A Study of

WAR

By QUINCY WRIGHT

★ ★ *Volume II* ★ ★

Does human nature make war inevitable? Can war be prevented? How many wars have there been since the Renaissance? Is capitalism responsible for war? Does socialism make for peace or for war? How has international law dealt with war? Is it possible to predict future wars? These two volumes suggest possible answers.

A STUDY
OF WAR

VOLUME II

by

QUINCY WRIGHT

Professor of International Law
The University of Chicago

The University of Chicago Press
Chicago · Illinois

ANALYTICAL TABLE OF CONTENTS
OF VOLUME II

C. STATES AND THE DIVERGENCIES OF LAW

APPENDIXES

INDEX

LIST OF ILLUSTRATIONS

LIST OF TABLES

PART III

THE ANALYSIS OF WAR

A. METHOD OF ANALYSIS

CHAPTER XVI

SCIENTIFIC METHOD AND THE
STUDY OF WAR

THE analysis of war attempted in this section is not intended for aesthetic realization or for moral guidance but for scientific understanding. History develops generalizations true of a particular time and place of the past. Practice assumes generalizations true as guides to particular ends of the future. Science strives for generalizations which accord not only with the observations upon which they were based but also with all future and past observations unknown at the time the generalization was made.[1]

It has often been assumed that war is something which happens with little possibility of prediction. The circumstances of a war, its antecedents and consequences, can be recorded, but according to this opinion each war is unique. The record of wars thus constitutes a history but cannot be made into a science. There are, it is true, principles and rules of war which purport either to regulate the initiation and conduct of war or to guide generals to victory. These, however, are jural or practical laws establishing norms which may or may not be observed according to the efficiency of international sanctions or the intelligence of general officers. Are there also laws which may enable the student to predict the incidence and manifestations of war because of the characteristics and relationships of the populations, nations, states, and armies?

The difference between historic laws, normative laws, and scientific laws ought not to be exaggerated. In fact, the term "natural law" has at times been applied to all.[2] The biological nature of man

[1] See above, Vol. I, chap. ii, secs. 4 and 5; below, chap. xix, sec. 2.

[2] For numerous meanings of the term "natural law" see Arthur A. Lovejoy, Gilbert Chinard, George Boas, and Ronald S. Crane (eds.), *A Documentary History of Primitivism and Related Ideas*, I (Baltimore, 1935), 12, 447–56. While conventional law is often distinguished from natural law (James Bryce, *Studies in History and Jurisprudence*, II [New York, 1901], 567), jurists have recognized that conventions if general and enduring must have a foundation in "nature" (*ibid.*, pp. 578 and 583; Grotius, *De jure belli ac pacis*, Proleg., secs. 15 and 16).

which functioned in past historic epochs differs little from that which functions today or will function tomorrow. The sanctions behind jural law and the reason behind technical and strategic principles are characteristics of human societies which may be no less "natural" than any other of their characteristics.[3] Happenings of human history and norms of human law and practice can be taken as evidence of the nature or law of human society no less applicable in the future than in the past. "The rule to which future events have a tendency to conform," wrote Charles S. Peirce, "is an important thing, an important element in the happening of those events," and as much a mode of being as are "actual facts" and "positive, qualitative possibilities."[4] It seems, therefore, premature to deny the possibility of valid generalizations to which the future of war will tend to conform.[5]

To ascertain such generalizations involves the application of scientific method.[6] Scientific method applied to social activity, which

[3] "Yet nature is made better by no meane,
    But nature makes that meane."—Shakespeare, *The Winter's Tale*, Act IV, scene 4.

[4] *Collected Papers of Charles Sanders Peirce*, ed. Charles Hartshorne and Paul Weiss, Vol. I (Cambridge, Mass., 1931), pars. 23 and 26.

[5] These three modes of the "being" of war constitute the subject matter of the successive parts of this study. Part II deals with the "actual facts of war," Part III with "the law that will govern facts in the future," and Part IV with "positive, qualitative possibilities."

[6] Scientific method is any method which simplifies the complex. Analysis of a complex problem into parts, stages, or elements, each of which is much simpler and can be treated separately, is the essence of scientific method, but what is simple and what is complex depends upon the point of view. For many purposes a completed house may seem simpler than the architect's drawings and specifications of materials which constitute its analysis for the builder. A human being may seem simpler than the volumes on anatomy, physiology, and psychology which for the physician constitute its analysis. The builder and the physician may by their activity "simplify" to the layman what the draftsman and physiologist had made complex. Thus synthesis is also a part of scientific method. Abstractly considered, "analysis is the resolution of a whole into its component elements, opposed to synthesis, the combining of separate elements or minor wholes into an inclusive unity" ("Analysis," *Encyclopaedia Britannica* [14th ed.], I, 865; cf. A. J. Bahm, "What Is Philosophy?" *Scientific Monthly*, LII [June, 1941], 554). But while mathematical and logical analyses deduce the concrete meaning (denotation) of abstract terms and ideas by demonstration of relationship between definitions, observational and experimental analyses infer the abstract meaning (connotation) of concrete things and events by the naming of classes which exhibit resemblances and differences. Analysis and synthesis, therefore, although formally contradictory, are practically sup-

is typically a problem-solving activity, differs, in some respects, from that method applied to physical phenomena and yields results which are much less precise. In dealing with social activity, historic time can never be entirely eliminated as an unmeasurable factor, cause-and-effect relations cannot be entirely separated from means and end relations, constants cannot be clearly distinguished from variables, and the subject matter cannot easily be divided into disciplines within which specialized methods may be emphasized. The presence of contingency, of purpose, of universal change, and of universal interrelatedness, flowing from the number, subjectivity, instability, complexity, and problematic character of the factors involved, renders the application of scientific method to human and social problems exceptionally difficult and frequently unproductive.[7]

The isolation of problems and disciplines, the establishment of standards of measurement and frames of reference, the elimination of personal biases, must be accomplished by art in all sciences, but in the physical sciences the art is closely guided by the observation of nature.[8] Fictions, while necessary in the natural sciences, are the essence of the social sciences. The social scientist must create a structure of assumptions and use a language which is at the same time symbolic and emotive. Unless he can establish his assumptions by successful propaganda, it is hardly worth while to make hypotheses or to investigate their validity.[9]

For the problem of war this means that the scientific investigator must employ his own conviction of what the future of war ought to be as one of the assumptions for predicting what it will be. He must, however, recognize that others will similarly employ their own con-

plementary. To break down or to analyze an idea is to build up or to synthesize concrete reality, while to break down or to analyze concrete facts is to synthesize or to build up ideas. To analyze the connotation of a term is to synthesize its denotation, and vice versa.

[7] See Appen. XXV below.

[8] Decreasingly with the progress of science. " 'Fortunate Newton,' says Einstein, 'happy childhood of science! . . . . The conceptions which he used to reduce the material of experience to order seemed to flow spontaneously from experience itself' " (quoted in George de Santillana and Edgar Zilsel, *The Development of Rationalism and Empiricism* ["International Encyclopedia of Unified Science," Vol. II, No. 8 (Chicago, 1941)], p. 2).

[9] See below, Appen. XXV, sec. 3; above, Vol. I, chap. ii, sec. 2.

victions. Wishful thinking about war constitutes a major element in scientific thinking about war. An evaluation of faiths is an indispensable key to the future. The student of war must recognize that wishes, opinions, and beliefs, including his own, are among the phenomena with which he deals. He cannot exclude them from his predictive formulations as may the physicist. With all their intangibility, imponderability, and changeability, he must do his best to reduce them to order. He cannot do this unless he combines persuasion with analysis. He must try to perpetuate in the society the beliefs which constitute the postulates of his study, or his analyses will be undermined.

CHAPTER XVII

THE MEANING OF WAR

AN ADEQUATE definition of war is not easy to construct. After comparing numerous formal definitions which appear in the literature of the subject, war was defined in the second chapter as a legal condition which equally permits two or more hostile groups to carry on a conflict by armed force. A more scientific method of constructing a definition would begin, not with an analysis of the literature, but with an analysis of wars. The historical events which have been called wars have been characterized by (1) military activity, (2) high tension level, (3) abnormal law, and (4) intense political integration.

1. MILITARY ACTIVITY

The most obvious manifestation of war is the accelerated movement and activity of armies and navies. While modern states are at all times engaged in moving naval and military forces around, in constructing battleships, guns, and munitions, in organizing and training armies, and in making military appropriations, war is marked by a great acceleration in the speed of such activities. Such phenomena as mobilization, conscription, blockade, siege, organized fighting, invasion, and occupation may all occur without war; but they occur more frequently and on a larger scale during war. Each of the terms "battle," "campaign," "war," "arms race," and "normal military activity" designates a certain intensity of military activity. The type of events or conditions designated by each successive term manifests a lesser intensity of military activity but a wider space and a longer period of time in which such activity is occurring. The characteristics of each of these types of activity deserve attention.[1]

a) *Battle.*—The most concentrated type of military activity is the battle. It may be taken as a generic term to cover a period of continuous direct contact of armed forces in which at least one side is

[1] Their temporal characteristics have been considered in Vol I, chap. ix, sec. 2.

engaged in a tactical offensive. There may be a battle of land forces, of naval forces, or of air forces. There may be a single battle combining all of these forces, as, for instance, in the siege of a port or a landing operation. In wars of past centuries battles have usually been identifiable events, seldom lasting, except in the case of sieges, over a day, seldom covering over a score of square miles of territory, and seldom involving over a hundred thousand men. This is no longer true. The progress of invention with respect to instruments of communication, transportation, defense, and attack has made it possible for centralized military direction to be maintained over vastly greater numbers of men, operating through greater areas, for longer periods of time. Some of the episodes designated as battles in World War I lasted for several weeks, extended over tens of thousands of square miles, and involved millions of men. Because of the immobility of trench warfare, they resembled sieges of the past rather than pitched battles. In World War II new techniques restored mobility, and battles covered even larger areas. While earlier battles were named by towns (Saratoga, Waterloo, Gettysburg, Port Arthur), World War I battles were named by rivers or areas (the Marne, the Somme, Flanders) and World War II battles were named by countries or oceans (Norway, Belgium, France, Greece, Russia, the Atlantic). Furthermore, battles in recent wars have not been separated from one another by definite periods of time or areas of space. The selection of what is to be designated a battle is in such circumstances extremely arbitrary, but even in the past battles have not always been clearly defined. All have been composed of lesser engagements of artillery, infantry, cavalry, aerial or naval units, or even of individual men. The designation of a battle thus involves a judgment as to the continuity of contact, of attack, and of central direction of the opposing forces.

Within modern civilization there appear to have been some 2,700 battles which involved casualties (killed, wounded, and prisoners) of at least 1,000 men in land battles or 500 in naval battles.[2] While most of these battles took place in wars, some of them did not,[3] and

[2] See Vol. I, Table 22, Appen. XIX.

[3] As, for example, the Battle of New Orleans, January 8, 1815, which occurred fifteen days after the War of 1812 had been ended by signature of the Treaty of Ghent.

there were many wars during the period without a single battle of this magnitude.[4] If a lower casualty limit had been adopted, the number of battles would have been much greater. Of these 2,700 battles and sieges, 94 were participated in by the United States, and, of that number, the United States Navy participated in only 10. Yet from 1775 to 1900 United States army units engaged in over 9,000 distinct battles and skirmishes.[5] United States naval units engaged against hostile naval or land forces in 1,131 distinct episodes and, in addition, captured some 4,000 merchant vessels.[6] It seems likely that the number of distinct hostile encounters between public armed forces has been more than a hundred times as great as the list of battles. There have probably been over a quarter of a million such hostile encounters in the civilized world since 1500, an average of over 500 a year.

b) Campaign.—A less concentrated type of military activity than the battle is the campaign. This term is used to designate a group of military operations within a limited period of time connected by a strategic plan under the control of a single command. Several battles may be fought during a campaign, but a campaign may be conducted without any actual contact with the enemy. A campaign does, however, involve movements of actual armies, navies, or air forces, of which at least one side is engaged in a strategic offensive, such as an effort to occupy hostile territory, to acquire resources from the enemy, to destroy hostile forces, to blockade hostile territory, to break civilian morale by military attacks, or to accomplish other military objectives. A campaign is more likely than a battle to combine both the army and the navy, but ordinarily it includes only one. In the past, campaigns have usually been identifiable events, seldom lasting over six or eight months (the "campaigning season" in European latitudes has often been terminated by winter weather) and involving only two or three armies of from 50,000 to 100,000

---

[4] See Vol. I, Appen. XX.

[5] Newton A. Strait, *Alphabetical List of Battles, 1754-1900* (Washington, 1900). See also Francis B. Heitman, *Historical Register and Dictionary of the United States Army* (Washington, 1903), which states that the army had been involved in 3,292 engagements.

[6] Robert W. Neeser, *Statistical and Chronological History of the United States Navy, 1775-1907* (New York, 1909).

men each. Naval campaigns sometimes covered very large areas and continued over longer periods but usually involved fewer men. The conditions which have increased the duration, area, and number of participants in battles have done the same for campaigns. In recent major wars it has been as difficult to distinguish and identify campaigns as it has been to distinguish and identify battles. In minor hostilities—colonial wars, interventions, and insurrections—the campaign is the normal unit of military activity. Thus many campaigns occur outside of recognized wars.

While in the twentieth century (1900–1941) there have been only 24 wars,[7] there have been over 600 campaigns, of which more than 500 were outside of these wars.[8] During this period there were over 900 battles of 1,000-casualty magnitude. It is probable that campaigns have been about as numerous as battles of this magnitude during the entire modern period, although many included no battles at all and others a large number of battles.

c) *War.*—From the military point of view it is more difficult to identify wars than either battles or campaigns. The unity of a war derives more from legal or political than from military activities. The list of wars of modern history included in this study[9] is based primarily upon the fact of legal recognition manifested by the application of the laws of war in the relations of the participants and of the laws of neutrality in the relations of participants to nonparticipants. As evidence of the beginning and end of this legal status, declarations, recognitions, and treaties were the usual criteria. Hostilities involving over 100,000 troops were, however, included even if not recognized as war, and even lesser hostilities were included if they led to important legal results such as the creation or extinction of states or territorial transfers.

Periods of war have been characterized by military movements of abnormal size and frequency. The battles and campaigns of a war are usually united through the continuity of the political direction of each of the belligerents and the persistence of a grand strategical

[7] Vol. I, Table 41, Appen. XX.

[8] See Vol. I, Appen. XX. Table 48, Appen. XXI, sets forth the number of months of campaigning by each of the powers but not the number of campaigns.

[9] Vol. I, Appen. XX.

objective of at least one of the participating states. These unifying conditions, however, are not always present. From the military point of view a war does not usually have such clear time and space limitations as does a battle or a campaign.[10] From the legal point of view its time limitations and its space limitations, at least with respect to land, are usually precise. The military activity of a war has seldom been continuous for over five years, but there has been a Hundred Years' War, a Thirty Years' War, a Seven Years' War, and a number of other wars, such as the French Revolutionary and Napoleonic Wars, in which some military activity continued for more than five years. Usually, however, these periods were broken by long truces. Some of these wars continued through revolutionary changes in the political control of all or some of the belligerents, through a disappearance of old belligerents and entry of new ones, and through radical changes in the war aims or grand strategic objectives of most of the participants. Thus the time-space continuum, which in a legal sense is designated a war, has not necessarily been accompanied by a unity or uniformity of intense military activity. While in international legal theory a state of war between two states begins and ends at definite moments of time, these moments have frequently been difficult to establish in practice.

At least 278 wars occurred from 1480 to 1941.[11] These events ranged in size from minor episodes, involving only two small countries and lasting a few months, to such events as the Thirty Years' War, involving most of the European continent; the Seven Years' War, involving most of the European powers and hostilities in America, India, and the high seas; and World War I, lasting, in the case of certain belligerents, for ten years, involving at times half of the countries of the world and including hostilities in Europe, Asia, Africa, and the high seas. World War II spread even wider. In the twentieth century, before 1942, there were 24 wars, and nearly every state of the world participated in at least one.

[10] Guerrilla war, such as that carried on in China since 1937, has no definite front (R. E. Dupuy, "The Nature of Guerrilla Warfare," *Pacific Affairs*, XII [June, 1939], 138 ff.).

[11] Vol. I, Appen. XX.

d) Armament race.—An even less precise type of military activity
is the armament race. This is characterized less by military move-
ments and hostile clashes, though such events may occur, than by
acceleration in all countries involved of the rate of armament
growth. Military and naval budgets, standing armies, and naval,
air, and tank fleets become steadily larger. A larger proportion
of the productive energy of states is devoted to military affairs.
Armament races have usually lasted for thirty or forty years. They
have been characterized by increasing frequency of small wars, im-
perial wars, and interventions, generally terminating in a balance-
of-power war, during which military building reaches a maximum.
For ten or twenty years after such a war there has usually been a
period of demobilization and decline of military building, sometimes
stabilized by disarmament agreements. Armament races have re-
sulted primarily from the political relations of states involved in a
balance-of-power system, though the exigencies of arms-traders and
of national economies may also have played a part. A knowledge of
political relations may disclose that armament races, proceeding
simultaneously within groups of states in different parts of the
world, are distinct and unrelated phenomena. The growth of world
communication and economic interdependence has, however, tended
to bring all states into the world balance of power and to synchronize
accelerated armament programs everywhere into a single race.

In the seventeenth and eighteenth centuries distinct armament
races sometimes occurred without precise simultaneity in western
Europe, northern Europe, and southeastern Europe. During the
nineteenth century Europe was a unity with respect to armament
races, though North America, Central America, the La Plata area,
the Andean area, and the Far East had distinct armament races.
A European armament race began about 1787 and lasted until
1815. Another began about 1840 and laster until 1871. In the
twentieth century armament races have tended to be synchronous
and simultaneous throughout the world. There was a general arma-
ment race lasting from about 1886 to 1919. Another began about
1932 and continues through 1941.[12] Probably a study of army and
navy building coupled with a study of the balance of power would

[12] See Vol. I, Table 58, Appen. XXII, for statistics for 1850–1937.

disclose some twenty-five distinct armament races in modern history, though the boundaries either in time or in space could not be very clearly defined. These armament races are clearly related to the tendency toward a fifty-year periodicity in the frequency of battles alluded to in an earlier chapter of this study.[13]

e) *Normal military activity.*—This is a conception which can be ascertained only by studying the military history of a civilization over centuries to ascertain the size of military and naval budgets, the size of standing army, the proportion of national effort directed toward military affairs, and the frequency of minor and major uses of military force usual among the states of that civilization. Because of the dynamic character of Western culture and of the operation of armament races, it is difficult to compare conditions separated by centuries. Because of the wide variations in the role of military affairs in different states, it is difficult to compare different areas at the same time. The conception of normal military activity is, therefore, difficult to apply to modern civilization. Theoretically, however, it constitutes a standard of comparison by which the more accelerated activity during armament races, wars, campaigns, and battles can be judged. If it is realized that the great powers of modern history have been formally at war nearly half of the time and have been engaged in minor military campaigns or armament races a good share of the remaining time, it will be perceived that in modern civilization normal military activity would be quite remote from an ideal conception of peace.[14]

2. HIGH TENSION LEVEL

Another manifestation of war is the high tension level of public opinion within the belligerent states. Attention is concentrated upon symbols of the nation and of the enemy. Only favorable attitudes toward the former and unfavorable attitudes toward the latter are expressed. Graphs constructed from statistical analyses of numerous

[13] Vol. I, chap. ix, sec. 2d.

[14] Many writers have commented on the difficulty of distinguishing war in the technical sense from the military activity which continues in "normal" times (see Brevet Lieut.-Col. J. F. Maurice, *Hostilities without Declaration of War, from 1700 to 1870* [London, 1883], p. 66; H. M. Kallen, "On War and Peace," *Social Research*, September, 1939, pp. 373 ff.).

attitude statements taken from newspapers indicate that on the approach of war the opinions of the population of each country about the other become more hostile and more homogeneous. During war itself these opinions reach levels of extraordinary hostility.[15]

Such graphs present the best picture of the changing direction, intensity, homogeneity, and continuity of the attitudes of one people toward another, but easily observable phenomena make possible a rough classification of the intensity of such attitudes. Five states of tension level may be expressed by the words "symbolic attack," "threats of violence," "discrimination," "disapproval," and "normal relations."

a) Symbolic attack.—In time of war the press, public addresses, sermons, moving pictures, the radio, and other instruments of publicity frequently contain direct attacks upon the enemy, emphasizing his satanism and urging his destruction. Such sentiments may appear not only in unofficial but in official utterances. The latter were formerly rare except in time of war, but with the development of the radio, breaking down the distinction between domestic and foreign communication, they have become more common.[16]

b) Threats of violence against another state may be publicized in times of strained relations short of war, but if they proceed directly from high officials of the government they are likely to lead to a breach of relations or to war itself. Overt threats, especially if accompanied by naval and military movements, have been considered much more serious than formal diplomatic protests, though the latter may carry an implication of eventual resort to force. The United States resented the prediction of "grave consequences" in the Japanese ambassador's note on the immigration crisis in 1923, interpreting it as a threat of war. The abusive comments of Hitler toward President Beneš of Czechoslovakia in his address of September 12, 1938, indicated that hostilities might be near at hand. "Incidents" concerning nationals, vessels, or officials of one country for which another country is considered responsible, but which might be of little political importance in normal times, are often interpreted as

---

[15] See Appen. XLI below.

[16] H. D. Lasswell, *Propaganda Technique in the World War* (London, 1927), chap. iii: "Satanism." See below, n. 19.

threats in times of high tension and may result in a breach of diplomatic relations.[17]

c) *Discrimination.*—Private boycotts and official discriminations in tariff rates, export, import, and navigation embargoes, and prohibitions against loans and concessions are an evidence of strained relations; but they frequently occur without war and are usually considered less serious than threats and displays of force. Such economic discriminations are always intensified between enemies in time of war.[18]

d) *Disapproval.*—Official expressions of disapproval of the policy or behavior of a foreign state manifest a serious strain in relations if they concern the internal policy of that state or its relations with third states. References to the policy of another government are not, however, deemed as serious as utterances disrespectful or contemptuous of the personality of high officials or of the state itself. The attitudes of governments toward such criticism have varied with respect to the degree of resentment which should be felt and with respect to the responsibility of states for hostile utterances made by private individuals or in private publications.[19] Autocracies are likely to be much more sensitive on such matters than democracies.[20]

[17] Diplomacy under the balance of power has always concealed a mailed fist under the velvet glove, but if the glove was cast off war was usually near. For instances of "displays of force" see J. B. Moore, *A Digest of International Law* (Washington, 1906), VII, 107–9. Recall of the chief of mission indicates less serious tension than complete breach of diplomatic relations (*ibid.*, pp. 103–5; cf. Ellery C. Stowell, *International Law* [New York, 1931], p. 453).

[18] Janice C. Simpson, "The Position in International Law of Economic Measures of Coercion Carried On within a State's Territory" (manuscript thesis, University of Chicago, December, 1935). Methods of "peaceful" pressure and coercion available to the president of the United States under the Constitution are discussed in Q. Wright, *The Control of American Foreign Relations* (New York, 1922), pp. 293–310.

[19] See Stowell, *op. cit.*, pp. 78–80; Q. Wright, "The Denunciation of Treaty Violators," *American Journal of International Law*, XXXII (July, 1938), 526–35. The United States was remarkably free in its expression of disapproval of the behavior of the Axis governments after the spring of 1940 (see Q. Wright, "The Transfer of Destroyers to Great Britain," *ibid.*, XXXIV [October, 1940], 688).

[20] Because governments in democratic countries are accustomed to hearing political criticism. See Vernon Van Dyke, "The Responsibility of States for International Propaganda," *American Journal of International Law*, XXXIV (January, 1940), 58 ff.; H. Lauterpacht, "Revolutionary Activities of Private Persons against Foreign States," *American Journal of International Law*, XXII (January, 1928), 108.

e) Normal relations.—In the normal relations of states formal protests are usually confined to cases where the state, its government, or its nationals have been injured because of a breach of international obligations by another state. Objections to the policy of another state are not formally protested, although they may be made the subject of representations. Even in normal times the private press sometimes abuses other states, but, unless excessive or unless the press is controlled by the government, such license does not indicate a strain in relations. The normal level of respect manifested by the government of one state for another varies greatly among different states and at different times.[21]

3. ABNORMAL LAW

A third manifestation of war is the entry into force of new rules of law, domestic and international. Contracts with alien enemies are suspended. Resident alien enemies are interned or placed under supervision.[22] Trading with the enemy is prohibited. Many treaties with the enemy are terminated or suspended. Military forces are free to invade the enemy territory and to attack its armed forces, limited only by the rules of war. Neutrals are obliged to prevent the use of their territory or vessels for military purposes by belligerents. Neutral vessels at sea are liable to visit and search and to capture if they assist the enemy.[23]

In the case of war, recognized as such in the legal sense, all these rules come into force. There are other situations in which a modified form of abnormal law prevails. The legal situation consequent upon an outbreak of hostilities differs accordingly as the violence occurs in a state's home territory, in a colonial area of different culture, or in

[21] Stowell, *op. cit.*, pp. 425 ff. It has been suggested that abusive diplomacy, instead of provoking hostilities, may act as a cathartic and eliminate it ("Diplomacy, Bad Manners as a Substitute for War," *Atlantic Monthly*, CLX [December, 1937], 759–61). Diplomatic etiquette, however, has not accepted this opinion and has required formal courtesy (Stowell, *op. cit.*, pp. 432 and 446).

[22] During World War II the treatment of enemy persons was determined by considerations of the individual's "spiritual loyalty" rather than of his legal nationality (Robert M. W. Kempner, "The Enemy Alien Problem in the Present War," *American Journal of International Law*, XXXIV [July, 1940], 443–58).

[23] L. Oppenheim, *International Law* (6th ed. [Lauterpacht]; London, 1940), secs. 97–102*b*, 313–19*a*.

the relations of two recognized states. It may also differ accordingly as the two parties are equal or are moderately or greatly disparate in status.[24] The following nine categories may, therefore, be distinguished with respect to the abnormal legal situation which results.

Relative Status of Combatants	International Strife	Colonial Strife	Civil Strife
Equality in status	International war	Imperial war	Civil war
Moderate disparity in status	Aggression——defense	Colonial revolt ——punitive expedition	Insurrection—— military suppression
Great disparity in status	Disorder——intervention	Native unrest ——pacification	Mob violence , ——police

a) Civil war, imperial war, and international war, if recognized as such, imply that both sides are to be treated as equals by other states designated neutrals. Both are entitled to the rights and powers of belligerents as long as the war lasts. In civil war and often in imperial war the revolt is in violation of the municipal constitution and laws of the state, and, if the legal government is successful, it may, of course, apply its own law to punish treason after hostilities are over. In international war one of the parties may be acting in violation of its obligations under international law, and this fact may influence the settlement, even though the states have generally recognized the situation as "war" by proclaiming neutrality.[25]

b) Insurrection, colonial revolt, and aggression not recognized as legal war do not imply a duty of third states to treat the two parties as equal. In the case of insurrection or native uprising the recognized government has usually been favored by third states. The

[24] While status refers to the degree in which legal powers are possessed, legal powers are not entirely unrelated to material powers. See James Lorimer, *Institutes of the Law of Nations* (Edinburgh, 1883), I, 170; T. J. Lawrence, *Essays on Some Disputed Questions in Modern International Law* (Cambridge, 1885), p. 232; E. D. Dickinson, *The Equality of States in International Law* (Cambridge, Mass., 1920), p. 151; Q. Wright, *Mandates under the League of Nations* (Chicago, 1930), pp. 292–94.

