conciliation, international organization or world government. If there are any utopians who cling to this notion, and have influence on policy, it makes sense to continue to disabuse them of what can surely be proved to be dangerous illusions.

It is worth emphasizing, however, that the opposite line of argument, which without regard for the special circumstances would praise everything done for national security or more particularly everything done for the enhancement of national power of resistance, is no less guilty of applying simple and abstract moral principles and of failing to judge each case realistically on its merits.

In conclusion, it can be said, then, that normative admonitions to conduct a foreign policy guided by the national security interest are no less ambiguous and misleading than the statement of fact concerning past behavior which was discussed earlier. In order to be meaningful such admonitions would have to specify the degree of security which a nation shall aspire to attain and the means by which it is to be attained in a given situation. It may be good advice in one instance to appeal for greater effort and more armaments; it may be no less expedient and morally advisable in another instance to call for moderation and for greater reliance on means other than coercive power. Because the pendulum of public opinion swings so easily from extreme complacency to extreme apprehension, from utopian reliance on " good will " to disillusioned faith in naked force only, it is particularly important to be wary of any simple panacea, even of one that parades in the realist garb of a policy guided solely by the national security interest.

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THE SCHUMAN PLAN AND RUHR COAL

WHEN Alsace-Lorraine was annexed by the German Reich in 1871, the new border line, following the historic boundary of the old provinces, cut through the rich iron fields of the Briey basin. The southern half remained French. By 1913 each country extracted an almost equal amount of iron ore on both sides of the border (approximately 21 million tons). In the production of pig iron, ferroalloys and steel, however, France lagged woefully behind Germany. In 1913 Germany produced 17.6 million tons of steel as against 4.7 million tons in France.[1]

The classical pattern of nineteenth-century enterprise prevailed in the French iron and steel industry, consisting mainly of family-owned, medium-sized plants with little incentive to expand and modernize. In the meantime the Germans went ahead to create an integrated system—the first on the continent—of steel production based on iron ore from Lorraine and coke from the Ruhr. Pig iron and iron ore would flow north to feed the huge metallurgical plants erected near the coal mines, while Ruhr coke would flow south to the blast furnaces in the Lorraine fields. Like the United States, Germany now possessed the two basic raw materials within its borders, and moved iron ore to the source of coal.[2]

[1] Production figures are taken from Appendix A, *Eleventh and Twelfth Reports to Congress* of the Economic Cooperation Administration (1950-1951); *Statistical Yearbook*, United Nations (1949-1950), pp. 141, 150, 255-257; production tables in T. S. Lovering, *Minerals in World Affairs* (New York, 1943), p. 349 and *passim*.

[2] The similarity between the movements of ores on the Great Lakes and on and along the Rhine (water and rail) is obvious. If the iron ore deposits of the Lake Superior region were located north of the border, no international complications would have arisen. The flow of iron ore to the south shores of Lake Erie and Michigan would have been organized in much the same way as it is now. The Canadians would *not* have contested the ownership of United States steel. On the contrary, they would have enjoyed the prospect of more United States dollars at their disposal to be spent in the United States. The historic fact remains, however, that if the United States and Canada had fought three wars over Minnesota, economic considerations would have succumbed to *Realpolitik*.

During the First World War the Ruhr industrialists demanded the whole Briey basin for " total integration ". After the war French political thinking was dominated by a justifiable fear of German dynamic power and aggression. The French nationalists behind the Tiger wanted the Rhineland to be politically " independent ", that is, cut loose from Germany, though not necessarily " de-Germanized ", but integrated economically with France. Now, with the return of the Lorraine fields to France, the French proposed to build metallurgical plants near the iron ore mines. They expected coal from the Ruhr and the Saar (whose mines were ceded to France as part of German reparation payments). Thus, the flow of coke to the iron ore would have given France the advantage of free coal, use of her own iron ore, and consequently lower-cost steel production.

The French plan was finally thwarted partly through their own blunders (Ruhr occupation in 1923), partly through well-organized German passive resistance and sabotage. Though unintentionally, support to Germany came from unexpected quarters such as British public opinion—and Mr. Keynes. As an economist, Keynes was very much concerned with the effect of the French Ruhr policies. He feared a lasting disturbance of equilibrium if the French persisted in building in the Lorraine basin and in claiming free coal from the Ruhr. Though he accepted the new political frontier, he objected to the creation of " economic frontiers ".

> The economic frontiers [he wrote] which are to be established between the coal and the iron, upon which modern industrialism is founded, will not only diminish the production of useful commodities, but may possibly occupy an immense quantity of human labour in dragging iron or coal, as the case may be, over many useless miles to satisfy the dictates of a political treaty or because obstructions have been established to the proper localisation of industry.[3]

Keynes was accused of Francophobia when he attacked the political and economic provisions of the Versailles Treaty and

[3] J. M. Keynes, *The Economic Consequences of the Peace* (New York, 1920), pp. 91-92.

sided with the Germans in the Ruhr dispute. The fact remains, however, that it is uneconomical to move coal—the lower-cost bulk product—to the source of iron. Yet, Keynes weakened his case considerably with his predictions " that Germany cannot export coal in the near future if she is to continue as an industrial nation ",[4] that the production of iron and its derivatives would decline drastically in Germany, and that the total volume of production in Western Europe would diminish correspondingly.

As Mantoux, in his brilliant rebuttal to Keynes, pointed out, " Germany need never fear a shortage of iron supplies from France—in peacetime, at any rate—but on the other hand, France would soon experience some difficulty in exporting her iron manufactured goods to Germany." [5] Germany could get all the iron ore she wanted in the free market from Sweden, Spain, and others, while Lorraine ore continued to flow to the Ruhr as before. Though she was deprived of her principal sources of ore, and produced less than a quarter of her 1913 total, Germany's output of pig iron, ferroalloys and steel continued to rise until 1929 when world production reached its pre-depression peak. In that year Germany produced 16.2 million tons of steel as against 9.7 million tons in France.

Mantoux wrote:

> It is clear that the output would have been increased even faster if in 1929 the International Steel Cartel had not been formed with a view to stabilizing prices between the iron and steel industries of France, Belgium, Luxumbourg and the Saar, who decided to limit total production to allocate it between themselves according to variable percentages.[6]

As normal market conditions returned, the fear of shortages in raw materials evaporated. Instead, Western producers were now confronted with prospects of glut and unemployment. French iron smelters found it easy to buy Ruhr coke, but difficult to sell iron manufactures.

[4] *Ibid.*; see also J. M. Keynes, *A Revision of the Treaty* (London, 1922).

[5] E. Mantoux, *The Cartheginian Peace* (London and New York, 1946), p. 74.

[6] *Ibid.*

The French were plagued by political instability, the inertia of French enterprise, and the effects of cartellization which resulted in restriction of output, high cost, misdirection of capital, and so on. Germany, on the other hand, was able to recoup her pre-war position quickly. A new industrial revolution was now in progress, based on newly developed chemical and improved metallurgical processes. With the advent of a Nationalistic régime bent on restoring Germany's war potential, Ruhr coal was destined again to play a decisive rôle. The importance of coal as a fuel is now secondary to its importance as a raw material for new chemical processes. "Coal, once an abundant commodity, has become a scarcity."[7] This was true at the height of war preparation; it is equally true today. Under the watchful eyes of the government, there was a mad rush of the few surviving combines for the control of coal.

> In German industry, mixed plants, that is, a combination of iron and coal, mining, metallurgy, and engineering, were always decisive. Coal was and is the basis of industrial production, and each steel mill, each big machine-tool construction plant, fought for a coal basis. Very soon the new methods of coal processing made the acquisition of a coal basis a vital concern of the chemical industry.[8]

In the depth of the depression, Germany's total output of coal amounted to 20 per cent of world production; it rose to almost 30 per cent in 1940, while France's share amounted to 2.9 per cent only.

> In 1937 it [the Ruhr district] produced 127.8 million metric tons of coal—three times as much as all France and more than the entire Soviet Union. Its coal of excellent coking quality formed the basis for chemical and metallurgical industries. The coal mined in the Ruhr in 1937 contained more power than was produced by all the hydroelectric installations in the world in that year (the equivalent of 200 billion kilowatt-hours, as compared with 172 billion kilowatt-hours).[9]

[7] Franz Neumann, *Behemoth* (New York, 1942), p. 279.

[8] *Ibid.*, p. 277.

[9] E. W. Zimmermann, *World Resources and Industries* (London and New York, 1951), pp. 468-469.

Germany's iron ore production in 1929 was still a fraction of its 1913 total (35.9 million tons in 1913; 6.2 million tons in 1929). It fell to 1.3 million tons in 1932, but rose dramatically (due to the aggressive policy of the government) to 15 million tons in 1940.

Though France controlled the source of iron ore, she was forced to curtail her output from the 1929 peak of 50.7 million tons, or 25 per cent of world production, to 27 million tons in 1932. While her output rose during recovery and war preparation (to 37.8 million tons in 1937) her share in world production, when the Second World War began, had declined to one half of 1929. The per capita consumption of steel in France in 1935 was 115 kg. as against 212 kg. in Germany; in 1938 it increased to 315 kg. in Germany, while it remained 118 kg. in France.[10] France's recovery in the production of pig iron and steel lagged far behind Germany, and when the war broke out she produced only about 6 million tons of steel.

The quick conquest of northern France by the Germans in 1940 enabled them to triple their ore output as compared to 1932. Extensive bombing of industrial areas during the war, the division of the country, and the loss of markets caused a sharp post-war decline in German, and particularly in Ruhr, production. Coal output in the Ruhr in 1946 amounted to one third only, while steel fell to one fifth (as compared with 1939).

The problem of the Ruhr remained to be solved. Neither the British nor the Americans took seriously the plan to reduce the Ruhr district to digging coal, while the chemical and metallurgical industries concentrated near the mines would be removed as reparation payments. Since the Russians demanded a major share in the distribution of plants to be dismantled, the Allies were reluctant to let strategically important plants go and, after a number of industries had been removed, stopped dismantling altogether. Another plan to socialize and internationalize the Ruhr district, while keeping its industries intact, was also rejected by the Allies since it would have given Russia a voice in controlling its management. Limited socialization on

[10] Steel Division, Economic Commission for Europe, *European Steel Trends in the Setting of the World Market* (Geneva, 1949), p. 22.

a British model, under the supervision of the West, was distasteful to the United States as well as to France.

Disagreement among the Western Allies became more and more pronounced. Western European nations objected at first to the inclusion of Germany in an integrated Western European economy. They feared her competition, her war potential, and her rôle in a revived cartel system. The United States, concerned over Russia's war potential, was anxious to see the output of strategically important products increased as quickly and as efficiently as possible. And, indeed, the Ruhr industries did not disappoint us. In four years, from 1946 to 1950, production of steel increased fivefold.

The loss of Lorraine iron ore and Saar coal fields does not curtail Germany's steel-making capacity. The loss of the Silesian coal fields, however, raises serious problems. In 1940 Germany produced 30 per cent of the world's total in coal, Russia only an estimated 7.5 per cent. Today, the Western European countries, with the exception of Britain, produce only an estimated 13 per cent, while the pro-Russian bloc has increased its share of the world total to an estimated 23 per cent. The output of steel in the West amounts to about 17 per cent, while the Russian bloc turns out almost 20 per cent of the world's total.

After the break with Russia, the Allies adopted a policy of piecemeal relaxation of the restrictions imposed upon German industry. In 1949 an agreement was reached to review the limitations and prohibitions of post-war years, and to permit Germany to raise its steel production above the set limit of 11 million tons a year. In addition, permission was given to reopen synthetic oil refineries and synthetic rubber plants. Additional plants are being built now and planned for the future. As a result of Allied concessions, the chemical industries are again carrying on, the roller-bearing industry is recovering, and the shipbuilding industry, with limitations on size and speed removed, is coming back in the 1950's as fast as it did in the 1920's.

The European Recovery Program has become an effective weapon in whipping Western nations into an integrated political and economic system. The production quotas set by the

O.E.E.C. (Organization for European Economic Cooperation) in 1948 for the five years from 1948 to 1953 were met in 1951. In 1950 France finally succeeded in topping her 1929 figures in steel production, and in 1952 she may exceed her proposed quota of 15 million tons of iron and steel (as against 6 million tons in 1938).[11] Saar production would add about 2 million tons.

The O.E.E.C. targets [12] for German steel, having been limited at first by an international agreement at 10.7 ingot tons, are now greatly increased. In 1950 the Ruhr district again turned out 12 million tons, that is, only 2½ million tons less than in the last pre-war year. But coal has remained on the 1938 level, while the index of industrial production has climbed to 140 as compared to 1938. With the Saar and the Silesian coal fields detached, Germany produced in 1950 only 110.7 million tons of bituminous coal as compared to 220 million tons in 1940.

Meanwhile the coal deficit grows with little prospect of replenishment through corresponding increase in output. There is the vexing problem of declining productivity in the post-war years. Low productivity as compared to the United States is due partly to natural conditions.[13] In 1937 the output per worker in the United States was three times as high as in Western Germany, in 1948 it was six times as high. The miner in the Ruhr district now receives comparatively high wages and adequate food; consequently his output is slowly increasing. Further mechanization may help increase his productivity.

Yet, the problem of labor shortage remains. It has been suggested that the German government draw from the pool of unemployed *Volksdeutsche* who were forced to leave Eastern Europe, but these people are mainly small farmers, tradesmen, or officials, who would fiercely resist descending into an undesirable occupation level. Formerly, mining in the Ruhr district depended for its marginal labor supply mainly on Silesia or Poland proper. Now this source has completely dried up. It

[11] O.E.E.C., *Interim Report on the E.R.P.*, vol. 2, Dec. 31, 1948, pp. 312-313.

[12] *Ibid.*, pp. 966-967.

[13] "The seams [in U. S.] are easier to work on account of their thickness and regularity, and they lend themselves better to mechanization both in cutting and in underground transport." Steel Division, E.C.E., *op. cit.*, p. 51.

may be argued that Belgium, which, like France, is a high-cost producer, close her marginal mines, and induce her miners to migrate to the Ruhr district. It is doubtful whether Belgians would willingly leave their homes or whether miners in the Ruhr district would welcome them—unless perhaps, they would come as migrant workers to leave as soon as the emergency is over.

Training of a substantial labor force, skilled in mining, is a long-run proposition. It involves a shift from preferred, though less remunerative, occupations, special incentives, still higher wages, and so on. Though productivity (due to additional mechanization) may steadily increase, the cost of producing coal would still go up and thus in the long run weaken the competitive position of Western steel producers. Yet " the role of the steel industry in an economically healthy Europe is to provide as much cheap steel as can be consumed in Europe and exported to other continents." [14]

The interdependence of European countries for their supply of raw materials is best illustrated in the table below:

Dependence of the Main European Steel-Producing Countries on Imports of Essential Raw Materials from Other European Countries

Country	*Iron Ore*		*Scrap*		*Coal and Coke*	
	pre-war	post-war	pre-war	post-war	pre-war	post-war
1. England	50	45	10	10	—	—
2. France	—	—	—	—	55	50
Saar	100	100	25	—	15	—
3. Germany	75	45	5	—	—	—
4. Belgium	100	100	—	20	30	25
5. Luxembourg ...	30	50	—		100	100
6. Italy	30	10	35	35	100	100
7. Netherlands	100	100	—	—	—	—

Source: Steel Division, E.C.E., *op. cit.*, p. 43. Austria and the countries within the Soviet sphere have been omitted. The dependence factor, expressed by the percentage of net imports to consumption, has been given in round figures to the next 5 per cent.

In France, the iron ore output per man in 1949 was 1,266 metric tons (with an iron equivalent of 420 tons), while in Germany it amounted to only 404 metric tons with an iron equivalent of 139 tons). The coal output per manshift was 610 kg. in France in 1948 as against 958 kg. in Germany in the same year, though the post-war decline in French output amounted to one fourth, while in Germany it fell by one third.

[14] *Ibid.*, p. 21.

The logic of comparative advantage is clear. The E.C.E. report for 1949 implied that a recession was imminent, since " abundant and sufficiently cheap steel is a prerequisite to a proper development of the European economy " and " large exports of steel and of manufactured products made from steel are one of the essential conditions for Europe to balance its trade with other continents." [15]

When the Schuman Plan proposing a Franco-German steel pool was announced (May 9, 1950), it was expected that the deflationary trends which had developed in 1949 would continue in the early 1950's with a corresponding decline in the price of raw materials, such as coal. The professed aim of the Plan was to establish by treaty a " community of production ", a single European market for coal and steel, a market where " consumers of raw materials would be *guaranteed* free access to sources of production." [16] Without some binding Franco-German agreements, the vertical combines in the Ruhr which control their own coal supply, anticipating a glut, were expected to revive the old cartel tactics of dual pricing and restriction of production. As in the 1930's, German producers would again be able to buy iron ore at the lowest possible price level, while the French would remain dependent on Ruhr coke, as before.

The dramatic developments following the outbreak of the Korean War completely reversed earlier trends. In 1949, a surplus of coal, scrap and iron was expected; in the second half of 1950 with rearmament and stock-piling in full swing, accompanied by speculative buying, prices went up sharply as critical shortages developed. It was no longer a question of getting " sufficiently cheap steel " but " abundant steel " at any price. Instead of being confronted with price discrimination in the allocation of coal, the French now faced a diminishing supply,

[15] *Ibid.*, p. 39.

[16] Statement made by Robert Schuman, French Foreign Minister, May 9, 1950.

simply because there was not enough coal to satisfy the rapidly increasing demand. Before the crisis developed, the recommendations of the Coal Committee of the Economic Commission for Europe were usually followed in making allotments of coal. But now, as military needs exceed its supply, participating countries are quarreling over their shares.

The fact remains, however, that Western Germany has now become a net importer of coal, relying mainly upon the United States to make up her deficit.[17] Full-scale production in the Ruhr district necessitates a vast increase in the use of coking coal. With supervision of heavy industries and restrictions on steel production in the Ruhr gradually removed, German steel output has now reached a rate of about 15 million tons a year, far outstripping the quotas set by the O.E.E.C. for 1951-52. If all limitations on production of war materials are removed, as demanded by the Adenauer government, Germany may increase her output by about one fourth at the end of 1952 (to 19 million tons a year), and if, during the period of intensified rearmament, she is permitted to expand at the same rate (limited only by her coal supply), she will again dominate the European steel market.

With the acquiescence of the Allied High Commissioners, vertical combinations, based on coal, with steel and products made of steel as end products, are being rapidly reconstituted. Law 27 permits reorganization of iron and steel units into 26 "core" companies (*Kerngesellschaften*), of which 14 have already been formed. The holding company is a convenient form to effect a nominal transfer of shares from one company to another. Though the structure of pre-war ownership has been restored as far as possible, the specter of nationalization still remains.[18] Whether privately owned or not, the Ruhr industries are, as in the pre-war period, "rationalized", that is, organized into combines of optimum size, each combine thus retaining its own coal base. The coal sales organization of the Ruhr district, a quasi-monopolistic outfit, has been permitted to function, though the French have objected to centralized sales organizations which, contrary to the spirit of the Schuman Plan, may again practice price discrimination in favor of Germany.

[17] Coal imports from the United States increased sharply during 1951. They amounted to about 3,000,000 tons a month in the last quarter. Poland, the second important source of coal, sent approximately 1,000,000 tons a month in 1951. The price of United States coal in Europe—$10 a ton—has become the general selling price, a high cost factor for coal consumers, benefiting coal producers (especially Poland) but detrimental to steel producers without coal bases. *New York Times*, December 1, 1951.

[18] The High Commission, anxious not to intervene in German internal affairs, expressed the desire not to prejudice the legal right of the federal legislature to determine at any time the eventual ownership of the industries. A victory at the polls in 1953 may embolden the otherwise moderate Social Democrats to seek nationalization based on a purely nationalist, pro-German, policy.

Thus, while steel production in Germany has reached 100 per cent of its capacity, French producers are operating at only 85 per cent, due mainly to the lack of coal. The French steel industry, suffering from obsolescence in many plants, and depending mainly upon Ruhr coal, faces another equally serious problem, besides increasing inflationary pressure. In terms of trade, France, a weak-currency country, finds itself in an increasingly unfavorable position as an importer from Germany with its overvalued mark. Thus, through the medium of exchange a form of price discrimination is practiced, which means that French consumers of German coal pay a still higher price. Only a common currency or German devaluation could give France better terms.

The French government had no choice (unless it repudiated its own plan) but to accept a *fait accompli*. The Third Force elements which comprise the somewhat elusive working majorities in the Chamber of Deputies have one political objective in common: to preserve the Fourth Republic and its institutions. In their quest for security they are ready to relinquish some sovereign rights jealously guarded in the past. The original intent of the Schuman Plan, as conceived by M. Monnet, was simple. A supranational organization, political in character (though the objectives of the Plan are, for the time being at least, purely economical), is created, with a High Authority as its executive arm, charged with supervision and regulation of the flow of coal, iron and scrap, unrestricted by tariff barriers and cartel practices.

The Pact, as ratified by the six participating nations (France, Germany, Italy, the Netherlands, Belgium and Luxembourg) sets up a stable but complicated and cumbersome administrative body with limited powers, which will supersede the fluid cartel arrangements of the inter-war period. It may have been sufficient, as Great Britain suggested, to create within the framework of the Council of Europe loosely coördinated agencies which would cope with all the problems affecting Western Europe, including defense. But security-minded France preferred a solemn treaty though it involved at first only two commodities. France signed the treaty, but not without "misgivings" that, though the High Authority would "intervene only in periods of crisis", she would henceforth "be living continuously under a regime of international *dirigisme*." These "misgivings" of the Third Force stem from a profound distrust of *dirigisme* (state control), and from the fear that the Authority may prove to be "partisan"; for example, "that . . . it will act in a manner systematically unfavorable to French interest." [19]

The Authority need not be "partisan", however, unless the Plan is interpreted to mean that "the most rational distribution of production at the *highest level of productivity*" is possible only if steel production were concentrated near the coal base. This would quite naturally defeat the real purpose of the Plan. It would then take as its guiding principle the declaration of the former High Commissioner, Mr. John J. McCloy, "that with German efficiency all uneconomic concerns in other Schuman Plan countries will be eliminated in a short time." Here we return to arguments similar to Keynes's in his *Economic Consequences of the Versailles Treaty*. If the Ruhr district is

[19] Quoted from a speech by M. Faure (former premier) speaking for the Third Force during the debate in the Chamber of Deputies, preceding the ratification of the treaty. (*News from France*, Jan. 15, 1952, No. 1, p. 7.) It is perhaps worth noting that the Socialists, whose preference for a mild form of *dirigisme* stems from their desire to maintain full employment and to accelerate social reforms, are anxious to see the legislative arm strengthened at the expense of the High Authority. Actually the powers of the Authority are limited, by giving the Common Assembly (appointed by the various national parliaments) and a special Council of Ministers (one minister for each participating nation) the right to overrule decisions made by the Authority. Besides, a Court of Justice is vested not only with the powers of review but also with "special responsibility" to intervene, "should the functioning of the common market provoke fundamental and persistent disturbances in the economy of one of the member states." Article 37, Treaty Draft.

capable, in the long run, of producing at the highest level of productivity and if, in times of contracting demand, it can provide a common market with all the steel it needs, why should not the Authority concentrate its investments at the Ruhr coal base, and thus reduce the other districts to a mere satellite position? It would simply legitimize what was bound to happen, if only tariff barriers or quota systems were abolished, or if prewar cartels were reinstituted.

The simple conclusion from these unpalatable facts is: free market forces and a general upswing favor concentration in the Ruhr with its coal bases, skilled labor, ideal location and, consequently, ready capital from abroad. An inevitable downswing would find the Ruhr combines with their experience in "rationalization" of production better prepared to cope with the situation. It is clear that if the Authority refrains from interfering with the market, except in a "recognized" crisis, steel concentration in the Ruhr increases and France's share in its coal decreases.[20] The danger to steel producers in the Lorraine district could be avoided only if the French government assists them indirectly. But no French government would agree to the elimination of even a part of French steel production, or to the wholesale transfer of French workers into the Ruhr district. For this reason, German labor unions are unalterably opposed to the Schuman Pact. They fear that, since it provides for pooling of workers, poor mines in France and Belgium would have to be closed and workers from these countries would be sent to districts with remaining rich deposits. That means Germany.

The High Authority inherited a system of coal allocation which runs the gamut from centralized selling organizations and coal-steel combines in the Ruhr district to the O.E.E.C. in Paris. Nations and industries are now "competing" for a maximum share in the distribution of a relatively scarce raw material. If the Authority intervenes now, it may invoke Article 59 of the Treaty, and "establish consumption priorities and

[20] In the Chamber debate, Pierre André voiced the fear of the French industrialists, "that German consumption of coke will increase, because Germany will need to produce more steel and the Germans will need all their production for the steel industry. . . ." *News from France*, Jan. 15, 1952, No. 1. p. 7.

determine the allocation of coal and steel resources among the industries subject to its jurisdiction." [21] This would result in an imposition of higher coal export quotas upon the Ruhr district, equalizing the coal supply for the productive capacity of all participating countries.

A particularly difficult problem, however, arises from the fact that the High Authority will be called upon to reconcile conflicting national interests without direct interference, if " normal market conditions " favor concentration, or to expose and prevent " restraint of trade " which may result from such concentration. It may impose fines, order the dissolution of combines; but can it stop open or concealed cartel practices,[22] unless it has the power to coerce a recalcitrant nation to abide by its decisions?

Fortunately, coal production continued to rise in 1951 and 1952,[23] thus easing the Authority's allocation problem considerably. But, more important, the great Western Powers realized that the High Authority must be given extensive sovereign powers, if the treaty is to be enforced effectively. When the High Authority was finally installed in the city of Luxembourg last August, Mr. William J. Draper, special United States representative in Western Europe, met M. Monnet, the newly elected President, in a formal diplomatic conference. Definite commitments were made. The United States, represented by an accredited mission, will negotiate direct agreements affecting the allocation of coal imported from the United States, the allotment of Congressional funds voted for mutual aid in Western Europe, or the marketing of High Authority bonds, thus tapping the private capital market.

Though the Churchill government is not ready to join either the pool or a Western federation, it has nevertheless decided to establish the " closest association " with the High Authority by sending a strong delegation which " will have the task of laying

[21] Treaty Draft, p. 49.

[22] Concealed cartel practices were reported from coal regions, where hoarding of coal and iron scrap was encouraged by the government.

[23] In 1951, coal production increased by 6 per cent in Western continental Europe as against 4 per cent in Eastern Europe and 3 per cent in Great Britain. *Economic Survey of Europe in 1951*, p. 65.

the foundation for intimate and *enduring* association between the Community and the United Kingdom." Another, perhaps more decisive, factor is the readiness of the three more powerful member nations of the pool to extend the scope of the Schuman Plan and transform the Community into a political union. These governments, though conservative and traditionally nationalistic and particularistic, but motivated, no doubt, by fear of recurring crises and radical experiments, have now agreed to federalization, to accept a constitution drafted by the Ad Hoc Committee of the Schuman Plan Assembly, to establish a common parliament, and eventually to evolve a common monetary, tariff and defense system. Federalization would strengthen the Authority immeasurably if, as a result of intergovernmental unity, arising disputes could be settled on a regional rather than a nationalistic basis.

But even if the Authority succeeds in the internationalization (within the six-country pool) of coal and steel, and in eventually extending its control over all other basic resources, it is still faced with a formidable task. Cyclical fluctuations in steel consumption have, in the past, been far more violent than those in net industrial output. M. Monnet simplifies matters somewhat, when he declares that " for the foreseeable future, overproduction is out in Europe . . . we can expand with confidence." If military requirements are reduced, and " there is peace, the East will want steel." However, " if there is a real crisis of overproduction there will be quotas." [24] The French government took great pains to explain the difference between cartel practices and the proposed interventionist policies of the High Authority. It is true that cartel agreements were entered into secretly for the purpose of fixing prices, reducing output, dividing markets, and so on; but at a time of declining demand, and in the absence of direct government intervention, they attempted to bring some order into a chaos of price wars, dumping, and a high rate of business mortality.

The Schuman Plan organization may outlaw cartels in principle, but can it refrain from such practices if, during a recession, it is faced with a glut, and, consequently, with disastrously

[24] Interview with M. Monnet, *Fortune*, January 1952, p. 146.

falling prices? "A cartel", says M. Monnet, "regards *any* oversupply as a potential crisis, and anticipates it with production controls to avoid competition."[25] The High Authority would, after recognizing "existing crises", take "appropriate measures" *openly,* such as production quotas, limitation of imports, and so on, when overproduction threatens. But if crises are continuous (as they are most likely going to be in the foreseeable future), it is the duty of the High Authority to "anticipate". One of the specific functions is to "carry on a permanent study of the market." One assumes that these studies are not meant to be merely exercises in statistics.

As long as massive buying for stock-piling and rearmament persists, as long as American funds continue to flow into Western Europe, building new strip mills, mechanizing coal production and modernizing industries in general, there is little concern over "existing crises"; for example, over the problem of added output and allocation. But if rearmament reaches a saturation point, possibly in two or three years, and if defense expenditures are subsequently curtailed abruptly, causing a sharp decline in demand, will the High Authority permit "normal market conditions" to deflate the existing price structure[26] (with consequences similar to the early 1930's)? Will it attempt to protect producers by freezing prices—an old cartel practice?

The proponents of the Schuman Plan claim that they, unlike cartelists, believe in continuous growth, continuous expansion. Statistical studies have proved that there is a direct relation between the growth rate of industry and the rate of reduction in real cost. If the cost of coal is kept high, they cannot have *sufficiently cheap* steel for returning normal market conditions. Cartels were held responsible for stunting industrial growth through price-fixing. We have here the same vicious circle. Price control in the interest of coal and steel consumers may lead

[25] *Ibid.*

[26] During 1951 average wholesale prices of hard coal continued to rise in coal-producing countries (12 per cent in Western Germany, 42 per cent in France). The effect upon coal-importing countries was a disproportionately higher increase, such as 72 per cent in Sweden and 79 per cent in Austria. *Economic Survey of Europe in 1951,* p. 66.

to direct intervention, perhaps assuming the responsibility of managing the industries by the Authority. With controls over financing, production and marketing eventually centered in the city of Luxembourg, the High Authority would develop into a *Central Planning Board,* whose decisions based upon "anticipation" and definite plans would be binding upon all member firms, privately owned or nationalized. This is the kind of *dirigisme* which diverse groups such as the Third Force in France and the industrialists in the Ruhr district sought to avoid.[27]

Conclusion

The very novelty of this experiment makes its ultimate results hard to predict. Highly optimistic press releases from Strasbourg should be taken *cum grano salis.*[28] Federalization as proposed in Strasbourg will *not* in itself prevent recurrent economic crises. Resumption of East-West trade may, as M.

[27] The Ruhr industrialists objected to an Authority with coercive powers as *super-dirigisme.* They suggested instead the creation of a purely supervisory agency "leaving the initiative to management of the producers who are responsible for the destiny of their enterprises." *New York Times,* Jan. 27, 1951.