[25] Q. Wright, "The Present Status of Neutrality," *American Journal of International Law,* XXXIV (July, 1940), 401–7.

treatment of the Spanish Loyalists on a parity with the insurgents under the nonintervention agreement of 1936 was an exception in this respect.[26] If a state engaged in international hostilities has been found by appropriate international procedures to be an aggressor, in the sense that it resorted to force in violation of its international obligations, third states may discriminate in favor of its innocent victim engaged in defense. Such discrimination was required by the League of Nations Covenant and is permissible for parties to other anti-war treaties such as the Pact of Paris.[27] The position of an aggressor, therefore, has some resemblance in law to that of an insurgent government. Japan, Italy, Russia, and Germany were generally recognized to be aggressors in their respective hostilities against China (1931, 1937), Ethiopia (1935), Finland (1939), and Poland (1939).[28]

c) Mob violence and native unrest within the state's domain and *intervention* in a dependent state do not usually involve international law or the rights of third states. Municipal law may recognize a state of siege or martial law in such situations. The case of a great power intervening to deal with disorders or international delinquencies in a much smaller independent state has often been treated in a similar manner. In law, however, the justifiability of the intervention is properly an international question to be decided by interna-

[26] N. J. Padelford, *International Law and Diplomacy in the Spanish Civil Strife* (New York, 1939).

[27] Q. Wright, "Neutrality Following the Pact of Paris," *Proceedings of the American Society of International Law, 1930*, pp. 79 ff.; "The Concept of Aggression in International Law," *American Journal of International Law*, XXIX (July, 1935), 374 ff.; Harvard Research in International Law, "Rights and Duties of States in Case of Aggression," *American Journal of International Law* (suppl., 1939), pp. 823 ff.; International Law Association, "Budapest Articles of Interpretation of the Pact of Paris," *Report of Thirty-eighth Conference* (London, 1935), pp. 66 ff.

[28] Q. Wright, "The Test of Aggression in the Italo-Ethiopian War," *ibid.*, XXX (January, 1936), 45 ff.; "The Present Status of Neutrality," *ibid.*, XXXIV (July, 1940), 401; "The Transfer of Destroyers to Great Britain," *ibid.*, October, 1940, pp. 680 ff.; "The Lend-Lease Act and International Law," *ibid.*, XXXV (April, 1941), 305 ff.; Attorney-General Robert H. Jackson, "Address to the Inter-American Bar Association, Havana, Cuba, March 27, 1941," *American Journal of International Law*, XXXV (April, 1941), 348 ff.

tional procedures according to international law.[29] As treaties now generally prohibit forceful intervention except for defense, there is a presumption against the legitimacy of such action unless expressly permitted by a protectorate, mandate, or other treaty relation with the state in whose territory the action is taken or unless that state has been found guilty of an aggression which withdraws it from the benefits of anti-war treaties and permits military sanctions against it.[30]

4. INTENSE POLITICAL INTEGRATION

A further manifestation of war consists in legal, social, and political changes within the belligerent community, tending toward more intensive integration. Legislation regulates industry and directs it toward war production. Censorship comes into effect, and important instruments of communication are taken over by the government. Consumption may be rationed in many directions. Loyalties to church, party, or profession are subordinated to loyalty to the state.

The normal degree of government control of the activities of individuals varies greatly among states; but, however intense or loose the normal control, it becomes more intense in time of war.

In time of war or threat of war the armament industry and the production of raw materials for its manufacture are usually the first economic activity to be regulated or taken over by the government. This is soon followed by the taking-over of agencies of transportation and communication, education, and propaganda. A more general control of business and consumption may follow. The last step has usually been the control of religion.[31]

The intensive preparedness required by modern war tends to bring about many of these changes long before war begins. Totalitarian

[29] Dickinson, *op. cit.*, p. 261. The term "punitive expedition" has been applied to military action in foreign territory, such as the international expedition to suppress the "Boxers" in China in 1900 and the American expedition in pursuit of Villa in Mexico in 1916. Properly speaking, these should be called "interventions," although that term is not free from ambiguity. See Charles G. Bream, "Intervention Short of Armed Force in Latin America" (manuscript, University of Chicago Library, 1941); Ellery C. Stowell, *Intervention in International Law* (Washington, 1921).

[30] Q. Wright, "The Outlawry of War," *American Journal of International Law*, XIX (January, 1925), 94.

[31] Hans Speier and Alfred Kähler, *War in Our Time* (New York, 1939).

states exhibit this intensive political integration as a permanent characteristic.[32]

5. A DEFINITION OF WAR

This analysis of the military, psychological, legal, and sociological manifestations of war suggests that all may be regarded as variables which reach a certain threshold of intensity in actual war. War may therefore be regarded from the standpoint of each belligerent as an extreme intensification of military activity, psychological tension, legal power, and social integration—an intensification which is not likely to result unless the enemy is approximately equal in material power. From the standpoint of all belligerents war may be considered a simultaneous conflict of armed forces, popular feelings, jural dogmas, and national cultures so nearly equal as to lead to an extreme intensification of each.

This definition, developed from a consideration of the manifestations of war, may be compared with that developed earlier from a consideration of the definitions of war appearing in the literature. War is a legal condition which equally permits two or more hostile groups to carry on a conflict by armed force.[33]

There is clearly a resemblance. Conflict of armed force figures in both definitions. The conflict of popular feeling is hostility. The conflict of jural dogmas is a legal condition characterized by equality of the parties. The conflict of national cultures is a conflict of human groups.

To say that war implies a legal condition means that law or custom recognizes that when war exists particular types of behavior or attitudes are appropriate. War does not imply a sporadic or capricious or accidental situation but a recognized condition. The thinking in any culture recognizes many different conditions, each with its appropriate behavior pattern. War implies one of many such recognized conditions characterized by the equality of the belligerents in law and their freedom to resort to violence.

To say that this condition pertains to hostile groups implies that

[32] Vol. I, chap. xii, sec. 1d. See also A. T. Lauterbach, "Roots and Implication of the German Idea of Military Society," *Military Affairs*, V (spring, 1941), 1, 13 ff.

[33] Vol. I, chap. ii, sec. 1.

the attitudes involved are social rather than individual and at the same time hostile rather than friendly. This expression therefore implies a differentiation between the in-group and the out-group. The individual loves his own group and hates the enemy group.[34] This definition excludes from the conception of war duels or other fights between individuals and also excludes friendly armed contentions, as in a tournament or a fencing match.

To say that the groups are carrying on a conflict means that the pattern of behavior is an instance of the type of group interrelationship which sociologists have termed "conflict." This pattern includes competitive games, forensic litigation, political elections, family brawls, feuds, sectarian strife, and other situations in which opposing but similar entities aware of and in contact with each other are dominated by sentiments of rivalry and expectation of victory through the use of mutually recognized procedures. The pattern therefore involves a combination of separation and unity: separation in the fact of antagonism and hostility between entities, union in the fact of recognition by all entities concerned of a common objective (victory) and the procedure by which it is to be obtained (armed force). War does not, therefore, exist where the participants are so self-centered that each fails to recognize the other as a participant but treats it merely as an environmental obstacle to policy, as men treat wild animals or geographical barriers. War is, therefore, distinguished from armed activities such as the chase among primitive peoples or colonial development among modern nations. As a conflict, war implies that attitudes and actions within each participating group are influenced by intergroup or international standards.

To say that the conflict is by armed force excludes forms of contentious procedure which permit only persuasive argument, intellectual skill, or friendly physical encounter, as in judicial trials, parliamentary debates, and athletic games. The technique of arms implies the use of weapons to kill, wound, or capture individuals of the opposing side. War is thus a type of violence. The word "vio-

---

[34] Among some primitive groups, as among the Barbary States in the eighteenth century, friendship within and hostility without was considered the normal situation. These groups were continuously in a state of war with neighboring groups except during temporary truces.

lence," however, includes also activities which are not war, such as assassination and robbery, riot and lynching, police action and execution, reprisals and interventions.[35]

War, on the other hand, may involve activities other than violence. In modern war the propaganda, economic, and diplomatic fronts may be more important than the military front; but, if the technique of armed violence is not used or threatened, the situation is not war.

War is thus at the same time an exceptional legal condition, a phenomenon of intergroup social psychology, a species of conflict, and a species of violence. While each of these aspects of war suggests an approach to its study, war must not be identified with any one of them. Light may be thrown on war by studying other exceptional legal conditions like civil litigation, criminal trials, martial law, aggression, and reprisals; but they must not be identified with war, as is done by those who characterize all legal coercion as war. So also it must not be assumed that all relations between sovereign groups are war or that all conflicts or all resorts to violence are war. Such assumptions, frequently made, render the control of war hopeless. The anarchists, striving to eliminate all legal coercion; the isolationists, striving to eliminate all intergroup relations; the idealists, striving to eliminate all conflicts; and the extreme pacifists, trying to eliminate all violence, are engaged in a hopeless task. On the other hand, it is possible that appropriate modifications of international law and procedure, of national attitudes and ideals, of social and economic conditions, and of the methods by which governments keep themselves in power may prevent the recurrence of war.

[35] For legal analysis of types of violence see Appen. XXX below.

CHAPTER XVIII

THE SOCIAL DISCIPLINES AND WAR

WHILE something has been written on war by scholars in each of the social disciplines, it does not appear that any of these disciplines has developed a logical analysis of the subject generally acceptable to the scholars in that discipline, much less to those in related disciplines. Careful distinction must be made between the writings of acknowledged specialists in each of these disciplines and the writings of nonspecialists. Much of the writing on the economic, psychological, biological, and political causes of war has been by publicists who were not respectively economists, psychologists, biologists, or political scientists. The social disciplines may be roughly classified as disciplines related to social science, pure social sciences, practical social disciplines, applied social sciences, and emerging social disciplines.

1. DISCIPLINES RELATED TO SOCIAL SCIENCE

a) History.—Historians have dealt with the course of international relations and with the origin and circumstances of particular wars.[1] While some have attempted to detect fluctuations in the frequency of war[2] and others have indulged in broad generalizations about the relation of social change to war,[3] historians have usually hesitated to generalize. They have tended to confine themselves to a description of the personalities, controversies, policies, propagandas, and diplomatic discussions involved in the origin and conduct of particular wars. They have treated war as a genetic process but have left it to the sociologists to typify this process.

[1] C. K. Webster, *The Foreign Policy of Castlereagh* (London, 1925); H. W. Temperley, *The Foreign Policy of Canning* (London, 1925); Bernadotte E. Schmitt, *The Coming of the War, 1914* (New York, 1930); Sydney B. Fay, *Origins of the World War* (New York, 1928).

[2] F. A. Woods and A. Baltzly, *Is War Diminishing?* (Boston, 1915).

[3] James T. Shotwell, *War as an Instrument of National Policy* (New York, 1929); Arnold J. Toynbee, *A Study of History* (New York, 1934).

b) Geography.—Geographers have usually been equally cautious in making generalizations,[4] though some geographers, like some historians, have exhibited an opposite tendency and have emphasized the relationship to war of differential land utilization,[5] differential and changing climatic conditions,[6] differential distribution of natural resources,[7] differential racial and sociological types,[8] and differential opportunities for development within the established national domains.[9] This rather radical bifurcation between the factualists and the philosophers, the anti-generalizers, and the pro-generalizers, seems to have been more notable among historians and geographers than among writers in the other social disciplines.

c) Biology.—Biologists have usually emphasized the impropriety of analogies between animal and human warfare, the dissimilarity between interspecific animal predation and intraspecific human warfare, the deteriorating effect of the latter upon racial development, and the interplay of numerous factors of fertility, aggregation, carniverousness, and migration in maintaining the balance of organic species.[10] But while biologists have been more cautious than many

[4] Isaiah Bowman, *The New World* (New York, 1921); articles by Isaiah Bowman, Pierre Denis, Derwent Whittlesey, and Robert S. Platt in C. C. Colby (ed.), *Geographical Aspects of International Relations* (Chicago, 1938), esp. pp. 274 ff.

[5] Preston E. James, "The Distribution of People in South America," in Colby, *op. cit.*, pp. 230–32. Herbert I. Priestley considers the differential in efficiency of land utilization the cause of much of the difficulty in the relations of Mexico and the United States (Moises Saenz and Herbert I. Priestley, *Some Mexican Problems* [Chicago, 1926], pp. 154 ff.).

[6] Ellsworth Huntington, *World Power and Evolution* (New Haven, 1919).

[7] Brooks Emeny, *The Strategy of Raw Materials: A Study of America in Peace and War* (New York, 1934); C. K. Leith, *World Minerals and World Politics* (New York, 1931); "Remarks," in International Studies Conference, *Peaceful Change* (Paris: International Institute of Intellectual Cooperation, 1938), pp. 323 ff.

[8] Griffith Taylor, *Environment and Race* (London, 1927); *Environment and Nation* (Chicago, 1936).

[9] This is the emphasis of the *Geopolitik* and *Lebensraum* school of geographers, including Friedrich Ratzel, Rudolph Kjellen, Karl Haushofer, and others. See Johannes Mattern, "From Geopolitic to Political Relativism," *Essays in Honor of W. W. Willoughby* (Baltimore, 1937), pp. 125 ff.; Derwent Whittlesey, *The Earth and the State* (New York, 1939), pp. 8 ff.; Charles Kruszewski, "Germany's Lebensraum," *American Political Science Review*, XXXIV (October, 1940), 964 ff.

[10] Samuel J. Holmes, *The Trend of the Race* (New York, 1921), pp. 213 ff.; W. C. Allee, *The Social Life of Animals* (New York, 1938); Julian Huxley, "Biology and Our

military writers, philosophers, and sociologists in assuming an anal-
ogy between the organic struggle for existence and the political
struggle of nations, some of them have emphasized an identity of
principles of organization as exhibited in the multicellular animal,
animal societies and aggregations, and human society.[11] Applying
this analogy, they have tended to hold that war may be functional
or pathological, depending upon the type of human society or the
stage of human progress under consideration.[12]

d) *Psychology.*—Psychologists are divided into many schools,
introspective, experimental, statistical, and analytic, ranging all the
way from philosophy to neurophysiology. Of all these the analytic
or Freudian school and the statistical or attitude-measurement
school have made the most contributions to the problem of war.
*Freudians have emphasized the balance of aggressive and sociable
impulses in human nature* and, under certain conditions, the impor-
tance for preserving domestic peace of displacing the former upon an
external enemy.[13] They have also, in emphasizing the complexity of
human motives, criticized the assumptions of some political and eco-

Future World," *Harper's Magazine*, CLXIII (September, 1931), 403 ff.; J. B. S. Hal-
dane, "Future of Man," *Harper's Magazine*, CLXIV (March, 1932), 441 ff.; A. M.
Carr-Saunders, "Biology and War," *Foreign Affairs*, VII (April, 1929), 427. David
Star Jordan (*War and the Breed* [Boston, 1915]), H. R. Hunt (*Some Biological Aspects of
War* [New York, 1930]), and Vernon Kellogg (*Beyond War: A Chapter in the Natural
History of Man* [New York, 1912]) emphasize the disgenic effect of war, while Raymond
Pearl ("Biological Considerations about War," *American Journal of Sociology*, XLVI
[January, 1941], 496 ff.) minimizes this effect.

[11] William M. Wheeler, *Social Life among the Insects* (New York, 1923); *Foibles of
Insects and Men* (New York, 1928); C. M. Child, *Physiological Foundations of Behavior*
(New York, 1924); Alfred E. Emerson, "Social Coordination and Superorganism,"
American Midland Naturalist, XXI (January, 1939), 182 ff.; R. W. Gerard, "Organism,
Society and Science," *Scientific Monthly*, L (1940), 340 ff., 403 ff., 530 ff.

[12] Pearl, *op. cit.*, pp. 501 ff.; "Biology and War" in *Studies in Human Biology* (Balti-
more, 1924), chap. xxii; Gerard, *op. cit.*, p. 534. "Pathic events at one level of organiza-
tion are involved in the healthy or physiologically normal development and functioning
of another higher level" (George K. K. Link, "The Role of Genetics in Etiological
Pathology," *Quarterly Review of Biology*, VIII [June, 1932], 137 ff.). See also above,
Vol. I, chap. vi, nn. 62 and 174.

[13] E. F. M. Durbin and J. Bowlby, *Personal Aggressiveness and War* (New York,
1939); R. Waelder, *Psychological Aspects of War and Peace* (Geneva Research Center),
Vol. X, No. 2 (May, 1939); H. D. Lasswell, *Psychopathology and Politics* (Chicago,
1930); Ross Stagner (ed.), "The Psychology of War and Peace" (manuscript prepared
for Society for the Psychological Study of Social Issues, 1940).

nomic writers.[14] The statistical school, contributing to the measurement of public opinion, has emphasized the variability and heterogeneity of group attitudes and has attempted to distinguish the factors upon which these attitudes are based.[15] All psychological schools are overwhelmingly convinced that no ineradicable instinctive factors of human nature make war inevitable.[16] They tend to emphasize the controllability of pugnacity by education, law, and social and ethical standards. They therefore consider war a function not of human nature but of social customs and institutions.[17]

2. PURE SOCIAL SCIENCES

a) Anthropology.—Anthropologists, drawing from detailed knowledge of a great variety of human groups and social behaviors, have tended to emphasize the customary and conventional character of war. Finding that warfare is not known to all people, many consider it an invention, widely diffused. Some have sought to analyze its sociological functions,[18] others its psychological foundations,[19] and others its technological conditions.[20]

[14] Vol. I, Appen. VIII, above.

[15] L. L. Thurstone and E. J. Chave, *Measurement of Attitudes* (Chicago, 1929); F. H. Allport, "Toward a Science of Public Opinion," *Public Opinion Quarterly*, Vol. I, No. 1 (January, 1937); James T. Russell and Quincy Wright, "National Attitudes in the Far Eastern Controversy," *American Political Science Review*, XXVII (August, 1933), 555 ff.; Charles K. A. Wang, "A Study of Attitudes on Patriotism and toward War" (manuscript for Causes of War Study, University of Chicago, 1932).

[16] J. M. Fletcher, "The Verdict of Psychologists on War Instincts," *Scientific Monthly*, XXXV (August, 1932), 142.

[17] E. L. Thorndike, *The Psychology of Wants, Interests and Attitudes* (New York, 1935); William James, "The Moral Equivalent of War," *International Conciliation*, No. 27 (New York, February, 1910); Franz Alexander, "The Psychiatric Aspect of War and Peace," *American Journal of Sociology*, XLVI (January, 1941), 504 ff.; Harold D. Lasswell, "The Garrison State," *American Journal of Sociology*, XLVI (January, 1941), 455 ff.; below, Appen. XXVIII.

[18] B. Malinowski, "Culture as a Determinant of Behavior," in *Factors Determining Human Behavior* ("Harvard Tercentenary Publications" [Cambridge, Mass., 1937]), pp. 133 ff.; "An Anthropological Analysis of War," *American Journal of Sociology*, XLVI (January, 1941), 521 ff.; Camilla Wedgewood, "Some Aspects of Warfare in Melanesia," *Oceania*, I (April, 1930), 5–33; W. Lloyd Warner, "Murngin Warfare," *Oceania*, I (January, 1931), 457 ff.

[19] R. R. Marret, *Sacraments of Simple Folk* (Oxford, 1933).

[20] B. Malinowski, "War and Weapons among the Natives of the Trobriand Islands," *Man*, XX (January, 1920), 10 ff.; M. R. Davie, *The Evolution of War* (New Haven, 1929).

b) Sociology.—Sociologists at one time attempted to utilize an assumed analogy between international conflict and the biological struggle for existence, asserting that the former is necessary for human progress.[21] More recent sociologists, sophisticated in biology, psychology, and anthropology, have emphasized the feebleness of this analogy and have tended to see war as a species of the genus conflict, applicable to class, industrial, family, and civil strife as well as to international hostilities.[22]

The tendency of the sociologists as well as of the biologists, psychologists, and anthropologists has been to doubt the determining influence upon war of "human nature" or of any other one factor—climatic, economic, political, or ideological. They have tended to insist that the factors causing war in a particular epoch are extremely complex but inherently controllable.

Modern sociologists have considered war a form of social interaction and collective behavior, with the specific function of perpetuating and integrating group life. They have also typified the course and character of wars and other forms of violence such as revolution. In making generalizations, however, they have been careful to relate the manifestations of war not only to functions, types, and stages of the process but also to the particular institutions, customs, and ideologies of the groups participating in it.[23]

c) Philosophy and ethics.—Philosophers have written on the problem of war, seeking to state the ultimate assumptions of the various points of view on the subject. They have manifested a tendency to divide into militarist and pacifist schools, according as the particular philosopher has regarded passion or reason as the dominant human characteristic, change or order as the dominant cosmic characteristic, observation or reflection as the dominant philosophical meth-

[21] L. Gumplowicz, *Der Rassenkampf* (Innsbruck, 1909). See below, Appen. XXVIII.

[22] Georg Simmel, "The Sociology of Conflict," *American Journal of Sociology*, IX (1904), 490 ff., 627 ff., 798 ff.

[23] Karl Mannheim, "The Psychological Aspect," in C. A. W. Manning (ed.), *Peaceful Change: An International Problem* (London, 1937), pp. 102 ff.; H. Speier and A. Kähler, *War in Our Time* (New York, 1939); P. Sorokin, *Social and Cultural Dynamics* (New York, 1937); Simmel, *op. cit.;* R. E. Park, "The Social Functions of War," *American Journal of Sociology*, XLVI (January, 1941), 551 ff.; Hans Speier, "The Social Types of War," *American Journal of Sociology*, XLVI (January, 1941), 445 ff. For typology of revolutions see Lyford P. Edwards, *The Natural History of Revolution* (Chicago, 1927), and G. S. Pettee, *The Process of Revolution* (New York, 1939).

od,[24] and group or human welfare as the basis of ethical values. Philosophers, like sociologists, have tended to become sophisticated in the various social disciplines and progressively to be more cautious in offering simple explanations of war.[25]

3. PRACTICAL SOCIAL DISCIPLINES

a) *Theology and religion.*—Theologians have written on the compatibility or incompatibility of war with Christianity and on the distinction between just and unjust war, utilizing biblical exegesis, the history of Christian thought, and philosophic principles as materials.[26] They have often emphasized the individual's practical problem of reconciling apparent conflicts between civic and religious duties. While they have tended to divide into pro- and anti-war schools, as have the philosophers, their position has in general been more moderate. From an early time many theologians have reached compromise conclusions, like those of Aquinas and Grotius, that, while religion and reason create a presumption against war, resort to war may be justified by particular circumstances. Theologians, like philosophers, have been interested in ultimates, but they have found their ultimates in the destiny of man and of the universe as disclosed by revelation and realized by effort rather than in the nature of man and of the universe as disclosed by history and realized by reflection. Theologians more often than philosophers have attempted to deal practically with the problem of war, though, in doing so, they have emphasized longer-run aspects of the problem than have military men, diplomatists, and jurists.[27]

[24] Heraclitus, Hegel, Schopenhauer, and Nietzsche considered conflict and war inevitable or even desirable. Aquinas, Kant, Bentham, Spencer, and Bertrand Russell considered it preventable and undesirable. See Frank M. Russell, *Theories of International Relations* (New York, 1936), and above, Vol. I, Appen. III, sec. 5.

[25] See, e.g., John Dewey, "Theory of Valuation," *International Encyclopedia of Unified Science,* Vol. II, No. 4, sec. 8; *Characters and Events* (New York, 1929), Vol. II, Book IV.

[26] C. J. Cadoux, *The Early Christian Attitude to War* (London, 1919); Robert Regout, *La Doctrine de la guerre juste de Saint Augustin à nos jours* (Paris, 1935); Desiderius Erasmus, *Antipolemus or the Plea of Reason, Religion and Humanity against War* (London, 1794); John Eppstein, *Catholic Pronouncements on International Peace* (New York, 1934); J. Dymond, *An Inquiry into the Accordance of War with the Principles of Christianity* (Philadelphia, 1834); Charles Plater, *A Primer of Peace and War* (New York, 1915); Alfred Vanderpol, *La Doctrine scolastique du droit de guerre* (Paris, 1919).

[27] See, e.g., Luigi Sturzo, *The International Community and the Right of War* (New York, 1930).

b) Jurisprudence.—Jurists have usually been content to state the rules of war and peace and the procedures developed to mitigate the frequency and severity of war.[28] Since World War I more attention has been given to the progressive and preventive potentialities of international law, and writers have interested themselves in procedures of peaceful change and collective security, often based on the analogy of war to the duel or to crime.[29] Such studies have tended to broaden the sources of international law so as to include general principles of justice and international legislation, and to direct more attention to the problem of sanctions.[30]

c) Military science.—Military writers have usually dealt with generally accepted principles of tactics and strategy, with the application of these principles in battles and campaigns of the past, with the activities of great generals, and with the relation of military invention, geography, foreign policy, and national morale to the art of war.[31] While military writers have usually insisted upon the immutability of basic principles of war,[32] some have insisted upon the variability of these principles according to the course of military invention and of social and political conditions.[33] While military men, like the earlier sociologists, have often emphasized the inevitability of war and the utility of war both to advance national interests and to promote human progress,[34] some, impressed by the variability of

[28] Hugo Grotius, *De jure belli ac pacis* ("Classics of International Law" [London, 1925]); L. Oppenheim, *International Law* (6th ed. [Lauterpacht ed.]; London, 1940).

[29] Sir John Fischer Williams, *Some Aspects of the Covenant of the League of Nations* (Oxford, 1934); Nicolas Politis, *The New Aspects of International Law* (Washington, 1928); Clyde Eagleton, *Analysis of the Problem of War* (New York, 1937); H. Lauterpacht, *The Function of Law in the International Community* (London, 1933); Q. Wright "The Outlawry of War," *American Journal of International Law*, XIX (January, 1925), 76 ff.; "The Present Status of Neutrality," *ibid.*, XXXIV (July, 1040), 391 ff.

[30] See Hans Kelsen, "International Peace—by Court or Government," *American Journal of Sociology*, XLVI (January, 1941), 571 ff.; Q. Wright, *Research in International Law since the War* (Washington, 1930).

[31] General Carl von Clausewitz, *On War* (London, 1911); Major General Sir Frederick Maurice, *Principles of Strategy* (New York, 1930); O. L. Spaulding, H. Nickerson, and J. W. Wright, *Warfare* (London, 1924); R. E. Dupuy and G. F. Eliot, *If War Comes* (New York, 1937).

[32] See Maurice, *op. cit.*

[33] Captain B. H. Liddell Hart, *The Remaking of Modern Armies* (London, 1927).