[28] Correspondents reporting from Strasbourg and editorial writers commenting on the "Monnet miracle" naïvely assume that once the Plan is put into effect a "common" "free" market will evolve, a market corresponding to the classical rules of competition. "To show how the system is designed to work," writes Harold Callender in the *New York Times* (June 21, 1952), "let us take the case of a steel mill in France. Under the Schuman plan it will be free to buy its coke anywhere in the six countries as if there were no frontiers. It will, in fact, buy it in Germany mostly. It will have before it the price lists of all producers in the area and will be free to *bargain with them* [italics mine], kowing that there cannot be any price-fixing agreements or double prices or subsidies to falsify selling rates. The steel mill will itself be subject to the same rules. . . ."

It would be heart-warming, indeed, to watch a little French steel mill bargain with a Ruhr producer over a ton of coal in a nineteenth-century setting of free competition under the ever-watchful aegis of the High Authority. But, as Mr. Callender explains, "If it [the High Authority] deems this desirable, it may fix minimum and maximum prices . . . it may fix production quotas . . . it may apportion the output among the states in times of shortage . . . it may impose fines", et cetera. A common market, perhaps, but is it free and competitive according to the rules? Like his confrères in Strasbourg, Mr. Callender, being carried away by his enthusiasm for the Plan, indulges in slight exaggerations and, consequently, though unwittingly, in slight contradictions. His endearing French steel mill owner studying "price lists of all producers" may find—unlike wine lists, of which journalists are particularly fond—only one price, fixed either by the Authority or by combines, if the Authority relaxes.

Monnet suggested, relieve the West of some surpluses after the rearmament boom, but only in the short run. Detailed plans have been prepared by United Nations agencies, by authorized committees (and others) here and abroad, suggesting gigantic international development and welfare projects (Point 4, for example), programs for a steady increase in the standard of living, in both industrial and raw-material-producing countries, international agreements affecting the flow of raw materials and capital, regularization of consumption, et cetera—in short, an integrated economic system, of which the Western coal-steel pool would form but a small part. It remains to be seen whether these measures, if accepted, are effective in staving off a serious recession.

The architects of the Schuman Plan envisaged a Saint Simoniste type of "industrial system", a "productive association" of all Europe evolving from the Schuman Plan organization. They are hard at work now in Strasbourg, in the Schuman Plan Assembly and its offspring, the Ad Hoc Assembly, laying the groundwork for a European federation. Perhaps the day is not far off when Victor Hugo's cherished dream of a "cantonized" Europe becomes feasible; when nations once hostile are (in the words of the late Lord Balfour) "so fundamentally at one that they can safely afford to bicker; and are so sure of their own moderation that they are not dangerously disturbed by the never-ending din of political conflict."

Today, a world state still remains a Utopian dream. To settle even a minor dispute member nations still resort to bilateral negotiations. Before they met officially, when the Council of Ministers (of the Community) convened last summer, Dr. Adenauer and M. Schuman had a *secret* talk regarding the status of the Saar!

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SWITZERLAND'S POSITION IN THE WORLD PEACE STRUCTURE

SOME people wonder whether Switzerland is anything more than a museum or a great vacation park for foreign tourists. While they do not question the nation's independent existence, they seem to think that Switzerland's foreign policy is anachronistic. Why did the Swiss not apply for membership in the United Nations? Why did they refuse to send a representative to the European Council? What is neutral Switzerland doing for the preservation of peace?

The answers to these questions, which have been frequently asked in recent years, are not easy. When we consider the magnitude of the present world crisis, the importance of the challenge with which the world is confronted and the innumerable difficulties in which the countries of Asia, of the Western hemisphere and of Europe are involved, we might be tempted to repeat with André Siegfried [1] the maxim of La Rochefoucauld: "C'est une grande folie de vouloir être sage tout seul."

I believe, however, that some sort of positive answer can be given; and that Switzerland, in spite of its neutrality, in spite of its smallness, makes its own contribution to the development of peaceful collaboration among the nations of the world.

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To begin with the smallest, but also the most natural, of its contributions, we shall mention the fact that Switzerland at least does not endanger peace and has not been, for a long time, a threat to any of its neighbors. In our era, when not only big states but even small nations have not always refrained from the use of arms for the defense of what they consider as their interests, I think that this readiness for peace and these pacific dispositions are important considerations.

An even more important contribution, however modest, is what I shall call Swiss self-reliance. This country is not a

[1] André Siegfried, *Switzerland: A Democratic Way of Life* (New York, 1950).

burden on its neighbors. It is not a satellite of any foreign Power. It is not asking help from outside in order to maintain its standard of life, to defend its economic order, to make social experiments, or to build up its military strength. In 1952, as well as in 1939 or 1914, the Swiss are willing to pay the price, however high, for the maintenance of their way of life, their freedom, their independence. Fourteen years ago, at the time of Munich, Switzerland was, according to some estimates, "proportionally the best armed democracy in the world." We could not say the same today. But what should be pointed out is that, since 1945, Switzerland has not relaxed its effort to maintain its national defense. Every year about 400 million Swiss francs, nearly one fourth of the total government budget, have been appropriated for the army, and in March 1951 the Swiss Parliament voted a special credit of more than one billion Swiss francs in order to modernize its armaments.

The will to protect Switzerland from foreign interference is expressed even better by the personal contribution of every Swiss citizen to the defense of his country. If this nation of 4½ million inhabitants can mobilize in the short space of one or two days a lightly armed, but well-trained, army of about 500,000 men, it is because all its citizens are ready to go to the military school for a period of four months, when they are twenty, and later to leave their trade for regular three-week periods of training. It is also because hundreds of them are ready to serve voluntarily as noncommissioned officers or officers, to attend the special schools and courses and to devote a part of their time —for some of them several hours a week—to administrative work.

This concern of a small country for its army, a concern which does not go without a point of pride, could be taken as an expression of naïveté and blindness as to the facts of modern life. In our atomic age where only big and highly mechanized armies appear to be able to wage wars, there may seem to be something unrealistic in the stubborn attachment of the Swiss to their army as an efficient means of protecting their independence.

I think, however, that the attitude of the Swiss should not be considered as one of blind disregard for reality. On the contrary, it seems to me that most of them are well aware of the danger that threatens the whole world and their country, and a proof of this awareness can be found in the widespread pessimism which has prevailed in Switzerland since the end of the war. The Swiss clearly appreciate how fortunate they are not to have been involved in any war for more than a century. They know that they owe this luck to the geographic position of their country which was not, like Belgium or the Netherlands, on the path of invasion and did not constitute for the belligerents an objective of strategic value. They do not ignore the rôle played by the natural defenses of the country. That is why they have repeatedly expressed their sympathy with the other nations that have been involved in wars and have always considered it their duty to give what help they could toward the reconstruction of other nations.

They cannot forget, however, that if they had not had an army, they would have been involved in war in 1914 and in 1940. At that time, the presence of even a small army at the national boundaries was a factor which the Germans had to take into account. They had to estimate in particular how many divisions they would have to use for an operation against Switzerland. And when they arrived at the conclusion that the price was too high for what the enterprise was worth, they abandoned this plan. That was for the Swiss proof that their army had performed its duty and that the price paid for it was not too high. Thus, after such an experience, it is not at all amazing to see the Swiss ready to pursue a costly policy of self-defense, although they are well aware that in case of an attack by a major Power, they would be eventually overrun. And while they do so, obeying the primitive instinct of self-protection, they make their own contribution to the maintenance of a small area of relative strength in which the big Powers do not have the temptation of entering into a struggle for a sphere of influence.

As we all know very well, however, military power or will for self-defense is not enough. What seems still more important, particularly during the present world crisis which could be characterized as a period of international civil war, is the ability of a nation to solve its political, social and economic problems; or, more generally speaking, its ability to solve its internal tensions and to reëstablish by institutional or social changes an equilibrium which is constantly modified by the changing factors in our life today.

In this respect, one must admit that Switzerland represents an interesting case as a kind of political experiment. Here, indeed, is a country which is a living, challenging paradox, as pointed out accurately by Charlotte Muret and Denis de Rougemont.[2] It is a fact, to follow these authors, that Switzerland "has concentrated and synthesized all the diversities of Europe itself" in one of the smallest territories of Europe and that "this very diversity, recognized, cultivated and humanized," is the background of its "stability". It is a fact also that Switzerland is an advanced democracy, but simultaneously a country attached to tradition. It is furthermore a fact that the standard of living is "one of the highest in Europe" despite a scarcity of natural resources.

How can we explain this unity in diversity? How can we explain that, despite the pressure exerted by great nations, despite the attraction of great cultures, despite strong currents of nationalism, the Swiss remain Swiss, that they stick together, that through centuries they have been able to preserve their way of life, their standard of living, and their existence as a nation?

There is always some element of chance in any historical success, and no one could deny that Switzerland owes its present privileged position partly to the fact that it was not involved in the last two wars.

But it would certainly be a mistake to underestimate the difficulties which the Swiss people have had to overcome in recent times as well as during past centuries. A politician of a small African nation who recently saw the future of his country assured by a kind of Swiss constitution "with a leader" was as far away from understanding Switzerland as a Swiss

[2] Denis de Rougemont and Charlotte T. Muret, *The Heart of Europe* (New York, 1941).

author who declared that Switzerland was created in nine months and that Europe should not hesitate to follow at once its example.

Actually Switzerland was built through difficult experiments, internal crises, civil wars and revolutions. It is a product of a long historical process, the result of repeated attempts of generations to adapt their lives and their institutions to a geographic framework and to changing and challenging circumstances. From this point of view the 1450 settlement by arbitration of an old conflict between two cantons (Schwyz and Zürich), the mediation of the hermit Nicholas de Flue, after the wars of Burgundy, the negotiations between Catholics the Protestants in the sixteenth century, and the long struggle of the 1798-1848 period between federalists and unionists present a real interest for the student of peace, particularly to all those who are now working for a better understanding among the European nations.[3]

The history of the last century is no less interesting. To say that the Swiss Confederation was made in 1848 is not enough. More important is the fact that the Swiss were able to live as Swiss and to protect their freedom not only against possible interference from outside, but also against themselves; for the achievement of a new Constitution did not suppress all the causes of internal tensions. There remained the problem of relations between people speaking different languages, of collaboration between the federal state and the cantons. And these problems were made more acute by the economic and social changes which were bound to accentuate a general trend toward statism and centralization and to give new impulse to the struggle between federalists and unionists, while at the same time the pressure of foreign Powers and of modern nationalism was growing.

Why did they succeed? Certainly because a long habit of life in common had created a Swiss patriotism strong enough to overcome the attachment of every citizen to his canton, the conflicts between cantons, the difference of languages and culture, as well as to compensate for the attraction exerted by Germany

[3] See William Rappard, *Cinq siècles de sécurité collective* (Geneva, 1945).

(before 1914) upon the German Swiss and by Paris upon the French Swiss. Actually they all considered the 1291 pact as their national charter, and the history of the small communities of Schwyz, Uri and Unterwalden as a part of their history. But, beyond this patriotism, to the development of which the school and the army contributed, what kept the Swiss together was a sense of social and political responsibility, a sense of citizenship born out of life in small communities. To be a Swiss means to be a good citizen, to accept his responsibilities toward his community, toward his canton, toward his country, and to accept implicitly that the country cannot exist without the participation of all its citizens. Switzerland is for many Swiss a political entity which differs from France or Germany not only in its history or in its landscape, but also by virtue of the way of life —not standard of living—of its inhabitants and by the way they have learned to practice democracy. Thus, after having seen the dismemberment of the Austrian Empire, after having lived in safety through two world wars in which Germany was destroyed, France and Italy badly damaged, they cannot help feeling that they have succeeded. And this feeling contributes to reinforce their will to keep together and to follow their own course.

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The conclusion which could thus be drawn from these first remarks seems to be that Switzerland's contribution to the preservation of peace is an indirect one and that the country performs at least its mission, the mission of a small nation which exists in order to give its citizens the liberties which they need, without being a burden or a cause of worry for its neighbors.

The question now is whether or not Switzerland is able and willing to offer a more direct and positive contribution to the cause of peace.

Apparently its traditional neutrality bars it from any intervention in the field of international politics, and it does not seem that the Swiss are prepared to give up a principle observed for centuries and adopted as an " axiom " of their foreign policy; for they know, or at least they feel, that their neutrality is one of the conditions of their existence as a nation. Neutrality

was not imposed upon the Swiss confederates by pressure from outside, but it grew as a consequence of divergences of interests and religions within the old Confederation. The danger of being divided, which was apparent enough at the end of the fifteenth century to lead Nicholas de Flue to recommend abstention from foreign war, became so evident after the Reformation that both sides realized that to take a stand in the European religious wars would mean the end of their country. The events which followed during the next centuries—the Thirty Years' War, the European wars of the Louis XIV period, and above all the crisis of the French Revolution—gave more reasons to the Swiss to hold to their neutrality, to define it more precisely and to implement it by the adoption of the principle of armed neutrality. No wonder that the Swiss delegates to the Congress of Vienna were instructed to ask for the recognition of Switzerland as a " free independent State governed by its own Constitution ", but also for the recognition of its neutrality " which has at all times been the mainstay of Swiss policy, which has been faithfully preserved for three centuries and which has been proved indispensable by the events of the last sixteen years." To this request the great Powers answered in a positive way by a declaration which recognized that " the neutrality of Switzerland, the inviolability of her territory and her freedom from all external intervention are in the true interests of European policy as a whole."

Is this policy of neutrality still valid in the twentieth century? Most of the Swiss, after recent experiments, seem to believe so. The First World War, for instance, demonstrated very strongly that neutrality was not imposed by an external pressure, but still remained the only way to preserve the existence of the country which, otherwise, would have been divided into two antagonistic camps. In 1920, however, Switzerland tried to go a step further on the road toward active collaboration for collective security and to reconcile the principle of perpetual neutrality with membership in the League of Nations. The Federal Council at that time made a distinction between armed neutrality, which Switzerland would observe, and economic neutrality, which she could abandon for participation in possible economic sanctions. But the failure of the League of Nations led the Swiss government to decide in 1938 on a return to complete neutrality. Apparently this was a wise decision, since Switzerland survived the last war and the occupation of Europe by Germany.

It is not surprising, therefore, that in 1945 Switzerland was not prepared to apply for membership in the United Nations. There was much discussion, and there still is, about the United Nations or, above all, about the European Union, for the Swiss are well aware of the fact that they live in " one world ". The choice is a difficult one. On one side there is a traditional policy of neutrality which has been successful up to now; on the other side there are organizations which do not give to the small nations a sufficient guarantee against foreign interference and the threat of big Powers. In an article of March 1948, *The Economist* made the point very sensibly:

> Would it not be expecting too much of their idealism and decidedly too little of their common sense, to believe that the generation of Swiss, which has survived two world wars unscathed, would be prepared to reverse it? In favor of what could they be tempted to do so? The United Nations, whose main characteristic is their fundamental disunion and whose charter does not even pretend to shield the weak against the strong? A European Union, that is either a western *bloc*, formed to protect one half of Europe against the other, or, for the tragic present at least, the idlest of day dreams?

In 1952, this statement remains true. Europe is not yet united nor is the European Council able to offer any guarantee of security to the participating nations. And if, on the other hand, the Korean war should strengthen the prestige of the United Nations, some time is still needed to appreciate the political value of the new " United Action for Peace " adopted by the General Assembly. One should not forget indeed that the inhabitants of Switzerland feel very acutely the fragility of their work. They know, better than outsiders, how difficult it was and still is to preserve the existence of the trilingual Confederation; hence a constant fear that, if they abandon a part of their sovereignty, their country will be in danger of being

weakened by some decision taken by a majority of foreigners who do not understand the real meaning of " federalism " and pay no attention to differences created by traditions, geography, history or standard of life.

Should we draw the conclusion that the policy of Switzerland is one of abstention, of indifference to what is happening in the world, of a kind of Alpine isolationism? Not at all. On the contrary, Switzerland is one of the most " international " countries in Europe, one of the most open to the external world. First, this is so simply because it would not be possible for its 4½ million people to live on a small territory with limited natural resources if there were not intensive importation of foodstuffs and raw materials, more or less compensated by the export of manufactured goods and the revenue from tourists and from capital investment in foreign countries. But economic interest is not the only cause of Swiss internationalism. The Swiss does not like to live in a kind of intellectual isolationism. He is educated as a Swiss, but also as a European. He knows that his country, although not a part of Germany or France, is sharing their culture, participating in their intellectual life. He will react very strongly to what is happening in France, in Germany, in Italy, has discussed with passion French internal problems, resented as treason to German culture the rise of nazism. Neutrality for him is neutrality of the state, never neutrality of the individual, who has the right and even the duty to take a stand for one cause or another because he well knows that in the long run his country will be affected by events happening in Europe and in the world.

This interest in the life of the outside world, and the fear of intellectual and moral isolationism which could be the result of neutrality, have led the Swiss to look for some means of demonstrating their will to participate in the building of a better world. Too weak to play a rôle in international politics and to prevent conflict between great Powers, they more and more considered it their duty to help in easing the plight of the world. The conflict between neutrality and internationalism was thus solved or overcome by the conception of a humanitarian mission, the best expression of which is the

International Red Cross, with its headquarters in Geneva and a personnel recruited only among Swiss citizens. But the International Red Cross is *not* the only manifestation of this Swiss humanitarianism. The feeling that something had to be done to help other people, and to make them understand that Swiss neutrality was not indifference, found various and frequent expressions during the recent wars by the sending of relief across the border and the visits of many foreign children to Switzerland. After the last war, moreover, the foundation of the *Don Suisse à l'Europe* was considered as the best means for Switzerland to demonstrate its willingness to contribute to world reconstruction and to the establishment of peaceful coöperation between nations.

Moreover, Switzerland is so well aware of the danger of being imprisoned in its neutrality, which is after all only one means among others to preserve its independence, that it does not neglect any occasion for making effective, whenever possible, its participation in an international organization. As a study published in a *Foreign Policy Report* put it recently: "The Swiss tendency to march alone is modified by willingness to take part in humanitarian, economic and judicial organizations calculated to improve the situation of all nations without war." Thus, Switzerland, while being the seat of many nongovernmental and governmental organizations, is now a member of the United Nations Educational, Scientific and Cultural Organization, the International Refugee Organization, the Food and Agriculture Organization, the International Court of Justice, the International Civil Aviation Organization, the World Health Organization, the International Labor Organization, the International Telecommunication Union, the International Postal Union, the United Nations International Children's Emergency Fund and even the Organization for European Economic Co-operation.

It would be too difficult and probably too early to make an appraisal of the value of the Swiss contribution to these various international organizations, inasmuch as this contribution is more or less dependent upon the personal efforts of the Swiss representatives. More important would it be to stress the general trend which this willingness to collaborate reveals. Switzerland, while not yet ready to abandon its neutrality, makes plain that it has decided to coöperate in the development of an international community. During the present period of uncertainty it does not give up a policy which was successful, but tries to amend it by an ever more positive attitude toward international organizations. As the Federal Council pointed out in its message of August 20, 1948 to the Federal Assembly about the O.E.E.C. Convention:

> Being situated in the heart of Europe, our country dare not allow itself to become economically isolated, nor ignore what goes on outside its borders. Within the limits of its power, which is not great, our country must join in the efforts that are now under way to attempt the reconstruction of the Continent and to set up for this task a régime of mutual understanding, a condition of stability and peace. Our status as neutrals forbids us to take part in any political alliance, whether open or disguised, but it does not prevent us—indeed the sense of solidarity which is the natural counterpart of this same neutrality compels us—to take part in the economic rehabilitation of Europe. As has been justly remarked, "Switzerland seems almost as if fated by its geographical situation, as well as prepared by its history, to fulfill the international duties closest to the root idea of neutrality, and to strip off the character of selfish privilege which is usually imputed to her by her neighbors when at war."

Thus, a definition of Switzerland's foreign policy which would limit itself to a few words about its neutrality could not be considered accurate; for the Swiss government as well as the Swiss people consider that solidarity is the natural complement of neutrality, the only means of giving it a positive value, the only way to reconcile the need for security of a small nation with the promotion of an international community. Therefore it is not surprising that the United Nations have a strong support in this neutral country, and that in some Swiss who were ardent supporters of the League of Nations the hope remains that the other nations will eventually recognize that a neutral status is not incompatible with membership in the UN.

Such a suggestion would have been condemned a few years ago. There was at that time no place in the United Nations for a state which does not participate fully and share all the responsibilities. But some incidents, and mostly the Korean war, have demonstrated that such an interpretation of the Charter by many countries has been very extensive. It is interesting to note that states which in June 1950 voted for the condemnation of the aggressor in Korea and which supported a resolution commending the intervention of United Nations forces did not consider it their duty to participate in a military action. More recently the discussion of the so-called "United Action for Peace" revealed that some member states are not yet ready to assume military commitments which are, however, set forth by the Charter and that they do consider that a kind of military neutrality is not incompatible with their quality as UN members.

From these facts one could be tempted to draw the conclusion that the contribution of every nation to the preservation of peace does not have to be the same, but, on the contrary, can vary according to its geographical position, its size, its possibilities. There are no Swiss battalions in Korea, but there is a representative of the International Red Cross. Although this representative was prevented by the North Korean Communists from having access to prisoner camps, he was at least able to report on the condition of Communist prisoners of war on the United Nations side and to refute the accusations which were made by Communist propaganda against the American Army. There can be no doubt that, by this fact, he helped to strengthen the moral position of the great country which had taken the leadership in the struggle for collective security. There can also be no doubt that the value of this report in the eyes of representatives of other nations depended upon the reputation for accuracy and objectivity acquired by the International Red Cross whose independence and disinterestedness are possible largely because it is established in a neutral country.

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To the great nations goes leadership with its honors, but also its risks and its burdens. The small nations have to find satisfaction in the achievement of more modest missions, the first of

which is the preservation of their own freedom. In this respect any discussion about Swiss neutrality should not prevent the author from emphasizing again what is, in his opinion, the main contribution of his country to peace: its determination to protect its independence. Switzerland pursues a policy of limited risk while trying to collaborate in international organization without making political commitments. But one can be sure that if the attempts made since the war to promote a system of collective security and peaceful collaboration between the nations should fail, this country will resist any attack upon its independence and any country which threatens the principles and values essential to the Western civilization to which Switzerland belongs.

JACQUES FREYMOND

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IMPACT OF WARS ON RELIGION

THE Second World War seems to have brought about a widespread religious revival, at least in so far as it relates to politics. Many continental countries are now dominated by parties emphasizing their allegiance to religious doctrine. The De Gasperi régime has incorporated the main provisions of the Lateran Treaty of 1929 into the democratic constitution of post-war Italy. The Catholic orientation of the French Popular Republican party and the religious coloring of Adenauer's Christian Democratic following are likewise uncontested. One need but add the influence of religiously oriented parties in the Low Countries and the evident strengthening of the religious element in the public life of such " neutrals " as Spain and Portugal, to note the far-reaching effects of this religious revival on the political structure of almost all continental Western Europe.

During the Second World War, and in the post-war years, even the Soviet Union has greatly toned down its antireligious policies. Although the " peoples' democracies ", under the impact of Soviet imperialism, have for the most part seen fit to persecute the Catholic Church and its hierarchy, indeed to view the Vatican as one of the world's major anti-Communist forces, the Soviet régime has long since made peace with its Greek Orthodox Church. This reconciliation, under way ever since the first war clouds had begun gathering on Russia's horizon after Hitler's rise to power, reached its climax in the installation of the new Patriarch of the Russian Church in 1945. This installation, performed with great pomp in Moscow with the participation of leading ecclesiastics of most Eastern churches, received the full blessing of the Stalin régime. In fact, Patriarch Alexis was soon thereafter encouraged to make a pastoral tour through the Balkans and the Near East, a tour which was to serve Russia's imperialist aims as much as the ecclesiastical interests of its national Church.

In the Anglo-Saxon countries the political impact has been less noticeable, although even in the United States observers have noted many signs of weakening of the rigid separation between state and church. All students, moreover, agree that whatever its political influence, the revived interest in religion has made itself felt in education, literature, the arts, and many walks of social life.

While some sort of religious revival is thus uncontested, its extent and duration remain debatable. One is readily reminded of the early years of the great American depression, when many observers claimed to have noted an intimate correlation between economic adversity and increased attendance at church services. This observation may have been colored, however, by the often postulated nexus between religion and " hard times ", inherited from medieval ascetics and modern Puritans. Perhaps there is some merit in the suggestion, yet to be fully explored, that there are periodic swings in religious attitudes as there are in economic life. " Probably there is a cycle ", remarked Rev. Romanzo Adams of Honolulu, " in the changes that take place in the religious experience of a people, but it covers a much longer period than does the business cycle." [1]

Are we, then, merely in another phase of that spiritual cycle which happened to coincide with World War II and its aftermath? Or is it a very special constellation which has made living Western man despair of the rational and humanistic solutions because of his keen disappointment with the millennial promises held out either by nineteenth-century liberalism or by twentieth-century communism, fascism or Nazism? True, many thinking persons have been impressed by the resistance offered by churches under totalitarian régimes. They saw how quickly the press, the universities, and the labor unions surrendered to the Hitler régime in 1933 and were *gleichgeschaltet* almost with no opposition, and how the churches alone, both Catholic and Protestant, put up a struggle; not to mention members of the Jewish faith, those tragic victims of the Nazi onslaught. This struggle, though not as strong and consistent

[1] In a private letter to Samuel C. Kincheloe, communicated in the latter's *Research Memorandum on Religion in the Depression*, Social Science Research Council Bulletin 33 (New York, 1937), p. 57.

as some outsiders may have wished it to be, was nevertheless a significant deterrent to the all-embracing uniformity of Nazi totalitarianism. Obviously, religion was not altogether that "private affair of the individual" which many liberals and socialists had long thought it to be.

Answers to these complex problems could be given only by the intensive collaboration of scholars from different fields, using refined sociological and psychological techniques, alongside of the more traditional methods of literary and theological disciplines. These combined efforts must be supported by comprehensive historical investigations which alone will enable us to discern how much of the new findings are but the result of a special concatenation of contemporary circumstances and how much is the more or less permanent effect of interrelations between war and religion.[2]

Nature of Conflict

We must always bear in mind the important difference between wars among belligerents of the same faith and such as were fought by nations professing different religions. In the latter case religion itself often became an instrument of war, since by fanning religious fanaticism each state could hope to increase its army's will to fight. In ancient times, particularly,

[2] Unfortunately the historian is confronted simultaneously by a bewildering richness and variety of primary sources and monographs on related subjects and an extreme dearth of studies directly relevant to our inquiry. On the one hand, in *The War and Religion: A Preliminary Bibliography of Material in English*, Marion J. Bradshaw listed almost 2,000 items relating to the First World War alone and published before January 1, 1919. Similarly prolific had been the output in French, German and other languages, and of course a great deal more was added since 1919. On the other hand, only the following three monographs have proved directly helpful to the present writer: Karl Holl, "Die Bedeutung der grossen Kriege für das religiöse und kirchliche Leben innerhalb des deutschen Protestantismus", *Gesammelte Aufsätze zur Kirchengeschichte* (Tübingen, 1928), III, 302-84 (concentrating on the Thirty Years' War and the German Wars of Liberation and their impact on German literature and German-Protestant theology); Otto Baumgarten, *et al.*, *Die geistigen und sittlichen Wirkungen des Krieges in Deutschland* (New Haven, 1927); and Ray H. Abrams, *Preachers Present Arms* (New York, 1933) (both relating only to the First World War). Despite his attempt at a purely sociological inquiry, however, Abrams has presented evidence mainly for an indictment of the vast majority of the clergy for their surrender to war hysteria. Like Baumgarten and his associates, moreover, Abrams is more concerned with what religious leaders had done for the war than with what war had done to religion.

armed conflicts between nations were considered also combats between their respective deities. A victorious nation usually claimed that its gods, too, had been victorious and sometimes demanded the religious, as well as the political, surrender of the vanquished population.

Even more emphatic was the religious conflict in outright wars of religion. Initiated, as it seems, by the Maccabean Wars, these ideological, as well as political, struggles generated the idea of religious martyrdom superimposed upon that of death on the battlefield in fulfillment of a patriotic duty. This blend of political and religious sacrifice was refined by Mohammed, and deeply permeated the conquering hosts of expanding Islam. In reaction thereto the great European Crusades likewise became wars of religion in which the propelling political and economic forces appeared totally submerged under the religious façade. Later, the Thirty Years' War quickly uncovered the mutual jealousies among the Protestant Powers and their wish to benefit from the discomfiture of their coreligionists. Before long a cardinal (Richelieu) led his Catholic country into an alliance with the Protestant enemies of the Catholic Habsburgs. Nevertheless, here too it was the flame of hatred fed by religious intolerance which threatened to consume all of Germany in unprecedented devastation. Clearly, the reciprocal effects of such wars on contemporary religious beliefs and practices were equally profound.

More relevant to our inquiry are, therefore, wars among adherents of the same faith. Such were the hostilities between Israel and Judah, those between the Greek city-states or between countries within the orbits of either medieval Christendom or Islam. True, each Greek city-state had patron deities of its own, but so great was the overriding unity of the Hellenic religion that even the Peloponnesian War had none of the earmarks of a religious conflict. Thucydides, the great historian of that war, may have deplored the death of one Nicias who "least deserved to meet with such calamity, because of his course of life that had been wholly regulated in accordance with virtue," and admitted that by crossing a frontier one was immediately placed under another god, but he did not allow the religious element to infringe upon his purely secular explanation of the factors operating during the war.[3] Perhaps it was this very absence of intense religious feelings during that great conflict which induced its famous narrator to give a purely secular interpretation of history, and thereby to depart from Herodotus and all other known predecessors. This new approach, as we know, revolutionized all subsequent historical writing.

Similarly, the endless wars among medieval states professing the same Catholic religion were not fought over principally religious issues despite medieval man's overriding concern with matters pertaining to his faith. Modern romantics to the contrary, medieval wars recurred with distressing regularity. Spring was often called but the season in which kings went to war. The devastating Hundred Years' War, exceptional even then, was not condemned as a matter of principle but, on the contrary, produced one of the greatest patriotic saints in history, Joan of Arc.[4]

Contemporary rationalizations are, therefore, of very great interest. Heinrich Finke, the distinguished historian of medieval Spain, once claimed that Christianity was the first to introduce the idea of a " just " war into the world. This theory is debatable, for we find an early Jewish distinction between wars " in fulfillment of a commandment " as opposed to " wars of choice ", and many Graeco-Roman attempts to justify a particular campaign or even war in general. One may readily admit, however, that " holy " wars became characteristic of the more exclusive medieval monotheistic religions, rather than of the more tolerant and all-embracing polytheistic faiths of antiquity. Justification of war as a " holy " or even " just " war is in the ultimate sense derived from some religious preconception. No wonder, then, that awareness of this problem reciprocally influenced also the religious feelings of combatants.[5]

[3] *Cf.* Thucydides, *The History of the Peloponnesian War,* II, 71; VII, 86, in the English translation by Charles Forster Smith (London, 1919-23), I, 389-390; IV, 177.

[4] *Cf.* Alfred Vanderpol's detailed analysis of *Le Droit de guerre d'après les théologiens et les canonistes du moyen-âge* (Paris, 1911).