[34] General Friedrich Bernhardi, *On War of Today* (London, 1912); Lieutenant General Colmer Freiherr Von der Goltz, *The Conduct of War* (London, 1908); Colonel J. F. C. Fuller, *The Reformation of War* (New York, 1923).

the incidence of war in history, have believed that it might be controlled by an international police[35] or by the regulation of military technique.[36]

d) Diplomacy.—Diplomatic writers have combined the points of view of the historians, jurists, and military men, in treatises dealing with the forms and practice of diplomatic intercourse, the history and principles of the foreign policy of particular states and particular statesmen, and the history and principles of such general policies as the balance of power and the concert of Europe.[37] They have been interested in the handling of immediate problems, and they have been cautious in generalization. When they have generalized, they have usually accepted the inevitability of the struggle for power among sovereigns. They have, however, often shared the international lawyer's confidence in the capacity of the society of nations to mitigate the severity of this struggle.[38]

4. APPLIED SOCIAL SCIENCES

a) Economics.—Economists have not discussed war very much, although mercantilists, who instituted scientific economics in the seventeenth century, noted the growing cost of war and its demand for ready money as a major reason for their investigations.[39] Most of the writing on economic causes of war has been by historians or publicists,[40] not by economists. The latter have usually assumed that the causes of war lay outside their field of specialized knowledge.[41]

Adam Smith comments on the motives of soldiers and more at

[35] B. H. Liddell Hart, "Military and Strategic Advantages of Collective Security in Europe," *New Commonwealth Quarterly*, IV (1938), 144 ff.

[36] Hoffman Nickerson, *Can We Limit War?* (London, 1933); Fuller, *op. cit.*

[37] D. P. Heatley, *Diplomacy and the Study of International Relations* (Oxford, 1919); Montague Bernard, *Four Lectures on Subjects Connected with Diplomacy* (London, 1868); Dewitt C. Poole, *The Conduct of Foreign Relations* (New Haven, 1924); Sir Ernest Satow, *A Guide to Diplomatic Practice* (London, 1917).

[38] See Paul S. Reinsch, *Secret Diplomacy* (New York, 1922), Introd.

[39] See Lewis H. Haney, *History of Economic Thought* (New York, 1913), pp. 90 ff.

[40] Such as Charles A. Beard, *The Idea of National Interest* (New York, 1934); John Bakeless, *The Economic Causes of Modern War* (New York, 1921).

[41] R. G. Hawtrey, *Economic Aspects of Sovereignty* (London, 1930); Lionel Robbins, *The Economic Causes of War* (London, 1939); below, Appen. XXVI.

length on the relative economies of various defense methods.[42] Ricardo refers to the disturbing influence of the transition from war to peace, and vice versa, upon investments and upon the incidence of war costs.[43] Alfred Marshall contrasts the religious, artistic, and military spirit with the economic.[44] Economists, especially since World War I, have written books on the economic and financial conduct of war,[45] on the influence of war upon economic life,[46] on the direct and indirect costs of war,[47] and upon the economic balance sheet of imperialism.[48] Economic historians and statisticians have attempted to relate business cycles, population movements, international commercial policies, and widely held economic theories to war.[49]

[42] *Wealth of Nations*, Book I, chap. x, Part I; Book V, chap. i, Part I (London, 1838), pp. 49 and 319.

[43] David Ricardo, *The Principles of Political Economy and Taxation* ("Everyman's" ed.), chap. xix, p. 176.

[44] *Principles of Economics* (London, 1891), p. 1.

[45] J. M. Clark, Walton Hamilton, and H. G. Moulton, *Readings in the Economics of War* (Chicago, 1918).

[46] *Ibid.;* A. C. Pigou, *The Political Economy of War* (New York, 1921); Francis Hirst, *The Political Economy of War* (London, 1915); James T. Shotwell (ed.), *Economic and Social History of the World War* (134 vols.; New Haven, 1921–34).

[47] Ernest L. Bogart, *Direct and Indirect Costs of the Great World War* (New York, 1919); John Maurice Clark, *The Costs of the World War to the American People* ("Economic and Social History of the World War" [New York, 1931]); Francis Hirst, *The Consequences of the War to Great Britain* ("Economics and Social History of the World War" [London, 1934]).

[48] Grover Clark, *A Place in the Sun* (New York, 1936); *The Balance Sheets of Imperialism* (New York, 1936); J. H. Jones, *The Economics of War and Conquest* (London, 1915); Emanuel Moresco, *Colonial Questions and Peace* ("International Studies Conference on Peaceful Change," Vol. III [Paris: International Institute of Intellectual Cooperation, 1939); *The Colonial Problem: A Report of a Study Group of Members of the Royal Institute of International Affairs* (Oxford, 1937).

[49] Alvin Hansen, *Economic Stabilization in an Unbalanced World* (New York, 1932); Slavka Secerov, *Economic Phenomena before and after War* (London, 1919); Warren S. Thompson, *Danger Spots in World Population* (New York, 1930); E. F. Penrose, *Population Theories and Their Application with Special Reference to Japan* (Stanford, 1934); J. M. Jones, *Tariff Retaliation* (Philadelphia, 1934); Frank Lorimer, "Population Factors Relating to the Organization of Peace," *International Conciliation*, No. 369 (April, 1941), pp. 440 ff.; Report of the Commission of Inquiry into National Policy in International Economic Relations, R. M. Hutchins, chairman, *International Economic Relations* (Minneapolis, 1934); Melchior Palyi, "Economic Foundations of the German Totalitarian State," *American Journal of Sociology*, XLVI (January, 1941), 409 ff.

In the standard texts on economics, however, war figures almost not at all. Economists, with the exception of the Marxists, have generally considered the causation of war as outside their field. Believing that wars arise mainly from noneconomic factors, they have been stimulated to investigate the contrary opinions of historians, publicists, and Marxists. Among the "economic forces" often said by these writers to cause war are "capitalism," "imperialism," "the international arms trade," and "international finance." Most economists have found that economic theory and historical evidence give little support to these assertions.[50]

Most schools of economic thought have developed from assumptions as to the nature of man and of society. Theories of war are often implicit in these assumptions, even though they are not explicitly developed by the economists themselves.[51] Some assume that men support war because of the push of economic necessity or the pull of superior economic opportunity,[52] because of the dominance of noneconomic motives,[53] or because of the persuasions of dominant economic classes or special interests benefiting by the war economy.[54] Others assume that war comes because of disequilibrium in economic factors, because of business cycles, or because of the transition to a different type of economy.[55] None of these the-

[50] Jacob Viner, "Political Aspects of International Finance," *University of Chicago Journal of Business,* April and July, 1928, *Southwestern Political and Social Science Quarterly,* March, 1929; Eugene Staley, *War and the Private Investor* (New York, 1935); Robbins, *op. cit.* Thorstein Veblen, in relating war to capitalism, is an exception among the non-Marxist economists (*An Inquiry into the Nature of Peace* [New York, 1917], p. 366).

[51] See Appen. XXVI below.

[52] Adam Smith, *op. cit.;* Thompson, *op. cit.;* Norman Angell, *The Great Illusion* (New York, 1913); J. H. Jones, *op. cit.*

[53] Though starting with the opposite assumption, the classical and neoclassical schools have tended toward this position. See n. 50 above and Appen. XXVI below.

[54] This position is common among Marxists and has been especially developed in the Stalinist theory of imperialism and in "liberal" attacks upon the arms trade and foreign investors. See M. Pavlovitch, *The Foundations of Imperialist Policy* (London, 1922); Scott Nearing, *War* (New York, 1931); H. C. Engelbrecht, *One Hell of a Business* (New York, 1934). The arguments are analyzed by Robbins, *op. cit.*

[55] The institutional, historical, and mathematical schools have tended to this position. See Secerov, *op. cit.;* Hansen, *op. cit.;* Max Handman, "War, Economic Motives, and Economic Symbols," *American Journal of Sociology,* XXXIV (March, 1939), 620 ff.

ories can, however, be considered characteristic of economists as a whole.

b) Political science.—Political scientists have usually recognized that war has played an important role in the origin, expansion, maintenance, and destruction of states.[56] They have also recognized war and preparation for war as of major importance in explaining the structure, the functions, and the policies of states.[57] In spite of this they have not often elaborated theories of the cause of war. They have taken war for granted as a fact which conditions and explains the state but need not itself be explained.

Aristotle considered the state a natural phenomenon because man is a political animal. War also he considered natural.[58] Machiavelli urged the Prince to give major attention to war because it was the most important instrument by which he could gain and keep power.[59] Grotius, while deploring war, admitted that it might be both just and necessary for defense, for remedying injuries, and for punishing wrongdoings.[60] Hobbes identified the state of war with the state of nature in which man originally existed and from which men escaped by organizing political societies.[61] Locke thought the state of nature was conceivable without war; nevertheless, war was likely where each man judged in his own case.[62] Hume expanded on the virtues of the balance of power as a condition of international stability and an object of wise policy.[63] Treitschke considered wars necessary to manifest the continuing and ideal personality of the state, superior

[56] Machiavelli, *The Prince;* H. von Treitschke, *Politics* (New York, 1916). See below, Appen. XXVII.

[57] James Bryce, *International Relations* (New York, 1922); Paul S. Reinsch, *World Politics* (New York, 1902); Frederick L. Schuman, *War and Diplomacy in the French Republic* (New York, 1931); Tatsuji Takeuchi, *War and Diplomacy in the Japanese Empire* (New York, 1935).

[58] *Politics* i. 8; iii. 6 ("Everyman's" ed., pp. 14 and 76). Cf. below, Appen. XXVII, sec. 1; see also Plato *Laws* 625.

[59] Machiavelli, *op. cit.*, chap. 14; cf. below, Appen. XXVII, sec. 2.

[60] *Op. cit.*, II, chap. i, sec. 2, par. 2. Cf. Appen. XXVII, sec. 3.

[61] Thomas Hobbes, *Leviathan*, chap. xiii ("Everyman's" ed., p. 64). Cf. Appen. XXVII, sec. 4.

[62] John Locke, *Of Civil Government*, chaps. ii and iii.

[63] David Hume, "Of the Balance of Power," *Philosophical Works* (Boston, 1854), III, 364 ff.

to the individual whom it sacrifices. He denied that wars were fought for material advantage. "No one," he said, "who does not recognize the continued action of the past upon the present can ever understand the nature and necessity of war."[64]

Nineteenth-century political scientists generally considered war a necessary implication of the sovereignty of the state and the capacity of each to judge in its own case.[65] They, however, dealt very little with war, touching only on the organization of the warmaking power in the state's constitution, the role of war in the state's origin and policy, and the regulation of war by international law. Post–World War I political scientists have given more attention to the subject. They have considered the influence upon belligerency of the form and spirit of governments, especially of democracy and dictatorship;[66] the utility of force as an instrument for acquiring and maintaining power, for effecting policy, and for maintaining international stability;[67] the relation of the system of international law and organization to the occurrence and spread of war;[68] the relation of systems of civic education and nation-building to war;[69] the influence of the various systems of politico-economic relationships—liberal and totalitarian—upon the occurrence of war;[70] the relationship of temporal and geographical fluctuations of attitudes, opinions, and ten-

[64] *Op. cit.*, I, 14–15.

[65] James Bryce, *op. cit.*, p. 4 ff. See also *The Federalist*, ed. Ford, No. 4 (Jay), No. 34 (Hamilton) (New York, 1898), pp. 18 and 209. The influence of democracy on war and of war on democracy is discussed by Alexis de Tocqueville, *The Republic of the United States of America* (New York, 1862), II, chap. xxvi, 298 ff., and James Bryce, *Modern Democracies* (New York, 1921), II, chap. lxxx, 601 ff.

[66] Schuman, *op. cit.;* Takeuchi, *op. cit.;* Poole, *op. cit.;* Reinsch, *Secret Diplomacy;* n. 65 above.

[67] C. E. Merriam, *Political Powers* (New York, 1934); *The New Democracy and the New Despotism* (New York, 1939); *Prologue to Politics* (Chicago, 1939).

[68] Bryce, *International Relations;* P. B. Potter, *An Introduction to the Study of International Organizations* (New York, 1935); Clyde Eagleton, *International Government* (New York, 1932); W. E. Rappard, *The Quest for Peace* (Cambridge, Mass., 1940).

[69] C. E. Merriam, *The Making of Citizens* (Chicago, 1931).

[70] Speier and Kähler, *op. cit.;* W. H. C. Laves (ed.), *International Security* (Chicago, 1939); *The Foundations of a More Stable World Order* (Chicago, 1941).

sion levels to peace and war and the factors responsible for these fluctuations.[71]

Political scientists have explored the subject of war from many angles and have generally acknowledged that the problem of causes of war lies within their province. They have not, however, agreed on any particular analysis of the subject or on any formulation of the causes of war.

5. EMERGING SOCIAL DISCIPLINES[72]

Rigid classification of the social disciplines is impossible. Because of the occasional emergence of a new practical interest, of a new method, or of a new idea, new social disciplines are continually developing through segregation of particular aspects of an established discipline or through synthesis of related elements of two or more established disciplines. Economics, political science, geography, sociology, anthropology, and psychology, though with roots in a distant past, were not segregated as distinct disciplines until the late eighteenth and nineteenth centuries. All of them drew from the older disciplines of philosophy, history, jurisprudence, and biology. In the twentieth century statistics, population, technology, social psychology, and international relations have been gaining recognition as scholarly disciplines.[73] All of them have contributed to the study of war.

a) Statistics.—Methods of statistical analysis have been applied to indices of prices, production, trade, resources, population, mental

[71] H. D. Lasswell, *World Politics and Personal Insecurity* (New York, 1935); Russell and Wright, *op. cit.*

[72] In addition to theology, jurisprudence, military science, and diplomacy other practical disciplines, such as agriculture, medicine, engineering, business, education, public administration, and colonial government have military aspects, as do certain of the natural sciences, especially physics and chemistry. These studies, however, contribute less to an understanding of the causes of war than to the successful waging of war. They assist in increasing its efficiency, minimizing its costs, calculating its repercussions, and adapting social activity and production to its exigencies. In the military state the military aspects of these disciplines become dominant.

[73] These statements refer only to the general developments in modern civilization. Politics and economics may be considered the oldest of the social disciplines if classical and modern civilization are considered continuous (see E. R. A. Seligman, "What Are the Social Sciences?" *Encyclopaedia of the Social Sciences*, I, 3 ff.). There has been considerable variation in the recognition of the social disciplines among the modern nations (see "The Social Sciences as Disciplines," in *ibid.*, pp. 231 ff.).

capacity, social attitude, public opinion, armament, and military activity, in order to determine the relation between these series and of each to sporadic or recurrent events.[74]

b) *Population.*—The concepts of population optima and over-population have been analyzed; the relation of population changes and migrations to social and political conditions have been studied; and, from this material, theories of war have been developed.[75]

c) *Technology.*—Studies of the influence of technology and invention on economy and politics have also thrown important light on the nature, causes, and consequences of war.[76]

d) *Social psychology*, utilizing concepts of personality and culture, and combining the data of psychology, sociology, and anthropology, has perhaps contributed most of all the social disciplines to an understanding of the efficient causes of war, in a manner to suggest cures.[77]

e) *International relations*, the most recent of the social disciplines, has developed from the interest in organizing peace since World War I and has attempted, without complete success, to combine materials from all the social disciplines in a common viewpoint on the problems of international politics, international trade, international government, and international war.[78]

[74] L. F. Richardson, *Generalized Foreign Politics* ("British Journal of Psychology: Monograph Supplements," Vol. XXIII [London, 1939]); Secerov, *op. cit.*

[75] Fergus Chalmers Wright, *Population and Peace: A Survey of International Opinions on Claims for Relief from Population Pressure* ("International Studies Conference on Peaceful Change," Vol. II [Paris: International Institute of Intellectual Cooperation, 1939]); Corrado Gini *et al.*, *Population* (Chicago, 1930); Thompson, *op. cit.*; Penrose, *op. cit.*; Lorimer, *op. cit.*

[76] Waldemar Kaempffert, "War and Technology," *American Journal of Sociology*, XLVI (January, 1941), 431 ff.; Lewis Mumford, *Technics and Civilization* (New York, 1934); Bernard Brodie, *Sea Power in the Machine Age* (Princeton, 1941); S. C. Gilfillan, *The Sociology of Invention* (Chicago, 1935).

[77] S. H. Britt, *Social Psychology of Modern Life* (New York, 1941); Knight Dunlap, "The Causes and the Prevention of War," *Journal of Abnormal and Social Psychology*, XXXV (October, 1940), 479–97; Durbin and Bowlby, *op. cit.*; below, Appen. XXVIII.

[78] Sir Alfred Zimmern, *The Study of International Relations* (Oxford, 1931); S. H. Bailey, *International Studies in Modern Education* (Oxford, 1938); Edith E. Ware, *The Study of International Relations in the United States* (New York, 1939); Sir Alfred Zimmern (ed.), *University Teaching of International Relations* ("International Studies Conference," 11th sess. [Paris: International Institute of Intellectual Cooperation, 1938]);

The conclusion may be drawn from this brief examination of the position of the various social disciplines on war that none of them has taken a definite position. While all of them have dealt with war, most of them have dealt with it incidentally. The historians, the anthropologists, the jurists, the military writers, the political scientists, the social psychologists, and the internationalists have dealt with it most extensively. Economists consider the causes of war on the periphery of their field. Political scientists are usually more concerned with the utility than with the causes of war. While the genetic approach of the historians throws light on the causes of particular wars, it contributes little to the understanding of the causes of war in general. The international jurists are more concerned with the justifiability of the initiation and methods of war than with its causes. Social psychologists have delved the deepest into the psychic and human causes of war; internationalists into the institutional and environmental causes.

Generalizations about the point of view characteristic of any social discipline are subject to numerous exceptions. It appears, however, that military, diplomatic, and technological writers have tended to approach the study of war from the concrete-objective or technological point of view characteristic of Machiavelli.[79] They have been interested in the technique of war and, though hesitating to generalize about its causes, have usually considered it necessary and occasionally useful. Biologists and psychologists have tended to approach the study of war from the concrete-subjective or psychological point of view characteristic of Erasmus.[80] They have been interested in the participating individuals and have doubted whether war is necessary. Philosophers and jurists have tended to approach the study of war from the abstract-objective or ideological point of view characteristic of Grotius.[81] They have been interested in its methods, causes, and justifications and, while hopeful of discovering substi-

Frank M. Russell, *Theories of International Relations* (New York, 1936); George Young, "International Relations," *Encyclopaedia of the Social Sciences;* Pitman B. Potter, "International Organization," *Encyclopaedia of the Social Sciences;* Parker T. Moon, *Syllabus on International Relations* (New York, 1925); above, n. 68.

[79] Above, Vol. I, Appen. III, sec. 2.

[80] *Ibid.*, sec. 1.   [81] *Ibid.*, sec. 3.

tute methods, have been inclined to consider it both expedient and just in special circumstances. The sociologists, anthropologists, and internationalists have tended to approach war from the abstract-subjective or sociological point of view characteristic of Crucé.[82] They have been interested in its social functions and in the attitude from which it develops and which it engenders. They have, however, also emphasized the relativity of war to the social environment. Both its frequency and its character, they insist, vary with changes in customs, ideologies, technologies, and institutions. Thus they do not neglect the objective point of view of the technologists and jurists.

[82] *Ibid.*, sec. 4.

CHAPTER XIX

ANALYSIS OF THE CAUSES OF WAR

SCIENTIFIC method is a process involving definition of a problem through formulation of hypotheses, analysis of the problem through defining the constant and variable factors suggested by the hypotheses, solution of the problem through testing the various hypotheses and selecting the best, and formulation of the solution so that deductions can be drawn from it for application to actual conditions.[1]

It is difficult to apply this method in the social sciences because of the problems of contingency, purpose, universal change, and universal interrelatedness, all stemming from the important role of man's expanding knowledge and increasing control of the conditions of his life.[2] This makes it necessary to consider not only variations in the phenomena meant (denoted) by a word but also variations in the meaning (connotation) of the word.[3] It has, therefore, been necessary to consider carefully the definition of war.[4]

---

[1] Scientific method as a logical activity may be distinguished from scientific technique, a manipulative activity. The latter consists of procedures of observation, measurement, and manipulation of the material phenomena involved in a problem in order to test hypotheses (see Abraham Wolf, "Scientific Method," *Encyclopaedia Britannica* [14th ed.], XX, 127).

[2] See chap. xvi above; Appen. XXV below.

[3] The relationship between phenomena, concepts, and words in applying scientific method in the social sciences may be illustrated by the word "liberty," which is defined in the *Standard Dictionary* as "the state of being exempt from the domination of others." Applying this conception, one can characterize different classes of people (slaves, serfs, freemen) as having increasing degrees of liberty, because they are in decreasing degree subject to the direction of people vested with authority over them by law. One can do this, however, only if the words in the definition are assumed to have a constant meaning. Suppose a society is so completely co-ordinated by propaganda that people, instead of resenting direction of their lives by authority, welcome such direction because they believe that they can be assured security and livelihood only by the general acceptance of such direction. They resent failures of their neighbors to accept the orders of authority because they believe such failure will tend to deprive them of security and livelihood.

[4] See chap. xvii above.

War has been defined as the legal condition which equally permits two or more hostile groups to carry on a conflict by armed force. This definition suggests that the existence of a war at any time and place depends upon the social comprehension of certain concepts as well as upon their factual realization. War implies that both the participating and the nonparticipating members of the inclusive group within which war takes place understand the concepts "legal equality," "intergroup hostility," "conflict," and "armed force." Concepts are a social invention. Consequently, war in this sense is a social invention. People who do not utilize these concepts may have violent conflicts, but they do not have war.[5] The meaning of these concepts, however, has not been constant in history. International law has modified its criteria of "war" with changing political conditions.[6] Public opinion, with the development of new means of communication, has interpreted intergroup hostility by new signs. Governments, with the progress of social change, have altered their notions of the circumstances which imply an intergroup contention or conflict.[7] Few would agree with Bismarck today that economic

Thus to them the words "domination by others" come to mean, not comprehensive direction of the individual's life by legal authority, but interference in his life without authority. People in such a society, reading the history of a society in which the law distinguishes slaves, serfs, and freemen, might decide that the freemen had the least liberty because their activities were continually interfered with by other freemen, who, without any explicit legal authority but because of free competition, deprived them of opportunities to sell and buy and make profits, while, on the other hand, the slaves might be considered to have the most liberty because their lives were entirely protected from outside interference by the masters vested with legal authority to direct them. See Pitirim Sorokin's distinction between "ideational" and "secular" freedom (*Social and Cultural Dynamics* [New York, 1937], III, 168); A. F. Pollard's discussion of the changing meaning of political terms (*Factors in Modern History* [3d ed.; London, 1932]); C. K. Ogden's distinction between words, thoughts, and things (*Bentham's Theory of Fictions* [New York, 1932], p. xii); and above, Vol. I, chap. viii, n. 38.

[5] Margaret Mead, "Warfare Is Only an Invention, Not a Biological Necessity," *Asia*, XL (August, 1940), 402 ff.

[6] William Ballis, *The Legal Position of War: Changes in Its Practice and Theory from Plato to Vattel* (The Hague, 1937); Luigi Sturzo, *The International Community and the Right of War* (New York, 1930); Quincy Wright, "Changes in the Conception of War," *American Journal of International Law*, XVIII (October, 1924), 755 ff.

[7] See, e.g., the varying attitudes taken by different governments as to utterances from foreign officials and writers which should be regarded as offensive: Vernon Van Dyke, "The Responsibility of States for International Propaganda," *American Journal*

strife is entirely compatible with diplomatic harmony.[8] The military profession has altered its conception of armed force with the progress of technical and social invention. Admiral Hussey recognized "the interdependence of the armed and the unarmed forces," suggesting that war today is a struggle of propagandas as well as of military forces.[9]

While it would be difficult enough to predict the future occurrence of war if the criteria for deciding what war is were constant, the solution becomes indeterminate when these criteria are changing. When the concepts, constituting the frame of reference of a problem, resemble rubber dollars or expanding yardsticks, they must be treated as parameters yielding indeterminate equations in any scientific formulation of the problem. This very changeability of the criteria, however, makes war even more controllable. The problem can be attacked from two sides: by changing the facts which have been called war and by changing the concepts which required that certain facts be called war. The latter process may appear analogous to the alleged practice of the ostrich in burying its head in the sand, but, because of the influence of ideas upon human behavior, this analogy is inaccurate. A formally arranged combat between two persons with fatal consequences was at one time recognized in many systems of law as a legitimate procedure of dueling. It is said that two thousand men of noble birth died from this form of activity in France between 1601 and 1609. The substitution of "murder" as the legal term applicable to this behavior has had important consequences. Events which in fact, if not in law, are duels still occur, but the casualties are less considerable.[10] The change in the legal designation of international hostilities found to have been undertaken contrary to

of *International Law*, XXXIV (January, 1940), 58 ff.; H. Lauterpacht, "Revolutionary Activities by Private Persons against Foreign States," *American Journal of International Law*, XXII (1928), 105 ff.; Sidney Hyman, "State Responsibility for the Hostile Utterances of Its Officers" (manuscript thesis, University of Chicago Library, 1938).

[8] W. B. Harvey, "Tariffs and International Relations in Europe, 1860–1914" (manuscript thesis, University of Chicago Library, 1938), pp. 20 ff.

[9] C. R. Fish, N. Angell, and C. L. Hussey, *American Policies Abroad: The United States and Great Britain* (Chicago, 1932), p. 208.

[10] See below, chap. xxiii, sec. 5.

legal obligation from "war" to "aggression" may also in time have important practical results.[11]

To determine the causes of war it is, therefore, necessary to investigate possible changes in the meaning of the concepts by which war has been defined[12] and also to investigate probable changes in the circumstances denoted at the present time by these concepts.

The latter investigation, to be undertaken in this part of the study, will be facilitated by formulating hypotheses. Numerous hypotheses have been made on the subject by the various social disciplines, but none has been generally accepted by any of them.[13] What hypotheses are worth examination?

The most probable hypotheses on the causes of war may be ascertained by comparing propositions which appear in the literature with propositions resulting from an analysis of the history of actual wars.[14] The latter will be considered first. Six major conflicts in the West since the fall of Rome have been selected for study: the conquests of Islam (622–732), the Crusades (1095–1270), the Hundred Years' War (1339–1453), the Thirty Years' War (1618–48), the French Revolutionary and Napoleonic Wars (1793–1815), and World War I (1914–20).

I. CAUSES OF SIX MAJOR WARS

The historians of each of these wars have usually distinguished idealistic, psychological, political, and juridical elements in their causation.[15] They have frequently referred to changes in climate,

[11] Such a change has been attributed to the Pact of Paris. One practical result has been the acknowledgment of the freedom of parties to the pact who are nonparticipants in a war to discriminate against the aggressor. See Q. Wright, "The Lend-Lease Bill and International Law," *American Journal of International Law*, XXXV (April, 1941), 305 ff.; Robert H. Jackson, attorney-general of the United States, "Address to Inter-American Bar Association, Havana, Cuba, March 27, 1941," *American Journal of International Law*, XXXV (April, 1941), 348 ff.

[12] Below, chaps. xxxiv and xxxviii.   [13] Above, chap. xviii.

[14] This process may be compared to that utilized in framing a definition of war. The definitions of war in the literature were compared with those suggested by a study of the actual phenomena of war (see above, chap. xvii).

[15] The historian Bishop William Stubbs thought social ideas, political forces, and legal rights had, respectively, accounted for recent, post-Renaissance, and medieval wars, but he admitted that all played a part in all wars. He wrote before historians had joined the cult of economic and psychological determinism (*Lectures on the Study of*

resources, economy, technology, and other material conditions, but they have usually assumed that such changes can cause war only in so far as they influence one or more of these socio-psychological patterns.

a) Moslem conquests.—Islam carried on wars of conquest in the seventh century. The new religion, by fixing attention upon common symbols, had inspired many of the Arabs with a missionary zeal.

Mohammed's preaching would probably not have been successful if the Arabs had been a contented people. They were harassed by pressures upon their frontiers from Persia to the east, Abyssinia and Yemen to the south, and the Eastern Empire to the west, by intertribal hostilities arising from traditional feuds, and by the increasing difficulties of making a living, perhaps due to a drying-up of the climate and to overpopulation.

A new ideal, falling upon a soil fertilized by unrest and discontent, provided the opportunity for political leaders to create a state. Mohammed, Abu Bekr, Omar, and Othman, from A.D. 622 to 656, saw that internal strife could be stilled and political unity preserved by directing aggressive and acquisitive impulses externally. Their military ability, utilizing the technique of light cavalry, made it possible to use war as an instrument of political power until the area of the conquest became too large and the burdens of administration too great.

But with all their military ability they would not have succeeded had not the traditional thinking of the Arabs regarded war as a natural procedure, had not the doctrine of the jihad justifying wars for

Medieval and Modern History [Oxford, 1886], p. 209). Historians have seldom used these words with much precision. Apparently "idealistic" includes social, religious, and other values springing from the group culture. "Psychological" includes economic, adventurous, and other motives springing from the individual's personality. "Political" includes defensive, aggrandizing, and other purposes springing from actual or potential governing authority. "Juridical" includes remedial, preventive, acquisitive, reformatory, and other claims springing from the prevailing ideas of law and justice (see below, n. 24). This classification of historic causes of war differs from the classification of individual motives for war (religious, political, cultural, and economic) discussed in Vol. I, chap. xi, n. 17, though the two are related. Historic causes result from the relatively permanent social patterning of certain individual motives in a given society.

the spread of Islam been accepted, and had not adequate *casus belli* been sufficiently established by the refusal of the surrounding tribes, kingdoms, and empires to accept formal offers to become Moslem.[16]

b) The Crusades.—Historians of the Crusades have similarly emphasized the renewed enthusiasm for Christianity due to the preaching of Pope Gregory VII and Pope Urban II. These orators dwelt upon the indignities to which the Seljuk Turks were subjecting the holy places and the pilgrims after the capture of Jerusalem in 1071 and upon the appeals for help from the Eastern Empire.

Historians have also referred to the attitudes, receptive to distant adventure, provided by the widespread misery in the West caused by Norse invasions, depredations by feudal barons, and the serious pestilences of 1094 and 1095.

The political ambitions of the pope to unify Christendom, of princes to gain prestige and territory, and of Italian towns to re-establish profitable trade routes were another factor.

Back of these lay the ideology of just war developed by theologians and legists since Augustine. This ideology recognized the justice of war undertaken to promote justice and came to consider the *bellum Romanum*, or war against the infidels, as a type of just war. To this juridical ideology, as well as to the idealism of Christian faith and the hope of political union of Christendom, Pope Urban successfully appealed at Clermont on November 26, 1095. "Let the truce of God be observed at home and let the arms of Christians be directed to conquering the infidels in an expedition which should count for full and complete penance."[17] These factors—religious idealism, social unrest, political ambition, and accepted legal theory —which began the First Crusade in 1095 can be traced in the successive stages of these expeditions.[18]

c) The Hundred Years' War between Great Britain and France can be similarly analyzed. Here it was not religion but incipient national enthusiasm which inspired the British invaders of France.

---

[16] Majid Khadduri, *The Law of War and Peace in Islam* (London, 1940), pp. 19 ff., 23 ff.

[17] D. C. Munro, "Speech of Pope Urban II," *American Historical Review*, XI (1906), 239.

[18] Stubbs, *op. cit.*, p. 221; see above, Vol. I, chap. vii, n. 89.

Until the later stages of the war, however, this idealistic element was less important than in the two instances already mentioned. In the latter part of the war French nationalism, stimulated by the leadership of Joan of Arc, inspired a people who had long endured the miseries of invasion to turn upon and drive out the English.

English economy, affected by the increasingly monopolistic tendency of the guilds and large landholders, did not distribute its benefits as equally in the fourteenth as it had in the thirteenth century. The Scotch wars added to the burdens of the people and the spirit of the army, thus creating a sentiment hospitable to adventure among many. The retaliations between Edward and Philip over the Flemish trade had injured economic interests both in England and in Flanders. The miseries of the Black Death, which began in 1348 soon after the Battle of Crécy, assisted in keeping the war alive.

Edward's political ambition to achieve glory, to unite his country, to prevent rebellion such as had forced the abdication of his father, to retain his feudal titles in France, and to add to his domain was doubtless the major factor originating the war. The successes of the technique of archery in the Scotch wars convinced him that the enterprise was practicable.

It was important, however, for Edward to find a *casus belli* which would justify war according to the legal conceptions of the time. This he did in 1338 by the discovery that Philip of France was helping his Scottish enemies and by the revival of ancient claims to the French crown. Defense against hostile acts and recovery of feudal titles were just causes of war according to the Christian doctrine as expounded three-quarters of a century earlier by Thomas Aquinas.[19]

d) *The Thirty Years' War* found its idealistic basis in the religious revival stemming from the Reformation and dividing Europe into Catholic and Protestant camps, though Bohemian nationalism was a factor at its beginning, as were Dutch, Swiss, Danish, Swedish, and French nationalisms in later stages.

[19] David Hume (*History of England*, chap. xv) emphasizes the legal claims and political ambitions, G. B. Adams (*Civilization during the Middle Ages* [New York, 1903], pp. 332 and 335) emphasizes the nationalistic ideals, and E. P. Cheyney (*A Short History of England* [Boston, 1904], p. 231) emphasizes the economic and psychological motives behind this war.

A STUDY OF WAR

Its social background lay in the economic changes which had been deteriorating the relative position of agriculture and expanding trade and industry since the discoveries. These changes were manifested by a great increase in the use of coal in the sixteenth century. Many of the rich were getting poor and some of the formerly poor were becoming rich.

The political ambition of rising monarchs, rendered confident by their new type of disciplined armies, especially in France, Sweden, and Prussia, was a major factor in the later stages of the war. Beginning as a religious war, it ended as a war for territorial sovereignty.

International law had been changing since the secularism of the Renaissance had led to the rise of sovereign princes, substituting Machiavelli for Aquinas as their practical Bible. Reason of state was sufficient ground for intervention by France, England, Denmark, and Sweden in the later stages of the war, in a manner suggestive of the interventions in the Spanish civil war of 1937–38 by Italy, Germany, and Russia. In its origins, however, good medieval grounds for war were found in the contentions by the utraquists that the emperor's ecclesiastical interventions violated the Bohemian constitution and by the emperor Ferdinand that the Protestant revolt in Bohemia in 1618 impugned his authority and that Frederick of Austria was usurping the Bohemian throne. As in so many other wars, the increasing miseries brought on by the war provided human attitudes ready to believe that any fire would be better than the frying pan in which they found themselves—attitudes from which armies could be recruited and the war continued.[20]

e) The French Revolutionary and Napoleonic Wars were inspired by the idealism of the rights of man and the new religion of democratic nationalism with a missionary zeal to spread its benefits to mankind.

The miseries in France stemming from royal extravagance and debt which had led to dissatisfaction by provincial magnates and to inequitable taxation of the peasants and the city proletariat has been emphasized in literature such as Dickens' *Tale of Two Cities*. While

[20] Stubbs, *op. cit.*, p. 230; C. V. Wedgwood, *The Thirty Years' War* (New Haven, 1939).

this misery may not have been so great in France as in Germany, the people were more conscious of it because they had known better times.[21]

The leaders of the Revolution saw the need to defend their newly acquired political power from the conservative, *émigré*-stimulated interventions from abroad. In later stages of the conflict the value of war as an instrument of international prestige, of internal solidarity, and of conquest was appreciated by Napoleon, whose military ability generally assured victory. For the governments of other states, from a political necessity to defend their institutions from the infection of revolutionary ideas, the war became an essential instrument to preserve the balance of power against Napoleon, who, utilizing new techniques to maintain morale and increase mobility, threatened their very existence.

In the international law of the time reason of state was now an adequate *casus belli*. The French declaration of war against Austria on April 20, 1792, signed by Louis XVI under pressure from a Girondist cabinet, was ostensibly based upon the refusal of the emperor Francis II to disavow the Declaration of Pilnitz (August 27, 1791), which had asserted the restoration of order and the maintenance of the monarchy in France to be a common interest of all sovereigns. The French thus justified war as a necessary resistance to foreign intervention in the internal affairs of France.[22]

f) World War I developed from nationalistic movements in the Balkans. The Allies fought to defend small nationalities such as Serbia and Belgium. The self-determination of nationalities, together with the organization of the world to prevent war and to make the world safe for democracy, was elaborated in the later stages after the entry of America. The idealism of democracy and nationalism had achieved general acceptance during the nineteenth century through the writings of Mazzini and the exploits of Bismarck, Cavour, and Lincoln.

[21] See Guy Stanton Ford, *Stein and the Era of Reform in Prussia* (Princeton, 1922), chap. i.

[22] Ferdinand Schevill, *A Political History of Modern Europe* (New York, 1907), pp. 349 ff., 365 ff.; F. M. Anderson, *The Constitutions and Other Select Documents Illustrative of the History of France, 1889–1901* (Minneapolis, 1904), p. 103.

There were economic difficulties and unrest in the Balkans brought on by two years of Balkan wars; the armament race which had been proceeding among the great powers for a decade had been generally augmenting taxes, and rising tariff barriers and more intense economic rivalries in backward areas were developing concern for the future in certain commercial circles. There was not, however, sufficient misery or fear to provide soil for widespread acceptance of radical doctrines until war itself had produced them. After three years of war, Wilsonian self-determination and Leninist communism gained widespread acceptance.

The primary causes for the war were political: the Austrian anxiety to preserve itself in the face of Yugoslav propaganda, the Russian fear of declining prestige in the other Slavic countries, the French hope to recover Alsace-Lorraine, and the German and British fear for the balance of power. Prussian military efficiency displayed in the Bismarckian wars and cultivated since, loss of prestige by the central alliance in the Moroccan crises, and political disorders in France and the British Empire encouraged Germany to support the Austrian initiative.

The legal grounds in the early declarations of war emphasized defense against acts of aggression and assistance to enemies, violations of guaranties, and reasons of state. The later declarations referred to principles of justice, humanity, democracy, and international law. International law, except in the case of neutralized Belgium, imposed at this time no legal limits on the competence of states to initiate war, but the Hague Convention of 1907 required a statement of reason, and those given indicated the popular notion of just war prevailing at the time.[23]

Different as were many of the circumstances, each of these six great wars, scattered over thirteen hundred years, exhibit idealistic, psychological, political, and juridical causes. It appears that in these varying conditions of civilization individuals and masses have been moved to war (1) because of enthusiasm for ideals expressed in

[23] Bernadotte Schmitt, *The Coming of the War: 1914* (New York, 1930); Sidney B. Fay, *The Origins of the World War* (New York, 1928). For texts of declarations of war see United States Naval War College, *International Law Documents, 1917* (Washington, 1918).

the impersonal symbols of a religion, a nation, an empire, a civilization, or humanity, the blessings of which it is thought may be secured or spread by coercion of the recalcitrant; or (2) because of the hope to escape from conditions which they find unsatisfactory, inconvenient, perplexing, unprofitable, intolerable, dangerous, or merely boring. Conditions of this kind have produced unrest and have facilitated the acceptance of ideals and violent methods for achieving them. Governments and organized factions have initiated war (3) because in a particular situation war appeared to them a necessary or convenient means to carry out a foreign policy; to establish, maintain, or expand the power of a government, party, or class within the state; to maintain or expand the power of the state in relation to other states; or to reorganize the community of nations; or (4) because incidents have occurred or circumstances have arisen which they thought violated law and impaired rights and for which war was the normal or expected remedy according to the jural standards of the time.[24]

2. OPINIONS ON THE CAUSES OF WAR

The phrase "causes of war" has been used in many senses. Writers have declared the cause of World War I to have been the Russian or the German mobilization; the Austrian ultimatum; the Sarajevo assassination; the aims and ambitions of the Kaiser, Poincaré, Izvolsky, Berchtold, or someone else; the desire of France to recover Alsace-Lorraine or of Austria to dominate the Balkans; the European system of alliances; the activities of the munition-makers, the international bankers, or the diplomats; the lack of an adequate European political order; armament rivalries; colonial rivalries; commercial policies; the sentiment of nationality; the concept of sovereignty; the struggle for existence; the tendency of nations to expand; the un-

[24] These four types of causes of war may be classified according to their relative objectivity, concreteness, and historicity. Political and juridical causes are more objective than ideal and psychological causes because they develop from more completely institutionalized social patterns. Psychological and political causes are more concrete than ideal and juridical causes because they emphasize circumstances of the immediate time, place, and leadership rather than propositions deemed to have a wide validity. Psychological and juridical causes emphasize circumstances and conditions developed from the past while idealistic and political causes emphasize purposes and objectives of the future. See above, n. 15.

equal distribution of population, of resources, or of planes of living; the law of diminishing returns; the value of war as an instrument of national solidarity or as an instrument of national policy; ethnocentrism or group egotism; the failure of the human spirit; and many others.[25]

To some a cause of war is an event, condition, act, or personality involved only in a particular war; to others it is a general proposition applicable to many wars. To some it is a class of human motives, ideals, or values; to others it is a class of impersonal forces, conditions, processes, patterns, or relations. To some it is the entrance or injection of a disturbing factor into a stable situation; to others it is the lack of essential conditions of stability in the situation itself or the human failure to realize potentialities. These differences of opinion reflect different meanings of the word "cause." The three sentences, respectively, contrast causes of war in the historic and scientific senses, in the practical and scientific senses, and in the historic and practical senses.[26]

In the scientific sense the cause of the changes in any variable is a change in any other variable in a proposition stating the relations of

[25] Most of the concrete causes are discussed in a series of articles on "Assessing Blame for the World War" (*New York Times Current History*, May and June, 1924, reprinted in H. E. Barnes, *In Quest of Truth and Justice* [Chicago, 1928], pp. 84 ff.); see also n. 23 above. Most of the abstract causes are referred to in Conference on the Cause and Cure of War, *Findings* (Washington, 1925), pp. 1–2, and other articles reprinted in Julia E. Johnson (ed.), *Selected Articles on War—Cause and Cure* (New York, 1926), pp. 117 ff., 139 ff.

[26] See above, Vol. I, chap. ii, sec. 3. The term "causes of war" refers in this study to "efficient causes" which precede the outbreak of war. Confusion often arises because of the failure to distinguish such causes from "final causes" or purposes which may develop during the course of war. The efficient causes of a war are sometimes erroneously supposed to determine the purposes or war aims of the belligerents, and the purposes of the belligerents are sometimes erroneously supposed to have been the efficient causes of the war. The purposes of a belligerent, if formulated as an ideal, policy, or grievance before the war begins, may be an efficient cause of the war. It may happen, however, that the purposes of the belligerents have not been so formulated and exercise very little influence on the outbreak of war. Furthermore, the purposes of belligerents may change greatly during the course of the war. The purposes of the belligerents, particularly of the victor, are, however, of importance in understanding the peace after the war. A war usually gives the victor the opportunity to determine the shape of international relations for a time after the war; for how long a time depends on the wisdom with which this opportunity is utilized.

all the factors in a process or equilibrium.[27] Sometimes the statement itself is elliptically spoken of as the cause of variations in any of its factors. Thus it is sometimes said that heavenly bodies and falling apples behave as they do because of the law of gravitation or that rent is paid because of the law of diminishing returns.[28] A scientific statement usually asserts that if all factors can be ignored, except those observable, controllable, and presumptively measurable factors which it deals with as variables, parameters, or constants, a specified degree of change in any variable tends to be followed immediately or in a specified time by a specified degree of change in the other variables.

In the historic sense a cause is any event or condition figuring in the description of the relevant antecedents of an effect. Such a description is usually called a history and is confined to events within a time or space sufficiently near to the effect to be presumably related to it. Proximity in time or space thus establishes a presumption of causal relation, though this presumption ought to be confirmed by other evidence to avoid the *post hoc* fallacy. Evidence may indicate that proximate events were unrelated, and it may also indicate the transmission of influence from remote times and distant places.[29]

In the practical sense a cause is any controllable element in the statement of the origin, treatment, solution, or meaning of a problem or situation. Such statements in medicine are called diagnoses, prognoses, prophylaxes, or treatments, and in social affairs, reports,

[27] See above, Vol. I, chap. ii, secs. 4 and 5; chap. xvi; below, Appen. XXV.

[28] More accurate statements of these two propositions might be worded: "because motion has a relation to the masses of and the distance between bodies" and "because rent has a relation to the demand for land which arises because successive applications of capital and labor to a given piece of land yield a diminishing return."

[29] See Vol. I, chap. iii. The law considers direct and not remote causes in attributing responsibility, but "it is not merely distance of place or of causation that renders a cause remote. The cause nearest in order of causation, which is adequate without any efficient concurring cause to produce the result, may be considered the direct cause" (J. Bouvier, "Causa Proxima," *A Law Dictionary* [Philadelphia, 1872], I, 247, citing Thomas, J., 4 Gray, Mass. 412; Bacon, Max. Reg. 1; Story, J., 14 Pet. 99). The legal sense of causation resembles the practical rather than the historical sense of the term because causes are selected in legal proceedings to impute responsibility rather than to explain happenings (see below, nn. 50 and 52).

interpretations, programs, policies, or plans. Such statements of social problems usually emphasize the human actions responsible for the situation and the human actions deemed to be the most effective for realizing desired ends in the circumstances of the time and place where the statement is made.[30]

It will be observed that in none of these cases is the word "cause" used as something which exists in phenomena but as something which exists in statements or propositions about phenomena. If one is convinced that a proposition is true,[31] he means that he is con-

[30] See below, chap. xxxviii. Practical causation assumes evaluation, that is, a distinction between events or conditions which are pathological, undesirable, illegal, or immoral and those which are healthy, satisfactory, legal, or righteous. See G. K. K. Link, "The Role of Genetics in Etiological Pathology," *Quarterly Review of Biology*, VIII (June, 1932), 127 ff.; above, Vol. I, Appen. IV, n. 4. Stephen Taylor, a Voice in the Wilderness ("Grains and Scruples," *Lancet*, CCXXXV [1938], 909 ff.), treats war as a pathological condition of society. He presents the clinical picture, etiology, prognosis, prophylaxis, and treatment of this condition.

[31] Conviction of the truth of a proposition should arise from consideration of the cogency of the *evidence* supporting the proposition, the clarity of the *definition* of its terms, the reliability of its *sources*, and the persuasiveness of its *assumptions*. The words "evidence," "definition," "source," and "assumption" have been confused with the word "cause," partly because of Aristotle's association of material, formal, first, and final causes with efficient causes. The latter is the sense in which the word is used here. "Evidence" refers to experiences or the records or testimony concerning experiences (observations, feelings, experiments) of the past which induce the belief that a proposition is true. "Definition" refers to the meaning of a word in a particular connection, that is, to the precise delimitation of a term. "Source" refers to the writing or document which first established the truth of a proposition to the satisfaction of a given society or discipline. Darwin's *Origin of Species* is in this sense the source of the doctrine of evolution and Newton's *Principia* of the law of gravitation. In law the word "source" usually refers to a class of written materials considered by the profession as credentials to the validity of a legal proposition, such as statutes, judicial precedents, treaties, custom, juristic writing, etc. "Assumption," or basis, refers to the axioms or postulates which persuade a given mind or society that the evidence demonstrates the truth of a proposition. In this sense the continuity of nature is the basis for most scientific laws, common sense is the basis for most historical laws, and general consent is today the basis of most practical and jural laws. In a broad sense the basis of a proposition is the sanction of its validity. As the sanction of geometry is the self-evident character of its axioms and postulates resting on the continuity of nature, so the sanction of jural law is the general belief that its basis—whether general consent, divine right, or natural law—gives assurance that the institutions of the society will have power to enforce the rules and orders legally promulgated. The fact that general consent is the basis for many propositions about society, and that this may be affected by the form in which the evidence and sources of the proposition and the definition of its terms are presented to the public,

vinced that the proposition accurately describes the phenomena. Consequently, if the truth of a proposition has been established, then the word "cause" can be considered either a term of the proposition or a phenomenon designated by the term. While superficially the scientific, historic, and practical senses of the word "cause" appear to be very different, fundamentally they are merely different approaches to the same concept. A cause of an entity, an event, or a condition is a term of a true proposition capable of explaining, predicting, or controlling its existence or changes.[32]

a) *Scientific causes of war.*—Scientists, in searching for the causes of phenomena, assume that the universal and the particular are aspects of one reality. They attempt to classify, combine, or analyze particular events into general concepts or ideas which represent measurable, controllable, repeatable, and observable phenomena capable of being treated as variables or constants in a formula.[33]

While scientists realize that there are events in any field of study which have not yet been included in classes which can be precisely defined or measured, they are reluctant to believe that any factors are permanently "vague" and "imponderable"—a belief frequently held by practical men, historians, and poets.[34] In dealing with war, scientists prefer concepts such as military forces, public opinion, at-

means that the truth of propositions in the social field may be influenced by propaganda. The distinction between the definition, the basis, the sources, the evidences, and the causes of international law are often discussed by writers on that subject. See L. Oppenheim, *International Law* (5th ed.; London, 1937), Vol. I, secs. 1, 5, 11, 15; A. S. Hershey, *The Essentials of International Public Law and Organization* (New York, 1927), chap. ii.

[32] In saying that "the cause of a certain effect is the totality of conditions that is sufficient to produce it," Abraham Wolf ("Causality," *Encyclopaedia Britannica* [14th ed.], V, 63) uses the term "cause" as equivalent to "total cause." Usage permits partial causes, conditions, or factors contributing to an effect to be referred to as causes of the effect, or even as the cause of the effect under circumstances which permit other factors in the total causation to be ignored. Strictly speaking, a factor contributing to or accounting for an effect is not its cause. The cause is the factor in relation to others, including the effect. Since relations are manifested in language rather than in phenomena, a cause should be thought of as a term in a proposition rather than as a factor in a situation, although, if the proposition is true, the two are equivalent.

[33] See Appen. XXV below.

[34] Bismarck spoke of the importance of imponderables in politics. Historians recognize the important role of contingency in human affairs (Vol. I, Appen. IV, n. 8, above). Poets emphasize the significance of potentialities (chap. xxxviii, sec. 1, below).

titudes, population, and international trade, which have been measured, even though crudely, or concepts such as jurisdiction, arbitration, war, aggression, and right, which have a precise meaning in a body of law, rather than such concepts as personal influence, civilizing mission, imperialism, accidental events, and social potentialities, which have neither of these characteristics. They prefer concepts which denote things which can be manipulated and experimented with, though this is often difficult in the social sciences. They prefer concepts which represent series of events that appear continuously or in regular cycles or oscillations in history, so that interpolation or extrapolation is possible where data are lacking. They prefer concepts which represent classes of facts that are abundant in the records or in the contemporary world, so that the properties of these classes can be verified by the use of historical sources or observation.[35]

The scientifically minded have attempted to describe the normal functioning of the forces, interests, controls, and motives involved in international relations and to formulate abstract propositions relating, respectively, to the balance of power, to international law, to international organization, and to public opinion.[36] While they have sometimes included war as a periodic recurrence in such normal functioning, they have usually attributed war to the high degree of ummeasurability, uncontrollability, incompleteness, or uncertainty

[35] "If language is taken into account, then we can distinguish science from other phases of human activity by agreeing that science shall deal only with events that are accessible in their time and place to any and all observers (strict *behaviorism*) or only with events that are placed in co-ordinates of time and space (*mechanism*), or that science shall employ only such initial statements and predictions as lead to definite handling operations (*operationalism*), or only terms such as are derivable by rigid definition from a set of everyday terms concerning physical happenings (*physicalism*). These several formulations, independently reached by different scientists, all lead to the same delimitation, and this delimitation does not restrict the subject matter of science but rather characterizes its method" (Leonard Bloomfield, *Linguistic Aspects of Science* ["International Encyclopedia of Unified Science," Vol. I, No. 4], p. 13). See also above, Vol. I, chap. ii, n. 20.

[36] See, e.g., David Hume, "Of the Balance of Power" (1st ed., 1751), in *Philosophical Works* (Boston, 1854), III, 364 ff.; Christian Wolff, *Jus genium methoda scientifica pertractatum* (1st ed., 1749; Oxford, 1934); Immanuel Kant, *Eternal Peace* (1st ed., 1795; Boston, 1914); L. F. Richardson, *Generalized Foreign Politics* ("British Journal of Psychology: Monograph Series," Vol. XXIII [Cambridge, 1934]).

of the factors which they have studied. Thus they have attributed war (1) to the difficulty of maintaining stable equilibrium among the uncertain and fluctuating political and military forces within the state system;[37] (2) to the inadequacy of its sources and sanctions continually to keep international law an effective analysis of the changing interests of states and the changing values of humanity;[38] (3) to the difficulty of so organizing political power that it can maintain internal order in a society not in relation to other societies external to itself;[39] and (4) to the difficulty of making peace a more important symbol in world public opinion than particular symbols which may locally, temporarily, or generally favor war.[40] In short, scientific investigators, giving due consideration to both the historic inertia and the inventive genius of mankind, have tended to attribute war to immaturities in social knowledge and control, as one might attribute epidemics to insufficient medical knowledge or to inadequate public health services.[41]

[37] C. J. Friedrich, *Foreign Policy in the Making* (New York, 1938), pp. 130 ff.; H. D. Lasswell, *World Politics and Personal Insecurity* (New York, 1935), pp. 57 ff. See below, chap. xx.

[38] Sir J. F. Williams, *International Change and International Peace* (Oxford, 1932); H. Lauterpacht, *The Function of Law in the International Community* (Oxford, 1933); J. F. Dulles, *War, Peace and Change* (New York, 1939), pp. 29 ff.; Sterling E. Edmunds, *The Lawless Law of Nations* (Washington, 1925), pp. 3 ff.; Q. Wright, "International Law and the World Order," in W. H. C. Laves (ed.), *The Foundations of a More Stable World Order* (Chicago, 1941), pp. 107 ff. See below, chap. xxiii.

[39] Lasswell, *op. cit.*, p. 239; A. Maurois, *The Next Chapter: The War against the Moon* (London, 1927). See below, chap. xxvi.

[40] Norman Angell, *The Unseen Assassins* (London, 1937). See below, chap. xxx.