[5] Mishnah Sotah VIII, 7; Sanhedrin I, 5; Heinrich Finke, *Der Gedanke des gerechten und heiligen Krieges in Gegenwart und Vergangenheit* (Freiburg i. B., 1915), p. 15. A modern Catholic apologist enumerated seven criteria of a " just war "; John Eppstein, *The Catholic Tradition and the Law of Nations* (London, 1935), p. 331. *Cf.* also Robert Regout, S. J., *La Doctrine de la guerre juste de Saint Augustin à nos jours* (Paris, 1935).

For the sake of greater clarity, however, most of the illustrations in the following remarks will be limited to three major wars, all of them of a religiously fairly neutral character: (1) the Roman-Jewish War of 66-70; (2) the Revolutionary and Napoleonic Wars; and (3) the First World War. These wars seem to be particularly significant for our theme because they all marked important turning points in history, because they had long-range and enduring effects on religion though the issues involved in them were not primarily religious, and, last but not least, because we have a considerable number of data left behind by contemporaries.

The mixed character of the Roman-Jewish War requires perhaps some further elucidation. On its face this was a religious war between the monotheistic, messianically inspired Jews, led by a religiously fanatical Zealotic party, and polytheistic Romans who likewise cherished a semimessianic belief in the manifest destiny of their empire. Many Jews believed that Daniel's apocalyptic visions of the four beasts applied to the successive empires of Babylon, Persia, Greece, and Rome. They felt that the Roman Empire, " dreadful and terrible, and strong exceedingly ", would soon be succeeded by the reign of a son of man whom God would entrust with " domination and glory and kingdom, that all the peoples, nations, and languages should serve him." On the other hand, most Romans, too, believed, with Pliny the Elder, that Italy had been chosen " by the providence of the gods to make heaven itself more glorious, to unite scattered empires . . . to give mankind civilization, and in a word to become throughout the world the single fatherland of all the races." [6]

The particular encounter of 66 A.D. might well have been delayed, however. Certainly the religious leaders of the Jewish

[6] Daniel 7:2 *et seq.*; Pliny, *Historia naturalis,* III, 5.39, in the English translation by H. Rackham (London, 1938), II, 31 *et seq.* *Cf.* also Albert Zwaenepoel, " L'inspiration religieuse de l'impérialisme romain ", *Antiquité classique,* XVIII (1949), 5-23; and Salo W. Baron, *A Social and Religious History of the Jews* (Rev. ed., New York, 1952), II, 89 *et seq.*

people, whether Pharisee or Saducee, as well as King Agrippa II and his counselors, were all opposed to the revolt against Rome. So were many sectarian groups, including the generally pacifist Essenes and the nascent Christian Church. As a matter of fact, a century and a quarter earlier Judea had been taken over by Pompey almost without resistance. True, even at that time Cicero voiced the regnant opinion of ancient imperialists concerning the divine will which had led to the subjugation of Judea. Four years after Pompey's occupation, the famous Roman jurist pleaded before the Senate,

> Even while Jerusalem was standing and the Jews were at peace with us, the practice of their sacred rites was at variance with the glory of our empire, the dignity of our name, the customs of our ancestors. But now it is even more so, when that nation by its armed resistance has shown what it thinks of our rule; how dear it was to the immortal gods is shown by the fact that it has been conquered, let out for taxes, made a slave.[7]

Nevertheless the War of 63 B.C., and even that of 66 to 70 A.D., were principally political conflicts. In the latter, the dissatisfaction of the masses with Rome's fiscal exploitation decidedly overshadowed the religious disparity in importance.

The wars initiated by the French Revolution at times likewise assumed a religious coloring. The religious policies of the Revolutionary government, France's progressive alienation from the Catholic Church, and her increasingly radical reforms climaxed in the Religion of Reason—all contributed much to the bitterness of the struggle. On the other hand, the insolent manifesto issued by the Duke of Brunswick upon his entry into France at the head of the Allied armies added much fuel to the antireligious agitation. Internally, too, the levy of 300,000 soldiers for the Revolutionary armies was the final spark for the revolt in the Vendée, which ultimately broke the back of the antireligious movement. For many years country priests preached against the war as detrimental to both the French religion and society. On the other hand, the interventionist propaganda of French

[7] Cicero, *Pro Flacco*, XXVIII, 69, in his *Speeches*, translated by Louis E. Lord (Cambridge, Mass., 1946), p. 441.

émigrés, particularly from among the so-called refractory clergy, also injected much religious venom into the war. The 8,000 French priests—more than a quarter of all refugee priests—who settled for a time in England doubtless added fuel to the English people's growing hostility to the Revolution.

Only with the advent of Napoleon and the subsequent Concordat of 1801 between France and the Papacy were the religious problems shoved into the background. They nevertheless continued to color both the French and the Allied domestic and international policies. Gneisenau, as well as Schleiermacher, realized that here was a great ideological conflict cutting across all national boundaries. "Two parties", the latter exclaimed, "seem to oppose each other with undisguised hostility in all states, two historical eras oppose each other among all nations." [8] This clash of ideas, religious and political, flared up anew under the French Restoration and the European system of the Holy Alliance.

Nor was the religious issue quite negligible during the First World War. Viewed superficially, it should have played no rôle whatsoever. Predominantly Protestant Germany, Catholic Austria, Greek Orthodox Bulgaria and Muslim Turkey were allied against practically the entire rest of the world which included the religiously heterogeneous British Empire and Shintoist Japan. Christians of all denominations and Jews fought on both sides at all fronts; and yet, the propaganda machines of all belligerent nations, now put into high gear, exploited to the full the religious differences as well. The Ottoman Empire called for a *jihad* (holy war) against the "unbelieving" Allies, even though the latter included more Muslims in India and North Africa than lived in the Ottoman Empire itself. Although appealing for domestic religious peace with Catholics and Jews, the Russian government tried to rally the Greek Orthodox majority around the "Little Father" in St. Petersburg, head of both their Empire and their Church. Even the Western Allies tried to whip up enthusiasm against the Kaiser's worshipers of the anti-Christian virtue of "blood and iron". Exaggerating certain

[8] Friedrich Daniel Ernst Schleiermacher, *Predigten* (Berlin, 1843), IV, 675. *Cf.* also Friedrich Meinecke, *Weltbürgertum und Nationalstaat* (Munich, 1928), p. 176.

manifestations of German science and philosophy, they tried to prove that the Germans were really pagans or followers of a pantheistic doctrine, rather than Evangelical or Catholic Christians.

Warrior's Faith

Numerous essays have been written on the influence of war on actual combatants during the two World Wars, though none is based upon objective psychological tests. Even in the United States forces during World War II, where psychological testing reached a high degree of refinement, the usual nine tests did not include any concerning the moral and spiritual make-up of the individual soldier or sailor. Our main sources of information, therefore, remain, next to direct observation, letters sent home from the front. These showed, indeed, that being uprooted from one's customary environment and the imminence of death often produced a religious awakening among previously agnostic or only superficially religious persons. Confirmed believers found their convictions intensified in the crucible of war. Outward conformity, moreover, also in the religious sphere, was promoted by the general military discipline.

In many other cases war produced opposite effects. Constant violence and bloodshed awakened in many men dormant sadistic impulses and helped remove their customary inhibitions. External conformity here often went hand in hand with acts of lawlessness and the breakdown of ethics particularly in the sexual sphere. Already in 1915 Alfred Loisy protested against overoptimistic assertions that there " had come to France a marvelous revival of faith." [9]

Apart from this evident polarity one must bear in mind that letters from the front were generally attuned to the prevailing views at home and were most articulate with respect to emotions

[9] *Cf.* the judicious analysis in his *Guerre et religion* (Paris, 1915), pp. 82 *et seq.* Similar conclusions were reached by the German pastor, W. Veit, the English chaplain, F. R. Barry, and others. *Cf.* Veit's " Busse " in *Die Religion im Krieg, Frankfurter Vorträge* (Frankfurt, 1914), p. 23; and Barry's " Faith in the Light of War " in *The Church in the Furnace*, ed. by F. B. Macnutt (London, 1918), p. 35. These experiences were confirmed by observations during the Second World War, reported by John E. Johnson in " The Faith and Practice of the Raw Recruit " in *Religion of Soldier and Sailor*, ed. by William L. Sperry (Cambridge, Mass., 1945), pp. 42-67.

and behavior considered laudable by the recipients. One may discount, particularly, the pious assertions intended for the comfort of the families left behind. Moreover, most of the letters examined, particularly those considered worthy of publication, stemmed from the more sensitive, often exceptional, intellectuals. These lent themselves admirably to poetic exaggeration, even outright propaganda, as in the booklet by Maurice Barrès.[10] But they need not have been representative at all of the rank and file of soldiers and sailors. Together with some obvious biases of most investigators, this limitation has proved a serious drawback for the few psychological studies published soon after the First and Second World Wars.[11]

One wishes that studies of this kind were available also for earlier wars. We possess a great many letters from participants in the Napoleonic Wars, including those of that perennial letter writer, Napoleon himself. In one of his epistles, for example, the then young general Bonaparte confessed that constant danger made him a fatalist rather than a believer. " My permanent state of mind ", he wrote to his brother Joseph in 1795, " is that of a soldier on the eve of battle. I have come to the conclusion that, since a chance meeting with death may end it all at any minute, it is stupid to worry about anything." [12] Diaries and memoirs could likewise be used to good advantage. If the German pastor, Heinrich Möwes, for example, later reminisced that before the battle at Ligny he had not taken part in any church service, and probably had not prayed at all, his recollection may well have reflected the religiously rather lackadaisical attitude of many German soldiers during the early campaigns.[13]

[10] Barrès, *The Faith of France: Studies in Spiritual Differences and Unity*, translated by Elisabeth Marbury, with a Foreword by Henry Van Dyke (Boston, 1918).

[11] *Cf.*, e.g., Raymond Dreiling, *Das religiöse und sittliche Leben der Armee unter dem Einfluss des Weltkrieges: Eine psychologische Untersuchung* (Paderborn, 1922); *Religion among American Men: As Revealed by a Study of Conditions in the Army* (New York, 1920); W. L. Sperry, *op. cit.*

[12] *Mémoires et Correspondance politique et militaire du roi Joseph*, compiled by A. Du Casses (Paris, 1853-54), I, 141; in the English translation by J. M. Thompson in his selection of *Letters of Napoleon* (Oxford, 1934), pp. 17-18.

[13] " The solemnity of the battle ", Möwes wrote, " did not drive me to Him. I do not recollect even offering up one prayer. We were called up before the engagement

Beginning with Ernst Ludwig von Gerlach,[14] many observers have also rightly emphasized the importance of another psychological factor, boredom. The dramatic moments of battle are usually preceded and followed by days, weeks and even months of inactivity during which the soldier's mind is apt to turn to spiritual, as well as to material, preoccupations. This was particularly true in the case of the trench warfare of 1914-18, in which boredom alternated with danger in endless succession.

In many ways different was the attitude of soldiers and sailors stationed behind the lines, or while in training. Here the element of personal danger appeared more remote, although sensitive or fearsome individuals often envisaged the gruesomeness of warfare even more vividly there than while they were in action. Distractions were also more numerous, temptations very great. On the other hand, the military discipline and the pressure of public opinion induced a great many young men who had never gone to church before to attend services and to participate in other religious functions. True, agnostics were not forced into the fold. But, except among socialists and other determined freethinkers, resistance to moderate religious conformity was generally weak.

Here we have to consider the historic rôle of military chaplaincy. A comprehensive history of the part played by chaplains in modern armies is much needed by itself and also for the light it would shed on the general impact of religion on war and vice versa. Apart from official chaplains, clergymen and students of theology often served as soldiers themselves. "Yale's records show", Professor Henry Hallam Tweedy informs us, "that there is scarcely a campaign of note, or an important battle in American history, in which her sons among the clergy did not share the hardships and dangers of the soldier's lot." [15]

to receive the sacrament. I let my friend, whose side I had never before left, go up without me. I could not then comprehend of what use it could be to me." Cited in *Memoir of the Late Rev. Henry Möwes*, with an introduction by Rev. J. Davies (London, 1890), p. 7.

14 Gerlach, *Aufzeichnungen aus seinem Leben und Wirken 1795-1877*, ed. by Jakob von Gerlach (Schwerin, 1903), I, 64.

15 Tweedy, "The Ministry and the War" in *Religion and the War*, ed. by E. Hershey Sneath (New Haven, 1918), pp. 88-89.

Some countries like the United States or Austria-Hungary exempted theological students from active service, but others, including Germany and France, entrusted only a minority of the clergy with official chaplaincies, whereas the rest served as regular officers or soldiers. Early in the First World War it was estimated that there were more than 25,000 clerics in French uniform alone. These comrades in arms doubtless influenced their respective coreligionists in a different, but no less direct, fashion.

On the other hand, religious, as well as patriotic, enthusiasm often wore off in the course of a long campaign. "At the beginning of a war," Bertrand Russell warned in January 1915, "each nation, under the influence of what is called patriotism, believed that its own victory is both certain and of great importance to mankind." [16] During the French Revolutionary Wars, to be sure, only the French armies were aroused to patriotic and semireligious—even if at first antireligious—frenzy, whereas the Coalition armies long went about their work matter-of-factly. In the last years of the Napoleonic régime, however, the enthusiasm of the French soldiers, even more of the home front, greatly cooled off, and it was the turn for the Russians during the invasion of 1812, and the Germans during the Wars of Liberation of 1813-14, to be inspired with great national and religious zeal. Once having expelled the enemy from their own country, however, the Russian armies which pursued Napoleon into Germany and France lost much of that zest. The German armies of liberation were perhaps saved from losing their ardent religious, as well as national, fanaticism only by the relatively short duration of the campaign.

In the First World War, the great élan of the first year of war, nurtured in part by the prevailing belief that it would last only a very short time, gradually gave way to a feeling of despondency among millions of Frenchmen, Germans, Austrians and Russians. In Russia, particularly, the revolutionary agitation within the armed forces assumed a strongly antireligious coloring because of the deep interlocking of the Russian state and the Russian Church. Ultimately, the armed forces themselves overthrew the Tsarist régime, making way, first, for the

16 Russell, *Justice in War Times* (Chicago, 1916), p. 23.

liberal and, later, for the Communist Revolution. The latter immediately proceeded to implement its antireligious program which provoked the memorable outburst of Patriarch Tikhon in January 15, 1918, marking the definitive break between the Church and the Revolution. Less dramatically, but no less deeply, the German armies felt an upsurge of antireligious feeling during the last difficult and increasingly hopeless war years.

On the Home Front

The effects of wars on the religious life at home were no less marked. Many wives, parents or children of combatants often found their way to religion even if they had had none before. True, there were some embittered citizens who, especially during World War I, queried why religion, and more particularly Christianity, had not prevented the wholesale destruction of human lives. But, as Dean Charles Reynolds Brown of the Yale School of Religion remarked, those who thus questioned the integrity of the churches unwittingly paid a fine compliment to religion. No one asked, remarked Dean Brown, as to why science, big business, newspapers, or universities had not prevented the war. Only Christianity, or religion in general, was held at least theoretically capable of sufficiently restraining human belligerence.[17] Whether or not echoing such sentiments, most persons unquestioningly repaired to their churches to pray for their beloved at the front, and to give vent to their pent-up emotions. In dramatic moments, before and after decisive battles or at the conclusion of the Armistice, most churches were crowded beyond their capacity.

True, such reports, though attested with a fair degree of unanimity, lack solid statistical support. Before long, war fatigue began affecting church attendance, too, and, from 1916 on, Evangelical church bodies in Germany voiced increasing concern over the decline of public participation in services which, in many areas, had fallen below that of 1914. Certainly observers impressed by thousands attending churches may easily have overlooked other thousands who had remained at home. We know how generally inadequate have been religious statistics

[17] Brown, "Moral and Spiritual Forces in the War" in Sneath, *op. cit.*, p. 12.

of the United States despite the decennial censuses of religious bodies. (Unfortunately, even that modicum of information is no longer given for 1947 when the United States Congress, in one of its rare economy moves, cut out the necessary appropriation.) But even in those countries where data on religious affiliation are included in regular population censuses, statistical studies concerning the ratio of regular or irregular participants in religious functions during war or peace are woefully inadequate. We possess practically no quantitative measurements, extremely difficult but not impossible, of the more subtle changes in inward religious emotions at times of crisis.

Fuller studies of the impact of war on inter-faith relations are likewise indicated. As soon as the French Revolution realized that its antireligious policies were greatly undermining its military strength, it quickly made peace with the "refractory" churches. Just as the outbreak of the revolt in the Vendée and adjacent districts can be traced back to the levy of soldiers for the Revolutionary armies, so was their pacification in many ways the direct effect of the war's exigencies. Napoleon's entire policy of reconciliation with the Catholic, Protestant and Jewish faiths was in the ultimate sense dictated by his military-imperialistic aims.

> My policy is [he declared in 1800] to govern men as the greatest number of them wish to be governed. That is, I think, the way to recognize the sovereignty of the people. It was this principle that made a Catholic of me when I had finished the war of Vendée, made a Mussulman of me when I had established myself in Egypt; made an Ultramontane of me when I had gained the good will of Italy. If I governed a Jewish people, I should re-establish the temple of Solomon.[18]

On the other hand, he was perfectly prepared to make use of inner religious dissensions in enemy countries. In his letter of April 21, 1807 to his Minister of Police, Joseph Fouché, he wrote, "I want you to get up a great agitation, especially in the provin-

[18] Boulay de la Meurthe, *Documents sur la négociation du concordat . . . en 1800 et 1801* (Paris, 1891), I, 77; Henry H. Walsh, *The Concordat of 1801* (New York, 1933), p. 85 n. 17.

cial press of Brittany, Vendée, Piedmont, and Belgium against the persecutions which the Irish Catholics are suffering at the hands of the Anglican church." At the same time he enjoined the minister to speak very tactfully of the Anglican, rather than the Protestant, Church, "for there are Protestants in France, but there are no Anglicans." [19] His grandiose gesture in convoking a Jewish Sanhedrin, some seventeen centuries after the dissolution of that ancient institution, was intended to serve the double purpose of domestic pacification and of undermining the internal cohesion of enemy countries. It so impressed the Austrian and Russian emperors that they forbade their Jewish subjects to send delegates to Paris. In Russia it even led directly to the suspension of the expulsion of Jews from rural districts which was then under way.[20]

Napoleon's daring religious policies baffled his enemies, particularly among the German nationalists. Schleiermacher was convinced that the emperor was toying with the idea of reunion of the two churches. "I should like", he exclaimed in August 1806, "to challenge the most powerful man on earth to try to put this thing over, too, for everything is but a game to him." Four months later, however, he felt that Napoleon, who loathed "Protestantism as much as he hated speculative philosophy," would soon initiate a religious war and encounter the invincible resistance of Northern Germany. This would, indeed, be a holy war for the Germans—not so much for the German states which, not being "cosmopolitan entities", had a foremost duty of safeguarding the interests of their subjects, as for the German people, which would defend its religious and scientific as well as its political ideals. Fichte, too, argued that Napoleon's attempt to establish a universal monarchy ran counter to the divinely

[19] Thompson, *Letters of Napoleon*, p. 193. On the same day Napoleon ordered his Minister of Cults, Jean Etienne Portalis, to find a bishop who would recommend to the churches "to institute prayers for our brethren, the persecuted Irish Catholics, and that they may enjoy the liberty of their worship." *Correspondance de Napoléon Ier* (Paris, 1858-70), XV, 126. *Cf.* also his earlier letters to the Pope and the Minister of War, Gen. Bertier, dated Jan. 13, 1804, *ibid.*, pp. 194 *et seq.*

[20] N. M. Gelber, "La Police autrichienne et le Sanhédrin de Napoléon", *Revue des études juives*, LXXXIII (1927), 1-21, 131-45; S. M. Dubnow, *History of the Jews in Russia and Poland*, English translation (Philadelphia, 1916), I, 346 *et seq.*

ordained national and cultural variations. To an ultranationalist like Ernst Moritz Arndt, finally, Napoleon's empire was the very embodiment of Augustine's *civitas terrena*, to which he sought to oppose "German freedom, a German God, German faith without a scoff." [21]

The First World War started with an effort to unite all national forces. The *Burgfrieden*, proclaimed by the German war administration, contrasted sharply with the previous residua of Bismarck's *Kulturkampf*, the sharp anti-Polish policies in the eastern provinces, and the traditional discrimination against Jews in officers' corps and higher governmental posts. Tsar Nicholas II, too, immediately suspended his administration's traditional anti-Catholic and anti-Jewish measures. He appealed, in particular, to the Catholic Poles, strategically located at the front lines, to let bygones be bygones. He who is said to have spent more than 12,000,000 rubles of his private funds on financing the printing and distribution of anti-Semitic literature, now, through his mouthpiece, the Generalissimo Nicolai Nicolaievich, appealed in a manifesto addressed "To My Beloved Jews" for the latter's unstinting collaboration in the war effort. Such closing of ranks was characteristic also of France, Great Britain and the United States.

Of course, actions did not always correspond to the high-sounding professions. As soon as the Tsarist armies entered eastern Galicia in 1914 they began to persecute the leaders of the Ruthenian Uniate Church. They resumed here the old Russian policy of converting the Greek Catholic Ukrainians, or, as they preferred to call them, Little Russians, to the Orthodox faith, thus paving the way for the complete denationalization of the Ukrainian peasantry and its incorporation in the Russian nation. Jews were also harassed by the removal of "hostages" to the

[21] Schleiermacher, Addendum to the 2d ed. of his addresses, *Ueber die Religion* (Berlin, 1806), p. 371; his letter to Georg Reimer of Dec. 20, 1806 in *The Life of Schleiermacher as Unfolded in His Autobiography and Letters*, English translation by Frederica Rowan (London, 1860), II, 73; Fichte's *Reden an die deutsche Nation* in his *Sämmtliche Werke*, ed. by J. H. Fichte (Berlin, 1845-46), VII, 467; E. M. Arndt, *Katechismus für den deutschen Kriegs- und Wehrmann*, ed. by Max Haber (Dresden, 1913), pp. 18 *et seq.* *Cf.* also Heinrich Laag, *Die religiöse Entwicklung Ernst Moritz Arndts* (Halle, 1926); and, more generally, Salo W. Baron, *Modern Nationalism and Religion* (New York, 1947), pp. 42 *et seq.*, 136 *et seq.*

interior of Russia and, later, by wholesale deportations from areas threatened by the advancing Austro-German armies. Russian " massacres of Moslems on the Asiatic fronts ", wrote M. Philips Price, at that time Special Correspondent of the *Manchester Guardian*, " were no less criminal if less extensive, than the Turkish massacre of the Armenians." [22]

Elsewhere, too, interdenominational peace could not permanently withstand the strains and stresses of a long war. Religious disparity strengthened the national irredentas of Germany's, as well as Russia's, Polish population, which ultimately led to the resuscitation of an independent Poland. Finland's and the Baltic countries' secession from the Russian Empire was likewise stimulated by the revival of old religious animosities. By 1918 Germany's internal peace had so greatly weakened, that the Catholic Center party, and particularly its leader, Matthias Erzberger, now began preparing for a *rapprochement* with the Allies against the will of the imperial régime.

More overt were the effects of the war on intellectual life and religious thought of the belligerent nations. The impact of the great Roman-Jewish War, particularly, on both Judaism and Christianity has been the subject of extended literary discussion by modern scholars. S. C. F. Brandon has recently argued (in this writer's opinion, unjustly) against the authenticity of Eusebius' report concerning the departure of all Christians from Jerusalem to Pella in Transjordan in 66 A.D., and denied that the young Christian Church thus publicly proclaimed its neutrality in the armed conflict. Yet there is little doubt that most Christians failed to participate in this crucial encounter and thus definitely broke their ties with the old religion.[23] This attitude of aloofness was the more deeply resented as the equally pacifist Essenes rallied behind the revolutionary leadership in this great emergency of their people, and literally fought to the last man.

The breach was finally sealed by the Bar-Kocheba uprising

[22] Price, *War and Revolution in Asiatic Russia* (London, 1918), p. 271.

[23] Eusebius, *Ecclesiastical History*, III, 5, 2-3; and Brandon, *The Fall of Jerusalem and the Christian Church* (London, 1951), pp. 168 *et seq.* *Cf.* also Heinz Joachim Schoeps, "Die Tempelzerstörung des Jahres 70 in der jüdischen Religionsgeschichte", *Coniectanea neotestamentica*, VI (1942), 1-45, reprinted in his *Aus frühchristlicher Zeit* (Tübingen, 1950), pp. 144-83.

against Rome in 132-35. This time the overshadowing issue was Hadrian's religious intolerance, and particularly his outlawry of circumcision and Jewish public assemblies. Jewish public opinion, now united in the defense of its cherished religious institutions, viewed the professedly neutral Christian community as an outright fifth column in favor of Rome. Internally, too, the effects of the fall of Jerusalem were manifold and enduring. From there on, the Jewish people, eschewing all sectarian currents, concentrated on the cultivation of its national mores and instilled in its members an exclusive allegiance to the growingly normative talmudic forms.

The impact of the Revolutionary and Napoleonic Wars on religious thought has likewise been deep and enduring. The new religious and political views formulated in France by Chateaubriand, De Bonald and De Maistre had a far-reaching influence on French, indeed on all European, literature in the first half of the nineteenth century.

In 1795, at a time when most enlightened Germans were still exalting the liberating effect of the Revolution, the Bremen theologian, Gottfried M. Menken, began preaching a religious crusade against atheistic France. To him Napoleon's universal empire embodied the principle contrary to God's universal empire.[24] Before long, the distinguished poet, Novalis, contrasted " Christendom or Europe ". In an essay under this title published in 1799, which so sharply ran counter to regnant opinion that Goethe, for example, opposed its inclusion in the *Athenäum*, he preached the return to the medieval unity of Catholicism. Somewhat later, Friedrich von Schlegel, after his conversion, actually preached world unity through the medium of the Catholic clergy. Beginning with Count Friedrich Leopold Stolberg's conversion in 1800 there set in a regular stampede of Protestant writers and artists hastening to join the Catholic faith. Within German Protestantism itself the new teachings of Schleiermacher, Neander and other theologians, buttressed by the related philosophies of Fichte, Hegel and Schelling, permanently transformed the intellectual image of German Protestant

[24] *Cf.* his widely read *Glück und Sieg der Gottlosen*, in his *Schriften* (Bremen, 1858).

thought. All these teachings clearly revealed the imprint of the great wars of the period.[25]

No less pronounced were the religious effects of the First World War on both religious and antireligious thought. From the war years emerged the great assault on all organized religions set in motion by the Russian Revolution and climaxed in the ruthless propaganda of Russia's "godless" societies of the 1920's. On the other hand, there also was a less publicized, but intrinsically profound, reorientation in the new schools of theology and religious philosophy. Reacting in part to this agnostic propaganda, Karl Barth and others writing during the war years called for the return to the more dogmatic and traditional teachings of their respective churches. In Neo-Reformation theology, Protestantism found a method of reconciling liberal, at times even radical, social action with fairly orthodox religious convictions. Reinhold Niebuhr was not alone to feel, at least during the great economic depression, that "adequate spiritual guidance can come only through a more radical political orientation and more conservative religious convictions than are comprehended in the culture of our era."[26] Catholicism, too, unflinchingly adhered to the antimodernist doctrines of Pius X. In fact, "modernism" suffered during the war a defeat from which it has never recovered.

[25] This transformation may be illustrated by the changing attitudes to war itself on the part of Kant, Fichte, Hegel and Schleiermacher. Kant alone, after publishing in 1795 his famous essay on perpetual peace under the impact of the French Revolution, remained true to his convictions in the remaining nine years of his life. Fichte who lived to 1814, Hegel and Schleiermacher who died in 1831 and 1834, respectively, all began as ardent admirers of the Revolution. Even in his later *Philosophy of History* (English translation by J. Sibree, New York, 1905, p. 558) Hegel still spoke of that "glorious mental dawn", acclaimed by all thoughtful persons of the period. Yet before long they all became ardent protagonists of the Wars of Liberation. As early as 1802-3, Schleiermacher entered in his diary, "The view that all action consists in war, can be demonstrated even in a religious discourse with reference to Christ's words: 'I came not to send peace, but a sword'" (Matt. 10:34). Of course, the great Berlin preacher agreed with Fichte that only a "true war" was justified, namely one which met the requirements of "history". But in the ultimate sense, he believed, "all history is religious history, and religion itself must by its very nature be historical." *Cf.* his *Tagebuch* of 1798; and, more generally, Wilhelm Braun, *Der Krieg im Lichte der idealistischen Philosophie vor hundert Jahren und ihrer Wirkung auf die Gegenwart* (Gütersloh, 1917).

[26] Niebuhr, *Reflections on the End of an Era* (New York, 1934), p. ix.

Churches

From ancient times priests were expected to bless arms. Ancient soothsayers were often instrumental in precipitating or delaying the outbreak of hostilities by whatever omens they derived from their particular oracles. Even in the Middle Ages and early modern times, war was so much taken for granted that the collaboration of the religious functionaries under both Christendom and Islam appeared self-evident. Christian theology had some difficulty in squaring this new attitude with the pacifist traditions of the early Church, dating from a time when Christianity was not yet a dominant faith of the empire. As leaders of a persecuted religion, Church Fathers could indulge in such affirmations as that "Christians inhabit their own fatherland as aliens. Each foreign country is their fatherland, and each fatherland a foreign country."[27] But the rationalizations of the new attitude had so long and so thoroughly changed prevailing opinion that religious pacifism hardly was a deterrent to the coöperation of any church with its national leadership in times of war.

During the Roman-Jewish War the priests reflected the deep inner divisions of the people. Like the other upper classes, the priestly aristocracy was averse to the rebellion against Rome. Not only the mercenary high priests of the period but most of their associates at the Temple of Jerusalem had long been active collaborators with the Herodian rulers and their Roman overlords. Mostly belonging to the Sadducean party, they had lost contact with the living currents and particularly the messianic yearnings of their people. They also sensed the rumblings of unrest among the masses and foresaw that any anti-Roman outbreak would signal also the beginning of a social revolution aimed, in part, at the extortionist practices of many priests. Josephus, himself a priest, severely censured, for instance, the high priest Ananias (47-59 A. D.), whose servants "went to the threshing floors and took away tithes that belonged to the priests by violence, and did not refrain from beating such as would not give these tithes to them." Some undoubtedly feared

[27] *Epistola ad Diognetum* in Migne's *Patrologia graeca*, II, 1173.

that an unsuccessful revolt would lead to the destruction of the Temple by the Romans. A priest Zadok, the Talmud tells us, had fasted for forty years imploring God to avert this anticipated disaster. No class willingly commits mass suicide. Even a non-officiating country priest, like Rabban Johanan ben Zakkai, allowed himself to be smuggled out from beleaguered Jerusalem to come to terms with the conqueror. He was aided therein by the officiating Levite, R. Joshua ben Hananiah, who was to become one of his chief associates in the post-war reconstruction period.[28]

Other priests, however, collaborated with the " rebels ". The very outbreak of the revolt dated from an incident occasioned by the Roman procurator Florus extracting seventeen talents of silver from the Temple treasury. However reluctantly, Josephus assumed the military command over the rebellious forces in Galilee. Other priests more actively supported the uprising and carried on with their Temple services to the very end. They also played a vital rôle in the subsequent reconstruction of their people and its religion.[29]

Even more deeply divided was the French clergy during the Revolutionary Wars. As the name indicates, the " refractory clergy " refused to coöperate with the new régime. In fact, those of its members who emigrated abroad willy-nilly became protagonists of a crusade against the atheistic republic. The constitutional clergy, however, and later the priests of the new Religion of Reason supported the constantly changing revolutionary governments to the best of their ability. In no other country of the time, however, was there any serious cleavage between the churches and the respective governments.

It was a sign of the growing pacifism and humanitarianism of the late nineteenth and early twentieth centuries that the churches' attitude to war became such a major issue in 1914. A considerable number of conscientious objectors refused to bear arms for their country. Their right to do so was upheld not only by such pacifist sectarian groups as Quakers or Mennonites,

[28] Josephus, *Antiquities*, XX, 9, 2.206-7 (Whiston's translation); Babylonian Talmud, Gittin 56a.

[29] *Cf.* Baron, *Social and Religious History of the Jews*, II, 110 *et seq.*, 117, 375 *et seq.*

but in principle also by all major churches. Only in the Anglo-Saxon countries, however, were such conscientious objections tolerated, with however ill a grace, by the governments. Elsewhere the military usually rode roughshod over all conscientious scruples.

Official church bodies and most of the outstanding ecclesiastical leaders in all countries lent a willing hand in the support of the war efforts. No large-scale collection of war sermons, similar to those compiled for the American Revolution, for the German Wars of Liberation, or for the Franco-Prussian War of 1870-71,[30] has appeared in print. The sermons published during the war bear earmarks of undiluted apologetics, whereas after the war the churches themselves lost all interest in permanently recording these homiletical effusions which, for the most part, no longer squared with their reawakened conscience. Many felt, with Devere Allen, that " the black and sickening record of those years will not bear close retelling. If it could be obliterated, what a blessing it would be! "[31] But enough is known to justify the generalization that, with few exceptions, churchmen of all denominations clung closely to the propaganda line of their respective countries. Individual preachers were more circumspect than others, but few, like John Haynes Holmes or Judah Magnes, dared publicly to invoke the ancient pacifist ideals of their faiths and to defy the prevailing war hysteria.

On the whole, declarations by church bodies were somewhat more restrained. Although in essence they, too, reflected their authors' conviction that their countries fought for a just cause, none went so far as publicly to avow the principle of " right or wrong my country."[32]

Behind these public declarations, however, a great deal of inner soul-searching was going on. Most clergymen deplored

[30] John Wingate Thornton, *Pulpit of the American Revolution* (Boston, 1860); Friedrich Julius Winter, ed., *Geistliche Weckstimmen aus der Zeit der Erniedrigung und Erhebung unseres Volkes: Zeitpredigten* (Leipzig, 1913); P. Piechowski, *Die Kriegspredigt von 1870-71* (Leipzig, 1917).

[31] Allen, *The Fight for Peace* (New York, 1930), p. 43.

[32] *Cf.* for example, the 1917 declaration of the Federal Council of Churches of Christ in America, reprinted in the interesting chapter on " What the Church Learned in the War " in William Adams Brown's *The Church in America* (New York, 1922), pp. 97 *et seq.*

the necessity of advocating war. Only in the first months after the entry into the war (1914-15 in Europe, 1917 in the United States) was there much joyous affirmation of patriotism as a supreme religious duty. In this early period French Catholics, whether of the orthodox or the modernist variety, were so convinced of the righteousness of their country's cause that they viewed the struggle against the German war machine as part of their religious obligation to fight evil impersonate. German Catholics, organized in a special defense committee, replied in kind. "If Harnack [an outstanding Protestant theologian]", commented an English pastor at that time, "talks of the Czar as desiring the destruction of Protestant *Kultur* . . . the Archbishop of Cologne speaks of 'schismatic Russia' in alliance with 'infidel France' against our 'God-fearing Kaiser.'"[33]

Formally the relations between the states and their churches underwent little change, and yet the outbreak of hostilities usually led to the relaxation of existing tensions. Not only did each nation's concentration on winning the war relegate all divisive issues to the background, but the growing subtle integration of the churches in the political fabric of each wartime society reduced many sources of friction. In France the din of controversy, raging before and after 1906 over the separation of state and church, now died down. Even agnostic groups no longer fulminated against the very large enrolment of pupils at Catholic schools. Relations to the Holy See likewise became more intimate. Italy alone persevered in shutting the Vatican out of international conferences, whereas France and the United States found it to their advantage to send representatives to the

[33] Charles Edward Osborne, *Religion in Europe and the World Crisis* (London, 1916), pp. 163-64. *Cf.* especially *The German War and Catholicism*, ed. by Alfred Baudrillart, rector of the Catholic Institute of Paris, with an introductory letter by Cardinal Amette, Archbishop of Paris (Paris, 1915); Loisy, *Guerre et religion*; and the replies from Germany entitled *Der deutsche Krieg und der Katholizismus*, ed. by A. J. Rosenberg, *et al.* (Berlin, 1915); and *German Culture, Catholicism, and the World War*, ed. by Georg Pfeilschifter, Professor of Theology at the University of Freiburg, English translation (St. Paul, 1916). The latter volume, in which some such outstanding leaders of German Catholicism as the later Cardinal Michael Faulhaber participated, was clearly designed for foreign propaganda as much as for the allaying of the scruples of German Catholics. From the outset French, Dutch, Italian, Portuguese and Spanish translations, as well as that English translation, were planned, principally for distribution in neutral countries.

See of St. Peter. The Vatican was too important a sounding post for the belligerent Powers not to make use of it despite objections of extreme "separationists".

Wars also influenced the development of foreign missions. Imperialists of all kinds could not resist the temptation to make use of missionaries for their political purposes. With his customary frankness Napoleon wrote in 1804, "These monks will prove very useful to me in Asia, Africa and America. I shall send them there to collect information on the state of the various countries. Their habit protects them and helps cover up political and commercial designs." Just as in his Near Eastern campaign he restored French "protection" of the Holy Sepulchre and the Syrian Christians, he also tried to revitalize the French missions in China, principally, as he admitted, in order "to deprive the English of the management of these missions."[34]

During the First World War, too, the Allied blockade effectively disrupted the communications between the German missions and the home country. As a result many of them withered away even before the direct occupation of the German colonies by Allied troops. At the same time the expanding world-wide hostilities seemed to open new opportunities for Allied missions. An otherwise judicious senior army chaplain of the Church of England suggested that every young cleric be made to serve several years overseas. "The nation", he exclaimed, "that sends its working men to conquer Bagdad and defend the Suez Canal has learnt to think imperially; and the Church that is to hold its allegiance must think imperially, too." Only after the war did some leading missionaries realize how much the internecine struggle among the colonial Powers had undermined the prestige of them all, and fostered the desire for national independence among the colonial peoples.[35]

[34] Letters to the Pope and the Archbishop of Paris of August 28 1802. It was an acknowledgment of defeat of his overseas plans when in a letter to his uncle, Cardinal Fesch, dated October 8, 1809, he conceded that he had abandoned the foreign missions to the British. *Correspondance du Napoléon Ier*, VIII, 7-8; XIX 560-61; and Thompson, *Letters of Napoleon*, pp. 84, 252-53.

[35] Philip C. T. Crick, "The Soldier's Religion" in *The Church in the Furnace* ed. by F. B. Macnutt, p. 367; *The Missionary Outlook in the Light of the War*, prepared by the Committee on the War and the Religious Outlook, and published i New York, 1920.

Religious Minorities

Despite efforts to secure internal peace, many pre-war antagonisms were unavoidably sharpened after the beginning of hostilities. In the general witch hunt of alleged or real spies, shirkers and war profiteers, which became a popular pastime in most belligerent countries, the patriotism of religious, as well as ethnic, minorities was often impugned. Prejudices, long dormant or but timidly voiced before 1914, burst out into all-devouring passions during the hysteria of the first " total " war. Protestants in Catholic countries, Catholics in Protestant or Greek Orthodox lands, and Jews practically everywhere were easy targets. These suspicions stimulated leaders of minority faiths in many countries, especially in the United States, to organize special bureaus to secure denominational statistics of combatants. This gave rise to a vast literature listing not only members of particular denominations serving in the armed forces, but also those who died in battle, received military decorations, or otherwise distinguished themselves in the service of their country. At times such war-born religious statistics became major contributions to the knowledge of denominational divisions in general. Before long these and other denominational war agencies proliferated to such an extent that the Federal Council of Churches had to prepare a directory covering over 300 pages.[36]

The attitude of the minority leaders is well summarized by the declaration of the First Plenary Council of Catholic archbishops and bishops in the United States held in September 1919.

> The traditional patriotism of our Catholic people [the resolution read] has been amply demonstrated in the days of their country's trial. And we look with pride upon the record which proves, as no mere protestation could prove, the devotion of American Catholics to the cause of American freedom. . . . The account of our men in the service adds a new page to the record of Catholic loyalty. It is what we expected and what they took for granted. . . . To many assertions it answers with one plain fact.[37]

36 *War-Time Agencies of the Churches: Directory and Handbook*, ed. by Margaret Renton (New York, 1919).

37 Peter Guilday, *The National Pastorals of the American Hierarchy, 1792-1919* (Washington, 1923), pp. 235, 294 *et. seq.*

Did these minority efforts attain their practical, apologetic objectives? A detailed and fully documented answer to this question would furnish valuable insights into the general long-range efficacy of apologetic literature. For the most part, it appears, these compilations were read by members of each minority group, rather than by outsiders to whom they were addressed. Certainly few deeply prejudiced persons were persuaded by them to change their minds.

In Germany, for example, the rising tide of anti-Semitism was in no way stemmed by the proofs adduced by Jewish leaders that more than 30,000 Jews, or some 6 per cent of the Reich's total Jewish population, had won military decorations during World War I. Subsequently, the Association of German Jewish War Veterans listed the names of over 10,000 Jewish soldiers and sailors who had given their lives for the fatherland. These cold statistical facts were enlivened by a remarkable selection of letters sent home by Jewish combatants from the various fronts.[38] These data showed conclusively that Jews had participated in the German war effort beyond their ratio in the population. And yet the myth of Jewish " shirking " and preponderant share in the legendary " stab-in-the-back " continued to haunt for years the Jewish minority in Germany, and became one of the most powerful propaganda weapons during the Nazi march to power.

Nevertheless, these apologetic efforts were not all in vain. Like most other apologias they eminently served the purpose of strengthening the morale of the writers' own groups. Indirectly, accusations and replies contributed to the general religious awakening. They also promoted many interdenominational activities, such as those initiated in the United States by the Committee of Six, under the chairmanship of Father Burke which, formed at the request of War Secretary Newton Baker, advised the Department on matters of religious concern.

38 Reichsbund jüdischer Frontsoldaten, *Die jüdischen Gefallenen des deutschen Heeres, der deutschen Marine und der deutschen Schutztruppen, 1914-1918: Ein Gedenkbuch* (Berlin, 1932); *idem*, *Gefallene deutsche Juden: Frontbriefe 1914-1918* (Berlin, 1935).

Post-War Effects

For the most part, it appears, war-generated religious revivals carried over into post-war periods—with varying degrees of intensity. The great Judeo-Roman War resulted in the lasting reformulation of Judaism and great intensification of the Christian mission. Although Jewish extremists demanding total abstention from the consumption of meat and continuous national mourning were quickly checked by such moderate leaders as Joshua ben Hananiah, a modicum of mourning became a permanent and characteristic feature of the Jewish religion and way of life during the following centuries. The war helped the Pharisaic-Rabbinic leadership to establish undisputed control over Jewish life, to eschew all sectarian movements and to pave the way for the unification of Jewry in the institutional forms of talmudic Judaism. It also brought about the final separation of Christianity as an independent religion. Forever after, the Christians were persuaded that the fall of Jerusalem had proved that the " sceptre had departed from Judah " because of the Jews' repudiation of Christ.

The Revolutionary and Napoleonic Wars likewise had permanent religious effects. Precisely because the Revolution had been associated in the minds of men with anti-Christianity, even outright atheism, the subsequent revulsion led to strong reaffirmation of the Christian tradition. Politically, the French Restoration and the international system of the Holy Alliance with their strong religious mystique may have proved to be of short duration, but the spiritual forces brought to the fore in the renaissance of French Catholicism, German Protestantism, and such intermediary forms as the Oxford Movement and Puseyism in England strongly reversed the powerful antireligious currents of European Enlightenment. In his anti-Christian crusade Lenin, following Engels, advised his readers to study the antireligious works of French Enlightenment, which he considered more effective than anything written in the nineteenth century.[39]

[39] N. Lenin, " Socialism and Religion ", in his *Selected Works* (New York, 1932-38), XI, 658, 661; Friedrich Engels, *Internationales aus dem Volksstaat, 1871-75* (Berlin, 1894), p. 44.

Instead of being on the defensive, Catholicism reasserted itself after 1815 not only through the writings of such " romantics " as Chateaubriand and De Maistre or such distinguished converts as Schlegel, Adam Müller, Newman and Manning, but also through the reformulation of its own doctrine with an ever stronger reaffirmation of its dogmatic and irrational elements. Of course, the great pre-Revolutionary authors continued to be widely read. According to a governmental inquiry, more than half a million copies of Rousseau's works alone were sold in the years 1817-1824. Nonetheless even French Gallicanism now gave way to the supremacy of the Papacy, whose infallibility was ultimately proclaimed by the Vatican Council, profoundly challenging the basic principles of enlightened rationalism.[40]

Protestantism, too, underwent, through Schleiermacher and others, a reaction against the preëminence of " enlightened " doctrines. Within the very church services there was increasing concentration on prayer, congregational as well as individual, as against the sermon. Not only were the new reactionary governments suspicious of political sermons which some of them had encouraged during the Wars of Liberation—Schleiermacher and Dräsecke were now expressly enjoined by the Prussian administration to devote their sermons only to " pious sentiments "—but the congregations themselves wished to commune more directly with God. Even church architecture reflected for a time this change of emphasis from pulpit to congregational service.[41]

No one will deny that in academic circles historicism, and with it a certain measure of liberal relativism, continued to celebrate ever new victories. As the nineteenth century progressed, radical Bible criticism and philological-historical approaches to Protestant theology and church history dominated all scholarly discussions. At the same time there evolved in the official Church bodies a growing reassertion of the dogmatic and irrational ingredients of the Reformation and a more authoritative control of life within the churches. The revived forms of German

[40] Albert Schinz, *Etat présent des travaux sur J.-J. Rousseau* (New York, 1941), p. 14; Auguste Viatte, *Les Interprétations du catholicisme chez les romantiques* (Paris, 1922).

[41] *Cf.* the data assembled by Holl in his *Gesammelte Aufsätze zur Kirchengeschichte*, III, 377 *et seq.*

pietism, continued growth of Methodism in England and America, and the spread of the various ritualistic and liturgical movements—all testified to the deep reaction among the ecclesiastical intelligentsia against the " shallow " teachings of the Enlightenment era. True, the impact on the masses was far less immediate and widespread. Its uneven diffusion was illustrated in the very vicinity of Paris where, in 1816, of the 1,600 inhabitants of the village of Gallardon only four participated in the Easter communion, while in Champrond only fifteen persons of a population of 800 failed to do so. Curiously, however, when some priests refused ecclesiastical burial to noncommunicants, antiecclesiastical mobs at times forced entry into the churches for such corpses.[42] Toward the end of the nineteenth century, moreover, rationalism raised its head again within the churches themselves. An increasing segment of the population turned its back completely on all organized religion, many joining one or another of the increasingly powerful antireligious movements. However, the post-revolutionary reaction of the early 1800's was still very much alive when the First World War broke out.

In this war, religion as such was not a major subject of controversy and, hence, the war's effects upon it were also more complex and ambiguous. The great religious revival in its early stages was soon displaced by war fatigue and, after the Armistice, by a stampede back to " normalcy ". It had been wishful thinking on James Monroe's part when, in his message to Congress of December 3, 1822, he had written:

> It has been often charged against free Governments, that they have neither the foresight nor the virtue to provide, at the proper season, for great emergencies; that their course is improvident and expensive; that war will always find them unprepared, and whatever may be its calamities, that its terrible warnings will be disregarded and forgotten as soon as peace returns. I have full confidence that this charge as far as relates to the United States, will be shown to be utterly destitute of truth.[43]

[42] Adrien Dansette, *Histoire religieuse de la France contemporaine de la Révolution à la Troisième Republique* (Paris, 1948), pp. 266-67.

[43] *Annals of the Congress of the United States*, 17th Cong., 2d sess., 1855, pp. 20-21.

Alas, in the United States even more than in other countries, 1919, as well as 1946, confirmed the truth of the charge, rather than of President Monroe's optimistic forecast. In an attempt to forget the horrors of the war as quickly as possible, there was an increasing revulsion also to the ideals and institutions which had supported it. Returning veterans at Amherst College were reported in the spring of 1920 to have told their professors, " For God's sake, don't talk to us about ideals! We never want to hear of them again." [44] Precisely because, in the first rush of patriotic enthusiasm, the leading churchmen of all countries had aligned themselves with the powers that were, the ensuing reaction often assumed an antiecclesiastical and antireligious character. The closer the alliance between the church and the state had been, and the deeper went the disaffection of the masses with the established order, the more did the ensuing revolutionary movements repudiate the church along with the powers of the state. In Russia the armies themselves supported a revolution which increasingly went beyond the original Leninist program of complete separation of the church from the state and the school, and finally led to the well-known distinction in the decree of 1929 (also in the Constitution of 1936), establishing " freedom for the conduct of religious worship and freedom for antireligious propaganda." They thus unfurled the flag of universal antireligion or, if we wish, a universal counterreligion.

In Germany, too, spokesmen of the various Socialist parties likewise pointed an accusing finger at the churches and their part in the war. Typical of the growing antireligious mood is the following wartime exclamation of Adolf Hoffmann, the later Socialist Minister of Public Enlightenment in Prussia: " The religion of love for one's neighbors has long since suffered shipwreck. Battlefield and religion cannot be reconciled. . . . Christianity, financially supported by the state, has never yet vigorously combated the atrocities and bestialities of war." [45] The

[44] Lucien Price, " Between Two Wars " in *Religion of Soldier and Sailor*, ed. by William L. Sperry, pp. 21-22.

[45] Cited from the Socialist *Vorwärts* of February 28, 1917 by Karl Holl in his " Luthers Anschauung über Evangelium, Krieg und Aufgabe der Kirche im Lichte des Weltkrieges " (1917), reprinted in his *Gesammelte Aufsätze zur Kirchengeschichte*, III, 147.

number of formal withdrawals from church membership jumped from an annual average of some 12,000 before the war to almost 230,000 in 1919, and to 305,584 in 1920, declining gradually in the following years.

On the other hand, the pre-war prediction of a leading Socialist that a world war would spell the end of all organized religion in Germany proved to be mere wishful thinking. Upon seizing power in 1918 the Socialists themselves, partly as a result of surprising electoral successes of the Catholic Center party, had to tone down their opposition to the churches. The new Weimar Constitution provided for separation of state and church, but this was accomplished in a way which actually accrued to the internal benefit of all major denominations. Although in the Catholic parts of Europe there was some rejoicing about the downfall of the foremost Protestant Power on the Continent, Protestant churches found themselves, for the first time in German history, liberated from the stifling tutelage of the state. No longer did Catholic monarchs like the Emperor of Austria or the King of Bavaria appoint ecclesiastical chiefs for their Protestant subjects. So effective now became the religious teaching of both Protestant denominations (Lutherans and Reformed) that, aided by the population shifts to the large metropolitan areas of Northern Germany, they succeeded year after year in converting more Catholics to their faith, than they lost through the conversion of their adherents to Catholicism. In 1920, for example, 11,017 Catholics joined the Protestant faiths, while only 8,565 Protestants entered the Roman Church. It has also been estimated that in the post-war years two thirds of German children born from mixed Catholic-Protestant unions were reared in the Protestant faith.[46]

At the same time Catholicism, too, rapidly gained ground. In Germany it was relieved from many official restraints and the residua of Bismarck's *Kulturkampf*. Enjoying the new freedoms, the Church rapidly expanded its school system. In the Rhineland, where in 1900 Protestant school teachers outnumbered Catholics 2:1, the ratio was reversed by 1924 to five Catholic teachers for each Protestant teacher. There also was a great resurgence of the monastic orders. In less than a decade after the Armistice the number of German monasteries increased by 711, and that of monks and nuns by 11,354. No wonder that European wags of the early inter-war period often asserted that "from the military point of view France had won the war; from the political, England; from the economic, America; from the cultural, the Jew; from the racial, the Slav; from the religious, the Roman Catholic Church." [47]

In the victorious Allied countries the effects in both directions were more moderate. While war fatigue and general disillusionment with the achievements of the peace often nurtured cynicism and antisocial behavior, the negative effect on the churches found expression less in overt attacks than in growing indifference. Large segments of the population once again stayed away from churches, failed to provide for the religious education of their children, or merely paid lip service to their religious allegiance. A clergyman ministering to some 50,000 population in a London suburb during the inter-war period complained that "only some 100 or fewer attend our two church halls of a Sunday. They are all working class: the devotion of the little worshipping community (men as well as women) to their Church is amazing. Outside their circle is a vast unapproachable paganism." [48] Other informed observers claimed that in France less than a quarter of the population had any real contact with the Church. Many, however, who had undergone some deeper religious conversion during World War I continued to cherish this ideal also in the post-war era.

In one respect, the post-war period generated new religious concerns. Revulsion to the nationalist frenzy of the war period awakened increasing consciousness of the humanitarian and pacifist traditions of Christianity. The result was the rise of a new religious universalism which benefited both the Catholic and Protestant churches. Catholic leadership now emphasized the Church's supranational character, condemned the excesses of a man-centered universe, and preached the return to the

[46] Adolf Keller and George Stewart, *Protestant Europe: Its Crisis and Outlook* (New York, 1927), pp. 160 *et seq.*

[47] *Ibid.*, pp. 157, 168, 171.

[48] Guy Kendall, *Religion in War and Peace* (London, n.d.), p. 118.

orderliness and harmony of the Catholic Middle Ages. Many Catholics subscribed to Pope Pius XI's declaration of December 23, 1922 that

> there exists an institution able to safeguard the sanctity of the law of nations. This institution is a part of every nation; at the same time it is above all nations. She enjoys, too, the highest authority, the fullness of the teaching power of the Apostles. Such an institution is the Church of Christ.[49]

Less extremely the Protestant churches found in the ecumenical movement a way of world-wide coöperation to overcome their previous nationalist limitations and the more effectively to preach peace among men. Old antagonisms could not be readily overcome, however. While the Greek Orthodox churches, now decimated by the Russian Revolution, were ready to collaborate with Protestant leadership, the Catholic Church held aloof. An individual Jesuit's *Catholic Plea for Reunion*, published in London in 1934, led to the author's (Albert Gille's) forcible retirement from the Society of Jesus. Even more tragic was the failure of the ecumenical movement to stem the new tide of nationalism and racism loosened by the rise of the Nazi party. Precisely when the ecumenical movement was reaching a certain degree of fruition in the Oxford Assembly of 1938 and the establishment of the World Council of Churches, the new demonic forces were setting in motion that powerful train of events which led to the outbreak of the Second World War.[50]

Not that these energies were completely lost. The lessons of the First World War and the achievements of the inter-war period exerted a great moderating influence during the Second War. True, few clergymen could live up to professions made after the First War. At that time Rev. Merle N. Smith of the First Methodist Episcopal Church of Pasadena, California, asserted, "I would be loyal to my country and to Christ. If my country forces me to choose, I will be loyal to Christ." After analyzing the vast and then still growing evidence for the spread

[49] Pius XI's encyclical *Ubi arcano Dei* in *Principles for Peace: Selections from Papal Documents*, ed. by Harry C. Koenig (Washington, 1943), p. 347.

[50] *Cf.* Baron, *Modern Nationalism and Religion*, pp. 155 *et seq.*, 299 n. 39, 316 *et seq.*

of pacifist sentiments among Protestant churchmen, Walter W. Van Kirk predicted, as late as 1934, "that the government in the event of another war, will have to get along without the moral support of many of our larger and more influential Church bodies." [51]

When these words appeared in print, a new storm was quickly gathering momentum. Before long it swept away all such pious expectations. Yet, when World War II finally broke out, the churchmen of all denominations were, as a rule, far more circumspect in their utterances and more anxious to harmonize their convictions as citizens and as believers. They were aided therein by a generally less hysterical frame of mind of the general public. The mood of all countries was far less permeated with the messianic fervor of a " war to end all wars ". The previous Nazi onslaught on all churches, moreover, not only dampened the ardor of the German clergy, but also furnished the churches in both the occupied and the Allied countries a genuine religious issue. This time, indeed, the very fundamentals of the Judeo-Christian tradition were under attack. Churchmen of all denominations could not forget Alfred Rosenberg's programmatic enunciation: "Today a new faith is arising: the myth of blood, the belief that by defending the blood, we defend at the same time the divine essence in man. This faith is combined with the clearest knowledge that the Nordic blood represents that mystery which has replaced and overcome the old sacraments." [52] Typical of most contemporary declarations was one issued by 93 leading American Protestants which read, "We abhor war, but upon the outcome of this war depends the realization of Christian principles to which no Christian can be indifferent." To Karl Barth even this statement was not outspoken enough.

> If the realization [he wrote] of the Christian principles depends upon the outcome of this war then there is no point in the assurance that war is abhorrent; for it is surely only unnecessary and unjust wars which are condemned as abhorrent, and among this number the present one is not to be classed.

[51] Van Kirk, *Religion Renounces War* (Chicago, 1934), pp. 13, 44.

[52] Rosenberg, *Der Mythus des 20. Jahrhunderts* (Munich, 1937), p. 114.

True, even now there were some such devotees of the idea of nonresistance and the supreme horror of shedding human blood that, before the outbreak of the war, they had urged on Archbishop William Temple "to receive the evil of the Nazi regime into my own soul as a redemptive sacrifice, instead of resisting it." The Archbishop of Canterbury repudiated these suggestions by pointing out what such pacifism would mean to the oppressed Czechs and Poles and even contending that "this notion that physiological life is absolutely sacred is Hindu or Buddhist, not Christian."[53]

All this greatly facilitated the speedy revival of the inter-war ideals soon after the cessation of hostilities. In fact, the ecumenical movement and the World Council of Churches resumed in 1945 with renewed vigor where they had left off in 1939.

More far-reaching were the effects of World War I on theological doctrine. In the midst of the First World War Barth had sounded his clarion call for a return to the ideals of the early Church and the Reformation. At the same time, Rev. F. William Worsley, a Church of England chaplain, discussed sin, the sacramental view of life, and the future life as the main "beliefs emphasized by the war", and concluded that "far from needing a lessening of dogmatic teaching this generation needs more than anything else real definite instruction" in these doctrines.[54] From 1918 on, these appeals to "metahistorical" and absolute verities began to multiply in number and insistence. Within Catholicism, too, pre-war modernism gave way to Neo-Thomist and other dogmatic affirmations, sometimes combined with outright historic negativism. This new quest for religious absolutes has also been reflected in the belles-lettres of our generation, although not with the same degree of intensity which characterized the Romantic literature of the early nineteenth century.[55] This process is still continuing today. Whatever its outcome, it has already fructified and intensified religious thinking in many domains.

[52] Barth, *The Church and the War* (New York, 1944), pp. 29-30; William Temple, *Thoughts in War-Time* (London, 1940), p. 29. *Cf.* also *ibid.*, pp. 31 *et seq.*

[54] *Cf.* his essay in *The Church and the Furnace*, ed. by F. B. Macnutt, pp. 69-96.

[55] *Cf.* Halford Edward Luccock, *The Questing Spirit: Religion in the Literature of Our Time* (New York, 1947).

Tentative Conclusions

Of course, effects of wars on religion cannot be isolated from other contemporary factors. We must never forget that the same body of men, often the very same persons, who as church members deeply influence religious affairs, as politicians, business men, labor leaders or scholars guide also the political and economic destinies of their nations. Any "established" church will naturally be subject to the wishes, even whims, of political rulers. In countries of separation of state and church, the latter will always depend on the voluntary allegiance of a mass membership and the financial contributions, particularly of wealthy members. Here we have natural incentives toward both demagoguery and plutocracy, and frequent submission to an aroused public opinion or to demands of the ruling classes. That is why the religious evolution of any period cannot be understood out of context with contemporary socio-economic, political and cultural factors.

During the inter-war period one often heard—not only from economic determinists—that "wars settle nothing." Clearly, wars themselves are but the result of peculiar political and social situations, created by a concatentation of historical factors. It was argued, therefore, that even without war these factors would have produced essentially the same results.

This assertion is a gross oversimplification. The mere acceleration and intensification of existing trends have often precipitated decisions previously far from certain. Karl Marx once called revolutions the "locomotives of history". With equal right one may so designate wars, too. By speeding up existing social processes, armed conflicts usually shortened the time of their maturation and often produced within a few years what would otherwise have required decades. With the constant changeability of human evolution such acceleration has also doubtless prevented the maturing of some opposing forces, which would have nullified or modified those earlier factors. In many cases, moreover, some opposing forces are from the outset more or less equally strong. Wars, like other dramatic events, by tipping an often tenuous balance, did indeed "settle" issues which otherwise would have been resolved in some other way.

In the religious sphere, too, wars as such have had many permanent effects. Without recourse to ever futile "iffy" questions, we may assert that, in the case of at least two of the three wars discussed here, religion was affected deeply and enduringly. Both the Judeo-Roman and the Napoleonic Wars resulted in lasting religious decisions, the effects of which have been felt in both the religious and the social spheres during all subsequent generations.

Certainly, the destruction of the Temple in Jerusalem in 70 A. D., with or without Titus' concurrence—this was a moot question already in that emperor's lifetime—ended once for all Jewish sacrificial worship. Few Jews in resurrected Israel today think of rebuilding their sanctuary. Even the most orthodox do not expect a reëstablished priesthood to be entrusted with the task of again offering animal sacrifices—before the advent of a supernatural Redeemer. To be sure, the majority of world Jewry living in the dispersion had long before the year 70 been alienated from the Temple ritual. In the daily life of the rank and file of Palestinian provincials, too, the Synagogue had played a far greater rôle than the Temple, which they visited on relatively rare occasions and whose prestige had been undermined by the abuses of its venal hierarchy. Yet, judging from the general acceptance of animal sacrifices in the ancient world, the great admiration for the Temple of Jerusalem on the part of such outstanding Diaspora Jews as Philo of Alexandria, and the widespread genuine mourning after its destruction, one must admit that Jewish sacrificial worship still had tremendous vitality. No one can tell how, under what totally different circumstances, and with what totally different results, it would have gone out of existence at some later date.

This victory of the Synagogue over the Temple paved the way for the eventual universal acceptance, throughout the Western World, of the former's daughter institutions, the Church and the Mosque. It also tipped the balance in the struggle between Judeo-Christianity and Paul's Gentile Christianity. Only a few years before the fall of Jerusalem, Paul himself had to acknowledge the supremacy of the Jerusalem Judeo-Christian leadership, and even personally perform certain ritualistic purifications rather inconsistent with his own doctrine. It stands to reason that, without the fall of Jerusalem, the Judeo-Christians would long have retained their position of leadership in the nascent Church. Without the concomitant victory of Pharisaism over all other sectarian groups, they would also have remained members of the formerly latitudinarian Jewish community. No one can gauge the extent to which this development would have retarded the halting progress of the Gentile-Christian mission during the following two centuries, and played into the hands of such competing propagandists as the devotees of Mithraism. The fall of Jerusalem thus indeed became a decisive event in the secular, as well as in the religious, destinies of the Western World.