[41] J. J. Rousseau was convinced that the application of reason could produce peace ("Extrait du projet de paix perpetuelle," in W. E. Darby [ed.], *International Tribunals* [London, 1904], pp. 104 ff.; see above, Vol. I, Appen. III, n. 42). Kant believed that political improvement was only possible by the application of reason (*op. cit.*, p. 7) and that reason could only be applied to world-politics if statesmen followed the maxim, which to save their dignity they should keep secret, that "the maxims of the philosophers regarding the conditions of the possibility of a public peace shall be taken into consideration by the States that are armed for war" (*ibid.*, p. 100). See also W. E. Rappard, *The Quest for Peace* (Cambridge, Mass., 1940), pp. 497 ff.; I. W. Howerth, "Causes of War," *Scientific Monthly*, II (February, 1926), 118 ff.; Knight Dunlap, "The Causes and the Prevention of War," *Journal of Abnormal and Social Psychology*, XXXV (October, 1940), 479 ff. Scientific investigations of war have usually recognized the complexity of its causes and have seldom attributed war to a single cause as medical science sometimes attributes an illness to a specific germ. See below, n. 53.

b) Historical causes of war.—Historians assume that the future is a development of the past which includes, however, forward-looking intentions and aspirations. They attempt to classify events into ideas which represent commonly observed processes of change and development.[42] Because of the common experience of small incidents releasing stored forces—the match and the fuse—they frequently distinguish the occasion from the causes of war.[43] Because people ordinarily think they are familiar with biological evolution, with psychological and sociological processes, with economic, political, and religious interests, historians have customarily classified the causes of war under such headings.[44]

This method may be illustrated by the causes of the Franco-Prussian War set forth in Ploetz's *Manual of Universal History*.[45] These are divided into "immediate causes," "special causes," and "general causes." The first were said to be certain events which shortly preceded the war, including the election of the prince of Hohenzollern to the throne of Spain, the French demand that the Prussian king should never again permit the candidacy of the prince for the Spanish crown, and the Ems telegram from Bismarck announcing the king's refusal. The special causes were said to be the internal troubles of the French government, the controversy concerning French compensation for the Prussian aggrandizement of 1866, and the news of new German infantry weapons threatening the superiority of the French chassepot. The general causes were stated to be the French idea of natural frontiers as including the left bank of the Rhine and the long struggle of the German nation for unification, together with the French anxiety over it.

Historians have thus sought to demonstrate causes by drawing

[42] Above, Vol. I, Appen. IV, sec. 3.

[43] W. E. H. Lecky, *A History of the Rise and Influence of the Spirit of Rationalism in Europe* (London, 1870), II, 227; John Bakeless, *The Origin of the Next War* (New York, 1926), pp. 20 ff. They also distinguish the causes from the purposes of war (see above, n. 26).

[44] H. E. Barnes, *The Genesis of the World War* (New York, 1926), chap. i; Lecky, *op. cit.;* Conference on the Cause and Cure of War, *op. cit.*

[45] Karl Ploetz, *Manual of Universal History* (Boston, 1915), p. 513.

from a detailed knowledge of the antecedents of a particular war events, circumstances, and conditions which can be related to the war by practical, political, and juristic commonplaces about human motives, impulses, and intentions. When they have written of the causes of war in a more general way, they have meant simply a classification of the causes of the particular wars in a given period of history.[46] Thus certain of the causes of the Franco-Prussian War have been described by such words as "aggressive policies," "changes in military techniques," "domestic difficulties," "unsettled controversies," "dynastic claims," "aspirations for national unification," "historic rivalries," and "insulting communications." Even broader generalizations have been made classifying the causes of war in the Western world as political, juristic, idealistic, and psychological.[47]

When generalization has reached this stage, the result is not unlike the scientific approach, for such words as "an ideal," "a psychological attitude," "a policy," or "a law" represent concepts which, though limited by the historian to a historic epoch, are universals which may be manifested in varying degrees in all times and places. They are, in fact, variables susceptible, in theory, to mathematical treatment, however difficult it may be practically to measure their variations.

c) Practical causes of war.—Practical politicians, publicists, and jurists assume that changes result from free wills operating in an environment. They attempt to classify events according to the mo-

---

[46] Above, Vol. I, Appen. IV; below, Vol. II, chap. xviii, sec. 1.

[47] Above, nn. 15 and 24. This classification of the causes of war may be compared to the classification of the influence upon the frequency and magnitude of war of the development of civilization, discussed in Vol. I, chap. xv. The fluctuations in the character of war were there related (1) to the development by the states in a balance-of-power system, of political, economic, social, and other contacts with outside communities (sec. 2b); (2) to the failure of legal and political centralization or decentralization among a group of states to keep pace with increases or decreases in their economic, social, or other contacts (sec. 2a); (3) to the tendency with the advance of a civilization for ideals, indicated by the pretexts for war, to become inconsistent with the actual motives or reasons for war (sec. 2d); and (4) to the variations in the intensity, homogeneity, and localization of pacifism and militarism in response to changes in the destructiveness of war (sec. 2e).

tives and purposes from which they seem to proceed.[48] Their assumptions have thus resembled those of the historians, though they have formulated their problems toward practical ends and have often excluded events and impersonal forces which the historian frequently considers. Because men like to rationalize their actions, publicists have often distinguished the pretexts from the causes of war.[49] Because they recognize that no free will ever really acts without antecedents, and therefore the origin of a series of causal events has to be determined arbitrarily, they have distinguished proximate from remote causes.[50] While they have sometimes attributed wars to the failure of society to adopt particular reforms or to modify certain conditions,[51] they have usually distinguished causes attributable to a responsible person from impersonal conditions and potential reforms.[52] In the same way physicians more frequently attribute an illness to a germ rather than to the susceptibility of the patient because of a run-down condition or to his failure to take preventive or remedial precautions.[53]

Practical men have, then, usually thought of war as a manifestation of human nature with its complex of ambitions, desires, purposes, animosities, aspirations, and irrationalities.[54] They have insisted that the degree of consciousness or responsibility to be attributed to such manifestations is an important factor in devising measures for dealing with the problem. Classification of human

[48] The poets and idealists have had a similar point of view but have emphasized the potentialities rather than the actualities of human nature (see above, n. 34, and Vol. I, chap. iii, sec. 1).

[49] See E. de Vattel, *The Law of Nations* (Washington, 1916), Vol. III, chap. iii, sec. 32, who also distinguishes "justifying grounds" from "motives" for war (*ibid.*, sec. 25). See also H. W. Halleck, *International Law* (4th ed.; London, 1908), chap. xv.

[50] Above, n. 29.

[51] Q. Wright, "The Outlawry of War," *American Journal of International Law*, XIX (January, 1925), 76 ff.

[52] In mathematical terms a cause is a variable, a condition a constant, and a reform a parameter.

[53] This tendency has existed only since Pasteur; Claude Bernard took a more general view of the cause of disease; see also Link, *op. cit.*

[54] In legal pleading the word "cause" means the motives or reasons for an act (Bouvier, *op. cit.*).

motives from this point of view is familiar in law[55] and economics.[56] Publicists have often distinguished necessary, customary, rational, and capricious acts in the causation of war.[57] They suggest that wars arise in the following situations: (1) Men and governments find themselves in situations where they must fight or cease to exist, and so they fight from necessity.[58] (2) Men and governments have a custom of fighting in the presence of certain stimulae, and so in appropriate situations they fight.[59] (3) Men or governments want something—wealth, power, social solidarity—and, if the device of war is known to them and other means have failed, they use war as a means

[55] See J. W. Salmond, *Jurisprudence* (London, 1902), chap. xviii, for legal distinction of intention, motive, malice, negligence, etc.

[56] See "Economic Incentives," *Encyclopaedia of the Social Sciences.* Z. Clark Dickinson ("The Relation of Recent Psychological Developments to Economic Theory," *Quarterly Journal of Economics,* XXXIII [May, 1929], 394 ff.) criticizes the familiar pleasure-pain classification of economic motives.

[57] See Vattel, *op. cit.,* chap. iii; Oppenheim, *op. cit.,* Vol. II, sec. 62. Necessary and customary causes of war are usually considered just, while capricious or emotional causes are considered unjust. Rational causes may be just or unjust, according to the title to the interest served. War to reacquire a state's own territory may be just, while war to acquire another state's territory may be unjust.

[58] Military and sociological writers who emphasize the international struggle for existence and economists who emphasize overpopulation and the scarcity of resources as a cause of war take this position. See Friedrich Bernhardi, *On War of Today* (London, 1912); L. Gumplowicz, *Der Rassenkampf* (Innsbruck, 1909); F. C. Wright, *Population and Peace* (Paris: International Institute of Intellectual Cooperation, 1939); E. Van Dyke Robinson, "War and Economics," *Political Science Quarterly,* XV (December, 1900), 582 ff.

[59] This point of view is less characteristic of practical writers than of anthropologists, who find the causes of primitive warfare to be determined by the customs of the particular tribe (Mead, *op. cit.;* W. Lloyd Warner, "Murngin Warfare," *Oceania,* I [January, 1931], 417 ff.; cf. above, Vol. I, chap. vi, n. 18). Practical writers, however, while believing that war ought to be fought for rational objectives, sometimes consider that among average men both its initiation and its methods are often guided only by custom (Colonel J. F. C. Fuller, *The Reformation of War* [New York, 1923], Prologue). A. M. Carr-Saunders believes that war is neither a biological nor an economic necessity but arose from the instinct of pugnacity and developed into a custom. Among civilized peoples it is a mode of political action to achieve customary political ends (*The Population Problem* [Oxford, 1922], pp. 302–5). The Outlawry of War Movement was based on the assumption that war is an institution supported by custom (C. C. Morrison, *The Outlawry of War* [Chicago, 1927]).

to get what they want.⁶⁰ (4) Men and governments feel like fighting because they are pugnacious, bored, the victims of frustrations or complexes, and accordingly they fight spontaneously for relief or relaxation.⁶¹

Thus among each class of writers, whether the effort has been to construct a formula relating measurable factors, to narrate a comprehensible process of change, or to describe the reactions by which the generally recognized human motives affect the environment, the process of generalizing from concrete events has developed similar categories. The historian, however, has usually kept closest to the events, and the scientists have been most bold in generalization, often resting to a considerable extent on the shoulders of the historian and the publicist. (1) Scientists, historians, and publicists have each generalized about material forces in the state system, though they have referred to them, respectively, as the balance of power, political factors, and necessity. (2) So also each has generalized about ideological influences under the names of international law, juristic factors, and custom. (3) They have generalized concerning sociological structures, respectively, under the heads of international organization, idealism, and reason. (4) The reactions of personality have, finally, been generalized by the three classes of writers under the names of public opinion, psychological or economic factors, and caprice or emotion.

Whether evidence is sought in the study of wars themselves or in

⁶⁰ It is the usual assumption among military writers and publicists that war is an instrument of national policy. General Carl von Clausewitz (*On War* [1st ed., 1832; London, 1911], I, 121; III, 121) called war "a continuation of political intercourse with a mixture of other means." G. Lowes Dickinson (*War: Its Nature, Cause and Cure* [New York, 1923], p. 50) writes: "All states, in all their wars, have always had a double object: on the one hand, to keep what they have got; on the other, to take more. This, and this only, is the cause of all wars, other than civil wars." "Between two groups that want to make inconsistent kinds of worlds, I see no remedy except force" (Justice Oliver Wendell Holmes [February 1, 1920], in N. D. Howe [ed.], *Holmes-Pollock Letters*, II [Cambridge, Mass., 1941], 36). See above, Vol. I, chap. x, sec. 1.

⁶¹ The opinion that pugnacity is a human trait is widespread, though opinions differ as to how easily it may be stimulated. See John Carter, *Man Is War* (New York, 1926); Bertrand Russell, *Why Men Fight* (New York, 1930), pp. 5 ff.; G. Lowes Dickinson, *op. cit.*, p. 57; above, Vol. I, chap. xi.

the study of competent generalizations about war, the same classification of the causes of war is suggested. War has politico-technological, juro-ideological, socio-religious, and psycho-economic causes. The following sections of this part of the study conform to this classification. They assume, respectively, that the belligerents are powers which become involved in war in the process of organizing political and material forces in ever larger areas, that they are states which became involved in war in the attempt to realize more complete legal and ideological unity, that they are nations which became involved in war in the effort to augment the influence of particular political, social, and religious symbols, and that they are peoples which become involved in war through behaving according to prevailing psychological and economic patterns. These four points of view emphasize, respectively, the technique, the law, the functions, and the drives of war.[62]

[62] Above, Vol. I, chap. ii, sec. 5.

B. GOVERNMENTS AND THE STRUGGLE FOR POWER

CHAPTER XX

THE BALANCE OF POWER

AMONG the hypotheses suggested to explain the recurrence of war is the difficulty of maintaining a stable equilibrium among the uncertain and fluctuating political and military forces within the system of states.[1] The phrase "balance of power" has sometimes designated the achievement and sometimes the effort to achieve that difficult task. In the static sense a balance of power is the condition which accounts for the continued coexistence of independent governments in contact with one another. In the dynamic sense balance of power characterizes the policies adopted by governments to maintain that condition.[2]

The term "balance of power" implies that changes in relative political power can be observed and measured. In the rough calculations of world-politics transfer of territory has been the most important evidence of changes in political power, just as in business changes in wealth have been the important evidence of changes in economic power. This is partly because territory with its potentialities in relation to population, taxation, resources, and strategy usually adds to military power, but even more because the value of territory has been accepted in the international mores and consequently the fact of acquisition gives evidence of the power to acquire not only territory but anything else, while the fact of cession gives evidence to the contrary.[3]

[1] See above, chap. xix, sec. 2a.

[2] "Balance of power . . . . means such a 'just equilibrium' in power among the members of the Family of Nations as will prevent any one of them from becoming sufficiently strong to enforce its will upon the others" (Sidney B. Fay, "Balance of Power," *Encyclopaedia of the Social Sciences*). See also Carl J. Friedrich, *Foreign Policy in the Making* (New York, 1938), pp. 117 ff.; Frederick L. Schuman, *International Politics* (2d ed.; New York, 1937), pp. 44 ff.; A. F. Kovacs, "The Development of the Principle of the Balance of Power" (manuscript for Causes of War Study, University of Chicago, 1932); see above, Vol. I, chap. xiv, sec. 1b.

[3] Friedrich (*op. cit.*, p. 120) presents a simple diagram of the conception. Fay (*op. cit.*) discusses territory, armaments, population, economic expansion, colonies, and governing personalities as the important elements in the equilibrium.

A STUDY OF WAR

The term is based on the assumption that governments have a tendency to struggle both for increase of power and for self-preservation. Only if the latter tendency checks the first will all the governments continue to be independent. Whenever one increases its relative power, its capacity to increase it further will be enhanced. As a consequence, any departure from equilibrium tends to initiate an accelerating process of conquest.[4]

[4] This has been long known but not always acted upon. Demosthenes said in his *First Olynthiac:* "I wonder if any one of you in this audience watches and notes the steps by which Philip, weak at first, has grown so powerful. First he seized Amphipolis, next Pydna, then Potidaea, after that Methone, lastly he invaded Thessaly. Then having settled Pherae, Pagasae, Magnesia, and the rest of that country to suit his purposes, off he went to Thrace, and there, after evicting some of the chiefs and installing others, he fell sick. On his recovery, he did not relapse into inactivity, but instantly assailed Olynthos. . . . . If he takes Olynthos, who is to prevent his marching hither? . . . . 'But, my friend,' cries someone, 'he will not wish to attack us.' Nay, it would be a crowning absurdity if, having the power, he should lack the will to carry out the threat which today he utters at the risk of his reputation for sanity. It is the duty of all of you to grasp the significance of these facts, and to send out an expedition that shall thrust back the war into Macedon" (quoted by Frederick H. Cramer, "Demosthenes Redivivus," *Foreign Affairs*, XIX [April, 1941], 536–38). See also E. A. Freeman, *History of Federal Government* (London, 1893), p. 149. Polybius wrote: "Now Hiero, of Syracuse, had during this war been all along exceedingly anxious to do everything which the Carthaginians asked him; and at this point of it was more forward to do so than ever, from a conviction that it was for his interest, with a view alike to his own sovereignty and to his friendship with Rome, that Carthage should not perish, and so leave the superior power to work its own will without resistance. And his reasoning was entirely sound and prudent. It is never right to permit such a state of things; nor to help anyone to build up so preponderating a power as to make resistance to it impossible, however just the cause" (*Histories* i. 83). Lord Halifax, British foreign minister, said on January 21, 1940: "The instinct of our people has always throughout their history driven them to resist attempts by any one nation to make itself master of Europe; they have always seen in any such attempt a threat both to their own existence and to the general cause of liberty in Europe. . . . . If the British people have been right, as they have before, in resisting domination by any one Power in Europe, they are doubly so right today" (Geneva Research Centre, *Official Statements of War and Peace Aims*, I [December, 1940], 18). Frederick S. Dunn considers this attitude inevitable under conditions of world anarchy: "All proposals for changes in the status quo, regardless of the grounds on which they are based, are bound to be assessed first and foremost in terms of their effect upon the power relationships of the nations concerned. Any proposed change which would noticeably alter the existing power ratio to the disadvantage of any state is fairly certain to be resisted tenaciously, regardless of the justice of the claim or of its bearing upon the general welfare of the community. This point cannot be emphasized too strongly. So long as the notion of self-help persists, no nation will willingly agree to a change which will impair its ability to defend its position in a clash with other states" (*Peaceful Change* [New York, 1937], p. 12). See below, chap. xxvii, n. 16.

Evidence that a static balance of power has ceased to exist is at hand when certain governments begin to disappear or to lose territory and others to increase in territory, a process which may continue until only one government survives with the others inside it, as illustrated by the Macedonian and Roman empires of the ancient world. Using the term in this sense, Oppenheim writes:

A law of nations can exist only if there be an equilibrium, a balance of power, between the members of the family of nations. If the powers cannot keep one another in check, no rules of law will have any force, since an over-powerful state will naturally try to act according to discretion and disobey the law. As there is not, and never can be, a central political authority above the sovereign states that could enforce the rules of the law of nations, a balance of power must prevent any member of the family of nations from becoming omnipotent. The history of the time of Louis XIV and Napoleon I shows clearly the soundness of this principle. And this principle is particularly of importance in time of war. As long as only minor powers, or a few of the great powers, are at war, the fear of the belligerents that neutral states might intervene can, and to a great extent does, prevent them from violating fundamental rules of international law concerning warfare and the relations between belligerents and neutrals. But when, as during the World War, the great powers are divided into two camps which are at war, and the neutral states represent only a negligible body, there is no force which could restrain the belligerents, and compel them to conduct their warfare within the boundary lines of international law. The existence of the League of Nations makes a balance of power not less, but all the more necessary, because an omnipotent state could disregard the League of Nations.[5]

Oppenheim assumed that the power of international law and organization must always be less than the military power of sovereign states, and consequently only if national military forces are in stable equilibrium can the other two exist. On this assumption discussions of the balance of power have usually ignored considerations of law,

[5] L. Oppenheim, *International Law*, R. F. Roxburgh (ed.) (3d ed.; London, 1920), Vol. I, sec. 51; see also *ibid.*, sec. 136, and *The Future of International Law* (London, 1921), p. 21. Before his death in 1919, Oppenheim had somewhat modified the opinion expressed in the third sentence of the quoted passage. He favored a universal League of Nations, from which states could not withdraw, "to organize the hitherto unorganized community of nations"; "to coerce by force" a recalcitrant member "to submit to the decisions of the League and to fulfil its duties" (*ibid.*, secs. 167c, s; above, chap. xxvi, n. 40); and "to provide a sanction for the enforcement" of rules preventing the outbreak of war (*The League of Nations and Its Problems* [London, 1919], p. 23). The editor of the fifth edition (H. Lauterpacht) omitted the quoted passage. See H. Lauterpacht, "Oppenheim, Lassa," *Encyclopaedia of the Social Sciences*, and J. B. Scott, "Introductory Note" to Oppenheim, *The Future of International Law*.

social solidarity, and public opinion except as they bore upon the military power, immediate or potential, of the states involved in the system.[6]

Recent analyses of the concept of political power, however, cast doubt upon this assumption. Charles E. Merriam writes:

> The power does not lie in the guns, or the ships, or the walls of stone, or the lines of steel. Important as these are, the real political power lies in a definite common pattern of impulse. If the soldiers choose to disobey or even shoot their officers, if the guns are turned against the government, if the citizenry connives at disobedience of the law, and makes of it even a virtue, then authority is impotent and may drag its bearer down to doom.[7]

To similar effect, Frank H. Knight, criticizing the application of physical analogies by Lord Russell, writes:

> In one aspect power is a phenomenon of a choosing mind acting in a physical world. But the *meaningful* effects of choice, or the exercise of power, are not physical. And what the choosing subject "does" in a literal sense—which is always to rearrange matter in space (using the energy of his own body)—is a very different thing from what he achieves or accomplishes (or intends!). The two exist in different universes of discourse. The achievement (or intention) is a realization of value [and consequently] the problem of power is an ethical problem.[8]

Whether direction of military forces gives an individual or institution more "power" than does title to legal prerogatives or control of social symbols or influence upon public opinion depends upon historical circumstances and upon the time interval considered.[9] While

[6] Above, n. 3.

[7] *Political Power* (New York, 1934), pp. 7–8. See also Salvador de Madariaga, *The World's Design* (London, 1938), pp. 73 ff.

[8] "Bertrand Russell on Power," *Ethics: An International Journal of Social, Political, and Legal Philosophy*, XLIX (April, 1939), 255, 258, reviewing Bertrand Russell, *Power: A New Analysis* (New York, 1938).

[9] David Hume wrote: "As force is always on the side of the governed, the governors have nothing to support them but opinion." Alexander Hamilton said: "Opinion, whether well or ill founded is the governing principle of human affairs." Abraham Lincoln said: "He who moulds public sentiment goes deeper than he who enacts statutes or pronounces decisions." H. D. Lasswell writes to similar effect: "The ascendancy of the ruling few, the political élite, depends upon the acceptance by the masses of a common body of symbols and practices" (quoted in Q. Wright [ed.], *Public Opinion and World Politics* [Chicago, 1933], pp. 3, 4, and 189). "I repeat," wrote Machiavelli, "it is necessary for a prince to have the people friendly, otherwise he has no security" (*The Prince*, chap. ix). See also A. V. Dicey, *Lectures on the Relation between Law and Public Opinion in England during the Nineteenth Century* (New York, 1905).

in some historical periods international stability has depended upon a balance of military forces, at other times factors of a wholly different type may have been more important. While it may be true that military unbalance has in all historic epochs constituted an *immediate* threat to international stability, at certain periods, perhaps in most, other factors have been more important *in the long run*.[10]

Any conception of stability, whether in civics, biology, sociology, or psychology, rests on some kind of equilibrium, but the nature of the factors in equilibrium may vary greatly.[11] Instead of an equilibrium among armed forces measured in terms of military personnel, material, morale, and potential, there may be an equilibrium of legal "checks and balances" among states, governments, departments, and officials. Legally defined powers, responsibilities, rights, and duties of any one of these entities may be used to prevent usurpations by the others. There may also be an equilibrium among nations viewed as cultures, each realizing a unique complex of values expressed in creeds, codes, and customs. The social symbols and rituals which manifest the culture are maintained through the activities of numerous institutions interacting upon one another in intricate patterns. Finally, there may be an equilibrium of peoples, each a complex of conflicting, co-operating, or co-ordinated impulses, attitudes, opinions, and parties, the form of which depends eventually upon the normal balance in the drives of the individual personalities constituting the population. The most familiar exam-

[10] Lasswell (in Wright [ed.], *op. cit.*, p. 189) argues that "the rise of new symbols to eminence in the vocabulary of the masses" leading to "new bases of deference" and "new methods of recruiting the élite" were "the turning-points in the history of politics."

[11] Alfred E. Emerson ("Social Coordination and Superorganism," *American Midland Naturalist*, XXI [January, 1939], 182) defines a biological individual in the broadest sense as "a living entity exhibiting a certain dynamic equilibrium and maintaining a relation of stability in time and space." S. Wright ("Statistical Theory of Evolution," *Proceedings of the American Statistical Association, 1932*, p. 208) writes: "The conditions favorable to progressive evolution . . . . are a certain balance between conditions that make for genetic homogeneity and genetic heterogeneity." Alfred Marshall (*Principles of Economics* [London, 1891], p. 383) writes: "Nearly all the chief problems of economics agree in this that they have a kernel of the same kind. This kernel is an inquiry as to the balancing of two opposed classes of motives, the forces of demand and supply." See also J. M. Clark, "Statics and Dynamics," *Encyclopaedia of the Social Sciences;* see above, Vol. I, chap. xv, sec. 3.

ple of this type of equilibrium is that of international trade among peoples separated from one another by moderate commercial barriers and each unified by a domestic economic equilibrium arising from individual calculations of marginal utilities in a moderately free market. In subsequent chapters of this book the relation of war to such legal, social, and psychological equilibriums will be considered, but in this section the usual analogy between political power and physical power (force moving at a certain speed) will be tentatively accepted. The term "balance of power" will imply an equilibrium among the great and small "powers" of the world, each power measured primarily by armaments and military potential.

When the term "balance of power" is used in the dynamic sense, some qualification to this method of measurement has usually been assumed. In this sense the term refers not to a condition of blind forces—as, for instance, the balance of inertia and gravitation which keeps members of the solar universe revolving in fixed relation to one another—but to a policy actively pursued by the member-governments of a political system to preserve equilibrium. The balance of power is not something that just happens but something that is actively willed and maintained.[12] Thus policies of rearmament and disarmament, annexation and cession of territory, alliance and counter-alliance, intervention and nonintervention, are frequently said to be intended to preserve the balance of power. Canning said he called the new world into existence to redress the balance of the old.[13] Several treaties of the eighteenth and nineteenth centuries declared in their preambles that they were made to preserve the balance of power.[14] The British Army General Act authorized forces to be raised by the Crown to preserve the balance of power.[15]

Balance-of-power policies are sometimes pursued by single states,

[12] Friedrich (op. cit., p. 126) insists that there cannot be a balance of power without a balancer.

[13] Speech in Parliament, December 12, 1826; A. B. Hart, The Monroe Doctrine (Boston, 1916), p. 86.

[14] Treaty of Utrecht (Great Britain and Spain, July 13, 1713), Preamble; Treaty of Paris (May 30, 1814), Separate and Secret Article; Treaty of Constantinople (Great Britain, France, Turkey, March 12, 1854), Preamble; G. G. Wilson and G. F. Tucker, International Law (9th ed.; New York, 1935), pp. 86 ff.; Travers Twiss, The Law of Nations (London, 1861), pp. 152 ff.

[15] See Richard Cobden, Political Writings (London, 1867), I, 257.

sometimes by groups of states, and sometimes by all the states in concert or in combination. Some states have been said to make the balance of power the goal of their policy more than others. In some periods of history states have been influenced by the balance of power more than in others.

It is important to emphasize, however, that, whenever maintenance of the balance of power becomes a guide to the policy of a government, that government is on the threshold of conceding that the stability of the community of states is an interest superior to its domestic interests. Doubtless it concedes this only because it believes that stability is a *sine qua non* of its own survival.[16] The concession is, however, an enlightenment of self-interest which approaches altruism or submergence of the self in a larger whole. In the dynamic usage of the term "balance of power" there are already rudiments of a situation in which law, organization, and opinion may become more important than military power.[17]

Balance of power in the static sense, that of the physical analogy, can apply literally only when states struggle for self-preservation and aggrandizement directly and immediately without conscious effort to maintain the balance of power. The moment a government consciously frames its policies in view of the stability of the larger whole, it has ceased to behave like "power" in the physical sense.[18]

[16] Grotius considered that the maintenance of international law was the bulwark of every state's security (*De jure belli ac pacis*, Proleg., sec. 18). In the absence of law the maintenance of equilibrium is the only basis of security (John Hosack, *On the Rise and Growth of the Law of Nations* [London, 1882], pp. 12–15, 319). See above, nn. 4 and 5.