Less far-reaching, but quite significant, were also the long-range religious effects of the Revolutionary Wars. The antireligious onslaught of French Enlightenment was definitely checked. This is the more remarkable as Enlightenment's other ideals, such as individualism and nationalism, rational and scientific approaches, civil liberties and the dissolution of the feudal order, continued to celebrate one victory after another during the nineteenth century. In all these areas Napoleon's military dictatorship, rather than reversing the Revolutionary program, spread it into other lands. In the religious sphere, however, Napoleon's policies marked a clear reversal of the Revolutionary trends, paradoxically made more complete and peremptory by his defeat.

One may perhaps explain this difference by the fact that only in Voltairian France did the antireligious forces gain real ascendancy, whereas in the Anglo-Saxon countries and in Germany such leading spokesmen of Enlightenment as Hume, Jefferson and Lessing had a far more positive attitude toward religion. One need but compare the effects of the American and French Revolutions. Where the two revolutionary movements agreed, as in the Rights of Man, they really expressed the basic universal trends of the Enlightenment era and, as such, they proved victorious. Where they disagreed, as in the area of religious freedom, France, pursuing her peculiar course, was ultimately defeated. Perhaps, because in America separation of state and church meant freedom *for* religion, while in France and all of nineteenth-century Europe it came to mean freedom *from* religion, the final military defeats of the French armies decisively influenced not only the revival of religion but also that of religious authority, as symbolized by papal supremacy, new ritualistic emphases, romantic yearning for the medieval hierarchy of values, and religious as well as imperialistic Pan-slavism.

This religious revival wore off toward the end of the nineteenth century. Aided by the spread of popular education and democratic participation in public affairs, religious agnosticism and free thought now attracted far greater mass following than it ever did in eighteenth-century France. Once again a great war, World War I, brought to a head this long simmering conflict. As its result, antireligion triumphed for a time in defeated Russia and, to a lesser extent, in the successor states of the Central Powers. But the war set in motion also the contrary quest for new religious absolutes. Once again there was a widespread resurgence of both religious feeling and submission to religious authority. Catholic modernism and Protestant historicism were now eclipsed by renewed stress on metahistorical truths, on dogma and ritual. The Second World War, finally, in many ways but a climactic continuation of the First, abruptly terminated even the antireligious crusade of the Soviet Union. In any case, taking the entire period of World Wars as a single entity—one may consider it a Thirty Years' War of rivaling nationalisms as opposed to the seventeenth-century Thirty Years' War of rivaling religions—there has been a marked upsurge of religion in 1952 as contrasted with, say, 1912.

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THE SOURCE OF MANAGERIAL AUTHORITY

At a time when the subject of enterprise management is just beginning to receive the systematic attention which it has long deserved, there is a serious possibility that the energies of theorists may be diverted from promising research to a barren argument about the source of authority. Business men may be surprised to learn that their right to command is being questioned. For these many centuries they have operated on the assumption that their orders must be obeyed. In relatively recent years it has been asserted that they have no authority except in so far as their subordinates choose to confer upon them the right to issue commands. Perhaps an inquiry into the source of managerial authority will eliminate the basis for disagreement.

Indeed, success in this venture may do much more. It is not only important but extremely urgent that management theory develop a generally accepted explanation of the source of authority. To continue in the present maze of conflict is both unproductive and undignified. Until the matter is settled there is really little merit in talking about what managers do. We must know by virtue of what authority they act at all. The urgency of this issue will be best understood if we realize that the present world conflict in ideologies rests upon diverse theories of authority.[1]

I. *The Historic Position*

For four decades none of the writers in the management field inquired into the nature of authority, not even into its source. This is not strange, of course, when one considers that their main interest was in the specialization of enterprise tasks. But it is significant that none seemed to think that the right of managers to give orders would be questioned. Seeing all about them

[1] E. L. Allen, "Authority and Freedom in East and West", *The London Quarterly and Holborn Review* (April 1948).

that business men, in fact, did give orders and that they were generally obeyed, that the state promulgated laws and that these were generally obeyed also—seeing these things, the facts seemed to point to acceptance of the idea that the right to issue orders must certainly rest with the business managers. Indeed, if the question had been put to them they probably would have agreed with Peterson and Plowman, who state that

> Under our democratic form of government the right upon which managerial authority is based has its source in the Constitution of the United States through the guaranty of private property. Since the Constitution is the creature of the people, subject to amendment and modification by the will of the people, it follows that society, through government, is the source from which authority flows to ownership and thence to management.[2]

It is more than probable that business men past and present would subscribe to this statement as it stands. They would be surprised to find out that the source of authority is a very contentious subject of political theory.

II. *The Dissentients*

First among the writers in the field of management theory to question this accepted doctrine was Chester I. Barnard, Harvard graduate, successful top manager of large-scale enterprises, and the author of *The Functions of the Executive*.[3] Apparently reading widely in the fields of philosophy and psychology, and being much impressed by the political theory of Harold Laski, Barnard postulates that a correct theory of authority must be consistent with the facts and then proceeds to enumerate several instances wherein the members of an organization have refused to obey persons in authority. On the basis of these " facts " he states that " which specific laws will be obeyed or disobeyed by the individual citizen are decided by him." His approximate definition of authority is " the character of a communication (order) in a formal organization by virtue of which it is accepted by a contributor or ' member ' of the organization as governing the action he contributes. . . ." And again, " the decision as to whether an order has authority or not lies with the persons to whom it is addressed, and does not reside in ' persons of authority ' or those who issue these orders." This concept means, if anything, that the source of authority lies in the members of an organization, that they confer authority upon their *superior* by deigning to accept and act upon commands, that they may, if they wish, decide to accept orders seriatim, and that they may withdraw conferred authority at any time by refusing to obey the commands of their superiors.

[2] Elmore Petersen and E. Grosvenor Plowman, *Business Organization and Management* (Chicago, 1949), p. 62. This is a very restricted view of the source of authority.

[3] Cambridge, 1950. Succeeding quotations from Barnard are from his chapter xii.

Barnard does appear to be somewhat disturbed by the obvious conflict between the widely held legal conception of authority and his own, but he proceeds to show that there *really* is no cause for alarm if one merely sprinkles the discussion with such words as " usually ", " greater part ", " most of ", " considerable ", and " essentially "—words which scientists have long since plucked from their lexicon.

The fact of the matter is that Barnard leaves the reader with a distinctly queasy feeling. He does cite two sources which are presumably included to buttress the position which he takes on authority. He has two sentences from Roberto Michels' article in the *Encyclopaedia of the Social Sciences* and three sentences from General Harbord's *The American Army in France*. But even these sources, doubtful as they are for the purposes in hand, are dismissed by the cavalier statement, " We must not rest our definition, however, on general opinion." Overlooking the fact that two opinions certainly do not make " general opinion ", Barnard proceeds with his entire discussion of authority on the basis of personal musings.

Mr. Barnard is not alone in his ideas about the source of a manager's authority. Robert Tannenbaum[4] dubs as " formal " the authority of a manager when it is viewed as " originating at the top of an organization hierarchy and flowing downward therein through the process of delegation." He thinks of " informal " authority as a right conferred upon a manager by his

[4] Robert Tannenbaum, " Managerial Decision-Making ", *The Journal of Business*, XXIII, 1 (January 1950).

subordinates. Thus, informal authority is equated with Barnard's complete concept. But Tannenbaum, as a practical matter, does not actually differ from Barnard because he says,

> The real source of the authority possessed by an individual lies in the acceptance of its exercise by those who are subject to it. It is the subordinates of an individual who determine the authority which he may wield. Formal authority is, in effect, nominal authority. It becomes real only when it is accepted.

In order to substantiate this conception of authority, Tannenbaum quotes approvingly from Barnard, Kardiner, Benne and Simon. The citation attributed to Kardiner does not appear to me to be particularly applicable because he is, in that place, concerned with parental authority, and even in this respect is generalizing from a report of one case which illustrates a relationship between a mother and a very dependent child. Benne has written a thoughtful book in which his interest is to develop a theory of authority from a psychological approach. But even Benne says, "Certainly no one could be more aware than I am that the conceptual analysis of authority which I have sought to carry through is in need of further testing, clarification, and correction."[5] Perhaps unnoticed, the quotation from Simon does not support the position taken by either Barnard or Tannenbaum, although it may be said parenthetically that this source could be used to support either the historical position or that of the dissentients. And I may add that Selekman[6] simply cannot make up his mind on the subject so he says:

> It is true enough that the management executive must, directly or indirectly, obtain consent to his decisions from the men under him; the importance of such consent now receives ever-increasing recognition. Nonetheless, the manager still wields authority over his workers as of right—a right delegated to him by the owners of the business.

Thus the pendulum has swung from the theory that the source of authority rests with property owners to the theory

[5] Kenneth D. Benne, *A Conception of Authority* (New York, 1943), p. 157.

[6] Benjamin M. Selekman, *Labor Relations and Human Relations* (New York, 1947), pp. 175-76.

that it lies with the subordinate members of an organization. It is now moving back from the latter extreme to a position where it points in both directions. This is not an eclectic theory: authority is merely thought of as bifurcated.

III. *The Implications of Dissent*

At this point I believe that it is pertinent to comment upon certain assumptions underlying the theory of authority which is supported by Barnard and Tannenbaum, and upon the implication of this theory. Mr. Barnard is greatly impressed by his citation of instances wherein members of an organization refuse to obey the commands of their superiors. His cases are rather meagre. He should look into the discussion of this matter by Charles Merriam.[7] Of course, it is generally recognized that there are many instances of refusal to obey. Who has not heard of Tolstoy and his boycott of government, Gandhi and his passive resistance, Americans and their Eighteenth Amendment, and our own revolution which brought us independence? But to generalize from this behavior that the source of authority *therefore* rests with the subordinates, the ordered, the workers, the individual citizens is assuredly a *non sequitur*. These instances merely tell us that sometimes (and, indeed, not very often) subordinates do refuse to obey. An acceptable theory of authority would have to include these phenomena within its framework but not to the exclusion of the much more important patterns of obedience.

In describing how subordinates confer authority upon their superiors, these writers leave the distinct impression that such is the procedure within each organization. Now if this were the actual case, every organization would be in the hands of subordinates. The dream of Sorel and the Syndicalists would be realized.[8] Owners would be quickly deprived of all of their rights. Trade and industrial unions would be triumphant in the destruction of enterprise. Do these writers realize the implications of their doctrine? It is exceedingly doubtful, although neither raises the question.

[7] *Political Power* (New York, 1943), pp. 156 *et seq.*

[8] For a synopsis see J. Ramsey Macdonald, *Syndicalism* (Chicago, *circa* 1913).

Authority is the right to command or to act. It implies the possession of the power to coerce, for obviously if there were no way to enforce an order the enterprise would become disorganized and unable to achieve its purpose. To realize how clear this is, the reader should imagine what would happen in a business if workers failed to adhere to the opening and closing hours of work; if individual players on a football team decided to engage their opposites in competition at any time; if the local government could not punish the violators of traffic regulations; and what actually did happen under the Articles of Confederation when the central government taxed the states.

Now, if subordinates do confer authority on their superiors, they must also confer the right to levy sanctions, even to coerce.[9] Neither Barnard nor his followers deal with this aspect. Tannenbaum does get close when he has the subordinate include the disadvantage of coercion in his hedonistic calculus to determine whether or not to obey. But does this mean that such subordinate did in fact confer upon his superior the right to levy sanctions? It seems most unrealistic so to assume.

In the last two decades so much propaganda has poured forth from the trade unions and nonbusiness enterprises that the business manager may be forgiven if he has begun to think that for him there may be, indeed, no rights. He is warned about the political power of the organized workers; he sees that many enterprises are engaged in illegal activities without repression; he is instructed by psychologists on the danger of creating a "block" in the attitudes of his employees; he is taught that the productivity of labor would rise phenomenally if he would only quaff deeply of the milk of human kindness; and, lastly, he is told in a convincing manner that *really* he has no authority except that which his subordinates give to him.

It is anarchistic to imagine that subordinates confer authority on their superiors. This teaching is perilous because it provides a philosophical basis for the direct action of subordinates, for unilateral action, for the complete control of the enterprise by organized workers, for power without responsibility.

[9] Coercion includes sanctions and the compulsion of obedience despite the lack of approval of a majority.

IV. *A Theory of Authority*

A search of the literature on the source of authority reveals that it is the political theorist who has been most concerned with this problem. Inquiry into the source of authority has been made at least since the Greek city-states flourished. As the symbol of power seemed to sway from emperors to churchmen to victorious generals to divine-right kings to parliaments, there were always writers at hand with a theory about the origin of authority. Sometimes they were mere time-servers catering to a sovereign, sometimes they were churchmen intent upon the aggrandizement of ecclesiastical power, sometimes they were mere propagandists who wanted to provide an apparently reasonable basis for a "movement", and sometimes they were learned men who were genuinely interested in trying to find a satisfactory explanation.

A generally acceptable theory of the source of authority would have to begin with a clear understanding of the natural rights of man. Without arguing the question, it may reasonably be assumed that there is a human nature, that it is the same for all men, and that man is gifted with intelligence as a result of which he acts with understanding and with the power to determine for himself the ends for which he strives. The natural rights of man are summarized in the law of mankind and in the natural law.[10] These consist of what man "ought" to do, as we

[10] According to Radin (see *infra* note 12), there have been three rather distinct legal traditions. Aristotle, noting the dichotomy, taught that there was a law by nature and a law by convention. (The Stoics and the Churchmen felt that the latter was no law at all.) A second tradition conceived the law as of two parts, the civil law, that is, the law of a particular community, and the *ius gentium* which was based on the nature of man. The third tradition conceived of a law as a triple transmission, namely, the civil law, the *ius gentium*, and natural law. The second and third comprised the Roman legal tradition.

The *ius gentium* was discoverable by observation—an innately scientific approach because what men do is natural and it can be observed. Now it so happens that the early writers and travelers were more interested in the differences between peoples than in the similarities. Consequently, the reports of how men lived seldom contained information which we would consider vital from the point of view of the moral unity of mankind. The critics of natural law have seized upon this omission, emphasized the divergencies, and concluded that there really was no *ius gentium*. But careful research does note many similarities which have become the root of the regulation of property, family life and penology. Its modern fruit may be ob-importance. The pursuit of happiness to a Russian may very well be visualized in terms of higher living standards and, until some degree of satiety is achieved in this area, he may not feel at all that free speech or private property is important. Other people may evaluate peace most highly, and be quite willing to overlook incursions upon free enterprise as long as they are protected—a situation that seems to exist today in China and certain Latin-American countries. Thus, it appears reasonable to look upon a people as having a scale of values relative to the development of its civilization; this scale may change with changes in environment, and so on; it is the strategic or limiting or obstructing factor which stands in the way of achieving its purposes, and consequently it is this factor that must first be removed. In the course of time, successive limiting factors are gradually overcome until a people may, ideally, develop a noble civilization in fullest measure.

It is not implied that there is a necessary positive growth factor in the extent to which the objectives of a people are achieved. Should the environmental factors move adversely to the growth of culture, a new evaluation of objectives would be required. For instance, it is conceivable that external forces may combine with internal elements to bring about the loss of a free press in the United States. After a time the citizens may be persuaded that their greatest danger is foreign invasion; that to fend off this threat, free speech, private property, and so on, are really unimportant. A large share of the national product would be devoted to building a " defense ". Such a development would, quite clearly, result in a cultural regression similar to that experienced by the great empires which pass in review before the historian.

Neither should it be assumed that because a group is not presently allowed to enjoy certain natural rights it is thereby forever deprived of them. Governments, exercising coercive power, can and frequently do deprive a people of many liberties. This may be done by overemphasizing other objectives the accomplishment of which saps the attention and the substance of a people to a point where the natural rights which it enjoys are disparagingly evaluated. ". . . the people is never corrupted, but it is often deceived, and on such occasions only does it seem to will what is bad."[15]

Thus, in considering the degree to which natural rights are enjoyed by a people it makes little difference whether its government uses sanctions or coercion. In the former case, a majority of the people approve of the actions taken, and in the latter case government is by minority. A governing group simply uses different means to keep people from reëvaluating objectives in such a way as to seek actively greater liberties than are presently enjoyed. The period over which success will attend these official efforts is a more or less short run. We know that it took many decades for a people to demand and get a Magna Carta, a monkish thesis tacked to a church door in Wittenberg, and a Declaration of Independence. But eventually freedom from certain types of political and religious repression was obtained. With the passage of time the periods of long struggle seem to grow shorter because the world itself is smaller: communication is swift, a higher level of education is achieved, the lessons of foreign struggles are fresh, and the power of foreign help is imminent. Those who yearn for liberty can now have the bright hope of achievement within their lifetime. Note how quickly the nations of Europe have freed themselves from the necessity of supporting a " royal " family; how rapidly has come the disintegration of British, French and Dutch imperialism; and how quickly spreads around the world the consensus of the United Nations.

And, finally, it should be noted that no social contract is implied. As is well known, Rousseau gave the greatest currency to such an idea. It was his view that there existed in fact a contract between the state and its people whereby in return for civil liberty and the proprietorship of all he possesses, man gives up his natural liberty. This contract was thought of as inviolable without destruction of the state; man could not retrieve his bargain. Jefferson, on the other hand, unequivocally takes the position that the ultimate authority lay in the national will.[16]

15 Jean-Jacques Rousseau, *The Social Contract and Discourses* (New York, 1950), p. 26.

16 Charles M. Wiltse, *The Jeffersonian Tradition in American Democracy* (Chapel Hill, 1935), p. 93.

understand by the duty-right identity, and of what man "may" do. The sum of these natural rights is the sum of our liberties. It is "law" in the older sense. As a community changes its characteristics, these rights may increase in number, complexity, nature and content—indeed, become such a problem that for mnemonic purposes attempts are frequently made to codify them.

Somehow the moral sense of mankind has developed along with the process of becoming civilized. True it is that our moral unity had a precarious beginning in the right of a man to protection should he be cast upon strange shores. The principle was well understood in Homeric times that the rights of man did not arise from a political authority or from a tradition in any one country. In the course of a few millenia the rights of man have increased manyfold and have now found their best expression in the Declaration of Human Rights.[11] "More men than ever before would think it impossible to deny that men as men have rights, and by admitting that they have, they would be asserting the kind of law for which 'natural law' is a bad name, but still a name."[12] The measure of our civilization is the continuous expansion of these rights.

It profits little to speculate about natural rights as they may have existed in the "original state of nature". Anthropological evidence reflects the universal existence of relatively large social units from the earliest times of which there is a record. This means that everywhere man has developed an organized behavior. He has naturally chosen to live a community life.

served in the law of commerce and, since the Dark Ages, in the universal punishment of acts of aggression against man which includes such matters as the security of life, property, person, and family relations.

The concept of natural law was considerably different. It was held that law was derived from reason, that right reason would command what was good and forbid what was bad. Thus the Stoics, arguing from suppressed premises of accepted moral standards, pointed out that slavery was quite proper according to the *ius gentium*, but was irrational since it violated natural law.

[11] Myres S. MacDougal and Gertrude C. K. Leighton, "The Rights of Man in the World Community: Constitutional Illusions Versus Rational Action", *The Yale Law Review*, vol. 59, No. 1 (December 1949).

[12] Max Radin, "Natural Law and Natural Rights", *The Yale Law Review*, vol. 59, No. 2 (January 1950), p. 232.

Now, the *order* in organized behavior implies authority—the right to command coupled with the right to coerce. Malinowski is emphatic in saying that "submission to laws as well as the power to enforce laws and rules are indispensable in human behavior."[13] Otherwise, there will only be anarchy. West is of the opinion that

> *The prime requisite and firm creator of any community life is a law of order maintained by force.* For human nature is such that, in all its most necessary social relationships, it is subject to the permanent threat of the self-assertive impulse, which misinterprets facts, misjudges events, and then, through consequent self-justificatory passion, breaks the social bond, unless it be externally restrained. We may claim this as adequately confirmed. Nursery studies and family life confirm it. Social and natural history confirm it. Modern psychology confirms it. And finally, our common sense tends to confirm it—for all others except ourselves, which is in itself a final confirmation. Individual, group or nation-state, we cannot judge our own cause. And if we try to do so, we shall be reduced again and again to fighting for a supposed "right" against a supposed "wrong," for one set of illusions against another.[14]

Thus man, as an intelligent and sentient being, has chosen to establish an authoritative institution which we have called a tribe, a clan, or a state—the highest expression of the institutional side of secular life—as the best means of furthering the enjoyment of his natural rights.

Quite clearly, then, the state is a mechanism or tool for achieving certain purposes willed collectively by the citizens. The latter, as a group, evaluate their civilization in terms of "what to do next", or, negatively, in terms of the limiting factors. If the state appears to offer better means of achieving their objectives than individual action, the right to act in the area of the limiting factor(s) will be granted in the basic constitution or an amendment thereto. It is obviously unrealistic to think of the peoples of the various states in the world evaluating their objectives in the same way or in the same order of

[13] Bronislaw Malinowski, *Freedom and Civilization* (New York, 1944), p. 27.

[14] Ranyard West, *Conscience and Society* (London, 1942), p. 240.

If the state fails to meet the expectations of the people, there is no reason why the grant of authority could not be modified, restricted, or retrieved. I look upon the state as a mechanism by which a people achieves certain purposes. It has no life of its own beyond that conferred by the national will and it must always be amenable to this will.

Upon its establishment, government proceeds to carry out the purposes of the people by the passage of laws and by providing for their interpretation through a legal system. A law is a rule of conduct approved and promulgated by government authority and enforced by sanctions. Morally, a law may not be enacted which is *ultra vires* of the governing authority. It must be within the areas of authority which the people have delegated to government. The subject matter of the laws may be derived from the generally accepted practices of a people as determined by the courts, it may be directly derived from the provisions of the basic constitution, and it may be conceived by legislators as a rule which will enhance the opportunity of the people to improve the hope of fulfillment of their human nature.

Now, part of the subject matter of legal systems is the well-established law of contract. This is the proximate source of a manager's authority. The relationship between the entrepreneur and employee is one of right-duty in which the manager has the *right to command* and the managed the *duty to obey*. While the employee has the *power* to disobey, and thus he may do so, he is subject to whatever penalties the law provides. Note carefully that *the exercise of the power to disobey does not deprive the manager of his authority.*

But, it may be asked, of what avail is authority when employees exercise their power of disobedience? The manager has recourse to the broad penalties of the law. These have proved generally effective in securing obedience in our society, for, be it remembered, man behaves in an organized way. If this recourse is insufficient, and disobedience spreads to universal proportions, the society is undergoing a revolution which may or may not be morally justified. But the end result will always be a new legal system and, possibly, a new set of managers and managed in which the former derive their authority from the same source as always—the collective will of the people.

As long as the legislative activity of the government and the interpretive activity of the courts are confined to the areas set forth in the basic constitution of the people, the obedience of the latter can be taken for granted. It is a case of prior acceptance. If the trend of law or its interpretation appears to infringe upon the achievement of a people's objectives in a way which has not been foreseen, such a law or such interpretation of its meaning can be clarified by statute whenever the people as a whole so desire. A good case in point was the developing relationships between managers and labor just prior to the passage of the Taft-Hartley Act. It was the general sense of the people that the Wagner Act was being interpreted in such a way as to infringe upon the rights of both property owners and consumers. An attempt to protect these rights was made by the passage of a new statute.

But supposing, it may be said, that the government in question uses its police powers immorally by requiring obedience to laws which are not only *ultra vires* but are an infringement upon natural rights. For example, we are faced in the United States with a strong tendency among the people to approve of legislation which infringes upon the right of free speech and free press—a tendency which John Stuart Mill foresaw [17] and which was deplored by Justice Holmes in *Abrams v. United States.* When a government takes such action, it is a usurper. The people as a group have not granted authority to it in this area, but they will obey individually (sometimes) in the same way that we would deliver up our goods to a highwayman who has the " drop " on us. Force creates no right. But, of course, this is not the end of the matter. Education and other means of propaganda may ultimately be successful in reversing the legal interpretation, repealing the statute, or causing a new constitution to be written. Failing this, there is always the right of revolution which was invoked by George Washington and the Founding Fathers.

V. *Applications of the Theory*

In order to test this theory of the source of authority, various circumstances may be considered, especially those occasions when

[17] John Stuart Mill, *On Liberty* (New York, 1885), chapter iv.

it appears that "man is born free, but everywhere he is in chains": [18] the parent-child relationships; the operation of a government enterprise; and the managerial authority relationships in business enterprise.

Perhaps enough has already been written about the circumstances in Spain, Argentina, Russia, China—in fact, all areas that now seem to be outside the pale of democratic Western European culture—to indicate that there, indeed, the people appear to be in chains. But the essential point is that what appears to be a chain, as viewed from the vantage point of America, need not be and, indeed, probably is not so viewed by the majority of the inhabitants of those nations. They may consider that peace or economic welfare is the great desideratum. But we may look forward confidently to the time when, their present greatest desires having been achieved, they will reëvaluate their objectives and modify the authority of their governments in such a way as to permit the further development of their civilization.

Sometimes the relationship between parent and child is cited for the purpose of illustrating the delegation of authority by the child to the parent. The point is made that very early, and in progressive degree, the parent is defied and consequently deprived of authority. Now in most societies the patriarchal conception of the relationship between parent and child is very strong. We do not choose our parents. Neither do we "hold a quinquennial inquiry into the manner in which they have discharged their duties and decide, in the light of this, whether we shall continue to accept them or shall engage others." [19] Our marriage laws confer on a couple authority over their prospective children. They have this "anticipatory" authority in the same sense as the sheriff has authority to incarcerate a criminal before there is a crime. The asserted "rebellion" of the child should be viewed in the light of the anticipated adjustments by which parents gradually recede from particular relationships as the child's capacity to act in his own interest develops. Despite frequent poor timing, it is all "according to plan".

[18] Rousseau, *op. cit.*, p. 3.

[19] Allen, *loc. cit.*, p. 141.

We in America have been conditioned during the past twenty years to view with approval the spectacle of our government engaging in the ownership and operation of a few yardstick enterprises. The TVA is a good example. What is the authority relationship of managers and subordinates in this activity? All subordinates have a duty to obey the lawful commands of their superior managers because the right to issue such orders descends from the people as a whole through the Constitution to the federal government which has approved the project. The use of coercive methods to secure acceptance of orders is the manager's right. The recalcitrant subordinate can and should be deprived of employment in this enterprise if he disobeys commands, for he not only endangers the success of the firm in achieving its objectives but he may not, as an individual, decide issues which are the prerogative of the collective will.

In the case of private business enterprise the authority relationships operate in much the same way. Americans have not deprived themselves of their common-law freedom to engage in business activity. It is true that elaborate safeguards for the rights of others have been spelled out in ordinance, rule, law and constitution, but within this framework anyone can engage in business as an individual proprietorship or on a partnership basis without special permission. Since corporations are legal persons created by law, their managers exercise authority which has reached them through the chain of delegation from the people to their constitution and thence through government to its creature. But whether a manager is operating an incorporated enterprise, or not, his subordinates are obliged to obey his lawful orders, as long as the employer-employee relationship exists, because the right to command issues ultimately from the collective will of the people. Neither the individual subordinate nor the trade union to which he may belong is in a position to disobey those commands. If there is doubt of their pertinency, the courts may adjudicate the matter. If both the right to command and its interpretation by the courts are unacceptable to individual or union, the proper procedure is to begin political action designed to bring about favorable legislation or an amendment to the constitution. A well-known recent instance of such action resulted in the passage of the Wagner Act.

VI. *Summary*

Writers in the field of management have either neglected to consider the source of a manager's authority, or they have made the bland assumption that it derives from the right of private property. These positions left them open to vigorous criticism, especially by those who assert that the manager derives authority from his employees. Neither of these positions appears tenable to the present writer. My thesis is that: (1) man as man has natural rights derived from the law of mankind and from the natural law; (2) somehow, man has developed a moral sense; (3) man has always behaved in an organized way and thus submits to laws and the power to enforce them; (4) the tool created for the purpose of developing statute law and confirming natural law is the state; (5) part of the legal system is the law of contract which establishes the right of a manager to command and the duty of the managed to obey; (6) the managed have the power to disobey but the broad penalties of the law generally prove sufficient, along with the natural behavior of man, to achieve obedience; and (7) at the extreme, universal disobedience results in revolution which is succeeded by another legal system embodying status or contract law which is approved by the collective will of the people. The source of managerial authority cannot be conferred upon a manager by an employee; nor is it derived from property rights. It rests ultimately in the nature of man.

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AMERICAN INFLUENCE AND JAPAN'S NO-WAR CONSTITUTION

THE war in Korea and the signing of the Japanese Peace Treaty have drawn the attention of the world to the rôle which Japan is to play in the cold war. Although Japan was completely demilitarized immediately after World War II, the conviction is growing among the Western Powers and in Japan that for self-defense in the present world situation Japan must have an effective army and navy. A principal hindrance to that rearmament, however, is the new Japanese Constitution, which renounces war and the maintenance of armed forces forever. How has it come about that the Japanese people have adopted a Constitution which deprives them of arms as a means of self-defense? The story of how the no-war Constitution came into being is perhaps the most remarkable episode in the history of the Occupation of Japan.

When they surrendered to the Allied Powers, the Japanese formally "accepted" the provisions of the Potsdam Declaration, which, among other things, called for the strengthening of democratic tendencies, respect for human rights, and the establishment "in accordance with the freely expressed will of the Japanese people [of] a peacefully inclined and responsible government."

On October 4, 1945, General Douglas MacArthur, Supreme Commander for the Allied Powers (SCAP), urged Prince Fumimaro Konoye, Deputy Premier of the outgoing Higashi-Kuni Cabinet, to take the lead in reforming the Constitution. Prince Konoye, who had been Premier when Japan launched her "Holy War" against China in 1937, obtained appointments for himself and Professor Sōichi Sasaki from the Emperor to investigate the proposed revision of the Constitution in the Office of the Lord Privy Seal. At about the same time, Ambassador George C. Atcheson, Jr., political adviser to the Supreme Commander, confidentially informed Prince Konoye of twelve " points which SCAP considered basic " in the revision of the Constitution.[1]

Prince Konoye's assumption of the task of constitutional revision was violently attacked in both Japan and the United States. In the former country it was asserted by noted publicists that the Cabinet rather than the Lord Privy Seal was responsible for advising the Emperor on constitutional revision, so that the Konoye investigation was unconstitutional or at least undemocratic, the Lord Privy Seal being in no way responsible to the Cabinet or the Diet. In the United States, particular objection was made to the selection of Prince Konoye to direct the revision because of his alleged war guilt.[2]

On November 1, SCAP Headquarters issued a statement denying that General MacArthur had chosen Prince Konoye personally to revise the Constitution.[3] This disavowal appears to have been inspired less by the criticism of Konoye as a reactionary than by a desire to prevent State Department officials, who were in contact with Konoye's associates, from influencing constitutional revision.[4]

Notwithstanding their loss of support from Allied Headquarters, Prince Konoye and Professor Sasaki made reports to the Emperor on November 22 and 24, in which they recommended extensive revisions in the Imperial Constitution intended to enhance the powers of the Diet and in other ways democratize the government, without altering the theory embodied in the old Constitution that sovereignty rested in the Emperor.[5] The Office of the Lord Privy Seal was abolished on

[1] Supreme Commander for the Allied Powers, Government Section, *Political Reorientation of Japan* (Washington, 1951), vol. I, p. 91.

[2] Editorial in the *New York Times*, September 28, 1945.

[3] *Nippon Times*, November 3, 1945.

[4] Theodore McNelly, " Domestic and International Influences on Constitutional Revision in Japan, 1945-1946 " (Ph.D. dissertation, Faculty of Political Science, Columbia University, 1952. On microfilm, Ann Arbor, University Microfilms, 1952), pp. 46-47.

[5] The Konoye recommendations were published in *Mainichi Shimbun* on December 21, 1945, and have been republished in Isao Satō's *Kempō Kaisei no Keika* (*The Progress of Constitutional Revision*) (Tokyo, 1947), pp. 275-277. An English translation is in McNelly, *op. cit.*, pp. 382-386.

November 24, and Prince Konoye, after being indicted as a war criminal, committed suicide in December. Nothing whatsoever came of his recommendations.

General MacArthur, on November 11, 1945, informed Prime Minister Shidehara that the accomplishment of the objectives of the Potsdam Declaration would " unquestionably involve a liberalization of the Constitution." Shidehara appointed Minister of State Jōji Matsumoto to head a committee of scholars and officials to determine whether or not the Constitution needed to be revised and, if so, to what extent. The Cabinet's committee on constitutional revision had no connection whatsoever with the Konoye group, which was investigating the identical problem in the Office of the Lord Privy Seal.

In his 1946 New Year's message to the Japanese people, Emperor Hirohito disclaimed his divinity, thus repudiating that part of Article 3 of the Imperial Constitution which stated that the Emperor was sacred.

In the meantime, political parties and private individuals and civic groups published outline and draft constitutions. The outlines of the Liberal, Progressive, and Social Democratic parties all provided for retention of the Emperor, increased powers for the Diet, and enhancement of civil rights. The Social Democratic draft, however, was more liberal than those of the conservative parties, particularly because it contained a modification of the principle of imperial sovereignty. The Japan Communist party proposed a " Japanese People's Republic " with a unicameral legislature based on universal suffrage.

The Cabinet, in its report to SCAP Headquarters early in February 1946, recommended a group of amendments to the text of the Imperial Constitution designed to enhance the powers of the Diet and to guarantee popular rights without, however, altering the principle that sovereignty resided with the Emperor.[6]

General MacArthur was completely dissatisfied with the exceedingly conservative recommendations of the Cabinet. He was advised by the chief of his Government Section that he had virtually unrestricted authority to direct the revision of the

[6] Text in SCAP, Government Section, *op. cit.*, vol. II, pp. 617-621.

Japanese Constitution as he saw fit, until such time as the Far Eastern Commission formulated a policy on the matter. He could not remove the Emperor, however, without consulting the Joint Chiefs of Staff.[7]

The Supreme Commander immediately directed his Government Section to prepare a draft Constitution to " guide " the Japanese government in its efforts and stipulated that the draft include the following three points.

I

The Emperor is at the head of the State.

His succession is dynastic.

His duties and powers will be exercised in accordance with the Constitution and responsible to the basic will of the people as provided therein.

II

War as a sovereign right of the nation is abolished. Japan renounces it as an instrumentality for settling its disputes and even for preserving its own security. It relies upon the higher ideals which are now stirring the world for its defense and its protection.

No Japanese Army, Navy, or Air Force will ever be authorized and no rights of belligerency will ever be conferred upon any Japanese force.

III

The feudal system of Japan will cease.

No rights of peerage except those of the Imperial family will extend beyond the lives of those now existent.

No patent of nobility will from this time forth embody within itself any National or Civic power of Government.

Pattern budget after British system.[8]

Thus General MacArthur originated the famous clause in the new Japanese Constitution in which Japan forever renounces war and the maintenance of arms.[9]

[7] Memorandum from Brigadier General Courtney Whitney to General of the Army Douglas MacArthur, February 1, 1946. Full text in *ibid.*, pp. 622-623.

[8] From MacArthur's own notes, cited in *ibid.*, vol. I, p. 102.

[9] In his New Year's message to the Japanese people in 1950, General MacArthur referred to the no-war clause as " a product of Japanese thought " (*Contemporary Japan*, vol. XIX, Nos. 1-3, January-March, 1950, p. 139). MacArthur further asserted during the Senate hearings on his dismissal in 1951 that the no-war clause was first proposed by Premier Shidehara (*U. S. News and World Report*, vol. XX, May 18, 1951, p. 60). However, no such clause appears in the Cabinet proposals for constitutional revision submitted to MacArthur only two days before he drafted his " three points ". SCAP, Government Section, *op. cit.*, nowhere credits the origination of the war-renunciation clause to the Japanese. *Irrespective* of the origin of the no-war clause, there is no question that MacArthur's support for it was decisive in its adoption.

SCAP's Government Section prepared its draft Constitution in deepest secrecy and without reference to either the Far Eastern Commission or the Allied Council for Japan, Allied agencies which had been established in December 1945 to make policy for Japan, but had not yet begun functioning. The haste and secrecy with which the draft Constitution was prepared strongly suggest that the Supreme Commander wished to direct the revision of the Constitution without interference from the United States government or from the Allied control agencies.

The SCAP draft Constitution was a completely new document rather than a mere list of amendments to the text of the old Imperial Constitution. The SCAP draft was presented as a " guide " to the Shidehara Cabinet on February 13, 1946, with the understanding that if the Cabinet did not sponsor such a Constitution, General MacArthur would go over the head of the Cabinet and present it directly to the Japanese people.[10] The conservative half of the Cabinet, led by Foreign Minister Shigeru Yoshida, strongly opposed the provisions of the SCAP draft and made an unsuccessful effort to persuade General MacArthur to soften his demands. The conservatives in the Cabinet were finally overridden after the Emperor declared himself in favor of a thoroughgoing revision of the Constitution and two government officials favoring acceptance of the SCAP proposals were made members of the Cabinet.

On March 4 the Japanese Cabinet presented to SCAP Headquarters a draft Constitution embodying all of the features of the SCAP draft with the exception that it provided for a bicameral rather than a unicameral legislature. The bicameral legislature was acceptable to General MacArthur, and on March

[10] SCAP, Government Section, *op. cit.*, vol. I, p. 105.

6, 1946, the Japanese government made public its SCAP-inspired draft Constitution. At the same time, the Supreme Commander, without obtaining the concurrence of the Allied Powers represented in the Far Eastern Commission, published his emphatic approval of the document. He praised the renunciation-of-war clause as " foremost of its provisions ".

The Constitution figured as only a secondary issue in the election of April 10, 1946, because the voters were primarily interested in a solution of their economic difficulties and because all of the political parties, save the Communist, had abandoned their own proposals for constitutional revision and announced their support of the general principles of the SCAP-approved draft.

On April 17 the government published a new version of its draft Constitution written in colloquial Japanese—a revolutionary innovation in the history of Japanese law. The use of colloquial rather than classical Japanese appears to have been largely the result of proddings from SCAP Headquarters. The new draft contained a few substantive changes which had been cleared with SCAP's Government Section, the principal one of which provided that when the House of Representatives was dissolved, the House of Councillors (the proposed upper House) could enact temporary emergency legislation.

During the critical food shortage of May 1946, a series of Leftist-led mass demonstrations in Tokyo led to the issuance by General MacArthur of a " Warning Against Mob Disorder and Violence ". This warning and the disposition of American tanks near the Prime Minister's official residence were interpreted as a threat of intervention by American troops in any attempted Communist revolution in Japan. Immediately following General MacArthur's statement, there was a marked decline in the size and number of popular demonstrations. The warning against mob violence meant, of course, that the Supreme Commander would not countenance the establishment by revolution of a Leftist government and that any change in the form of government would have to come about through nonviolent methods.

When the Ninetieth Diet convened in June 1946, the new

Prime Minister, Shigeru Yoshida, stated that revision of the Constitution was necessary to fulfill the provisions of the Potsdam Declaration, which Japan had accepted when surrendering to the Allies. The old Constitution was very vague concerning the right of the Diet to modify constitutional amendments proposed by the Emperor, but General MacArthur settled doubts on this score by announcing that the Diet was free to accept, modify, or reject the draft Constitution presented to it. No serious opposition was anticipated, however, since the government parties (Liberal and Progressive) controlled a majority and the chief opposition party (Social Democratic) supported the general principles of the draft Constitution.

The Far Eastern Commission, on July 2, 1946, issued a statement of its " Basic Principles for a New Constitution ". The FEC Basic Principles required either the establishment of a democratic republic or the democratization of the monarchical government. The SCAP-inspired draft Constitution was already in general conformity with the essential principles embodied in the FEC document, largely because both documents had been influenced by policy papers prepared in the United States State Department during the war. In matters of detail, however, the SCAP-inspired draft did not completely conform with the FEC Basic Principles.

SCAP Headquarters was successful in influencing the Diet Committees on constitutional reform to sponsor amendments to the Constitution Revision Bill which brought the draft Constitution into complete conformity with the Far Eastern Commission's Basic Principles. Provisions inserted by the two Houses of the Diet in the draft Constitution as the result of policy decisions of the Far Eastern Commission were (1) clarification of the principle that sovereignty resides in the people, (2) selection of the Prime Minister and the majority of the Cabinet from the Diet, (3) civilian status for all Cabinet members, (4) universal suffrage, and (5) transference of all property of the imperial household to the state.

The Speaker of the House of Representatives, a Liberal, attempted to prevent the Constitution Subcommittee from recommending the FEC-inspired amendment which would transfer all imperial household property to the state. This display of partisanship by the Speaker antagonized many of the Progressives (a government party) and provoked the Social Democrats to move no confidence in the Speaker, who was finally forced to resign.

A number of other amendments, cleared with SCAP and of no fundamental importance, were made in the draft Constitution by the Diet acting on its own initiative. The most important was that providing for the *immediate* abolition of all titles of peerage, rather than their extinction with the deaths of their present holders, as originally prescribed by General MacArthur.

Hitoshi Ashida, the Chairman of the House of Representatives Constitution Committee, has recently claimed credit for toning down paragraph 2 of General MacArthur's war-renunciation clause. He inserted a phrase intended to qualify the prohibition of armaments. The revised Article 9, with Mr. Ashida's insertion italicized, reads as follows:

> Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling international disputes.
>
> *In order to accomplish the aim of the preceding paragraph,* land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

In a magazine article published in 1951,[11] Mr. Ashida held that the first paragraph of Article 9 " means just what it says; that the thought of war of aggression will be forsaken; it should be evident to anyone that it does not mean the abandonment of the right of self-defense." Mr. Ashida went on to explain his rôle in the modification of Article 9:

> The phrase, "*in order to accomplish the aim of the preceding paragraph,*" was first inserted by me into the amended draft presented to the House of Representatives. The original said simply, "*armed forces of the army, navy and air-force will not be maintained.*" My opinion at that time was, and now is that to prohibit the maintenance and employment of armed forces even for self-defense is absurd, and that the prohibition is limited by the phrase "*in order to accomplish the aim of the preceding paragraph.*"

[11] Hitoshi Ashida, " Japan: Communists' Temptation ", *Contemporary Japan*, vol. XX, Nos. 1-3 (January-March, 1951), pp. 15-24.

It would appear that this interpretation of the modified no-war clause (to mean that armaments for self-defense are permissible) is considerably at variance with MacArthur's original text of the clause, in which Japan was to renounce war " even for the preservation of its own security."

The amended draft Constitution was passed almost unanimously in both Houses of the Diet on October 7, 1946, notwithstanding strenuous objections made to some of its provisions, especially those which stripped the Emperor of his prerogatives. The only political party voting against the draft Constitution was the Communist, which in July had published its draft Constitution for a " People's Republic ". The new " Constitution of Japan " was sanctioned and promulgated by the Emperor as " amendments of the Imperial Constitution " on November 3, 1946, to become effective May 3, 1947.

On October 17, 1946, the Far Eastern Commission adopted a policy providing that both the Diet and the Far Eastern Commission should between May 3, 1948 and May 3, 1949 " review the situation with respect to the Constitution." It also stated that the Commission might require a referendum or other procedure to ascertain Japanese opinion on the Constitution. General MacArthur, however, did not inform the Japanese government of this policy until the Commission threatened to make it public. Neither the Diet nor the Far Eastern Commission formally reviewed the Constitution during the specified period, nor was any referendum held.

There is no question that the United States Occupation authorities in Japan, particularly General MacArthur, played the dominant rôle in bringing into existence the new Japanese Constitution.

American policy on Japanese armament has recently undergone a radical change. When the Korean war broke out in

1950, General MacArthur authorized the Japanese government to establish the National Police Reserve of 75,000 men organized along military lines, trained and equipped by the United States. Complementing the Police Reserve is an embryo navy known as the Maritime Safety Board. In 1951, General MacArthur privately urged Japanese statesmen to strike out Article 9 to permit arming the country.[12]

Today two of the leading questions in Japanese politics are how much Japan should rearm and whether rearmament requires a change in the Constitution.

THEODORE MCNELLY

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[12] Demaree Bess, "Is Japan Hoping for World War III?" *Saturday Evening Post*, vol. 225, No. 4 (July 26, 1952), p. 27. It was believed premature to advocate openly the amendment of the Constitution, although, in his New Year's message to the Japanese people in 1951, General MacArthur hinted that revision of the no-war clause might be necessary. The text of the message is given in *Contemporary Japan*, vol. XX, Nos. 1-3 (January-March, 1951), p. 120.

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REVIEWS

U. N. O. and War Crimes. By VISCOUNT MAUGHAM. With a Postscript by Lord Hankey. London, John Murray, 1951.—vi, 143 pp. 12*s.* 6*d.*

In his little volume, Viscount Maugham, Lord Chancellor of Great Britain in 1938-1939, is concerned primarily with the impact of the Nuremberg Charter (August 8, 1945) and Judgment (October 1, 1946) upon international law. In a succinct and challenging Postscript, Lord Hankey, who has held a variety of responsible offices in England, discusses the war crimes trials and the resulting situation from the political and moral standpoint. Both studies throw much light on the history of the trials and that of pertinent documents.

It is not easy to do justice in a brief review to Viscount Maugham's closely knit, albeit somewhat repetitious, argument. It will be remembered that the Nuremberg Charter made the "major war criminals of the European Axis countries" chargeable on three counts (Article 6): (a) Crimes against Peace; (b) War Crimes (violation of the laws and customs of war); and (c) Crimes against Humanity. Viscount Maugham deals chiefly with the first category of crimes, that is, "planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements, and assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing." In no sense an apologist for the German war criminals, Viscount Maugham holds that the sentences imposed by the Nuremberg Tribunal, "severe as they were, did not depart from the ordinary principles of justice," and that the thirty-two American judges in the twelve trials held in the American Zone under Law No. 10 (enacted by the Control Council of Germany, December 20, 1945, the wording of which Viscount Maugham severely criticizes) "on the whole assumed that Law No. 10 did not compel them to convict any person if he was innocent according to the ordinary ideas of justice of the crime alleged against him." Viscount Maugham's argument therefore is directed not so much against the German war crimes trials as such—although he clearly doubts their wisdom from the point of view of policy and justice—as against the attempt to derive from the Nuremberg Charter and Judgment general principles of international law.

Viscount Maugham takes strong exception to the *dictum* of the Nuremberg Tribunal that "the Charter is not an arbitrary exercise of power on the part of the victorious nations, but . . . it is the expression of international law existing at the time of its [Nuremberg Tribunal] creation; and to that extent it is itself a contribution to international law." The Nuremberg Charter, in his opinion, "was not intended or designed to express international law. Nor could four nations or four judges from those nations create a rule of international law which had never previously been published to the world or agreed to by the concert of Nations." Both the Charter and the Tribunal, according to this view, were Acts of State "in the exercise of the sovereign legislative power by the countries to which Germany unconditionally surrendered." Viscount Maugham denies the contention of the Nuremberg Tribunal that the Briand-Kellogg Pact (the Pact of Paris, August 27, 1928), which relied exclusively on the sanction of public opinion, provided the legal basis for the prosecution of crimes against peace.[1] "The greatest mistake of the Charter", he writes, "was in making participation in an aggressive war or a war in breach of treaties a terrible crime punishable by the most serious of all penalties." A rapid survey of historical precedents (The Crimea, the Boer War, the First World War) leads him to the conclusion that "it is impossible to be confident that our enemies were the aggressors and that we were totally innocent of that offence." Moreover, the London Conference (1945), which drew the Charter, proved incapable of framing an acceptable

[1] In an illuminating digression Viscount Maugham addresses himself to the crucial question: what is international law? He quotes Sir Henry Maine's observation that "the founders of . . . international law 'though they did not create a sanction, created a law-abiding sentiment.'" Viscount Maugham holds that "except as the result of consent no new rule of international law can be imposed so as to have any binding force on a State merely by the will of other civilized States." By "binding force" he means "the force of universal public opinion among nations. It is not binding in the ordinary sense since it is not imposed by a political superior power, nor is there at present any legal way of enforcing it." The "great body of jurists", in Viscount Maugham's opinion, accept the statement of Sir Frederick Pollock that "the final test of validity must in the case of international law, no less than in that of any other customary law, be found in general consent evidenced by conduct." The failure of the Covenant of the League of Nations and of the Pact of Paris to prevent war (and, it may be added, the current unhappy experience of the United Nations in Korea) corroborate the above contention. The conclusion would seem to be inescapable that "a rule punishing the authors of an aggressive war could only be enforced by the victors after and during an occupation."

definition of aggression. The main difficulty, which, according to Lord Hankey, " was not recorded in the proceedings owing to its delicacy, was with the Russians whose ' aggressions ' against Finland in 1939 had been solemnly condemned in the swan-song of the Assembly of the League of Nations . . . and whose occupation of the Baltic Provinces, Eastern Poland and Bessarabia were also open to criticism as aggressions in breach of treaty." The principles of the Nuremberg Charter, it is held, are incompatible with Articles 10 and 11 of the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on December 18, 1948.[2] Viscount Maugham and Lord Hankey are aroused not only by the technical weakness but also by " the complete injustice of the suggested rule of international law." " I do not see ", writes Viscount Maugham, " how such men as Nelson and Wellington could have escaped if Great Britain had been defeated and such an article as 6(a) had existed."

Lord Hankey's trenchant Postscript deals with the broad implications of the Charter and the Judgment. He believes that, from the legal, political and moral standpoint, the trials were a disastrous mistake. " For all the injuries which can be inflicted on a defeated foe," he writes, " War Crimes Trials are the most insulting, humiliating and unsettling." They have established a frightful precedent which other victor nations may well follow. His apprehensions are shared by some of the leading statesmen and jurists on both sides of the Atlantic. " His Majesty's Government have throughout doubted the desirability and practicability, especially in view of the time factor, of the formal establishment of an inter-allied Court by Treaty for this purpose ", Mr. Eden wrote to the War Crimes Commission on January 4, 1945. " In my opinion such a procedure is unworthy of the traditions of our people or of the immense sacrifices that they made to advance the common ideals of mankind ", said Mr. Justice Murphy in a dissenting judgment (concurred by Mr. Justice Rutledge) in the case of Yamashita in the Supreme Court of the United States (February 4, 1946). ". . . To subject an enemy belligerent to an unfair trial, to charge him with an unrecognized crime, and to vent on him our retributive emotions only antagonizes the enemy nation and hinders the reconciliation necessary to a peaceful world."

Lord Hankey proposes a four-point program: (1) agreement to initiate no more war crimes trials and the speedy release of the persons convicted by reëxamination, " with a view to a universal amnesty in the near future "; (2) avoidance by belligerents of threats of unconditional surrender and war crimes trials that are liable to prolong war and hamper the restoration of peace; (3) limitation of future war crimes trials to charges of breaches of the laws of war, to the exclusion of crimes against peace and humanity; and (4) strict conformity of the trials with the Universal Declaration of Human Rights and the Geneva Conventions.

" Revenge is, of all satisfactions, the most costly and long drawn out; retributive persecution is, of all policies, the most pernicious ", said Mr. Churchill in the House of Commons on October 28, 1948. " Our policy . . . should henceforward be to draw the sponge across the crimes and horrors of the past—hard as that may be—and look, for the sake of our salvation, towards the future. There can be no revival of Europe without the active and loyal aid ' of all the German tribes. . . .' " Few today would quarrel with this statement which is dictated by the exigencies of the international situation irrespective of any considerations of justice. The harm done by the war crimes trials —if harm it was—cannot be undone, but the trials are over and clemency has been exercised on a broad scale although universal amnesty is not yet in sight. Unfortunately the unhappy situation created by the Charter and the Judgment threatens to be perpetuated as a consequence of the well-meaning activities of the United Nations. A resolution of the General Assembly of December 11, 1946, " reaffirms the principles of international law recognized " by the Nuremberg Charter and Judgment and " directs " the international Law Commission " to treat as a matter of primary importance " the formulation of these principles " in the context of a general codification of offences against the peace and security of mankind." To prevent this resolution from coming to fruition is the principal object of Viscount Maugham's book.

At its first session in 1949, the International Law Commission appointed one of its members, Mr. J. Spiriopoulos, special rapporteur on the subject of war crimes. Mr. Spiriopoulos submitted a preliminary report to the second session in 1950, and a revised and amended report to the third session held in May-July 1951. After examining and rejecting a new set of definitions of aggression, the Commission would seem to have agreed with its rapporteur that " a ' legal ' definition

[2] Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal. . . .

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to the law in a public trial at which he had all the guarantees necessary for his defence. (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

would be artificial and insufficiently comprehensive 'since the methods of aggression are in a constant state of evolution.'"[3] Nevertheless the Commission, bound as it is by the terms of the resolution of December 1946 (now six years old) adopted at its third session the "Draft Code of Offences against the Peace and Security of Mankind" which follows closely the principles of the Nuremberg Charter and Judgment. At this writing, the Code is awaiting action by the General Assembly.

While war crimes trials are little discussed in this country, they have produced a crop of increasingly adverse comments in Great Britain. The proposed Code, many believe, aims at introducing striking innovations in the venerable doctrines of international law. Its soundness and probable implications should be closely scrutinized in the light of the observations offered by Viscount Maugham and Lord Hankey.

COLUMBIA UNIVERSITY MICHAEL T. FLORINSKY

The Theory of International Economic Policy. Volume I: *The Balance of Payments.* By J. E. MEADE. Issued under the auspices of the Royal Institute of International Affairs. London, New York, Toronto, Oxford University Press, 1951.—xvi, 432 pp. $5.50.

The Balance of Payments: Mathematical Supplement. By J. E. MEADE. London, New York, Toronto, Oxford University Press, 1951.—vi, 156 pp. $3.25.

In this monumental treatise, Professor Meade of the London School of Economics has set himself two main tasks: (1) to combine the Keynesian income approach with the traditional price theory of the balance-of-payments mechanism; and (2) to analyze a wide range of policy issues centering on the problem of harmonizing the requirements of internal and external balance; that is, of full employment without inflation and of balance-of-payments equilibrium without undue trade restrictions.

The writers who in the past ten years have applied the theory of employment to the field of international economics have, for the sake of simplicity, almost entirely abstracted from price changes. A comprehensive synthesis of price and income analysis in this field is the outstanding achievement of Meade's work. The marriage is performed with the help of many simplifying assumptions, but even so the product is highly complex. The price theory used is of the Hicksian type, taking explicit account of both income and substitution effects of price changes. This does away with the dangerous models of partial-equilibrium analysis commonly employed in recent exchange-depreciation literature, in which export supplies and import demands depend solely on price and are treated as quite independent of each other.

[3] *International Organization*, vol. V, No. 4, November 1951, p. 732.

Meade's synthesis encounters no difficulty in covering changes in productivity, shifts in demand, and capital movements, as well as deliberate policy changes. Meade himself attaches special importance to his analysis of capital movements, but some of his generalizations on this subject are admittedly rather uncertain. The theory of international investment cannot get very far without distinguishing between countries of different type and at different stages of economic development. On the level of abstraction on which Meade's analysis moves, such distinctions hardly appear at all.

On this level, Meade's model is undoubtedly a powerful and flexible tool of analysis. Some of the assumptions on which it rests are, however, open to question. It assumes throughout that domestic expenditure is not affected by changes in import prices; it assumes most of the time that the balance of payments is in equilibrium to start with and that, in effect, all goods enter into international trade (*Mathematical Supplement*, pp. 17, 46). In one case, the assumptions used are inconsistent (pp. 49 and 67 of the main book). While admiring the ingenuity and patience with which the model is composed, one cannot help feeling that here and there the structure creaks a little at the joints.

Changes in the terms of trade inevitably influence a country's real income in this analysis (e.g., p. 202). The corresponding effects of changes in the balance of trade are not so clearly brought out. In a state of full employment, an improvement in the trade balance has inflationary repercussions at home, and since these must be countered by cuts in domestic outlay to maintain internal balance, it thus affects real income (not consumption alone, as is recognized in a footnote on page 318, but possibly also investment). On page 307, for example, a deficit country, B, restricts its imports, and "to preserve internal balance the authorities in B must adopt a deflationary financial policy. . . ." One misses an explanation of the basic rationale of the "deflationary financial policy" in this situation: namely, the need to enforce the unavoidable reduction in total demand as and when the import surplus is reduced. It is not just a question of internal monetary equilibrium; it is more fundamentally a matter of real resources available for national consumption, investment, and government use.

Even more characteristic than the marriage of price and income analysis is Meade's constant preoccupation with policy problems. This again distinguishes him from some earlier practitioners of the income approach to international trade. Chapter x on "Conflicts Between Internal and External Balance" is particularly interesting, and much of the rest of his work is directly concerned with the ways and means of reconciling the possible conflicts. Meade's treatment of the conceivable policy combinations, though formally unobjectionable, strikes me as somewhat mechanical, and does not permit a sharp distinction to emerge between the defensive and aggressive uses of such measures as exchange adjustment, changes in money wages and import restrictions (aggressive uses being those promoting internal balance at the expense of other countries). The distinction is fleetingly mentioned in a few places (pp. 154, 226, 306); it does not occupy the central position to which in my opinion it is entitled in any discussion of international economic policy.

Regardless of the formal range of possibilities, however, Meade comes out for exchange-rate variation as the main external equilibrator, relying on fiscal and credit policies to secure internal balance. With this general principle there is widespread agreement. But then there is a further choice to make: between the method of what Meade calls the "adjustable peg", which is the predominant one in the world today, and a system of continually fluctuating exchange rates. The author strongly favors the latter, subject to possible intervention by an international exchange equalization fund. His advocacy of this system may not convince those who are not already convinced, for they may find it a little one-sided. His hypothetical examples all refer to a situation in which a country gets into a "fundamental disequilibrium" that makes exchange depreciation sooner or later, in one way or another, inevitable. Little or no attention is paid to the case where a country, in external equilibrium to start with, experiences a highly favorable balance in one year followed by a big deficit in the next (or vice versa), ending up in equilibrium again in the third year. The comparative disadvantage of the adjustable peg system in the former case is matched by its comparative advantage in the latter. Since one can never predict whether an incipient disequilibrium will turn out to be of one type or the other, I cannot see that the score is all in favor of fluctuating exchanges. Nor can I find any recognition here of the peculiar difficulties that are apt to arise in the way of maintaining internal balance in the face of continually varying exchange rates. Meade implicitly endows the national authorities with an omnipotence

and omniscience that make some of his solutions, complex though they may be, seem far too easy in comparison with the real world.

There is, moreover, a technical objection to fluctuating exchanges. If the price elasticities of demand in foreign trade are below a certain critical value, an appreciation instead of a depreciation of the exchange rate would be required to remove a deficit in the balance of payments. With a pegged exchange, the peg could simply be raised by an act of policy in these circumstances. With a free exchange rate, however, the deficit would lead to an automatic depreciation which in this case would worsen the deficit and lead to still greater depreciation. All this is clearly explained in the *Supplement* (p. 143), but in the main book I can find no mention of it. Since, as Meade frequently stresses, demand elasticities may be quite small in the short period even though they may be considerable in the longer run, this looks like a serious snag for a system of freely fluctuating exchanges.

The whole work is severely abstract. The only place where a real country (the United States) and a continent (Europe) are mentioned by way of example is a footnote on page 120. Anyone who might conclude, however, that the author is ill acquainted with the real world would be greatly mistaken. When Meade comes to deal with international commercial policy in Part V of his book (pp. 263-332) he proves himself thoroughly conversant with all modern tricks of trade restriction and exchange control. The last eleven of the thirty-one chapters of the book constitute, in fact, a brilliantly perceptive, up-to-date and comprehensive theory of commercial policy in relation to the balance of payments, and are alone well worth the price of the book.

Part VI (pp. 333-425) gives up the assumption of a two-country world which underlies the earlier parts, and is notable especially for its balanced examination of the case for regional trade and payments arrangements involving discrimination against surplus countries outside. The point is that if deficit countries have to resort to import restrictions to balance their external accounts, it is senseless—and unnecessarily destructive of trade—to ask them to restrict imports from one another; what is needed in such a situation is a restriction of imports only from the surplus country or countries. This idea, set forth by Frisch in 1947, is here extensively developed, with due regard to the difficulties in the way of its application. The two main objections to the case for discrimination are found to be: (1) its failure to take into account "the relative essentiality of imports from different sources to different countries" (p. 415)—for example, imports from a surplus country may consist of irreducible necessities—and (2) the fact that deficit countries by restricting imports from one another as well as from the surplus country may make more goods available for export to the surplus country.

Meade's discussion of the theory of commercial policy, including that of discrimination, does not in the least obscure his strong preference for free trade and for allowing the fullest possible scope for the price mechanism—mainly through variable exchange rates—to promote international economic equilibrium.

The work appears under the auspices of the Royal Institute of International Affairs, the purpose of which is "to encourage and facilitate the scientific study of international questions." In sponsoring such a difficult theoretical investigation, the Institute has shown courage as well as discernment. This work may not be the last word on every aspect of the subject, but it is, without any doubt, a major contribution to the scientific study of international economic relations.

Columbia University — Ragnar Nurkse

The Economics of New England: Case Study of an Older Area. By Seymour E. Harris. Cambridge, Harvard University Press, 1952.—xvii, 317 pp. $4.75.

In view of the importance historically of sectional interests in our national life, it is surprising that studies of regional economics have been so long in developing. While by its very nature economics has been concerned with the economics of particular nations which are essentially regional, research in the economic problems of regions within a nation, distinguishable by their sociological, economic, political or cultural conditions, is "only in its infancy" (p. viii). Except for reports of governmental and central banking surveys, this volume represents one of the first attempts to investigate and evaluate the numerous factors that affect the economic status and prospects of a specific geographical region.