[17] Cobden considered that "a pact or federation of the States of Europe" was "implied by the phrase Balance of Power" (*op. cit.*, II, 205). W. Alison Phillips writes: "The problem of preserving peace then remains . . . . the old one of holding the balance between these groups; and the problem of international organization is that of creating and keeping in order a mechanism by which this balance shall be kept steady" (*The Confederation of Europe* [London, 1920], p. 16). Jurists have often regarded the balance of power and international organization, not as alternatives, but as supplementary (see Oppenheim [above, n. 5] and Vattel [below, n. 19]). For contrary view see n. 47 below.

[18] L. H. Richardson's effort to treat world-politics mathematically was necessarily "merely a description of what people would do if they did not stop to think" based on the assumption that nations "follow their traditions which are fixtures and their instincts which are mechanical" and do not make "sufficiently strenuous intellectual and moral effort to control the situation" (*Generalized Foreign Politics* ["British Journal of Psychology: Monograph Supplements," Vol. XXIII (Cambridge, 1939)], p. 1).

These considerations suggest that there may be many shades of meaning of the term "balance of power," from the conception of a "natural law," stating the behavior pattern of independent governments with reference to one another in "a state of nature," to the conception of a policy manifesting an emerging consciousness of the dependence of each member of a group upon the observance of some common principles. General recognition of the expediency of maintaining a balance of power is, in the phraseology of seventeenth-century political scientists, the first step in formulating the social contract among nations.[19]

Balance-of-power policies have been recognized in the historical and political writings of all civilizations, notably in the writings of Thucydides, Demosthenes, and Polybius and in writings of ancient India and China.[20] The formulation of the balance of power into a system, however, is hardly to be found until the time of the Renaissance.[21] As a policy the balance of power was especially practiced by British statesmen, who used it to wreck the political ambitions of Philip II, Louis XIV, Napoleon, Alexander II, the Kaiser, and Hitler. Its merits were expounded by Sir William Temple, David Hume, the younger Pitt, Canning, Lord Halifax, and many others.[22] Continental European statesmen have usually been less conscious of balance-of-power policies,[23] and many of them have criticized it, as

[19] Vattel so considered it. "Europe forms a political system in which the nations inhabiting this part of the world are bound together by their relations and various interests into a single body. It is no longer, as in former times, a confused heap of detached parts, each of which had but little concern for the lot of the others, and rarely troubled itself over what did not immediately affect it. The constant attention of sovereigns to all that goes on, the custom of resident ministers, the continual negotiations that take place, make of modern Europe a sort of Republic, whose members—each independent, but all bound together by a common interest—unite for the maintenance of order and the preservation of liberty. This is what has given rise to the well-known principle of the balance of power, by which is meant an arrangement of affairs so that no state shall be in a position to have absolute mastery and dominate over the others" (*The Law of Nations* [Washington, 1916], Book III, chap. iii, sec. 47).

[20] Frank Russell, *Theories of International Relations* (New York, 1936), pp. 30, 42, 61, 79; above, n. 4.

[21] Friedrich (*op. cit.*, p. 123) says the first explicit statement of the doctrine in modern times was by Bernardo Ruscellis (1449–1514), brother-in-law of Lorenzo de' Medici. See also E. Nys, *Les Origines du droit international* (Brussels, 1894), pp. 165 ff.

[22] Above, nn. 2 and 4.

[23] Although Lisola, Fénelon, Vattel, Gentz, and Dupuis expounded it effectively.

have most Americans and some Englishmen.[24] It has, however, figured in a number of general treaties and has undoubtedly ranked as an accepted principle of the European states system for the past few centuries. Historians, jurists, philosophers, economists, and political scientists as well as statesmen have so recognized it and have often considered it distinctive of the post-Renaissance period.[25] It has been recognized that the operation of the principle was obscured in the Middle Ages by the idea of universal law, universal empire, and universal church.[26] Some have suggested that the ideas of public law and the concert of Europe, nationalism and self-determination, and humanism and internationalism since Napoleon have impaired the operation of the balance of power.[27] Other writers, however, have considered the nineteenth century the classic period of the balance of power.[28]

The emphasis when the term "balance of power" is used is always upon the static sense of the word. Governments insist that the state is independent, that it acts only in self-interest, and that self-interest concerns only survival and augmentation of power. The balance of power is a form of thought which grew out of the post-Renaissance interest in physics and astronomy and may be contrasted to the ways of thinking on politics later inaugurated by Benthamite jurisprudence, Darwinian biology, and Freudian psychoanalysis. While balance-of-power politics may lead to group consciousness, international society, and international law and while a stable balance of power may have been an essential condition for international law during the

[24] See, e.g., Fay and Cobden, above.

[25] See David Hume, "Of the Balance of Power," *Philosophical Works* (Boston, 1854), III, 364 ff.; Vattel, *op. cit.;* William Stubbs, *Lectures on the Study of Medieval and Modern History* (Oxford, 1886), p. 225; Oppenheim, *op. cit.;* Schuman, *op. cit.*

[26] Friedrich, *op. cit.*, p. 122; Schuman, *op. cit.*, p. 45.

[27] Stubbs (*op. cit.*, pp. 225 and 236) wrote: "The foremost idea of the three centuries that intervene between the year 1500 and the year 1800 . . . . was the idea of the balance of power. . . . . The history of the last hundred years . . . . differs from that of the two preceding divisions, by the prominence and real importance of ideas, as compared with the earlier reigns of right and force." Criticism of the balance of power has.been common in the nineteenth and twentieth centuries (below, n. 47).

[28] "The period dating from the collapse of the Holy Alliance till the outbreak of the World War has been the classical period of the balance of power in Europe" (Hans J. Morgenthau, "The Problem of Neutrality," *University of Kansas City Law Review*, 1939, p. 116).

past centuries, yet, in the future, effective international organization may prove to be an essential condition for either a stable balance of power or international law.[29] In this section, however, an effort will be made to abstract the conception of balance of power from these other factors in international relations and to consider the conditions and the policies which tend toward the realization of that conception.

2. CONDITIONS AFFECTING THE STABILITY OF THE BALANCE

From the point of view of the balance of power, the probability of peace or war at a given moment depends upon the degree of stability of that balance. An investigation of the conditions of such an equilibrium depends upon certain assumptions concerning the motives and capacities of states, the measurability of their power and separation, and the intelligence of statesmen.

First, balance-of-power diplomacy assumes that every sovereign state tends to impose its will on every other, choosing first that one least capable of resisting; that every state tends to resist the imposition upon itself, or upon any other state in the system, of another will; and that war is likely whenever the pressure of imposition exceeds capacity to resist at any point. This assumption implies that states are not affected by considerations of law, morality, or social solidarity; that they are affected only by the impulses of aggrandizement and self-preservation; and that they are sufficiently enlightened to realize that their own preservation may require assistance to a menaced power in order to prevent the dangerous aggrandizement of one of the others. Obviously it is only on this latter assumption that any stability can exist among states of unequal power in close proximity to one another. Clearly these assumptions are very imperfectly realized in the modern system of states. Some states, because of traditional policies or because of the form or spirit of their constitutions, are not intent upon aggrandizement; are influenced by considerations of law and morality; and prefer neutrality and isolation to assisting a menaced power. The effect of such failures to realize this assumption of a balance-of-power system will be considered in the next two chapters.

Second, balance-of-power diplomacy assumes that the capacity of a state to resist or to attack, at any moment and at any point on its

[29] Above, Vol. I, chap. xiv.

frontier, are functions of the relative power of the two states separated by the frontier and of the degree of their separation. This assumption implies a complete mobility of the state's military power within its territory, making possible a rapid mobilization on any frontier and a continual alertness to the dangers of attack. The actual influence of other factors—constitutional, cultural, and political—will be discussed later.

The third assumption, very difficult to realize in practice, asserts that the power of each sovereign and the degree of its separation from every other sovereign can be measured. While "political power" in a broad sense includes legal, cultural, and psychological factors, from the point of view of the balance of power it has usually been confined to actual and potential military power. Actual military power includes land, naval, and air armament. This includes personnel, matériel, organization, and morale of the armed forces. It also includes railroads, motor vehicles, civil aircraft, and other means of communication and conveyance which, though used in normal times for civilian purposes, are immediately available for military purposes. Potential military power consists of available population, raw materials, industrial skill, and industrial plant capable of producing military power. With the wide variety of factors involved, obviously the task of representing the relative "power" of all sovereigns by single figures is very great. It is difficult to compare forces primarily useful for defense, such as fortifications and militia, with forces useful for distant attack, such as airplanes, airplane carriers, and capital ships. It is difficult to compare actual forces with potential forces requiring various intervals of time for development and mobilization. These problems have been faced but not solved in numerous disarmament conferences. In spite of the difficulty, rough estimates are continually made. For instance, the *great* powers are compared to the secondary powers and to the small states, and the relative power of the seven great powers has sometimes been estimated. In 1922 the Washington Arms Conference rated the principal naval powers, Great Britain, the United States, Japan, France, and Italy, respectively, at 5:5:3:1.75:1.75.[30]

It is no less difficult to measure the degree of military separation

---

[30] Defense budgets have sometimes been utilized, but they provide a very rough measure of military power (see Richardson, *op. cit.*, pp. 27 ff.).

of two states from each other. This conception involves estimates of the importance of distance in miles, of the character of the barriers occupying this space, such as seas, lakes, rivers, deserts, mountains, and the length of the frontiers which are in proximity or adjacency to each other. Two countries on opposite sides of the world would usually be more separated than two with adjacent frontiers, but with the development of instruments of sea and air transportation countries separated only by wide oceans may be militarily nearer than adjacent countries with very high mountains on the frontier. Two pairs of countries each with adjacent frontiers would clearly have different degrees of separation if the frontier is occupied in one case by high mountains, in another case by deserts, in another by a river, and in another case by no natural obstacles whatever. Furthermore, of two pairs of countries in the latter situation, clearly the pair with the shorter unobstructed frontier would be more separated than the pair with the longer unobstructed frontier. The conception of military separation does not consider artificial barriers such as fortifications or trench systems. These are included in the conception of power. On the other hand, the influence of natural barriers may change greatly through the tunneling of mountains, the development of new instruments of transportation, the bridging of rivers, etc.

Finally, it is assumed that statesmen in pursuing a balance-of-power policy do so intelligently—that they measure the factors involved in the balance of power accurately and guide their behavior by these calculations. This assumption is particularly difficult to realize in democracies because public opinion is likely to be more interested in domestic than in foreign affairs and to be influenced in the latter by considerations, such as nationality, justice, or traditional friendships and enmities, which may be inconsistent with maintenance of the balance of power. The latter often requires shifts in political relationships, threatening gestures, or even war, which public opinion is likely to regard as perfidious.[31]

Analysis of the relationships between the variable factors in the balance of power seems to warrant the following conclusions, provided all states act in accord with the assumptions of that system.[32]

---

[31] See Friedrich, *op. cit.*   [32] See Appen. XXIX.

1. Stability will increase and the probability of war will decrease in proportion as the number of states in the system increases.[33] Obviously a tendency to localize relations would be equivalent to reducing the system, in any particular instance, to a small number of states, and so would make against stability. So also the grouping of states in permanent alliances which are committed to act together would tend to reduce the number of independent entities in the system and so would decrease stability. As a consequence, on the assumptions of the balance of power, policies of rigid neutrality and of permanent alliance both make for instability.

2. Stability will increase as the parity in the power of states increases.[34] If there were only two states, there would be great instability unless they were very nearly equal in power or their frontiers were widely separated or difficult to pass. The same would be true if all the states had become polarized in two rival alliances. Even with a large number of states acting independently, comparative equality of power would tend to augment the capacity of each to defend itself and so to increase stability.

3. Stability will be promoted by a moderate separation of states from one another. If every state were separated from every other by impassable barriers, there would be complete interstate stability but there would not be an international system. States would have no more relations with one another than does the earth with Mars. If, on the other hand, states of different power faced each other on certain frontiers, then great separation of states would make for instability because other states would be unable immediately to help the weaker state if attacked. If, however, states were so little separated that they had to rely primarily on the assistance of others for security, their independence would be curtailed, and the first assumption of the balance-of-power system would no longer prevail. That system would give way either to empire or to collective security. Thus

[33] This is an instance of the statistical law of the stability of large numbers. If increase in numbers results in greater disparity in the power of neighboring states, as was true of the Balkanization of southeastern Europe after World War I, the effect of this tendency may be counteracted. Below, n. 34.

[34] This resembles the second law of thermodynamics, which asserts that entropy tends to a maximum, i.e., that the tendency of a system toward stability is promoted by a uniform distribution of its energy.

stability under a balance of power is promoted by artificial devices, such as disarmed zones or strong fortifications, which increase the separation of especially vulnerable frontiers. Without a separation of all frontiers sufficient to prevent sudden attack and continuous anxiety, a stable balance-of-power system is impossible.[35]

4. Stability will be promoted by certainty as to the states which enter into the equilibrium. Only with such certainty is accurate calculation possible. If there is a possibility of outside states intervening sporadically on one side or the other with motives other than those assumed in balance-of-power politics, the situation becomes unstable. Thus the entry of such states as France, Spain, and Austria into the Italian balance of power during the Rennaissance created instability in that equilibrium. In the same way the entry during the last fifty years of the United States and Japan into the European equilibrium has rendered it less stable. In the long run, however, as an increase in the number of states renders an equilibrium more stable, so the complete incorporation of non-European states into the system, creating a world-equilibrium, should in itself eventually make for stability.[36]

3. BALANCE-OF-POWER POLICIES

The assumptions and conditions favoring a stable balance of power have been considered in the abstract. Attention may now be given to the historical circumstances which have influenced governments to envisage international relations as a balance of power and to act according to the assumptions of that system.

While other factors have had an influence, the concept of the balance of power provides the most general explanation for the oscillations of peace and war in Europe since the Thirty Years' War. Most European wars during that period and all serious ones have become balance-of-power wars if they did not begin as such.[37] Frederick the Great wrote:

[35] The possibility of conquest of small states in a few days by a powerful neighbor with a great superiority of airplanes and tanks makes it impossible for the assistance of other great neighbors to come in time; this in itself eliminates the possibility of security for European states under the balance of power.

[36] Above, Vol. I, chap. xv, sec. 2b.

[37] Above, nn. 22 and 25; Vol. I, Appen. XX.

Foreign politics embraces all the system of Europe, labors to consolidate the safety of the state and to extend as much as is possible by customary and permitted means the number of its possessions, the power and consideration of the Prince. . . . . Christian Europe is like a republic of sovereigns which is divided into two great parties. England and France have for a century given the impulse to all movements. When a warlike Prince wishes to undertake anything, if both powers are in agreement to keep the peace, they will offer their mediation to him and compel him to accept it. Once it is established, the political system prevents all great robberies and makes war unfruitful, unless it be urged with greater resources and extraordinary luck.[38]

Not only has this conception been explanatory but its wide acceptance by statesmen has tended toward its continued realization in practice. Statesmen have in general directed foreign policy toward preserving or augmenting the relative power of the state. As a means to the first all have recognized the expediency of joining forces to prevent the aggrandizement of others, and as a means to the second all have recognized the expediency of taking advantage of the quarrels of others to aggrandize themselves.[39] "Curb the strongest" and "divide and rule"—these have been the two incompatible shibboleths of the game of world-politics.

It is partly because of this inherent contradiction in the assumptions of the balance of power that it has not given permanent stability. If states were interested only in self-preservation and in the maintenance by each of its relative power, stability might be preserved for long periods, although under such conditions general changes in technologies, ideas, laws, economics, and policies would eventually shatter it. Each of the powers, however, especially the great powers, has been interested not only in preserving but also in augmenting its relative power; consequently, there has never been wholehearted devotion to the balance-of-power principle among them. Each statesman considers the balance of power good for others but not for himself. Each tries to get out of the system in order to "hold the balance" and to establish a hegemony, perhaps

[38] *Die politischen Testamente der Hohenzollern*, II, 33, 54, quoted by Schuman, *op. cit.*, pp. 54 and 55.

[39] J. F. Rippy (*America and the Strife of Europe* [Chicago, 1938]) has pointed out that the United States, though avoiding co-operation with Europe, has utilized the strife of Europe to its own advantage. A more detailed consideration of policies with this objective is presented in chap. xxi below.

eventually an empire, over all the others. This effort might not be
successful if the conditions necessary for maintaining a stable bal-
ance were perfectly understood by all the other statesmen, and they
applied procedures for diagnosing and remedying departures from
equilibrium with efficiency. Statesmen of satisfied countries have,
however, occasionally manifested a disposition to delay and to ap-
pease, encouraging aggressive statesmen to believe they can relieve
themselves of the equilibrating tendency. Although during the mod-
ern period none has succeeded in doing so permanently, the attempt
has continually been made. Charles V and Philip II hoped to do it
with the wealth of Mexico and Peru. Louis XIV hoped to do it with
the national integration, monarchical centralization, and industrial
strength of France. Napoleon hoped to do it with military genius,
the revolutionary fervor of the masses, and national conscription.
Germany of the Kaiser and of Hitler hoped to do it with efficient
military and industrial organization, a martial spirit, and a central-
ized political leadership. Up to the present, however, the system has
worked in the long run. Eventually the overgreat power has found
itself encircled but has not given up without war.[40]

England alone among the European states has been able to "hold"
the balance for a long time, but only because of its relative invul-
nerability to attack and its persistent recollection of the Hundred
Years' War. Because the navy was sufficient for defense, Britain
did not require a large land army which would have menaced others,
and, because of the failure of the long effort to conquer France, it
did not attempt to aggrandize itself on the Continent. The fact that
overseas enterprise in commerce and colonies offered abundant op-
portunity made it easier for Britain to pursue a peaceful policy in
regard to Europe. To a limited extent since the Armada and to a
large extent during the century after Waterloo, England dominated
the extra-European world with naval and commercial power and
held the balance in Europe.

While there were great changes in navies during the century after
Trafalgar, it happened that all of them—steam navigation, screw
propeller, iron hull, armor plate, rifled naval guns—at first added to

---

[40] When a state complains that it is being encircled, it is usually attempting to break
the balance of power.

British predominance, although at times British opinion was seized by panic before realizing the effect of these inventions.[41] The long-run influence of these inventions was, however, to weaken sea power operating far from its base. These inventions, together with the relative decline of British commerce and finance, weakened British power overseas. The invention of the airplane greatly increased the vulnerability of the British Isles themselves. As a result Britain could no longer hold the balance of power. It was forced to join one of the great Continental alliances in 1903 and has not since been able to create such an equilibrium in Europe that it could safely remain outside.

The predominance of the balance of power in the practice of statesmen for three centuries, however, should not obscure the fact that throughout world-history periods dominated by balance-of-power policies have not been the rule. The balance of power scarcely existed anywhere as a conscious principle of international politics before 1500, and even its unformulated functioning can hardly be studied except among the Italian states of the two centuries preceding, among the Hellenistic states of the Mediterranean in the first three centuries B.C., among the Greek city-states for three centuries before that, among the Chinese city-states of the Ch'un Chiu period (700–480 B.C.), and perhaps in the "times of trouble" of Indian, Babylonian, and Egyptian civilizations.[42]

In the long periods of the Roman Empire and the medieval church, factors other than the balance of power were of major importance in controlling the action of statesmen and in giving political form to the civilization. Even in the nineteenth and twentieth centuries, though balance-of-power politics have undoubtedly been important, many historians consider that other factors, ideological and economic, have assumed a greater importance. The deterioration during the nineteenth century in the conditions and assumptions theoretically favorable to a balance of power has been noted. The conditions responsible for such changes in the past may now be considered.

[41] See Bernard Brodie, *Sea Power and the Machine Age* (Princeton, 1941); Cobden, "The Three Panics: An Historical Episode," *op. cit.*, II, 209 ff.

[42] Above, n. 20.

4. WHY BALANCES OF POWER HAVE COLLAPSED

Periods of balance of power have been transitional. Their continuance has always been threatened, on the one hand, by the resurgence of the dynamic movements characteristics of the heroic age which has usually preceded and, on the other hand, by the trend toward political organization characteristic of the universal state which has usually followed.[43]

Dynamic movements challenging the equilibrium have included (1) the rise of conquerors and the establishment of tyrannies, (2) the invention of aggressive weapons, (3) the propaganda of new religions, and (4) the sporadic interventions of outside states. Efforts to organize stability have grown out of the balance-of-power system itself and have tended toward (5) the disappearance of small states, (6) the polarization of the balance, (7) the rise of constitutionalism and democracy, and (8) the reliance on law and organization for security and the evaluation of welfare above power.

1. The appearance of a conquering genius is perhaps unpredictable, although the rise of such individuals, threatening the balance of power, has usually been attributable as much to the opportunity presented by military inventions and political conditions as to the personality himself. A more permanent threat to the equilibrium is inherent in the despotic form of government which the temporary success of such a genius originates. The balance of power flourishes under authoritarian government resting on tradition. Tyranny and democracy are equally unfavorable to it: tyranny because it must be aggressive, democracy because it must be deliberate. The one creates a high-pressure area, the other a low-pressure area, each dangerous to equilibrium. Tyranny is a technique of power which involves increasing centralization of government, suppression of free opinion, and devotion of resources to military preparation, internally. Externally, it requires high tension, dangerous enemies, continuous diplomatic or military achievements, and occasional wars. Thus the internal and external policy of tyranny inevitably attempts to emancipate the state from the balance of power.[44]

[43] Above, Vol. I, chap. vii, sec. 2b.

[44] For discussion of ideologies and policies characteristic of "tyrants," "new princes," and "despots" see Aristotle *Politics* v. 10; Machiavelli, *op. cit.*, chaps. vi–viii; C. E.

2. The invention of new military instruments of uncertain, but possibly great, offensive value has often led to attempts to shatter the balance of power. A superior type of phalanx encouraged aggression by Philip of Macedon and Alexander; the development of improved legionary tactics encouraged conquests by Caesar; British skill in archery developed in the Scottish wars encouraged the hundred years' invasion of France; improvements in the use of firearms encouraged aggressions by Charles V in Europe and America; the development of industrial equipment for the manufacture of firearms contributed to the conquests of Louis XIV; the perfection of firearm tactics encouraged Frederick the Great in a career of aggression; the inventions of mass mobility, conscript armies, and revolutionary enthusiasm were the allies of Napoleon. Bismarck's victories were due to Moltke's perception of the value of railroads in war. The American conquests of 1898 owed much to the recently invented armor plate and rifled naval guns. The development of aircraft since World War I as instruments of civilian terrorization, of destruction of enemy bases, and of invasion contributed greatly to the instability of the balance of power and to the hope of general conquest by Mussolini, Hitler, and the Japanese military leaders.[45]

3. Religious and quasi-religious movements sweeping over particular countries have sometimes created a crusading spirit resulting in efforts to break the balance of power, not for the sake of power, but for the sake of ideals. Such movements have been illustrated in the Moslem conquests of the seventh century, the Crusades of the twelfth century, the nineteenth-century wars of nationalism, and the twentieth-century wars of fascism, naziism, and communism. Frequently such movements have originated in particular classes rather than in particular states and have cut across state lines, giving rise to civil wars illustrated by the religious wars of France in the sixteenth century and of England and Germany in the seventeenth

Merriam, *The New Democracy and the New Despotism* (New York, 1939), Part II; below, chap. xxii, sec. 4.

[45] Above, Vol. I, chap. xii. There is a tendency to emphasize the conservatism of the military in adopting new inventions. See E. L. Woodward, *War and Peace in Europe, 1815–1870* (New York, 1931), pp. 18 ff.; E. A. Pratt, *The Rise of Rail Power in War and Conquest, 1853–1914* (London, 1915); J. P. Baxter, *The Introduction of the Ironclad Warship* (Cambridge, Mass., 1933); Brodie, *op. cit.*

century, by the American and French liberal revolutions in the eighteenth century, and by the struggles of communism, nationalism, and fascism in Russia, China, Spain, and elsewhere in the twentieth century.[46]

4. The impact of powerful states on the periphery of a balance-of-power system has been one of the most important influences destroying such systems. Macedonia destroyed the Greek balance of power. Rome destroyed the Hellenistic balance of power after conquering Carthage. France and Spain destroyed the Italian balance of power of the Renaissance. The United States, Russia, and Japan have contributed to the collapse of the European balance-of-power system in the twentieth century.

Sporadic challenges to a balance-of-power system are unlikely to succeed permanently unless general conditions within the civilization are unfavorable to that system. Caesar, unlike the military geniuses of modern history, was successful in wrecking the Mediterranean balance of power and in initiating a universal empire which lasted for centuries. His success, however, was merely the culmination of the long history of the integration of classic civilization. Indeed, if conditions are favorable, it may be that the method of religious propaganda employed by Asoka and Gregory VII or the method of voluntary federation attempted by Alexander I and Woodrow Wilson may be equally effective in unifying a civilization.[47] It is to be noted, however, that the antecedent conquests of Chandragupta had shattered the balance of power in India, paving the way for Asoka. Charlemagne's conquests had similarly paved the way for Gregory, as Napoleon's wreckage of the old order in Europe had provided the opportunity for Alexander and Wilson.

5. Among the inherent tendencies of a balance-of-power system, sapping its own vitality, has been the cumulative elimination of

[46] See H. D. Lasswell, "The Strategy of Revolutionary and War Propaganda," in Q. Wright, *op. cit.*, pp. 189 ff.

[47] There is evidence that both Alexander I and Woodrow Wilson thought of their plans as opposed to the balance of power. See Phillips, *op. cit.*, pp. 45 ff., 143 ff.; W. E. Rappard, *The Quest for Peace* (Cambridge, Mass., 1940), p. 28; Friedrich, *op. cit.*, p. 133; Ellery Stowell, *Intervention in International Law* (Washington, 1921), pp. 414 ff. Others have considered international organization and the balance of power supplementary to each other (above, nn. 5, 17, 19).

small states. The balance of power has never functioned sufficiently effectively to avoid this tendency. After the practical disintegration of the Chow empire in the seventh century B.C. there were over a hundred virtually independent states in North China, but three centuries of balance-of-power politics reduced their number to seven.[48] The practical disintegration of the Holy Roman Empire in the sixteenth century left Europe with over five hundred states, but four centuries' operation of the balance of power had reduced their number to twenty-five. Similar was the reducing influence of the balance of power among the Greek, the Hellenistic, and the medieval Italian states. This tendency has been accompanied by an increasing disparity of size of the states which remain. Consequently, the balance has tended to become less stable. Conquest of all by one of the states within, or by a powerful outside state, has become more practicable, particularly as the tradition of power politics has made it difficult for the member-states within the system to combine for mutual defense even in an obvious emergency. The *Phillipics* of every Demosthenes, under such conditions, has usually been unsuccessful.[49]

6. A balance of power tends to polarize about the two most powerful states in the system. The Greek balance polarized about Athens and Sparta. The modern European balance has polarized about France and Germany. The process of polarization can be studied in the development of the European alliance system from 1890 to 1914 and again from 1933 to 1939, although in the latter case Hitler struck before the process was complete. Such a polarization renders the balance unstable because, after all states in the system have aligned themselves, there are in effect only two participants in the equilibrium. If one combination is materially more powerful, it may be expected to attack and eliminate its rival. If they are about equal, the one against whom time appears to be running will attack, under the presumption that war is inevitable and that the opportunity will never be better. The war which results from such a situation will be

---

[48] C. C. Shih, "International Law during the Ch'un Chiu Period, 677–437 B.C." (manuscript for Causes of War Study, University of Chicago, 1941). Roswell S. Britton ("Chinese Interstate Intercourse before 700 B.C.," *American Journal of International Law*, XXIX [October, 1935], 617) says some two hundred states existed *ca.* 700 B.C.