In dealing with the economic problems of New England, Professor Harris has had the advantage of participation in the work and deliberations of the New England Committee of the Council of Economic Advisers, which issued its report on July 2, 1951, of the Committee on New England's Economy of the Joint Congressional Committee on the Economic Report, and of the New England-New York Inter-Agency Committee established by President Truman. However, in this book he has substantially broadened the topics covered in the re-

port already published by the Council of Economic Advisers and has redistributed the emphasis in accordance with his own personal views.

The problem to which Professor Harris addresses himself is one of degree. It is not that New England had not made continuous progress economically over the past 200 years. In fact, as Professor Harris points out at many points in the volume, "The miracle of New England is not how badly she has performed, but, in the face of barren natural resources and unfavorable location relative to raw materials and markets, how remarkably she has moved ahead" (p. 7). Nor is it entirely that, as the country has developed, New England has accounted for a declining proportionate share of the nation's population, manufacturing and income—a development which would be natural for an older and already industrialized area. It is rather that New England's losses are larger than they should be, that New England is losing ground too rapidly, that with a downturn in business trends these relative losses will become absolute, and that then the region will be faced with exaggerated problems of unemployment, depressed wage levels, and reduced per capita incomes.

The diagnosis of this condition is developed not only by an examination of the peculiarities of an older economic region, the historical development of the New England problem, and an examination of differences among the states within New England and between New England and other areas, but also by an analysis of New England's balance of payments, of her comparative costs of labor, taxes, fuel and power, and transportation relative to other regions, particularly the South, and of the adverse effects of federal financing and operations upon the New England economy—particularly the impact of federal taxes upon her per capita income, the failure of New England to share adequately in various forms of federal expenditures, and the disadvantages to New England of high protective tariffs.

It is not possible within the limits of this review to deal comprehensively with either specific points in the diagnosis of the New England economic problem or the recommendations presented to overcome the difficulties set forth. There are those who will question the subordination of the importance of taxes and transportation costs to those of labor. It is not made entirely clear on what grounds additional large investments in existing New England industries would be justified in the face of the pessimistic prospects elsewhere set forth. In view of the success, particularly of Connecticut, in developing new and expanding industries, there are some who will view the decline in the shoe and textile industries as the necessary adjustments imposed on a region in adapting itself to changing economic conditions. And to many it will seem wishful thinking to expect that New England's problem can or will be solved by the imposition, by the federal government upon the states of competitive areas, of standards for social security and labor and working conditions comparable to those of New England, or by the reform of the tax systems of said states to reduce or eliminate their competitive advantages.

Notwithstanding these unsettled and debatable matters, this book serves to direct attention to the problems of regional economics, to identify the many interrelated factors in these problems, and to suggest many effective uses of already existing statistics and statistical techniques in their analysis.

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Hobbes and His Critics: A Study in Seventeenth Century Constitutionalism. By JOHN BOWLE. New York, Oxford University Press, 1952.—215 pp. $2.75.

There are certain great thinkers in the history of ideas whose actual positions are quite different from the traditional interpretations which are commonly attributed to them. Hobbes is notably one such. His trenchant language, his fearless opposition to groups in England who were seeking to hold on to hereditary privileges, and, perhaps above all, his frankly, almost defiantly, proclaimed secularism aroused storms of protest. Many writers of the time, like the ten whom Mr. Bowle discusses, hastened to attack him. These writers usually misunderstood Hobbes's meaning, sometimes wrested phrases from context, created a system which may be called Hobbism, and thus initiated a convention (still, unfortunately, too current) of attributing Hobbism to Hobbes and of picturing Hobbes as " the monster of Malmesbury ".

Mr. Bowle's book perpetuates rather than corrects the three-hundred-year-old convention of confusing Hobbes's actual position with Hobbism. Mr. Bowle deals with nine writers who attacked Hobbes directly and with one other whose ideas stand in opposition to Hobbes's. In spite of the subtitle of his book, he does not mention Harrington whose *Oceana* in 1656 was probably the ablest constitutionalist reply to Hobbes prior to Locke, and he includes some critics of Hobbes who are not constitutionalists at all. The ten men he reviews are Filmer, Rosse, Seth Ward, Lucy, Lawson, Hunton, Bramhall, Eachard, Clarendon, and Whitehall. Their works against Hobbes appeared between 1652 (the year following the first publication of the *Leviathan*) and

1679 (the year of Hobbes's death). The writings are significant for understanding their century. Mr. Bowle has done a service in drawing attention to them. But he acquiesces too readily in viewing Hobbes through these men's eyes.

Among the misunderstandings of Hobbes which Mr. Bowle perpetuates is the allegation that, according to Hobbes, nothing is either morally right or morally wrong until a government commands or forbids it, and that therefore we have no standard by which a government can itself be morally judged. Rosse made this charge against Hobbes (pp. 66, 191), and so did Clarendon (p. 171) and Whitehall (p. 178). Mr. Bowle concurs in this criticism; he writes: " For Hobbes, government created moral values " (p. 186). But actually Hobbes repeatedly insisted that government creates, not the principles of morality, but the conditions which promote the practice of morality. He devotes chapter 13 of *De Cive* and chapter 30 of the *Leviathan* to a discussion of " the duties of them who bear rule." Too often, Hobbes deplored, sovereigns violate their duties but are none the less under obligation. He wrote: " Although they who among men obtain the chiefest dominion, cannot be subject to laws properly so called, that is to say, to the will of men, because to be chief, and subject, are contradictories; yet is it their duty in all things, as much as possibly they can, to yield obedience unto right reason, which is the natural, moral and divine law " (*De Cive*, chap. 13, sec. 2). Mr. Bowle speaks vaguely of a need for a " mystical sanction " or an " emotional sanction " for government (p. 191). Hobbes's sanction was " the dictate of right reason ". But, whether Hobbes's position be sounder or not, he certainly cannot properly be said to have had *no* sanction except brute power.

Another traditional misunderstanding of Hobbes which Mr. Bowle perpetuates is the allegation that Hobbes pictured mankind as a degenerate rabble. Bramhall used just this phrase (p. 124); and Filmer (p. 16), Lucy (p. 79) and Eachard (p. 141) used equivalent phrases. Mr. Bowle remarks that this interpretation of Hobbes was not merely usual among Hobbes's contemporaries, but " justifiable " (p. 79). In one footnote (p. 58) Mr. Bowle quotes A. D. Lindsay's contention that for Hobbes the state of nature was an abstraction; but he nowhere else follows up this suggestion. But if it was an abstraction, it was a description of one phase of human nature, not a picture of the whole of human nature. Hobbes's critics, from 1652 to our own day, often miss Hobbes's chief problem, namely, that the traits pictured under the phrase " state of nature " are the traits which constantly need control. Constitutional provisions from Magna Carta to the Weimar

Constitution are not enough to effect such control, as experience amply shows, unless there is also force to back up these provisions. The late Lord Keynes appraised Hobbes more tellingly than the traditional critics. He wrote (in a personal letter to the reviewer on June 19, 1940, during the days of the Blitz over London):

> The events of the modern world are surely a dreadful confirmation of Hobbes' diagnosis of human nature and of what is required to preserve civilization. From one point of view, we can regard what is now happening as the final destruction of the optimistic liberalism which Locke inaugurated. Our age forces us to return to that pessimistic view which the horrors of the seventeenth century impressed on Hobbes.... For the first time for more than two centuries Hobbes has more message for us than Locke.

Hobbes offered his picture of the state of nature, not as a complete analysis of human nature, but as an account of that phase of human nature which makes strong government a preliminary to peace. And in the happy days of established peace, Hobbes believed, men often exhibit generosity, proficiency in the arts of civilized life, and the virtues which his critics vainly try to praise by reading them back into untutored and unrestrained human nature.

Amherst College — Sterling P. Lamprecht

Les Partis politiques. By Maurice Duverger. Paris, Librairie Armand Colin, 1951.—xi, 476 pp. 1,100 francs.

Maurice Duverger, who has written widely on French constitutional history and politics, is a "realistic" interpreter of democracy. He rejects the myths of popular or majority rule, and emphasizes the existence of élites and the necessity for an opposition.

> One has never seen a people govern itself, and one will never see it. All government is oligarchic, which necessarily requires the domination of a small number over a large number.... The simplest and most realistic definition of democracy is the following: a regime in which those who govern are chosen by those who are governed, by means of honest and free elections.... "Western" democracy is characterized essentially by the existence of an organized opposition, "eastern" democracy by its absence (pp. 461, 388, 452).

There is, of course, nothing particularly new or startling in this concept of democracy, but it provides the perspective for Duverger's comprehensive study of political parties—the chief instruments used by organized groups in any democracy in their rivalry for power.

Duverger, professor of political science at the Universities of Bordeaux and Paris as well as columnist for the internationally known *Le Monde*, builds upon the insights of three important thinkers: Edmund Burke, who viewed parties as the expression of basic principles; Karl Marx, who called attention to the social and class basis of party movements; and Roberto Michel, who, with Ostrogorski, emphasized the anatomy of parties. Duverger develops his analysis of parties on all three levels (ideology, social basis, and internal organization), but his sympathies are clearly with Michel and Marx rather than Burke. As he suggestively comments: "Instead of defining the party as a 'group of citizens united by the same doctrine,' one is led to define it as a 'group of citizens united by the same discipline'" (p. 204).

Duverger distinguishes three major types of electoral battles: a battle without principles, a battle over secondary principles, and a battle over fundamental principles. The United States is in the first category, because the American parties seek only power and are indifferent to questions of theory or principle; indeed, says our author in criticizing the American party system, there is an "absence of all doctrine and all principle in the political parties." Great Britain, Scandinavia and West Germany are in the second category, since there is a doctrinal and social division in these countries, but based on agreement over the fundamental nature of the political régime; that is, the parliamentary system is not itself the subject of controversy. France and Italy are placed in the third class, because their powerful Communist parties refuse to accept political pluralism as a basic principle. The struggle here is not for pleasure or sport, but to the death; democratic government can survive only as long as the totalitarian party does not succeed in winning. Duverger concludes: "In the degree to which the democratic regimes will be unable to hold down and weaken their Communist parties, not by police measures which would be contrary to their principles, but by a transformation of their economic and moral structure, they will remain as disarmed with regard to neo-fascism as was the Weimar Republic with regard to Hitler" (p. 461). This leaves unanswered the crucial question: how are these much-needed reforms to be instituted by a government so weakened by the extremes that it cannot act?

Duverger has organized a vast amount of material concerning the chief parties of the world. As might be expected, he is very good on continental politics but rather weak on American affairs. His argument that "the two great American parties are to the right or in the center according to the parliamentary geography of Europe" is superficial. While socialism as a rigid body of doctrines has never been significant in America, the party of *movement* (to use François Goguel's term) has always been powerful—and, in this sense, considerably to the left of the usual French coalition.

Duverger avoids the trap of constitutional formalism, but stumbles into the labyrinth of political party formalism. For example, he dwells at great length upon the differences between the party systems of Britain and America. But is it not more significant that compromise takes place in both societies, even though at different levels of the party and constitutional structures? All constitutional systems depend for their effectiveness on political parties, as Duverger brilliantly demonstrates. But there is a greater society of which constitution *and* party are only an aspect, and this must never be ignored.

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Memoirs of Ernst von Weizsäcker. Translated by John Andrews. Chicago, Henry Regnery Company, 1951.—322 pp. $3.75.

Memoirs. By FRANZ VON PAPEN. Translated by Brian Connell. London, Andre Deutsch, 1952.—630 pp. 25s.

" Memoirs ", says Franz von Papen at the beginning of his own contribution to this branch of literature, " are something of a drug on the market these days." Reviewers of post-war German books will doubtless be inclined to agree, although it is questionable whether they object as much to the formidable number of volumes turned out by Hitler's generals and diplomats since the end of the war as to the querulously defensive tone in which most of them are written. Occasionally a book comes along which is written by a man who tells what he knows about the Hitler period without seeming to worry over what his readers may think of his personal behavior during it; the memoirs of General Heinz Guderian are a case in point. In general, however, we are forced to wade through elaborate and wearying apologias which are neither convincing nor informative; and, in the two books to be considered here, this tiresome experience confronts us again.

Ernst von Weizsäcker was a member of the German Foreign Service from 1920 until 1945, serving in his early years in Copenhagen, Geneva and Berne. From 1936 to 1938 he was head of the Political Division of the Foreign Office and, from the latter date until 1943, he was Secretary of State in that organization, second in command to Joachim von Ribbentrop. In the most decisive years of the pre-war

period, therefore, he occupied a position of great responsibility; and his memoirs might have been expected to make a rich contribution to our knowledge of German diplomacy in that time. This expectation is not fulfilled.

Weizsäcker has furnished a few interesting details concerning conditions in the Foreign Office under Neurath and Ribbentrop: the transformation of that establishment from a body which influenced policy formulation to a purely technical organization which sent and received diplomatic notes; the increasing chaos of foreign policy administration in general as competing agencies were allowed to usurp functions formerly reserved to the professional diplomats; and the progressive demoralization of the foreign service under these conditions. He has also thrown a little new light upon Ribbentrop's attitude during the Munich negotiations and his subsequent behavior in the months that preceded the outbreak of war.

For the most part, however, Weizsäcker merely repeats the arguments in his own defense which he gave during his trial at Nuremberg and which can be read almost as conveniently in the volumes of *The Trials of War Criminals* as they can here. He interrupts his narrative almost on every other page to assure his readers that he had no personal responsibility for the policies adopted by Germany, that he was always a worker for peace, and that his continued service under Ribbentrop was animated, first, by the desire to convert his superior to his own views and, later, by the determination to prevent foreign policy from falling completely into the hands of knaves and fools who would make war inevitable.

The monotonous iteration of these claims will probably not prevent the reader from wondering how a man of Weizsäcker's undoubted intelligence could ever have believed Ribbentrop capable of conversion. It will certainly not disguise from him the fact that the author objected less to Hitler's policies before 1939 than to the methods he used to effect them: that he did not regret the absorption of Czechoslovakia, for instance, but merely deplored the fact that it was managed in a way which stiffened Western resistance to Germany and thus brought war closer. Weizsäcker's labored arguments are not, therefore, very persuasive; and his persistence in repeating them *ad nauseam* makes his book, even for the specialist, a dull and unrewarding one.

Dullness, at least, cannot be charged to the account of Franz von Papen. His book is of absorbing interest, if for no other reason than that it is an incomparable example of sustained literary effrontery. After explaining carefully that this volume is " not written in self-justification ", the sometime *Reichskanzler* and Nazi diplomat proceeds to justify and defend every action in his crowded official life from the days when he was serving as military attaché in the United States during the First World War until the end of his term as ambassador in Ankara during the second world conflict. The artistry of this performance is so impressive that it seems almost unfair to criticize it in detail: to point, for instance, to the convenient lapses of memory which permit Papen to leave out essential parts of the story (as in his account of his subversive activities in the United States) or to insist that the bland evasions which characterize his account of the fall of the Schleicher government are a totally inadequate answer to the substantial evidence of his back-stairs maneuvers which are to be found in other and more reliable sources.

Adroitness and obfuscation, however impressive, cannot hide the plain truth that Papen courted Hitler before the Fuehrer's accession to power and that, thereafter, there was literally nothing that he would not do to retain high position in the New Order. Even the murder of his closest associates did not prevent him, in 1934 and again in 1939, from grasping at new opportunities to serve Hitler. His book tells of spectacular grapplings between Papen and his conscience on these occasions; but it is easier to believe that these are products of the imagination of Papen the author than actual occurrences in the life of Papen the politician. Like Weizsäcker's, Papen's attempt to rehabilitate himself for posterity falls of its own weight; and the figure that emerges from behind all the literary embellishments is the same old Papen we always knew.

PRINCETON UNIVERSITY GORDON A. CRAIG

Moscow, Tokyo, London: Twenty Years of German Foreign Policy. By HERBERT VON DIRKSEN. Norman, University of Oklahoma Press, 1952.—ix, 276 pp. $4.00.

Herbert von Dirksen had very extensive opportunities, if not to influence, at least to observe the development of Germany's foreign policy under the Weimar Republic and the Third Reich. However, even with all due allowance for the diplomat's long training in professional discretion, von Dirksen's memoirs are singularly unrevealing for a student of inter-war diplomacy. True, there are a few interesting details of the decline of German domination in the Ukraine of 1918, some useful sidelights on the Soviet attitude toward the Locarno Pacts and on the origins of the Soviet-German treaty of 1926, and some suggestions concerning the effect of the military mutiny of February 1936 upon Japanese foreign policy. The author also provides a date—"May or June 1933"—for the termination of coöperation between the Soviet and German general staffs (p. 112). At that time von Dirksen also felt that two groupings, pro-French and pro-German, were contending for control over Soviet foreign policy, and he believes that Hugenberg's London speech of June 1933, calling for the dismemberment of the Soviet Union, cast the die for the "pro-French" group led by Litvinov. It did not seem important to him that Hitler's own loudly proclaimed aims could be achieved only at the expense of the territory and the existence of many other countries.

In writing about his short-lived mission to London in 1938-1939, von Dirksen had available a selection of his own despatches published by the Soviet government, as well as the extensive British and German published series of documents. From this abundance of sources his account gains somewhat in detail but little in illumination. In retrospect it is clear that by that time well-posted foreign correspondents were better informed of Hitler's true intentions than were his own diplomatic representatives abroad. Perhaps because of modesty von Dirksen's account (pp. 204-205) of his warnings from London in 1938 does less than justice to his foresight and personal courage. Even knowing that Hitler and von Ribbentrop regarded Britain's "pacifist decadence" as a fact beyond dispute, von Dirksen went to great pains in July 1938 to point out that the range of politically possible concessions by the Chamberlain government was distinctly limited and that the Reich government could not go on piling one demand upon another without driving England to organize a broad coalition to stop Germany's expansion. Whether or not Hitler even read these plainly written warnings, it took considerable backbone on von Dirksen's part to carry out his duty by going against strong and well-known predilections of dictatorial and ruthless masters.

Beyond holding to traditional concepts of "national prestige" and personal "loyalty" it is not clear from these memoirs that von Dirksen had any clear concept of what constituted the "best" foreign policy for his country. While he praises Stresemann for having held open Germany's revisionist claims against Poland, he now feels that Hitler was wrong in attempting to give effect to those claims in the face of Britain's growing resistance. Whether or not von Dirksen was as little responsible, after January 1933, as he claims, for the direction taken by German diplomacy, he successfully conveys the impression that he was fumbling in the dark, without influence over the making of his country's policy.

PHILIP E. MOSELY

COLUMBIA UNIVERSITY

Peace in Their Time: The Origins of the Kellogg-Briand Pact. By ROBERT H. FERRELL. New Haven, Yale University Press; London, Oxford University Press, 1952.—x, 293 pp. $4.00.

This is a very readable doctoral dissertation produced under the auspices of the Yale Historical Publications. The author has written the best comprehensive study to date of the forces which produced the treaty to " outlaw war ".

There are various levels upon which the author's work can be evaluated. One can, for example, question statements of interpretation. Thus those who are familiar with Stoner's life of Levinson might very well be surprised at the implication (on page 31) that Levinson went into the problem of war merely because the stock markets were affected in 1914. This, however, is a relatively minor point in comparison with the thesis of this book.

Basically, the book puts most of its weight on the diary of William R. Castle, Assistant Secretary of State for Western European Affairs during the negotiation of the Kellogg Pact. Thus the history of the " origins " tends to reflect the point of view of a professional diplomat.

Before taking up the thesis of this book, it would appear to be necessary for the record to point out some important omissions. Though it has not yet been published, it is fairly widely known, by this time, that the famous letter of April 25, 1927 in the *New York Times* signed by Nicholas Murray Butler, which saved Briand's offer of a Franco-American Pact from dying through neglect (p. 75), was in fact composed by James T. Shotwell.

Though Ferrell is familiar with Pearson and Brown's *American Diplomatic Game* he makes no mention of the statement in that source that Shotwell had given his papers relating to the Pact of Paris to the Yale University Library with the proviso that they not be made available to the public until after Shotwell's death. If such important source material exists, it surely deserves mention. If not, Pearson and Brown's statement should be corrected.

The most important omission is one which relates to the heart of Ferrell's thesis. In following Castle so closely, he impugns Briand's reputation as a " man of peace " (p. 145). This is a noteworthy position because it seems to be at variance with much of the existing record. Since Suarez' biography of Briand stops at the year 1923 and since there is no note that the subsequent papers at Cocherel were examined, one would like further information on this point. Mr. Ferrell neglects to say in his book that the one man who would know the full story of the negotiations, Briand's secretary at the time, Alexis Léger, is still alive and lives in Washington, D. C. It would be quite understandable if Léger refused to divulge any information on what might be a delicate diplomatic point, but a study on the subject should make a record of this attitude.

The thesis of this book is that the Pact of Paris was " the peculiar result of some very shrewd diplomacy and some very unsophisticated popular enthusiasm for peace." Thus Briand's offer of a treaty to outlaw war between the United States and France is interpreted as a shrewd move for a " negative military alliance ". This may or may not have been Briand's intent, the proof is by no means conclusive, but it certainly was a fear in Mr. Castle's mind. One wonders whether the author might not have questioned this thesis and compared its neurotic qualities with the over-all needs of our international society.

The author then joins the excellent company of people like Mr. Kennan and talks of a " realistic " American foreign policy. This is one word which has been too long abused. Its meaning is purely subjective. Those who advocated the concessions at Munich called them " realistic "—history has recorded otherwise. The word is a personal evaluation and should have no place in a logical deduction.

The same attitude carries over into the following:

> The history of the origins of the Kellogg-Briand Pact shows that American popular understanding of the great problems and policies of post-1918 international affairs was appallingly naive. Moreover, some of America's most respected citizens, possessing the cherished visible signs of education, proved themselves almost as benighted as the public they sought to lead.

There is little choice but to include in this category both Butler and Shotwell. This is a shaky position to take, especially if one is familiar with the limitations which surround any political formulation. Anyone who is well acquainted with the mechanics of policy-making knows full well the errors and omissions which often obtain in this myopic profession. Scholars also make mistakes in interpreting the history which they study. But the use of a word like " benighted " is certainly unfortunate.

If there was any ignorance, it was due to Mr. Kellogg's policy of keeping the negotiations from the public. Why he did so seems, at this date, to contradict the premises of a democracy. Were his reasons valid, they could have withstood the rigors of a public debate. There is much more to be said upon this question. There is more to be said upon the origins of the Kellogg-Briand Pact as a case history of the contest between far-seeing statesmanship and " realistic " diplomacy.

But to date Mr. Ferrell is to be congratulated for a fine piece of historical research and his skill in painting a living picture of an era which deserves to be remembered—much more than it has been.

HERBERT MAZA

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Back Door to War: The Roosevelt Foreign Policy, 1933-1941. By CHARLES CALLAN TANSILL. Chicago, Henry Regnery Company, 1952.—xxi, 690 pp. $6.50.

Most historians who have written about American entry into World War II have taken extreme ground. Some have argued that Franklin D. Roosevelt was altogether right (Perkins, for example, and Rauch). Others have maintained that Roosevelt was altogether wrong (Beard, for instance, and Sanborn). Most books in both categories have two tremendous weaknesses: (1) they are based on published materials only, not on a careful examination of the unpublished manuscripts; and (2) they are violently partisan, too one-sided and unfair to carry conviction to the reader.

By doing a good deal of work in the State Department Archives, Professor Tansill has eliminated Weakness One. Weakness Two, however, remains. *Back Door to War,* which is anti-Roosevelt, is an important, but not a balanced or objective, study. It must be used with great caution—with the same caution that should be present when one reads the pro-Roosevelt volumes.

As Tansill sees it, there has been a bipartisan conspiracy in Washington since 1900, to defend the British Empire. Stupidity or villainy or both took us into World War I in 1917; and the " criminal bungling " of " pseudo statesmen " at Versailles explains everything and justifies almost everything that the Hitler government did from 1933 to 1941. Tansill defends Japanese conquests in China during the 1930's, because Japan was anti-Communist, and for other reasons. All through the book, Tansill suggests that German and Japanese officials acted in a reasonable and proper way. Generally, they did the right thing; when they acted in a regrettable manner, it was because they were forced to such action by the Russians, British, French, Chinese or Americans. The United States, apparently, should have taken an " understanding view " (see, for example, pp. 122, 132) of Japanese and German aggression (though Tansill would deplore the use of the word aggression for German and Japanese policy).

American, British, French, Chinese and Russian officials, by contrast, seem nearly always to have behaved in a bungling or vicious manner. Wilson was a deceitful Shylock (pp. 10, 14). Franklin Roosevelt was illogical, a boorish liar, a Mad Hatter, a war criminal (pp. 47, 122, 555, 629). Stimson donned his " armor of righteousness ", and wanted " perpetual war for perpetual peace " (pp. 101, 103); he was really the architect of war (pp. viii, 97, 103, etc.). " Liberals " are referred to condescendingly (see, for example, p. viii).

Professor Tansill and his publishers suggest that the State Department manuscripts prove all his points. Do they? Hardly. There are hundreds of quotations from State Department manuscripts—very valuable quotations which add materially to our knowledge of the period. But there are few citations to support the central portions of the Tansill argument. As an example, there is heavy documentation from the State Department files supporting Tansill's excellent description of the diplomacy of the Ethiopian crisis (chapters vii and viii especially, two thirds of the citations for those chapters being from State Department manuscripts). But the chapters more closely related to the central thesis of Roosevelt-plotting-war are drawn only in small part from State Department files (about 5 per cent of the citations in chapters xxiv-xxvi are to such materials, and few of the documents used bear on the key points in any significant way). There is no documentation for the first statement in the book (" The main objective in American foreign policy since 1900 has been the preservation of the British Empire "); nor do the 2,000 citations scattered through the rest of the book support that interesting statement. It is much the same at other points. Professor Tansill has provided much significant material, but has not proved his main arguments.

Does this review make me a " Roosevelt-lover " and a " court historian "? Actually, I agree with Professor Tansill that there was much bungling in Washington in the 1930's. I am as ready to condemn the Roosevelt-was-always-right books as to find fault with the Roosevelt-was-always-wrong volumes. The fact is, we shall not get to the bottom of recent diplomatic history by name-calling, or by labeling everything black or white. We must keep working in this field, broadening and intensifying our efforts, and retaining as much balance as is possible in this troubled age.

FRED HARVEY HARRINGTON

UNIVERSITY OF WISCONSIN

The American Approach to Foreign Policy. By DEXTER PERKINS. Cambridge, Harvard University Press, 1952.—195 pp. $3.25.

Based on a series of lectures delivered at Uppsala University under the Gottesman Foundation, this volume is a topical study of the forces that have shaped American foreign policy. Although the book begins with a brief summary of American diplomatic history, no attempt is made to present a detailed chronology, and the major portion of the work is devoted to an analysis of the influence of economic, social, political and moral considerations on the development of the nation's foreign policy. The author also seeks to assess the rôle of President and Congress in foreign affairs, and in the concluding chapter he discusses the "secular struggle" between the Soviet Union and the United States.

Students of American diplomatic history will look in vain for significant new material in *The American Approach to Foreign Policy,* for this is an interpretative study in which the author uses relatively well-known facts to illustrate and substantiate his conclusions. Charles A. Beard employed much the same technique in *The Idea of National Interest*; but, while Beard placed his major emphasis on economic causation, Perkins approaches the problem of the origins of American foreign policy from a number of different, and often conflicting, viewpoints. On the other hand, he does not hesitate to take a stand on controversial issues. He believes that "Americans have, on the whole, not been an imperialist nation" (p. 83); that industrialists and bankers have had little effect on the formulation and execution of American foreign policy; that "ideas connected with certain moral preoccupations" have been "a substantially important factor in the conduct of American diplomacy" (p. 82); that the diplomatic history of the United States contains "plenty of evidence of a dislike of force and a repugnance to war" (p. 110); and that "to an extraordinary degree" the foreign policy of the United States "comes up from the people" (p. 151).

Although *The American Approach to Foreign Policy* has no over-all thesis, it does make a concerted effort to defend the past and present foreign policies of the United States. The author meticulously presents both sides of every question; but, when he totes up the final accounts in each chapter, the United States invariably ends up on the credit side of the ledger. As a consequence, the reader—or, at least, this reader—is often left with the impression that Perkins has weakened his case by overstating it and that his opinions on the wisdom of

American policies are out of place in a historical analysis of the factors that have determined these policies.

The American Approach to Foreign Policy is a provocative and thoughtful survey of the main forces in American diplomatic history. Not everyone will agree with the author's answers to the questions that he has raised, but no one can deny that he has asked the right questions. This is a major accomplishment that will be appreciated by all those who have spent time wandering in the intellectual wasteland that makes up such a large part of what is euphemistically known as diplomatic history.

COLUMBIA UNIVERSITY HAROLD C. SYRETT

The Future of American Politics. By SAMUEL LUBELL. New York, Harper and Brothers, 1952.—viii, 285 pp. $3.50.

American electoral behavior is often inscrutable, but attempting to understand it should challenge the reason of any enlightened citizen. This book opens wide vistas of explanation with a trenchant and bright analysis. Mr. Lubell cuts at much of the cant of present-day American politics so effectively that even the amateur (if, indeed, there are any in a presidential election year) will find himself in possession of a vast set of new assumptions and the wise professional will throw away a lot of old ones.

The basic and inescapable fact in recent American history, says Lubell, is that the two out of every three children who were second-generation Americans in 1910 came to political maturity just as the blight of the Great Depression fell upon the nation. This underdog segment of the population, upgraded by the New Deal and the war, became a propertied class with vivid if not bitter memories of being at the bottom of the heap—scorned and forgotten people. Today "this same big-city generation still stands like a human wall between the Republicans and their past dominance." The result has been the transformation of the Democrats into a majority party with the G.O.P. struggling, in a losing battle, against the birth rate. Simultaneously there has been the emergence of class consciousness among native American workers, leavened by the Negro who has engendered new and ambivalent attitudes of tension and tolerance. But, most important, America has witnessed the appearance of a new middle class in the North, conservative like its predecessors but determined to make FEPC the litmus test of its political allegiance.

If this has been the unfolding drama in the North, changes in the

South have been no less spectacular. Here industrialization has pushed forward to create a new urban class that is decidedly Republican in sympathy and which exerts a growing pressure to join with its natural allies in industry in the North. By mortgaging themselves to the Democratic party, however, many Southerners have come to recognize that they have been unable to restrain the extension of civil rights by the Northern wing of the party.

Mr. Lubell, too cavalierly, perhaps, disposes of what he calls "The Myth of Isolation". Whether one agrees or not, though, his conclusion is suggestive: the most "isolationist" of all groups have been the Russian-Germans who arrived in the wheat country after 1890 and who have been so consistently pro-German that their seeming isolation has in fact been all that remains of opposition to the foreign policies of Wilson and Franklin Roosevelt. However, nobody will question that, on the Republican side, the real dilemma lies in reconciling the liberal Eastern wing of the party with the conservative mid-Westerners—the "me too but better" men with the economic die-hards who resent every tick of the clock.

Some of Lubell's generalizations are not novel, as, for example, the observation that the New Deal needs one more Republican victory to make itself a permanent part of American life; some are open to dispute, as, for example, the view that Truman, like the Red Queen in *Alice in Wonderland*, has had to run faster and faster in order to stand still; some are spelled out brilliantly such as those relating to the inner dynamics of the Democratic coalition. But there are scores of them here, and it will be a remarkable reader who fails to be enormously stimulated by *The Future of American Politics*. Especially does this apply to those politicians who predicate their actions on a static conception of what they *think* the national political conduct ought to be and who always prepare, therefore, to win the previous election.

COLUMBIA UNIVERSITY HENRY F. GRAFF

A Two-Party South? By ALEXANDER HEARD. Chapel Hill, The University of North Carolina Press, 1952.—xviii, 334 pp. $4.75.

The quadrennial breeze over a miraculous vivification of Southern Republicanism has reached tornado proportions, thanks to the psychopathic aversion for the Fair Deal nourished in the heart of many a Southern colonel. This situation ought to put Alexander Heard's book on the "must" list for political strategists of both parties.

The University of North Carolina professor, who assisted V. O. Key in the survey for *Southern Politics* (1949), has done a top-flight job of research and analysis in the first eighteen chapters and appendices. It is unfortunate, therefore, that the last chapter, which contains his conclusions, seems to have been written by a Mr. Heard who was unfamiliar with the data in the earlier chapters. His speculations indicate that he hopes for a political "realignment more along lines of economic class interests, after the manner of the British, breaking down traditional orientations" (pp. 33, 156). These castles in the air are transformed into predictions (pp. 234-249) although his data show that Southern Republican strength is on the toboggan (pp. 16-73, 118).

Heard seems to be in that growing army of Fair Deal academicians who are galled by having to compromise with Southerners in the Democratic party. Like Senator Karl E. Mundt, who apparently objects to compromising with the Young Turks in the Republican party, these academic "liberals" dream of the day when conservative Southern political leaders will enlist in the Grand Old Party and help to mold it in the image of Senators John W. Bricker and Harry F. Byrd, thereby making it unnecessary for the Old Guard to compromise with the Young Turks. When the time for compromise is past, when we take our politics so seriously that we lose our sense of humor and proportion, then is the time to throw in our chips and man the barricades. If the prescription for a two-party South is polarization and strengthening old-guard forces within the Republican party, the treatment is fine but the patient will die.

The thesis of *A Two-Party South* is that the Democratic party will (or ought to?) become an American version of the British Labor party, with the G.O.P. shaping itself into a minotaur well to the right of Winston Churchill's Tories. As Samuel Lubell (*The Future of American Politics*, 1952) and countless others have shown, such a development would freeze the Democrats in power more or less permanently—another thing Heard seems to want. Although he admits that yielding to the Dixiecrats would consign the Grand Old Party to the graveyard along with the Whigs and Federalists (pp. 121n, 164), he fails to realize that his desired or predicted realignment would mean a one-party system not only in the South but in the nation.

An excellent example of Heard's failure to discriminate between wish and probability is his forecast that the Dixiecrats of 1948 are on their way into the Republican fold. Of course, the future is imponderable; but his own statistics show that, in general, the bulk of Dixiecratic strength came from Democratic, not Republican, ranks—from areas that stuck with the Democrats even in the face of a threat from Rum and Romanism in 1928.

Chapter 12 is devoted to presenting a case for adoption of Senator Henry Cabot Lodge, Jr.'s electoral college reform. Mr. Heard does not deny that the Lodge plan would provide the Democrats with every reason to restrict Southern suffrage further since it would give them an electoral vote bonus which would vary inversely with the size of the Southern popular vote (*American Political Science Review*, vol. 44, pp. 94-99); but he predicts that the Lodge plan would increase Southern voter participation (p. 177). At the same time, he realizes that Republicans do not control Southern legislatures and, consequently, cannot enlarge the Southern electorate. He also realizes that Southern Democrats have always employed every legal device to stabilize their advantage (pp. 83-95, 245, 302) but fails to explain how the Lodge plan would effect a change of heart among Southern legislators.

In spite of this confusion between hunch or hope and scientific prediction, Mr. Heard's excellent research, analysis and bibliography should give *A Two-Party South* the wide audience it deserves.

Ruth C. Silva

The Pennsylvania State College

Crisis in Freedom: The Alien and Sedition Acts. By John C. Miller. Boston, Little, Brown and Company, 1951.—253 pp. $3.50.

Although there have been earlier studies of the Alien and Sedition Acts of 1798, notably an excellent article by F. M. Anderson in the *Annual Report of the American Historical Association* for 1912, this is the first book-length treatment of the subject. And it is a good one. Professor Miller has based his study almost wholly upon manuscript sources, contemporary newspapers, pamphlets, memoirs and letters, and has presented his material with a literary skill that makes for first-class reading. Numerous and well-chosen quotations from the sources add much to the colorful and dramatic character of the study.

In the course of his discussion the author brings out clearly the conditions and motives which led the Federalists hastily to push through Congress the Naturalization, Alien and Sedition Acts of June-July 1798, the nature of the Acts themselves, and the reaction of the Republican opposition, culminating in the famous Virginia and Kentucky Resolutions which not only denounced the Acts as unconstitutional, but set forth a theory of the nature of the union potentially far more dangerous to the powers of the federal government than those criticisms of individuals and the opposition press which the Federalists found so irritating and so alarming. Much of the book is devoted to the several prosecutions under the Sedition Act—no cases ever came up under the Alien Acts—which in the hands of Federalist prosecutors, judges, particularly Justice Chase, and juries went far to justify a rising tide of popular feeling that freedom of speech and of the press was being curbed in the interests of the party in power; that the Federalists, taking advantage of a diplomatic crisis, were attempting to destroy a domestic opposition which not only vigorously opposed their foreign policy but threatened the hold of the " well-born " on government itself. Had war with France actually materialized, it seems probable that the American people might have accepted the Alien and Sedition Acts as necessary for the public welfare. But, officially, war did not come, and the political motivation of the Acts became all too obvious. In the end the Acts undoubtedly played no small part in the downfall of the Federalist party in the election of 1800.

In discussing the background of the Alien and Sedition Acts, the reader might have appreciated somewhat more fully the fears of the Federalists in 1798, had a bit more been said of the popular hysteria over the French Revolution from 1792 on, the excitement over the Genêt mission, the appearance of the Democratic Societies and their suspected part in the Whiskey Rebellion, and the uproar over the Jay Treaty—the point being that the more conservative Federalist minds had been conditioned long before 1798 for the action finally taken in that year of crisis.

Although the author draws no parallels and, with the exception of a few closing comments, leaves the present-day implications of his story to the reader, it would certainly seem that *Crisis in Freedom* must have been inspired, in part at least, by the thought that the United States has found itself recently in a position very much like that which existed in the closing years of the eighteenth century when to many of the people the nation appeared to be threatened by the ideological and military menace of the " Terrible Republic ". Ironically, the very laws which hastened the downfall of the Federalist party in 1800 have reappeared in even more drastic form in consequence of German and Russian threats to our security. Necessarily perhaps, but raising again the question of how far the government of a democracy should go, in facing such crises, in curbing the right of the individual and the press to criticize freely its policies and officials.

W. R. Waterman

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BOOK NOTES

In *The Spirit of Liberty: Papers and Addresses of Learned Hand* (New York, Alfred A. Knopf, 1952; xxx, 262 pp. $3.50) Irving Dilliard has brought together the off-the-bench writings of the most admired and most influential of living American judges. The thirty-three short pieces which make up the collection are fragments, since the major work of Judge Hand's life is embodied in more than two thousand judicial opinions hammered out during his forty-three years as a federal trial and appellate judge. But these are magnificent fragments and, as such occasional pieces often are, richly revealing of the qualities of mind and character that have made Hand our unique genius at judging. Judge Hand's essential views on the classic problems of political and legal philosophy are all here, expressed with a power and grace of style that defy paraphrase. On the nature and function of the state, " democracy [is] a political contrivance by which the group conflicts inevitable in all society should find a relatively harmless outlet in the give and take of legislative compromise after the contending groups had had a chance to measure their relative strength." The same focus appears in Hand's conception of justice as " a passable accommodation between the vital and self-conscious interests of society " and of law as " no more than the formal expression of that tolerable compromise that we call justice, without which the rule of the tooth and claw must prevail." Hand's theories of the judicial process and of the judge's rôle come out most clearly in several addresses honoring other judges, most strikingly in his comments on his long-time Second Circuit colleague, Thomas W. Swan. To Hand the characteristic and irreplaceable attribute of the good judge is detachment—detachment in the sense of intellectual forbearance. Aloofness from the battle of conflicting interests is the price judges must pay for the maintenance of an independent judiciary. Hand's temper is resolutely pragmatic and experimental: " there is but one test for divergent popular convictions, experiment, and almost any experiment is in the end less dangerous than its suppression." But his experimentalism is completely without the humorlessness and over-pride in human potentialities too often associated with pragmatic philosophies. There is a wry magnificence about the choice of words in his declarations of pragmatic faith: " life is made up of a series of judgments on insufficient

data, and if we waited to run down all our doubts, it would flow past us " and " any organization of society which depresses free and spontaneous meddling is on the decline, however showy its immediate spoils." No wonder that our greatest working judge could write, at fourscore: " It is enough that we set out to mould the motley stuff of life into some form of our own choosing; when we do, the performance is itself the wage."—HARRY W. JONES, Columbia University.

Richard W. Van Alstyne's *American Crisis Diplomacy: The Quest for Collective Security, 1918-1952* (Stanford, Stanford University Press, 1952; xiii, 165 pp. $3.50) is less an interpretation than a descriptive précis of the course of events from the end of World War I to date. The book presents no new material from original scholarly research, and little in the more limited sense of unpublished manuscript. Of the three chapters, one on the rise of the Pacific as a crisis area, another on the late war, and a third on United States problems since, two are revisions of chapters 25 and 26 of the author's larger *American Diplomacy in Action.* Portions of the third are taken from Professor Van Alstyne's writings for *Current History.* The text is only 142 pages in all. Some fifty-seven are devoted to the backwash of problems which have swept over us since World War II. Approximately the same number is concerned with the war itself. Thirty-odd scattered pages comment on the period between wars—for the most part on the Far East. In addition there are sixteen pages of discursive footnotes and an index. It is tightly, clearly, interestingly written. In his Preface Professor Van Alstyne takes the historians of World War I to task for not having been more careful of their facts and more composed in their judgments. He notes that he himself has " taken pains to draw definite conclusions." The juxtaposition of judgment and statement titillates expectation. Yet this reviewer found it difficult always to determine what were considered facts and what conclusions—that is, there seems no deviation from the aphorism that one historian's " fact " is frequently another's " fiction ". Perhaps the conclusions are hidden behind tattletale adjectives. If this is so, there is ample room for personal disagreement. For example, was Allied strategy in World War I " brilliant "? Is it true that " For its China policy the Roosevelt administration ever kept ready its rose-tinted glasses "? It might be argued that the glasses were dark with continuing pessimism. Still, the axe of prejudice is not ground. No sparks of criticism fly. The author concludes in general agreement with the current tenor of Secretary Acheson's thinking on international affairs. The book, despite its good qualities, does pose a serious question of common usefulness. It seems to this reviewer that it is too brief to be useful in a college course. He also wonders whether there is anything here to excite the good grey average reader. If the latter is interested in these matters, he knows, or thinks he knows, the material presented here. And it will seem dull fare to one used, as he is, to a spicy diet of revelation, interpretation and proclamation. This is not to say, however, that it is not a book which he could read with profit. Its sober forthrightness recommends it.—EDWARD L. KATZENBACH, JR., Columbia University Institute of War and Peace Studies.

Mobilization and Inflation (Claremont, Claremont College for the four Associated Colleges at Claremont, 1951; xiii, 98 pp. $2.75), by Frederic L. Simmons, contains three lectures, presented at Claremont College in California. In the first lecture the author stresses the need for increase in defense against Russian imperialism and international communism. The four reasons to justify this need are: enormous potential resources of Russia and her satellites; concentration of dictatorial power within a small group of men; development of long-range weapons; lack of intervening forces between this country and the U.S.S.R. Mr. Simmons is right when he states that in case of war we "must have centralized direction and restrict the range of personal choice and individual decision." It is also correct that "some groups may enjoy inflation and controls as a way of life"—and that "when the time comes we must not exaggerate the difficulties of restoring our economic freedom." The second lecture is devoted to the requirements of defense. The author mentions that we are not self-sufficient in raw materials and that we may have to resort to extraordinary measures to meet the man-hour requirements. These measures are: putting additional manpower to work, increasing the working hours, reducing the production of civilian goods, purchasing goods from abroad on a larger scale. In the third lecture, the causes of inflation are analyzed briefly and the author sums up the remedies as follows: ". . . spending must be restrained, and production should be increased without higher cost per unit"; "Government should reduce nondefense spending drastically"; "taxes must be increased"—"it is absolutely essential that the increased personal taxes extend well down into the range of low income"; "further quantitative restrictions of credit" are to take place; "the support levels for farm prices should be lowered"; "some kind of wage policy must be evolved so that wage rates will not outrun the increase in production." This reviewer

wholly agrees with the author that the "damage which inflation can do to our economic system . . . may be . . . difficult to avoid." The three lectures contained in the booklet are certainly worth reading and may serve as a guide to further study of the problem, ably treated lately by Seymour E. Harris, Albert G. Hart, Jules Backman, and others.—MICHAEL ALBERY, Boston College.

Professor Ben W. Lewis' account of how the Labor government met Britain's problems and administered Britain's affairs from 1945 to 1951—*British Planning and Nationalization* (New York, The Twentieth Century Fund; London, George Allen & Unwin Ltd., 1952; xi, 313 pp. $3.00)—is about as severely factual as anything of its kind could well be. This clearly constitutes his study's chief and very genuine merit. With the aid of travel and study in Britain on a Twentieth Century Fund Grant, and his long experience in the study of British economy, the author, who is Professor of Economics at Oberlin College, compiled an impressive body of useful information, organized it logically, and presented it clearly. He begins with two defining chapters on "Economic Planning" and on "The Issue of Nationalization"—defining not only the general problems but outlining the mechanics of Labor's attempted solutions as well. He ends with some restrained observations "In Conclusion". Between that introduction and the very tentative assessments, he has devoted nine chapters to the Nationalization of Coal, of Transport, of Electric Power, of Iron and Steel, and to Town and Country Planning, the Distribution of Industry, the National Health Service, Agriculture and Housing. A most useful bibliography on each of these subjects is offered at the last. I intend no complaint about this study when I say it is almost as hard to quarrel with the author's findings as to criticize the contentions annually published by the editors of the *World Almanac*. His sources are certainly the correct ones—government and party publications, the *Parliamentary Debates*, and the best of the British press, and he has selected from these with economy, fairness and care; no mean job. The result is a good series of pictures of each major area of the British economy under Labor, all posed to include the pertinent elements. The clarity of the presentation certainly does not derive from the symmetrical nature of the subject itself. As Mr. Lewis frequently insists, Labor's program has been an illogical blend of boldness and caution, perception and blindness, considered measures and improvisations, reminiscent in fact of our own early New Deal. Moreover, he maintains that very little that has occurred, good or bad, and extreme nationalism have survived in quarters which are ostensibly democratic. . . . These unobtrusive trends are far more dangerous for being less obvious than the neo-Nazi groups" (p. 71). The cold war has imposed upon the Western democracies the necessity of immediate collaboration with a Germany which is, despite the optimism of United States officialdom, not yet a reliable partner. The notion of a marriage of convenience with Russia and communism entertained by some German nationalists may well be a myth, but a useful one for the enemies of German democracy. The author rightly emphasizes that German democrats need all possible support and encouragement from abroad in view of dangerous manifestations of a possible relapse to authoritarianism.—LEWIS J. EDINGER, Woman's College of the University of North Carolina.

The Scandinavian States and Finland: A Political and Economic Survey (London and New York, Royal Institute of International Affairs, 1951; viii, 312 pp. $4.00) is the result of the labors of a small group designated by the Royal Institute of International Affairs and headed by Mr. G. M. Gathorne-Hardy. According to the Preface, the book owes its existence primarily to the fact that the importance of the Scandinavian countries has greatly increased of late; they have come to constitute a sort of broad dividing zone some 1,000 miles long between the West and the East in Europe. They are no longer mere neutral standees watching from the side lines the frictions and conflicts of their larger neighbors, but potential victims of aggression and participants in any large-scale war. While one might well question whether this particular kind of justification for the survey compiled by Mr. Gathorne-Hardy and his colleagues is really essential, the question can well be brushed aside especially in view of the fact that the authors have brought forth an excellent volume. Incidentally, much of the content of the book ignores the implications of the somewhat awkward title which sets Finland apart from Sweden, Norway and Denmark. In the text, Finland is treated as an integral part of what is called, in these four countries, the North, and what British and American usage has increasingly come to call, over the past generation, Scandinavia. This is as it should be, for any other procedure means an altogether unnecessary acceptance of confusing and misleading distinctions. The fact is, of course, that within the area of the North, Sweden and Finland represent, historically and institutionally, a degree of unity markedly greater than that discernible, for instance, in the case of Sweden and Denmark. The merits of the book can be indicated by saying that

within the small compass of some 300 pages the authors have managed to present easily the best and most many-sided survey yet available of the social, political, educational, economic and foreign relations developments of the North (including Iceland). The accent is, understandably, on a relatively narrow span of recent years, but the broader, historical background offered is adequate enough for a book of this kind. Some errors of fact and interpretation are inevitably present, but they are minor and do not mar the story. A considerable number of statistical tables and a book list of a half-dozen pages—most of the books listed are in English—add to the value of this excellent tome.—JOHN H. WUORINEN, Columbia University.

David Mitrany's *Marx Against the Peasant: A Study in Social Dogmatism* (Chapel Hill, The University of North Carolina Press, 1951; xvi, 301 pp. $4.50) is a thoughtful and scholarly presentation of a "neglected chapter in contemporary social history", the clash between the socialist and agrarian populist movements, with its disastrous consequences for democracy in Eastern Europe. The historical sections are excellent, and the analysis of Marxist agrarian theory generally able. The author disposes deftly of the inflexible predictions that Marx made, on the basis of his reading of exclusively British experience, about the concentration of ownership in agriculture and the fated transformation of the peasant proprietors into a rural counterpart of the urban proletariat. But perhaps the book's prime achievement, apart from its up-to-date survey of populist history, is its examination of the value-preconceptions that Marx, and still more his followers, brought to their "scientific" analysis of the "agrarian problem". Marxism and Marxists are typically urban phenomena, and for all their avowed emancipation from bourgeois prejudice, few of the important custodians of Marxist doctrine have been free of that tribal contempt for peasant life which is so generally ingrained into the culture of European cities. The tribalism cuts both ways, of course, but Mitrany is undoubtedly right in placing the major onus on the socialists. The "separation of the town and country" is in its larger outlines ideological, and even the further growth of communications media will not soon end the tension between two attitudes, the mutual hostility and distrust between what are almost two civilizations. This tension, I regret to say, affects even the author. The weaknesses of his book stem from the fact that his deep sympathy for the agrarian has led him to stand the Marxist stereotypes on their head, and to filter recent history through an idealized conception of the peasantry. Thus, it is a puzzle why he should scarify Marx for holding that the peasantry as a class is unable to fend for itself *politically* (p. 25), while conceding that the post-1918 agrarian revolutions in Eastern Europe failed because " the peasants were difficult to organize . . . they were poor and ignorant . . . they suffered from a lack of political leadership and contacts " (p. 128). And even when the Marxist parties are given their full share of the blame, it is surely an uncritical reading of history which blames the agrarian lapses into political and social reaction mainly on " the passage of the workers from Liberalism to Socialism " (p. 5). The same protective instinct leads Mr. Mitrany to beg some vital questions of economic theory. To dispose, for example, of the Marxist analysis of the economics of the small holding, by stating it in terms of the crude formula " the larger the scale the greater the efficiency " (pp. 108-109), is a failure to face up to the real question: Is the ideal of the " sound " 25-35 acre peasant holding compatible with the *optimum* scale of production possible in any given agrarian milieu? If the author slights such questions, it is, I think, because his approach is frankly guided by a physiocratic concern with agriculture as a way of life for the peasant, rather than as a means of life for society. In sum, this is a stimulating and controversial book.—NORMAN ROSENBERG, College of the City of New York.

Dr. Cosme de la Torriente, who has had a principal rôle in the international affairs of Cuba ever since the establishment of the Republic, in *Mi Misión en Washington (La Soberania de la Isla de Pinos), 1923-1925* (Habana, Imprenta de la Universidad de la Habana, 1952; 380 pp.) has told the story of his interest and activity in the knotty problem with respect to the sovereignty over the Isle of Pines. This question was left pending at the time of the withdrawal of the United States from Cuba in 1902. A treaty was drafted but more than twenty years elapsed before it was finally ratified. Dr. Torriente, as Cuba's first ambassador to the United States, had the pleasure of participating in the final steps which brought about the achievement of Cuba's desires in the matter. For this he received high honor from his government and the Cuban people. In the volume he simply relates the account of his participation, with special emphasis on the period of his ambassadorship. He details his relations with the Department of State and other leading personalities, all of which he feels contributed to the ultimate solution of the question. Although he was much concerned over the opposition to the ratification of the Treaty,

he is ever ready to accord deep gratitude to the United States for its aid and assistance in Cuba's struggle for independence and during the half-century which has passed since that time. The major portion of the volume is devoted to documents, both Cuban and American, dealing with the question of the sovereignty over the Isle of Pines, and the negotiation of the Hay-Quesada Treaty and its final ratification. The prologue consists of a brief historical survey of the Treaty by Luis Marino Pérez. There is also a selected bibliography. Dr. Torriente is to be congratulated upon the publication of *Mi Misión en Washington*, which gives such a complete narration regarding an important episode in the relations of Cuba and the United States.—ROSCOE R. HILL, Washington, D. C.

Colombia en la Encrucijada, by Felix Restrepo, S. J. (Bogotá, Biblioteca Popular de Cultura Colombiana, 1951; 141 pp.) is a collection of lectures given by Father Restrepo and broadcast by the national radio station of Colombia. Although the title of the book seems to indicate that it deals with the current and very serious crisis confronting the Republic of Colombia, in reality it contains eight masterful studies of present-day problems on a universal level and offers an interpretative analysis of the history of mankind and its future, according to the best Catholic tradition. Latin America as a whole offers —in contrast to the Old World—an impressive note of optimism in its present intellectual production. While the writers and philosophers of Europe seem to have drowned in an atmosphere charged with the disasters of war, decadence and moral disintegration, the thinkers and writers of Latin America have been playing a tune of optimism and faith in the future. They are all strong believers in the destiny of Latin America. Philosophers as different as Alfonso Reyes and Luis López de Mesa, or poets such as Mistral and Valencia, agree that the lands south of the Rio Grande are entitled to and will have a position of leadership and promise in the world of tomorrow. Father Restrepo's book is one more exponent of the theory. *Colombia en la Encrucijada* contains also a treatise on political science. It is unfortunate that the part of the book in which the eminent Jesuit presents his ideas about the organization of the state and its functions was the one that received the greater amount of attention and criticism. One may agree or disagree with the author's proposals for a constitutional reform in Colombia, but what one cannot bypass without admiration is his breadth of knowledge, the elegance of his style and the youthful enthusiasm that permeates all the pages of the book. The Republic of

Colombia has lived during the last few years in a permanent state of unrest and political uncertainty. Only through an unusual talent displayed by the statesmen of the country has Colombia gone through these years without entering into a period of anarchy or armed revolution. The situation has improved considerably during the past few months under President Roberto Urdaneta Arbeláez, a moderate Conservative, and the country has just finished its most successful financial year. Nevertheless, the conditions prevailing there would seem to indicate that the constitutional reform proposed by Father Restrepo would be very advantageous. The government has already taken steps for the reformation of the constitution, but it has found it difficult to establish a satisfactory working coöperation on this issue with the leaders of the Liberal party, who have expressed their willingness to help in the maintenance of the democratic and legalistic tradition of the country. Recent developments in Latin America prove that Father Restrepo's opinions are as well grounded as his faith in the future of the country that he has served so long and so devotedly, as the reorganizer and founder of the Universidad Javeriana, as one of the foremost Colombian writers and humanists, and in his present position as Vice President of the Commission of the Academies of the Spanish Language in Mexico City.—JOSÉ MARÍA CHAVES, New York City.

Of all the international passwords that have been used and debated in Latin America during the last few years, not one has had as much discussion as the concept and implications of the term *Hispanidad*. The reason for the discussion of this subject in Latin America is of a triple character. First of all, Latin America has begun to play an important international rôle not only in the political sphere, but also in the world of letters. This affirmation of what is typically Latin-American—which resulted in the *Indigenista* movement—has led some people to reject the Hispanic tradition and, consequently, to rebel against those proponents of the *Hispanidad* theory. Secondly, the Franco régime has employed *Hispanidad* as a motto that carries the historical continuity of Spain and also denotes the expressed hope of a reconstruction of the empire of Charles V. In the third place, several political parties in the Latin-American countries have taken sides in this controversy and considerably confused the original and true meaning and significance of *Hispanidad*. Carlos Hamilton, a Chilean professor of law, now residing in the United States, has written the first conscientious, impartial and well-documented interpretation of *Hispanidad*. The book—*Comunidad de Pueblos Hispanicos* (Madrid, Ediciones Cultura Hispánica, 1951; 240 pp.)—traces, in its first part, the development of the relationship between the Spanish colonies and the mother country; beginning with a discussion of the just title of Spain to the conquest and colonization of the New World, Dr. Hamilton surveys the historical developments of the seventeenth and eighteenth centuries, and brings us to an understanding of the independence of those colonies. The second part of the book deals with the concept of *Hispanidad* which he rightly ties up with the best of the Hispanic tradition, including such names as Vitoria, Loyola, Francisco de Xavier, las Casas, Cervantes and our contemporaries, such as Antonio Machado and Miguel de Unamuno. The latter gave a definition of *Hispanidad* which places it in its perspective: "What we should seek is the eternally Spanish tradition, which, being eternal, is more universal than Spanish." The book ends with an excellent and erudite discussion of the meaning of the various cultures of the Western World and the relationships among those cultures, including the religious element, and giving to the concept of *Hispanidad* the importance that it merits as one of the basic components of the culture of Latin America. Because of its scholarly character and good literary style, Hamilton's book deserves a cordial welcome from all those interested in the history and future of the Hispanic world.—JOSÉ MARÍA CHAVES, New York City.

The clearest exposition in brief compass (75 pages) of India's new Constitution which has come to this reviewer's attention may be found in *The Republic of India: The Development of Its Laws and Constitution*, by Alan Gledhill, Volume 6 of *The British Commonwealth: The Development of its Laws and Constitutions*, General Editor, George W. Keeton. (London, Stevens and Sons Limited, 1951; xii, 309 pp. £2 5s.; \$8.55). This analysis of the Constitution, which American political scientists will find especially valuable, is preceded by an all too brief historical introduction, and followed by a summary of the Indian legal system. The latter will prove indispensable to all lawyers in Commonwealth countries and in the United States whose practice in any way concerns India. Teachers of comparative law will find here, conveniently summarized, the essence of the issues involved in the pending Hindu Code bill which has recently evoked so much controversy in India. This book should receive as warm a welcome in India as in Britain. Had it been published anonymously, identification of the author as a British rather than an Indian member of the Bar would have been difficult. Mr. Gledhill, a former judge of the High Court at responsibility to see that their subordinates discharged their duties and obligations faithfully.[86]

Serious discrepancies were also alleged to exist in the accounts of Timothy Pickering's State Department. Duane cited specific amounts and in some cases even Treasury warrant numbers. Pickering had overdrawn his certified and approved expenditures by $501,918.14.[87] This represented only certain funds which had been advanced to him; in reality the sums of government money which he had used for his own purposes were probably far greater. That he had withdrawn as recently as April 18, 1800 (on Treasury Warrant, No. 9612) $50,000 for treating with the Barbary Powers, when he possessed already nearly $300,000 unexpended for the same account, demonstrated that he would stop at nothing.[88] Surely it was more than coincidence that Pickering, too, had been speculating in Western lands.[89]

Upon Wolcott's denunciation of its indictment as " unfounded ", the *Aurora* demanded proof. Its own charges had been both specific and documented. The Treasury Secretary's admission that the *Aurora's* balances referred to aggregate sums advanced to Cabinet members was a veritable confession. What law authorized Pickering to have *any* government money above that needed for the actual expenses of his department? *If* he were acting merely as an agent for such matters as supplying the Northwest Territory's government with stationery, settling disputes with the state of Georgia, and administering provisions of the Jay Treaty, what percentage commission did he draw for his services, and how much of the money advanced him was actually used for the purposes specified? [90]

86 *Aurora*, June 18, 1800.

87 *Aurora*, June 21, 23, 1800; Stonington, Conn., *Impartial Journal*, July 1, 8, 1800.

88 *Aurora*, June 17, 21, 1800.

89 For a denial (without substantiation) of the charges that Pickering owed sums to the United States, or owned lands outside Luzerne County, Pa., see the *Augusta Chronicle*, July 19, 1800.

90 Duane insisted that no matter how frantically they tried, Federalists could not deny that the half million or more in question had beeen drawn by Pickering from the Treasury. The Philadelphia *Gazette of the United States* (cited in the [illegible]

The Treasury accounts had *not*, despite Wolcott's claims, been publicly exhibited, and no evidence had been presented that Pickering was innocent of borrowing government money, interest-free, possibly for speculative purposes. Wolcott's so-called " vindication " had merely revealed a lamentable system of bookkeeping which failed to mean what it said, plus some decided irregularities in accounts. If the *Aurora's* arraignment were false, it should be simple enough to produce records establishing that fact.[91]

In an effort to clarify its attacks to laymen, the *Aurora* proceeded to analyze the bookkeeping and organization of the Treasury Department. The former was branded as intentionally complex to the point of unintelligibility. This was demonstrated not only by Wolcott's " small mistake, of a *million of dollars* " in his report to Congress, but by the facts that Sedgwick's Congressional committee had listed the public debt several millions below the correct total and that the Treasury Register had certified the payment of the French debt when interest on it was still being paid to men who had acquired it through a funding operation. Obviously men of ability and rectitude were needed to prevent costly blunders and betrayals of the public confidence. A study of Treasury Department duties clearly showed that the officers had performed their tasks improperly or not at all.[92]

Under such conditions it was perhaps inevitable that a party long in office should now have some forty officials guilty of fis-

town, D. C., *Centinel of Liberty*, June 27, 1800) had pointed to the Secretary's credit of $580.40 with the Bank of the United States as proof that he owed " not one farthing to the U. S." Pickering's bank account, maintained the *Aurora* (June 24, 1800; reprinted in the Baltimore *American*, June 27, 1800), had nothing to do with the matter in question—other than that it might possibly have represented a fraction of the Treasury funds he withdrew. The Bank itself had more than $3,300,000 of public funds for which as yet *it* had failed to render an accounting. Moreover, added Duane (*Aurora*, June 25, July 1, 1800; Boston *Constitutional Telegraphe*, July 2, 1800; New York *Forlorn Hope*, July 5, 1800; Raleigh, N. C., *Raleigh Register*, July 8, 1800), if Pickering could hold all these " agencies " constitutionally in addition to his regular office, and discharge their duties adequately, his salary as Secretary was far too high.

91 *Aurora*, June 25, 1800.

92 *Aurora*, July 3, 1800; Baltimore *American*, July 9, 1800.