[49] Cramer, *op. cit.;* Freeman, *op. cit.,* p. 148.

universal and may so weaken some of the participants that equilib-
rium cannot be re-established.[50]

7. The moderate stability which an effective balance-of-power
system establishes in contrast to the anarchy which precedes it is
favorable to the rise of constitutionalism and democracy, but these
forms of government militate against the successful operation of the
balance of power. Constitutionalism and democracy tend toward de-
centralization of authority, liberty of the individual, deliberation in
reaching decisions, control of policy by public opinion (often oblivi-
ous to the injury inflicted on others), and dominance of domestic
over foreign policy.[51] In foreign policy, though willing to fight when
interests regarded as vital are obstructed, democracies hesitate to in-
tervene in foreign quarrels, neglect military preparations until faced
by a crisis, and anticipate respect for law by others. All these tend-
encies make it difficult for the governments of such states to take the
steps required for an efficient operation of power politics sufficiently
promptly. The very incapacity of democracy in this regard encour-
ages dictatorship, in proportion as democracies become numerous, to
attempt to break the balance. As the proportion of sheep increases,
and the illusion of their wolf's clothing becomes dissipated, the
wolves that remain devote their energies to preying upon the sheep
rather than to circumventing one another, and the equilibrium is
destroyed.

8. The progress of democracy and the progress of communication,
transportation, and military invention, rendering frontiers more vul-
nerable, tend to weaken confidence in the balance of power as a
means of security and to induce states to rely on guaranties and sys-
tems of collective security. Ideas of justice borrowed from domestic
law are imported into international relations. The balance of power
requires that strength as such be opposed and weakened, a require-

[50] The polarizing tendency accounts for the two-party system in advanced democ-
racies like Great Britain and the United States and for the dualism usual in the organiza-
tion of primitive peoples (W. C. McLeod, *The Origin and History of Politics* [New York,
1931]). Within a state such a system may be more stable than a multiparty system
which tends to exaggerate the influence of extremists (F. A. Hermens, *Democracy and
Proportional Representation* ["Public Policy Pamphlet," No. 31 (Chicago, 1940)]). In
a balance-of-power system, on the other hand, polarization tends to augment the in-
fluence of the most aggressive state which usually predominates in each alliance.

[51] Friedrich, *op. cit.*

ment which is difficult to reconcile with any conception of justice. Justice permits opposition to the aggressor or treaty violator but hardly permits intervention against the state which has increased its power by legitimate methods of trade or industrialization. Thus international jurists and political moralists, while often conceding that the balance of power is the basis of international law, find it difficult to justify intervention whenever the balance of power calls for it.[52]

International law, therefore, tends to convert the system of balance of power into a system of collective security.[53] The idea of law and organization promotes efforts at disarmament and discourages military invention, thus accelerating the natural tendency toward increase of the relative power of the defensive in war. These developments tend to shift political interest away from power politics. This tendency can be observed during the *pax Romana* of classical civilization, the *pax ecclesia* of the Middle Ages, and the *pax Britannica* of modern history.

A stable balance of power creates conditions favorable to constitutionalism, democracy, international law, and international organization. These conditions stimulate the increase of international communication, of international trade, and of cultural diffusion. Such a progress, unifying the civilization, creates a general preference for welfare over power and further weakens the disposition of governments to give primary attention to power politics.

These attitudes, however, may not be universal. Their prevalence offers an opportunity to the few who prefer power to welfare, adventure to security. Law without effective force cannot curb that minority. International law and organization, ceasing to be supported by an effective balance of power, if not yet supported by organized collective power, may be destroyed by conquest. As efforts to federalize the states of a civilization have usually failed, universal empire or anarchy has usually followed balance-of-power periods.

Many of the circumstances and conditions which in the past have militated against a stable balance of power exist today. The decline in the number of European states through the integration of Ger-

---

[52] John Westlake, *International Law*, I (Cambridge, 1910), 311, 316; Oppenheim, *op. cit.*, Vol I, sec. 51; Cobden, *op. cit.*, I, 257.

[53] Above, n. 17.

many and Italy; the sudden decrease in the parity of power through the centralization of these states and the fragmentation of the Hapsburg empire, the decrease in the separation of states because of communication and transportation inventions, especially the airplane, and the uncertain entry into world-politics of extra-European states have greatly decreased the stability of the balance of power in the twentieth century.

While a breaking-up of the large states would by increasing the number and parity of states tend to promote stability, it would decrease the separation of states and perhaps also would make it less certain what states are in the system. Both of these influences, adverse to stability, as well as the practical difficulty of breaking up large states cemented by nationalism, make it unlikely that this remedy will be applied.

A grouping of small states into regional federations so as to maximize the separation and parity of states and to increase the certainty as to what states are in the system would tend to stabilize the balance of power even though it diminished the total number of states. While this remedy is more practical, it is doubtful whether under present conditions it can maintain a stable equilibrium among independent military states.

The rise of industrialism, of nationalism, of constitutionalism, of democracy, and of international organization in the nineteenth century has seriously impaired the assumptions upon which the balance of power rests. Furthermore, changes in military technique have increased the vulnerability of all states to sudden invasion. Great Britain's capacity to act as balancer has been seriously impaired. The United States, which alone has a geographical position suitable for that role, is unlikely to accept it because of an anti–balance-of-power tradition and a constitution ill adapted to the rapid and secret diplomacy necessary for successful balancing.[54] It seems doubtful whether stability can be restored on the basis of a military balance of power.[55]

[54] For discussion of suggestion that the United States might succeed to the British role of balancer see Livingston Hartley, *Is America Afraid?* (New York, 1937); Friedrich, *op. cit.*, p. 131.

[55] Above, nn. 27, 35, and 47.

CHAPTER XXI

FOREIGN POLICY AND ARMAMENT

THE foreign policy which a given state pursues at a given time depends upon many factors. These include the personality and temperament of those controlling the government; the national constitution determining who shall control the government and how; the fluctuations of the opinion of the public, upon whose support the government relies; the historic traditions sanctioned by long practice and sanctified by the words of national heroes; the precepts of national and international law; and the impact of external events, of changing conditions, and of new techniques upon the national interests. These factors are all interrelated. Traditions, laws, and interests are but public opinion crystallized, and, reciprocally, historic traditions, legal claims, and national interests as interpreted and publicized by leaders of the moment influence public opinion.[1]

It is the assumption of a balance-of-power system that the preservation of the relative power position of the state and, if possible, the improvement of that position constitute the major interests of the state, to which its interests in the economic welfare and cultural advancement of its population are subordinate. A state's interests are what the politically influential are interested in. Consequently, this assumption is justified only if the opinion of the politically important public generally demands security first, aggrandizement second, and other advantages, economic and cultural, in lesser degree; if national traditions have developed from the experience of the foreign office in meeting these major demands in the light of the state's peculiar geographic, cultural, economic, and political conditions; and if law will be respected only in so far as it serves these primary interests.[2]

If states are to pursue balance-of-power policies, statesmen must have in mind the evidences of disequilibrium and the procedures for restoring balance. Evidences of disequilibrium have been found, on

---

[1] Above, Vol. I, chap. x, sec. 4; chap. xi.   [2] Above, chap. xx, sec. 2.

A STUDY OF WAR

the one hand, in the movements of the indices of political power and, on the other, in manifestations of aggressive intentions. The latter include declarations of policy looking toward expansion and increased armament and legislative or executive acts, annexing territory, consummating alliances, enlarging military programs, making threats or ultimatums, and initiating hostilities.[3]

Different indices of power have been deemed significant at different periods of history. During the seventeenth and eighteenth centuries territorial change in Europe was the main index. Population was mainly agricultural and illiterate. Any European area annexed by a state added approximately equal increments of recruits and taxes per acre. It was thought equilibrium would be adversely affected by every territorial acquisition in proportion to its size with adjustments for great differences in population density.[4] Rising power was measured by territorial expansion, diminishing power by territorial cession. It was difficult to estimate the power value of colonial acquisitions overseas, and such acquisitions entered into balance-of-power calculations surprisingly little.[5]

[3] Such manifestations do not usually occur until the equilibrium has been seriously disturbed. Consequently, if this evidence alone is relied upon, remedy by peaceful means is often impossible.

[4] The main problem of peace treaties has therefore been territorial changes. The Congress of Vienna (1815) was dominated by the principle of balance of power (C. K. Webster, *The Congress of Vienna* ["Handbooks Prepared under the Direction of the Historical Section of the Foreign Office," No. 152 (London, 1920)], pp. 99 and 146), especially in the allocation of the occupied territories of Poland and Saxony (*ibid.*, pp. 33 and 98). The solution of these problems was assisted by the "statistical commission," whose task was to ascertain the population of these and other territories, without, however, evaluating the quality or wealth of the different populations (*ibid.*, pp. 90, 112, 117).

[5] J. R. Seeley's remark that "we [Britain] seem as it were to have conquered and peopled half the world in a fit of absence of mind" suggests that the rest of the world was even more absent-minded on the value of colonies. Seeley, who regarded colonies as a major factor in the balance of power, was anxious to show that their value was not entirely disregarded in the eighteenth century (*The Expansion of England* [London, 1883], pp. 8 and 13; see also William L. Langer, *The Diplomacy of Imperialism, 1890–1902* [New York, 1935], I, 69). Mercantilist economists usually regarded colonies as adding to the state's power, but this was not universally true. Adam Smith, laissez faire economists, and especially the "Manchester School" considered colonies a political disadvantage (Klaus E. Knorr, "British Colonial Theories, 1570–1850" [manuscript, University of Chicago Library, 1941]).

With the rise of industrialism and nationalism, however, economic resources, industrial plant, and manufactured armament became more important. After the population, first of western and then of eastern Europe, and finally of Asia and Africa, had become infected with the virus of nationalism, acquisition of a territory with a considerable minority population might weaken rather than strengthen the state. Thus in the latter nineteenth century territorial acquisitions became a less important index for the measurement of disturbances to the balance of power. Instead, armament budgets, changes in military and naval legislation, and accumulations of military and naval materials, size of standing armies, and trained reserves tended to be the measure of power. The development of a new military invention, the proposal of an enlarged military or naval budget, or a military reorganization law by one of the great powers would usually start a flurry in all the others. In the period from 1870 to World War I high politics consisted mainly in the reaction of the European great powers to such events. Equilibrium was maintained with increasing difficulty. Contentions arose during the era of colonial expansion after 1880, naval and military armaments of each country piled up in response to increases of the others, and the powers became organized into two great rival alliances.[6]

The procedure followed in order to rectify departures from equilibrium has usually had a relation to the disturbing phenomenon. The answer to enlarged armament programs has usually been increased armament by others.[7] The answer to an alliance has usually been a counteralliance.[8] To territorial aggrandizement the answer has sometimes been preventive war to compel renunciation of the annexed territory,[9] sometimes agreement upon compensatory an-

[6] A. F. Kovacs, "Military Legislation of Germany and France" (manuscript for Causes of War Study, University of Chicago, 1934); F. L. Schuman, *International Politics* (2d ed.; New York, 1937), pp. 64 ff.; Sidney B. Fay, *Origin of the World War* (New York, 1928); W. L. Langer, *European Alliances and Alignments, 1871-1890* (New York, 1931); *The Diplomacy of Imperialism, 1890-1902*.

[7] Sometimes leading to an armament race (see above, chap. xvii, sec. 1d, and Vol. I, Appen. XXII).

[8] Tending to a polarization of the balance of power (above, chap. xx, sec. 4).

[9] As in the wars against Louis XIV, Napoleon, and Hitler.

nexations.[10] For aggression the answer has been resistance by the victim and assistance, benevolent neutrality, or collective intervention by others.[11] Sometimes, however, international arrangements designed to effect a general stabilization of the balance have been attempted, such as guaranties of the territory and independence of certain states, armament limitations, commitments to periodic consultation and conference, and collective security systems to assure orderly procedures for settlement and change. The tendency of such arrangements in the direction of international organization will be dealt with in a later chapter.[12] Attention will be given here to their effect, sometimes unexpected, upon the balance of power.

What has been the influence either in disturbing or in restoring the balance of power (1) of territorial changes, (2) of alliances and guaranties, (3) of neutrality and the localization of war, and (4) of rearmament and disarmament?

1. TERRITORIAL CHANGES

Changes in the political map have always been disturbing to the balance of power. Such changes in the map of Europe have been the main problem with which power politics has dealt during the last four centuries. The problem has also been faced in the partition of the American continents during the sixteenth, seventeenth, and eighteenth centuries, in the partition of Africa and the Pacific Islands in the nineteenth century, in the influence of the western territories upon the rivalry of the American North and South before the Civil War, and in the general concern of the Latin-American states over the struggles concerning undetermined boundaries in Tacna and Arica, the Gran Chaco, Leticia, and elsewhere.[13]

[10] As in the partition of Poland in the eighteenth century and in 1939. See also Castlereagh's proposal for solution of the Polish and Saxon questions at the Conference of Vienna (Webster, *op. cit.*, pp. 33 and 98).

[11] Usually resulting in all great powers becoming involved in the war if it is not rapidly terminated (above, Vol. I, Appen. XX, Table 43).

[12] See below, chap. xxv, sec. 1*h*.

[13] The United States Department of State has published a volume with maps indicating *International Transfers of Territory in Europe* (Washington, 1937) resulting from the Balkan Wars and World War I. For earlier transfers see Ramsay Muir, *Hammond's New Historical Atlas* (New York, n.d.), and Rogers Churchill, "Transfers of European Territory since 1815" (manuscript for Causes of War Study, University of Chicago, 1928).

Because territorial acquisition is usually thought to increase the acquiring state's position in the balance-of-power system, states very rarely cede territory voluntarily.[14] Whatever the apparent justice. of demands for change based on economic, racial, cultural, linguistic, geographic, or other circumstances, statesmen usually argue that preservation of the state's integrity is a superior obligation to justice for others. Any act which strengthens another at our expense will make us vulnerable to even more severe demands in the future.[15] It is for this reason, according to Hitler, that an intelligent victor prefers to present his demands in "instalments." He can be sure that "a nation which has become characterless—and such is every one which voluntarily submits—will no longer find any sufficient reason in each of these detailed oppressions to take to arms once more."[16] Governments, therefore, are reluctant to yield even in apparently small matters, especially when territory is involved.

Efforts to compel an acquiring state to renounce its gains, as in the case of Louis XIV's claim to the Spanish succession, or to provide compensatory territory for that state's principal rival in the balance of power, as in the gradual dissolution of the Ottoman Empire during the nineteenth century, have usually involved hostilities.[17] Russian renunciation of its gains from Turkey in 1878 by the General Conference at Berlin, the partition of Africa in the late nineteenth century, and the partition of Poland in the late eighteenth century were nominally peaceful.[18]

[14] The few apparent exceptions resulted from purchase, military pressure, or political bargain, as in the cession of Louisiana (1803), Florida (1819), and Alaska (1867) to the United States by France, Spain, and Russia, respectively, and from colonial adjustments between Germany and Great Britain (1890), France and Great Britain (1904), and France and Germany (1911). See C. R. M. F. Cruttwell, *A History of Peaceful Change in the Modern World* (London, 1937), chap. iii.

[15] F. S. Dunn, *Peaceful Change* (New York, 1937), p. 12; Bryce Wood, *Peaceful Change and the Colonial Problem* (New York, 1940), p. 41.

[16] Adolf Hitler, *Mein Kampf* (New York, 1939), chap. xv, p. 468.

[17] John Hosack, *On the Rise and Growth of the Law of Nations* (London, 1882), pp. 276 ff.; W. W. White, *The Process of Change in the Ottoman Empire* (Chicago, 1937).

[18] Pressures and compensations of dubious equity were often involved (Cruttwell, *op. cit.*, pp. 56 ff., 70 ff., 125 ff.). Such aspects were so prominent in the cession of territory by Czechoslovakia to Germany in the Munich settlement of 1938 that it cannot properly be called an instance of peaceful change (see Q. Wright, "The Munich Settlement and International Law," *American Journal of International Law*, XXXIII [January, 1939], 29).

It is to be expected that territory will continue as an important index of power and that the balance of power will continue to be disturbed by claims for territorial change. Since there is no single principle, whether it be "nationality," "economic necessities," or "natural frontiers," application of which will fully satisfy the sentiment of justice in all territorial controversies,[19] since historical claims long dormant may rapidly rise to importance if political conditions seem favorable,[20] and since new conditions precipitate new demands,[21] it is unlikely that the problem of a just territorial distribution can ever be solved permanently[22] or be assured a peaceful solution in the future under a balance-of-power system.[23] Such a distribution can

[19] Maurice Bourquin, "Introductory Report," in International Studies Conference, *Peaceful Change* (Paris: International Institute of Intellectual Cooperation, 1938), pp. 30 ff. Among practices which have been suggested to assure justice in territorial transfers have been insistence that primary consideration be given to the interests of the population of the territory and to the interests of the world as a whole (see Q. Wright, in International Studies Conference, *op. cit.*, p. 477); insistence that a frontier be established "that is a barrier and that the position of that barrier should be selected with due reference to the will of the people chiefly concerned" (Sir Thomas Holdich, *Political Frontiers and Boundary Making* [London, 1916], p. 286); and insistence that the settlement be in accord with self-determination (W. E. Rappard, *The Quest for Peace* [Cambridge, Mass., 1940], p. 499; see also Woodrow Wilson, Address, February 11 and July 4, 1918, in J. B. Scott [ed.], *Official Statement of War Aims and Peace Proposals* [Washington, 1921], pp. 269 and 351; Sarah Wambaugh, *Plebiscites since the World War* [Washington, 1933], I, 491). Most writers have recognized that justice is to be tested by the procedure employed rather than by the principle applied and that adequate procedures must give weight to many considerations. See Q. Wright, "Munich Settlement," *op. cit.*, p. 31; "Article 19 of the League of Nations Covenant," *Proceedings of the American Society of International Law, 1936*, p. 72; International Studies Conference, *op. cit.*, p. 533; Cruttwell, *op. cit.*, p. 214; Wood, *op. cit.*, p. 158; Dunn, *op. cit.*, p. 149; Bourquin, *op. cit.*, pp. 48 ff.

[20] As the French claim to Alsace-Lorraine during World War I and the Argentine claim to the Falklands, the Guatemalan claim to Belize, and the Iranian claim to Bahrein Islands during the early stages of World War II.

[21] As the American demand for a protective zone far out to sea and for a contingent right to occupy European colonies in the American hemisphere during World War II.

[22] It must be emphasized, however, that the durability of a territorial *status quo* may be greatly increased by diminution of the economic and cultural importance of boundaries. The frontiers of the federated states of the United States have been much more enduring than the frontiers of the sovereign states of Europe (see P. G. Wright, "Tariff Legislation and International Relations," *American Economic Review*, XXIII [March, 1933], 26).

[23] This is the contention of Dunn (*op. cit.*, pp. 12 and 126), Wood (*op. cit.*, p. 41), and Rappard (*op. cit.*, p. 499).

only be effected through invoking "the organized opinion of mankind" for the authoritative settlement of such issues as they arise, and such invocation is possible only through procedures functioning within an international organization which has superseded the balance of power as the basic guaranty of state security.[24]

2. ALLIANCES AND GUARANTIES

Alliances and regional coalitions among the weak to defend themselves from the strong have been the typical method for preserving the balance of power. Such a combination may take the form (a) of an *ad hoc* alliance to meet a particular crisis or to wage a particular war; (b) of a permanent guaranty to a particular state or territory in a strategic position, often as a buffer between two powerful states; (c) of a permanent regional bloc, coalition, confederation, or federation co-ordinating the foreign policy of several states; or (d) of a general system of collective security.

a) *Alliances.*—The first of these devices, the *ad hoc* alliance, is probably most favorable to the perpetuation of a balance-of-power system. Such alliances do not reduce the number of independent participants in the system but leave each state free to add its weight against the state threatening to destroy the balance at any time. They have been the usual devices employed in modern European history. Alliances have usually been concluded for two or three years or for the duration of a war, and when they have been for longer they have often not been honored. Expediency, as dictated by balance-of-power politics, has, in fact, usually outweighed respect for alliance obligations.[25]

b) *Guaranties.*—Guaranties of the *status quo* in buffer areas have been common and are intended to stabilize the balance of power by increasing the separation of overpowerful states from their neighbors.

[24] Address of President Wilson, July 4, 1918, in Scott (ed.), *op. cit.*, p. 351; above, n. 19.

[25] "Political treaties are nothing but the temporary expression of change and transitory relationships between the various national forces. These treaties restrict the freedom of action of the parties so long as the political conditions under which they were produced are unchanged" (Russian explanation to Hague Conference of 1899 of reasons for not submitting political treaties to international arbitration, in J. B. Scott [ed.], *The Reports of the Hague Conferences of 1899 and 1907* [London, 1917], p. 97; see also Hans J. Morgenthau, "Positivism, Functionalism and International Law," *American Journal of International Law*, XXXIV [April, 1940], 271 and 279).

The cases of Switzerland (1815), Belgium (1839), Luxembourg (1867), the Åland Islands (1921), and the Pacific Islands under the Washington Treaty of 1922 are illustrations. The danger of such guaranties lies in the uncertainty of their observance. The guarantors are often the only states that would be likely to violate the territory, and, when a guarantor becomes itself an aggressor, the others are likely to act in accord with the dictates of power politics of the moment rather than to observe the obligation of the guaranty. It is, in fact, doubtful in law just what the obligation is of a minority of guarantors favorable to the obligation.[26] Thus such guaranties have frequently been expressly renewed as crises arise, and under conditions of balance-of-power politics such renewals seem expedient.[27]

Alliances and confederations intended to be permanent have seldom proved reliable unless carried to the point of federation, transferring much of legal sovereignty and the conduct of external affairs to the central organs. Such a development has seldom been possible unless geographic and cultural factors have conspired to unite the group. Alliances purely for defense have broken up if the state against which they are directed ceases to be menacing. Otherwise they have usually been utilized by one of the parties as an opportunity for aggression against an outside state and have led to war.[28] Even if not so utilized, they have tended toward a polarization of the balance-of-power system, and this has usually eventuated in general war.[29]

It appears, therefore, that a balance-of-power system is more stable if permanent alliances are avoided, if all states remain free to determine their action until a crisis actually approaches, and if in a crisis the states not directly menaced by aggression attempt to break up dangerous combinations rather than to make counteralliances.[30]

[26] L. Oppenheim, *International Law* (5th ed.; London, 1907), Vol. I, sec. 576; W. E. Hall, *A Treatise on International Law* (8th ed.; Oxford, 1924), sec. 113.

[27] The guaranty of Belgian neutralization was renewed in 1870 but failed of renewal in 1914.

[28] The Anglo-Japanese alliance of 1902 contributed to the Japanese war on Russia in 1904. In 1921 Great Britain abandoned the alliance in view of the Washington Conference agreements.

[29] Bernadotte Schmitt, *The Coming of the War: 1914* (New York, 1930), chap. i.

[30] See above, chap. xx, sec. 2.

These precepts are, however, difficult to follow. The British government, with the experience of the pre–World War I alliances in mind, sought to apply this insight to the crisis precipitated by Hitler's occupation of the Rhineland in 1936. It attempted to break up the Axis by appeasing Mussolini at the expense of Ethiopia and Spain. But so long as threats and *démarche* based on threats succeeded, the partners in aggression were not inclined to separate. Peace was temporarily maintained, but confidence in the League was destroyed, and appeasement had encouraged new demands. Again appeasement was tried, this time for the benefit of Hitler at the expense of Czechoslovakia. Again it failed, and in 1939 Great Britain turned to the policy of counteralliance, and general war soon followed.[31]

This experience, like that before 1914, suggests that under modern conditions balance-of-power policies are more likely to universalize war than to preserve the security of states. Great Britain, it may be said, should have attempted to break up the aggressive Axis by threats rather than by appeasement. Continued pressure against Italy might have made Mussolini useless to Hitler, but, on the other hand, it would have made Hitler more necessary to Mussolini. Hitler, instead of abandoning Mussolini, might have given him a blank check. The Kaiser had done so for his weaker partner when threatened in 1914. In proportion as unsatisfied powers consider political changes more important than peace, threats tend to unite them.[32]

It therefore appears that satisfied states, in applying balance-of-power policies, are likely to be confronted by the alternatives of appeasing or threatening the unsatisfied states. Appeasement will encourage aggression until it reaches a point threatening the independence of all, but threats against the unsatisfied may unite them and leave no alternative but counteralliance and augmentation of the tendency toward polarization of the balance of power. Either will lead to general war, which will imperil the security of all. Thus, un-

[31] Bernadotte E. Schmitt, *From Versailles to Munich, 1918–1938* ("Public Policy Pamphlet," No. 28 [Chicago, 1938]); Q. Wright, "The Rhineland Occupation and the Enforcement of Treaties," *American Journal of International Law*, XXX (July, 1936), 486 ff.; "The Munich Settlement," *op. cit.*

[32] Demands for "justice" are often more influential on public opinion than demands for "peace" (see Wood, *op. cit.*, pp. 21 and 155).

der modern conditions, balance-of-power policies defeat their own ends. They operate not only against peace but also against the security of states.

A general conviction that this proposition is true led statesmen in 1920 to subordinate balance-of-power alliances to a general union which in principle put international peace and justice ahead of the territorial integrity and independence of states.[33] Policies of permanent alliance may in the long run encourage this change in objective from the balance of power to collective security.

c) Regional arrangements.—Leagues, confederations, and "regional understandings like the Monroe Doctrine" envisage collective security within limited areas. They have been unstable and unreliable arrangements in which the members, because of defensive emergency or because of geographic, historic, or cultural bonds, have accepted the leadership of one or have united their policies by agreement with full reservation of sovereignty.[34] They have usually moved toward closer imperial or federal union or have dissolved through internal controversy.[35]

[33] See Woodrow Wilson, Address, January 4, 1918 (in Scott [ed.], *Official Statement of War Aims*, p. 269), in which he insisted that the settlement of the war be based upon "justice" likely to bring "a peace that will be permanent," that the balance of power be discredited, and that the "benefit of populations" and "national aspirations" be considered in territorial settlements.

[34] The distinction between hegemonic and synallagmatic arrangements is not always easy to draw, because a particular arrangement may be equal in form and unequal in fact. The predominant positions of Athens, Sparta, and Thebes in the leagues which they respectively formed; of Austria in the later periods of the Holy Roman Empire; and of Prussia in the North German Confederation and the German Empire were recognized in law, while the predominant positions of the United States in the Pan-American system and of Great Britain in the British Commonwealth of Nations (since the Statute of Westminster, 1931) were not. Such arrangements as Japan's "new order" in the Far East and Hitler's "new order" in Europe rest entirely on force and can hardly be called regional arrangements. On the other hand, political arrangements such as the States under the Articles of Confederation, the Little Entente, the Washington Treaty powers, the Locarno powers, and the Oslo powers had no aspect of hegemony in either law or fact. Attempts have been made to distinguish various degrees of departure from equality in such arrangements by such words as "influence," "hegemony," and "dominance." See Heinrich Triepel, *Die Hegemonie, ein Buch von führenden Staate* (Stuttgart, 1938); see also Edward A. Freeman, *History of Federal Government in Greece and Italy* (London, 1893), pp. 18 ff.

[35] Freeman defined "federal government" in a wide sense as "any union of component members, where the degree of union between the members surpasses that of an

Regional arrangements have sometimes bound together potentially hostile states in a common regional guaranty as at Locarno; sometimes they have consolidated a geographical group like the American countries, through acceptance of common policies toward the outside world; sometimes they have united states for defense against a particular danger as in the case of the Little Entente. Such arrangements have sometimes resulted in a union in which the conduct of foreign relations has been vested in a single body, such as the United States of America, the Swiss Confederation, the Dominion of Canada, and the German Empire. Often, as in the cases of the Little Entente, the Scandinavian, and the Baltic States, the spirit of national independence has so retarded union that the members could be invaded one at a time. Again, as in the cases of Locarno and the Nine-Power Treaty, the members have failed to meet their responsibilities in an emergency, and the arrangement has become obsolescent. Finally, as in the Germanic confederation of 1815, internal controversy has sometimes resulted in formal dissolution.[36]

alliance, however intimate, and where the degree of independence possessed by each member surpasses anything which can fairly come under the head of merely municipal freedom" (*op. cit.*, p. 2). Among these he distinguished as "good" those in which the central authority operated on individuals and as "bad" those in which the central authority operated only on states (*ibid.*, p. 10). Recent writers usually exclude the latter form (confederation, *Staatenbund*) from the term "federation" (union, *Bundestaat*). While some of the arrangements here discussed might come under Freeman's loose definition, in general, they would be forms of alliance or league looser than even the loosest federation. Freeman, writing in 1862, considered federations transitory forms of government, highly artificial creatures of circumstance, normally destined to move toward a consolidated state or toward separated states (*ibid.*, pp. 69, 70, 83, 88). With the United States of America possessing the oldest unrevolutionized constitution in the world and with the number of successful federations greatly increased, this judgment seems today more applicable to looser regional arrangements. The term "federation" has in fact tended to be confined to those unions so well organized as to transfer sovereignty to the whole (see J. W. Garner, *Political Science and Government* [New York, 1928], pp. 282 ff.), though the difficulty of drawing rigid lines between differences, which are really differences of degree, is recognized. See "Federalism" and "Federations," *Encyclopaedia of the Social Sciences;* George C. S. Benson and Mabel G. Benson, "Unexplored Problems of Federalism," *New Commonwealth Quarterly*, V (December, 1939), 216 ff.; Q. Wright, "Fundamental Problems of International Organization," *International Conciliation*, No. 369, April, 1941, pp. 468 and 485.

[36] There is a literature about each of these arrangements. See, for instance, James Bryce, *The Holy Roman Empire* (London, 1873); Samuel Guy Inman, "The Pan Ameri-

Regional groupings not protected by geographical isolation have sometimes attempted to compensate for their weakness and avoid the need for federation by laboring for world-organization. The Locarno, Scandinavian, Baltic, Balkan, and Little Entente groupings and, in the opinion of some, the British Commonwealth of Nations were juridically dependent upon the League of Nations, whose functioning they sought to strengthen during the 1920's.[37] With the collapse of the League, these groupings tended to disintegrate, each state holding itself free to take positions in crises as the exigencies of balance-of-power politics required, with the result that most of them were occupied.[38]

In so far as regional groupings have developed into stable confederations, they have tended to reduce the number of states in the balance-of-power system and so to make that system less stable. There has, however, been a counterinfluence in that such regional blocs have often been geographically separated from all neighbors. Thus their establishment has increased the average degree of separation of frontiers among the actual participants in world-politics. In this respect their influence has resembled that of guaranteed buffer states designed to keep the European great powers at arm's length.[39]

can System," *International Conciliation*, No. 369, April, 1941, pp. 348 ff.; Q. Wright, *The Existing Legal Situation in the Far East* (New York, 1941), pp. 101 ff. (Nine-Power Treaty, 1922); A. Lawrence Lowell and H. Duncan Hall, *The British Commonwealth of Nations* (Boston: World Peace Foundation, 1927), X, 573, 618; Sir Cecil J. B. Hurst *et al., Great Britain and the Dominions* (Chicago, 1928), pp. 86, 116, 217 (Australia and New Zealand were less inclined to rely on the League of Nations for security than were other members of the Commonwealth [*ibid.*, pp. 217 and 377]); Norman Mackenzie, "British Commonwealth Relations Conference," *American Journal of International Law*, XXXIII (April, 1939), 352; R. R. Wilson, "The Neutrality of Eire," *American Journal of International Law*, XXXIV (January, 1940), 125; Ernest Boyd, "Ireland between Two Stools," *Foreign Affairs*, XIX (January, 1941), 426; John O. Crane, *The Little Entente* (New York, 1931); S. Shepard Jones, *The Scandinavian States and the League of Nations* (Princeton, 1939); Rappard, *op. cit.*, pp. 261 ff. (Locarno); Q. Wright, "The Rhineland Occupation," *op. cit.*

[37] See Crane, Jones, Rappard, Lowell and Hall, Hurst, and Mackenzie, above, n. 36; Boris Stein, "Regional and Continental Organization of the League of Nations," August 17, 1937; J. Paul-Boncour, "Report on Regional Pacts of Mutual Assistance," August 5, 1937, in League of Nations, *Report of the Special Committee Set Up To Study the Application of the Principles of the Covenant* (Political, 1938, VII. 1), pp. 87 ff., 118 ff.

[38] See above, n. 36.   [39] Above, sec. 2b; chap. xx, sec. 2.

Regional federation, carried to the point advocated by Count Coudenhove-Kalergi,[40] who contemplated four great continental blocs (America, Far East, Soviet Union, and Europe and a dependent West Africa) in addition to the British Empire (centering around the Indian Ocean), would, according to this analysis, create greater world-stability only if the influence of geographical separation counterbalanced the adverse influence of smaller numbers. The British Empire has doubtless gained stability by organizing certain of the colonies as federal dominions separated by oceans from one another and from the mother-country. This action, however, coupled with the increasingly regional dependence of sea power because of technical changes, has paved the way toward decentralization and reduction of the unity of the Empire in foreign affairs. The dominions, in fact, became states which themselves entered into the balance of power, and the unity of the Commonwealth as a whole became dependent upon the maintenance of moderate world-order through the League of Nations.[41]

In the present state of economic interdependence, narrowing transoceanic time distances, differential standards of living, and unequal development of the continents, it seems likely that continental blocs would, if independently confederated, arm against one another.[42] Each continental bloc, several of which are not widely separated, might seek to expand into the domain of others. Furthermore, the creation of a continental federation among traditionally hostile nationalities might prove impossible unless a general sentiment was created that the continent was in danger of attack from outside. The Pan-American system showed little political unity until the fascist threat was publicized during the Lima Conference (1938). Its solidarity increased as the need for defense against this threat became more clear at Panama (1939) and at Havana (1940). The Far East has been most united when the West was united against it; Western Europe achieved its greatest unity in the Locarno

[40] Richard N. Coudenhove-Kalergi, *Pan Europe* (New York, 1926); see also Archibald C. Coolidge, *Ten Years of War and Peace* (Cambridge, Mass., 1927), pp. 179 ff.; Frank M. Russell, *Theories of International Relations* (New York, 1936), pp. 450 ff.; Q. Wright, "Fundamental Problems of International Organization," *op. cit.*, pp. 42 ff.

[41] Above, n. 37.

[42] Eugene Staley, "The Myth of the Continents," *Foreign Affairs*, April, 1941.

period when there was a common fear of the Soviet Union. Region-
alization, if the regions depend solely upon the balance of power,
might therefore tend to make the world balance of power less sta-
ble.[43] On the other hand, and perhaps because of this fact, such re-
gions might succeed in reducing their dependence upon the balance-
of-power system by organizing a world-confederation.[44]

d) Collective security.—Universal alliances or systems of collective
security were vaguely envisaged in the diplomacy of Wolsey[45] and
Henry IV,[46] were hesitatingly initiated in the treaties of Westphalia
and Utrecht,[47] were actually attempted in the post-Napoleonic "con-
federation of Europe,"[48] the nineteenth-century "concert of Eu-
rope,"[49] and the "confederation of the Hague Conferences,"[50] and
were provided with permanent institutions in the League of Na-
tions.[51] These political unions have, in fact, been dependent upon a

[43] Russell, *op. cit.*, pp. 468 ff.; J. A. Salter, *The United States of Europe* (London, 1933), p. 116; J. T. Shotwell, *On the Rim of the Abyss* (New York, 1936), pp. 203 ff.; Alfred Zimmern, *The League of Nations and the Rule of Law, 1918–1935* (London, 1936), pp. 407 and 415.

[44] M. Briand always insisted that the European Union should be within the frame-work of the League of Nations. See "Memorandum on the Organization of a Regime of European Federal Union," *International Conciliation* (spec. bull., June, 1936), pp. 327–53; Mirkine-Guetzevitch and George Scelle, *L'Union européen* (Paris, 1931); Russell, *op. cit.*, pp. 467 and 613.

[45] Garrett Mattingly, "An Early Non-aggression Pact," *Journal of Modern History*, X (March, 1930), 1; Edwin D. Mead, "An Early Scheme To Organize the World," *The Independent*, August 29, 1907.

[46] Edwin D. Mead, *The Great Design of Henry IV* (Boston, 1909).

[47] See Arts. 123 and 124, Treaty of Münster (France-Empire), October 24, 1648, and guaranties of Treaty of Utrecht in British treaty with France, March 31, 1713, Art. 24, printed in F. B. Sayre, *Experiments in International Administration* (New York, 1919), pp. 1–3, 173–78.

[48] W. Allison Phillips, *The Confederation of Europe* (London, 1920); C. K. Webster, *The Foreign Policy of Castlereagh, 1815–1822* (London, 1925).

[49] T. E. Holland, *The European Concert in the Eastern Question* (Oxford, 1885); R. B. Mowat, *The Concert of Europe* (London, 1930); Sidney B. Fay, "Concert of Powers," *Encyclopaedia of Social Sciences*.

[50] Walther Schücking, *The International Union of the Hague Conferences* (Oxford, 1918).

[51] C. K. Webster, *The League of Nations in Theory and Practice* (New York, 1933); Felix Morley, *The Society of Nations* (Washington, 1932); Russell, "The Balance of Power and the League of Nations System," in *op. cit.*, pp. 314 ff.

stable balance of power. None of them succeeded in subordinating the balance of power to their juridical and ideological postulates. Consequently, they were not able to survive serious disturbances of the balance of power.[52] Only when the balance has been so stable that attention has been diverted from it, because emancipation from its operation has been for the moment deemed impossible, has collective security worked. On the other hand, an adequate League of Nations with provisions for peaceful change might, in itself, tend to develop conditions of stability on its own foundations which could dispense with the need for the balance of power.[53]

The relations of the balance of power to collective security have, therefore, been at the same time complementary and antagonistic. They have been complementary in that collective security has been able to develop only during periods of a stable balance of power and that a stable balance of power has not been able to exist without at least the modicum of international organization implied by general acceptance by states of the policy of preferring the requirements of stable equilibrium to more immediate interests. They have been antagonistic in that the policies necessary to restore the balance of power when seriously threatened have often been inconsistent with the obligations of collective security.[54]

The fundamental assumptions of the two systems are different. A government cannot at the same time behave according to the Machiavellian assumptions of the balance of power and the Wilsonian assumptions of international organization. As a system of international organization has developed during times of stable equilibrium, the conflict between its assumptions and those of the balance of power has become more evident, and the time has arrived when one or the other has triumphed. During the modern period, while the balance-of-power system has on the whole dominated, there have been periods of increasing length, particularly during the nineteenth

[52] Canning gave the *coup de grâce* to the Confederation of 1815. Bismarck temporarily eliminated the Concert of Europe. The Kaiser ignored the Hague System. Japan, Hitler, and Mussolini wrecked the League of Nations.

[53] Some sort of equilibrium would, of course, be necessary (see above, chap. xx, sec. 1).

[54] Above, n. 33.

and twentieth centuries, when that system has been eclipsed by the functioning of international organization.[55]

These oscillations have, at the same time, had a relation to the rise and fall of democracy as a system of internal government.[56] Authoritarian government tends to be perpetuated by a balance-of-power system of world-politics, and democracy tends to flourish under the protection of international organization.[57] Democracy in domestic affairs has developed under the strong arm of authoritative control of foreign affairs, but the assumptions of the two systems are inconsistent; and eventually democracy has sought to control foreign affairs also, usually with disastrous consequences if security depended on the balance of power.[58] In the same way international organization or the application of democracy in the international field has developed only when effective balancing of material forces has been able to preserve the peace for considerable periods. International organization, however, resting on assumptions incompatible with a system of power politics, has sought to supersede that system with disastrous consequences when its strength was insufficient to control the "power states" that remained. Eventually international organization can probably persist only if substantially all the governments have become democratic in the handling of both domestic and foreign affairs.[59] But insistence upon a democratic control of foreign affairs in a world of power politics, and reliance upon an inadequate League of Nations for security, may destroy democracy both intern-

[55] The two systems are contrasted by Russell, *op. cit.*, pp. 314 ff., and Sidney B. Fay, "Balance of Power" and "Concert of Power," *Encyclopaedia of the Social Sciences*.

[56] Below, chap. xxii, sec. 2*i*.

[57] Freeman points out that while federalism is not theoretically inconsistent with absolutism in the member-states, practically it is (*op. cit.*, pp. 74–75). New absolutisms tend to break down the balance of power (above, chap. xx, n. 44).

[58] Above, chap. xxi, sec. 4.

[59] In the sense that policy is determined with the consent of and for the good of the governed and that the opinions of the governed are free of government control. See Kant, *Eternal Peace* (1795) (Boston, 1914), p. 76; Woodrow Wilson, Address, April 2, 1917, in Scott (ed.), *Official Statement of War Aims*, pp. 89 and 91; Eduard Beneš, *Democracy Today and Tomorrow* (London, 1939), pp. 115–18; Clarence Streit, *Union Now* (New York, 1939); W. E. Rappard, *The Crisis of Democracy* (Chicago, 1938), pp. 89, 99, 265.

ally and externally. In the modern world the survival of democracy internally probably depends upon a democratic organization of the world able to supersede the balance of power as the basis of security.[60]

3. NEUTRALITY

The idea of neutrality has been exemplified (a) in ad hoc policies of nonparticipation in war, (b) in the guaranteed neutralization of states or areas, (c) in general rules or principles tending toward the localization of war, and (d) in collective organizations to enforce rights of neutrals and to prevent wars from spreading.

a) The *policy of neutrality* emphasized particularly by the United States[61] and to a lesser degree by Great Britain[62] among the great powers, but characteristic also of many lesser powers, especially Switzerland, the Netherlands, and the Scandinavian powers in Europe,[63] has not always been hostile to the balance of power. Neutrality is, in fact, the policy which all states, particularly those with maritime commercial interests, have tried to achieve in the balance-of-power system.[64] To be able to remain neutral is to hold the balance of power. Whether taking the characteristic American form of profiting by other people's wars,[65] the characteristic British form of

[60] Rappard, *The Quest for Peace*, p. 499; Q. Wright, "Domestic Control of Foreign Relations," in C. P. Howland (ed.), *Survey of American Foreign Relations, 1928* (New Haven, 1928), pp. 83–91.

[61] Edwin Borchard and W. P. Lage, *Neutrality for the United States* (New Haven, 1937), pp. 21 ff.; Q. Wright, "Future of Neutrality," *International Conciliation*, No. 242, September, 1928, pp. 357 ff.; *The United States and Neutrality* ("Public Policy Pamphlet," No. 17 [Chicago, 1935]), pp. 14 ff.

[62] Canning (H. W. V. Temperley, *Foreign Policy of Canning* [London, 1925]), Cobden (*Political Writings* [London, 1867], I, 41, 351), and Harcourt (*Letters of Historicus on Some Questions of International Law* [London, 1863], pp. 41 ff.) advocated policies of neutrality.

[63] Georg Cohn, *Neo-neutrality* (New York, 1939), Part I.

[64] Britain has generally avoided intervention on the Continent unless the balance of power has been seriously threatened. This policy differs from that recommended to the Prince by Machiavelli—"to declare himself in favor of one party against the other" rather than to "stand neuter." The latter he thought would forfeit the respect of both sides (*The Prince*, chap. xxi).

[65] J. F. Rippy, *America and the Strife of Europe* (Chicago, 1938), p. 21; Philip Jessup (ed.), *Neutrality, Its History, Economics and Law* (New York, 1935), IV, 28.

divide (the continent of Europe) and rule (elsewhere),[66] or the characteristic Scandinavian form of peace at almost any price,[67] neutrality has assumed a balance of power, and the neutral has shaped its policy accordingly.[68]

Small states near the scene of strife ·could not greatly influence the results by getting into the fray, so have best served equilibrium and their interests by staying out and by conserving their existence and resources. This they have been able to do so long as it has been mutually beneficial to their great belligerent neighbors that they remain neutral. Great powers have usually been ready to enter wars when it appeared that the balance might be permanently disturbed by the victory of one side.

A neutral government is usually torn between urgings to follow the easy course of avoiding the hardships of war and isolating itself from the conflict; the prudent course of jumping onto the bandwagon and currying favor with the probable victor; the juristic course of helping the side with a just cause, thereby giving its weight to law which may prove a useful defense in the future; and the course, both sentimental and sophisticated, of helping the underdog so as to maintain the balance of power. Any one of these may promote the balance of power, even the bandwagon policy, in case the stronger in a given war is a relatively weak state whose strengthening is necessary to hold a more powerful neighbor in check. When, however, the great powers have been involved, the underdog policy has generally been thought to conform to balance-of-power politics and has generally been followed by uncommitted great powers. The juristic policy would usually have a similar result on the assumption

[66] Lord Lothian, "The United States and Europe," *International Affairs*, XVIII (May, 1939), 331 ff.; Q. Wright, "Present Status of Neutrality," *American Journal of International Law*, XXXIV, July, 1940, 410 ff.

[67] Jones, *op. cit.;* Cohn, *op. cit.* British Foreign Minister Anthony Eden stated this to be British policy on June 25, 1937 (*Parl. Deb., Commons*, Vol. CCCXXV, col. 1614); see also·Wood, *op. cit.*, p. 22.

[68] Neutrality is in principle inconsistent with collective security and probably with international law (see Q. Wright, "Present Status of Neutrality," *op. cit.*, p. 399; "Future of Neutrality," *op. cit.*, p. 361; "The Lend-Lease Bill and International Law," *American Journal of International Law*, XXXV [April, 1941], 313; Russell, *op. cit.*, pp. 337 and 445). Rigid policies of neutrality impair the stability of the balance of power (above, chap. xx, sec. 2 [1], and below, n. 74).

that the weaker state will seldom have initiated an illegal attack upon a powerful neighbor. Nations have usually assumed that the underdog has justice on its side. In principle, however, there is a vast difference between these policies. The underdog policy tends toward the perpetuation of the balance of power, the juristic policy tends toward international organization under law, the bandwagon policy tends toward absorption of all in a universal empire, and the isolationist policy tends toward encouragement of aggression, prevention of stability through either international organization, balance of power, or empire and perpetuation of international anarchy.[69]

The United States and the Latin-American countries because of their geographical position have been particularly prone to develop policies of neutrality into a shibboleth of isolation. In the case of the United States, however, particularly since it became a great power, isolation, as an implication of neutrality, has been more marked in word than in deed. The United States has, in fact, manifested interest in the course of world-events and has usually entered European wars when balance-of-power considerations called for such action, although usually without complete consciousness of the reasons for its action. The growth of war-mindedness because of popular discontent with passivity in the face of humiliations and belligerent propaganda has been a factor, added to concern over disturbance to the balance of power and legal claims, tending to draw the United States into general European wars. The increasing integration of world opinion, economy, and politics is likely to make such action more rapid in the future.[70]

b) Guaranteed neutralization, as in the cases of Switzerland (1815), Belgium (1839), Luxembourg (1867), the Åland Islands (1921), and the Rhineland (1926), may create buffer states or areas stabilizing

[69] Q. Wright and Carl J. Nelson, "American Attitudes toward Japan and China, 1937–38," *Public Opinion Quarterly*, III (January, 1939), 49 ff. These policies may be denominated, respectively, "balance of power," "law and order," "profiteering," and "storm cellar" neutrality (see Eugene Staley, *Raw Materials in Peace and War* [New York, 1937], p. 40). See below, chap. xxxv, sec. 5b.

[70] Bernadotte E. Schmitt, "American Neutrality, 1914–1917," *Journal of Modern History*, VIII (June, 1930), 200 ff.; Q. Wright, "Future of Neutrality," *op. cit.*, pp. 364–65; *The United States and Neutrality*, pp. 3 ff. The United States entered World War II sooner than World War I.

the balance of power. Such arrangements, however, have proved un-
reliable, unless the guaranteed states were prepared adequately to
defend their frontiers and unless the guarantors renewed the pledge
in each crisis.[71]

c) *Status of neutrality.*—General rules of international law estab-
lishing neutrality as a status that prescribes rights and obligations
has been a phase in the transition from the balance-of-power to inter-
national organization in most civilizations.[72] This development
tends toward collective neutrality and international organization.[73]
Immediately it may make the balance of power less stable by encour-
aging aggression. If it can be anticipated that any war will remain
localized, powerful states will not hesitate, guided by balance-of-
power principles, to attack their small neighbors. Small states have
continued to exist only because of the expectation, according to the
balance-of-power principle, that they would be helped by great
neighbors if attacked. In so far as international law by formalizing
neutrality has created an expectation against such help, the balance
of power has become less stable.[74]

The legal institution of neutrality has not, in fact, had much in-
fluence upon the operation of the balance of power among the great
European states. All of them have usually entered wars in which at
least one great power was a belligerent on each side, and which
therefore threatened the balance of power, if the war lasted as long
as two years.[75] The status of neutrality may have assisted the small-
er states, which have been the beneficiaries rather than the actors in
the balance of power, to keep out of war because the rules of neutral-
ity increased the assurance of the great belligerents that they would
lose more than they would gain by encroaching on that status. On
the other hand, it may have sometimes lulled them into a false sense
of security, causing them to neglect more substantial defenses.
Since the smaller states could in any case contribute little of mili-

[71] Above, sec. 2b.

[72] Q. Wright, *Future of Neutrality*, p. 362; *The United States and Neutrality*, p. 8;
above, Vol. I, chap. vii, sec. 7d.

[73] Below, sec. d.

[74] This may be largely counteracted by the influence of neutrality in promoting col-
lective action, especially among the larger states to keep war between smaller states
localized. See above, n. 68; below, n. 83.

[75] Above, Vol. I, Appen. XX, Table 43.

tary force beyond that necessary for their own defense, their abstention from war has not greatly affected the stability of the balance.

The status of neutrality reached its climax in the nineteenth century with the especial support of Great Britain and the United States, both of which, because of geographic invulnerability, were indifferent to the world-community, and because of commercial and shipping interests favored the localization of war and freedom of the seas.[76] Its roots, however, are to be found in the writings of eighteenth-century publicists and in practices which reach back to the later Middle Ages. The rules of this status were to a considerable extent codified in the American Neutrality Act (1794), the British Foreign Enlistment Act (1819), the Declaration of Paris (1856), the rules of the Treaty of Washington (1871), the Hague Conventions (1907), and the Declaration of London (1909). The experience of World War I and the development of international organization tended to undermine their foundations in the 1920's. In the 1930's interests in the dynamic states dependent upon aggression, interests in the United States committed to isolation, and the failures of collective security tended temporarily to revive the idea of neutrality.

A movement arose in the United States to make of neutrality a more positive policy of isolation by departing from the earlier doctrine of freedom of the seas. This followed unsuccessful attempts to implement the Pact of Paris and to assist League of Nations sanctions by providing for discriminatory embargoes against aggressors. Acts of 1935 and 1936, inspired by an elaborate investigation of the influence on war of arms-traders and financiers, embargoed the export of arms, ammunition, and instruments of war and prohibited the extension of loans and credits to all belligerents.[77] During World War I the United States had taken the position that such an embargo by a neutral would tend to assist aggression because it would deprive the unprepared victim of the opportunity to acquire arms for

[76] Great Britain took the lead in developing prize courts which gave judicial protection to neutral merchants, and the United States has been even more insistent that such courts observe international rules of procedure (Philip Jessup and Francis Deak, "Neutrality, the Origins," in Jessup [ed.], *op. cit.*, I, 201 ff.). The United States made the first extensive code of neutral obligations (1794) and was followed by Great Britain (1819) (see Hall, *op. cit.*, sec. 213; Pitman B. Potter, *The Freedom of the Seas* [London, 1924], pp. 194–207).

[77] Borchard and Lage, *op. cit.*; Q. Wright, "Lend-Lease Bill," *op. cit.*, pp. 311–13.

defense, while the aggressor, if warned of such embargoes in advance, would always be able to make preparation before the aggression began. During the debate it was also urged that a policy of isolationist neutrality might be injurious to American trade in time of peace by inducing countries in danger of war to seek more secure sources of supply. If extended to all materials used in war manufacturing such a policy might, in a war involving important commercial countries, be so damaging to domestic prosperity that it would soon suffer the fate of Jefferson's embargo of 1807.[78]

These considerations induced adoption in 1937 of the policy of permitting belligerent trade on the cash-and-carry basis. After war in Europe had begun in 1939, the arms embargo was repealed.[79] This constituted an obvious discrimination in favor of powers controlling the seas. In the European war it favored Great Britain, and it was not applied in the far eastern war, where it would have favored Japan. Further discrimination favorable to Great Britain was manifest in the exchange of destroyers for naval bases in the summer of 1940 and in the passage of the Lend-Lease Act in March, 1941, permitting the President to manufacture and transfer war materials "to the government of any country whose defense the President deems vital to the defense of the United States." This act was justified by Congress and the attorney-general on the theory that Germany was engaging in hostilities in breach of the Pact of Paris and so was not entitled to the benefits of neutrality. In November, 1941, the Act of 1939 was in large measure repealed, indicating a general opinion that isolationist neutrality had failed. Soon after the Axis powers declared war on the United States.[80]

[78] George Finch, "The United States and Europe, 1939," *American Journal of International Law*, XXXIII (April, 1939), 332 ff.; letter of Secretary of State Hull to Senator Pittman and Representative Bloom, May 27, 1939, in U.S. Department of State, *Press Releases*, XX (June 3, 1939), 475; Francis Deak, "The Pitfalls of the New American Neutrality," *International Conciliation*, No. 340, May, 1938.

[79] Act of November 4, 1939 (see Deak, "The United States Neutrality Acts, Theory and Practice," *International Conciliation*, No. 358, March, 1940).

[80] Address of Attorney-General Jackson, March 27, 1941, in *American Journal of International Law*, XXXV (April, 1941), 348 ff.; Q. Wright, "TheTransfer of Destroyers to Great Britain," *American Journal of International Law*, XXXIV (October, 1940), 680 ff.; "The Lend-Lease Bill," *ibid.*, XXXV (April, 1941), 305 ff.; "The Repeal of the Neutrality Act," *ibid.*, XXXVI (January, 1942), 8 ff.

Traditional "freedom of the seas" neutrality, permitting general trade by private individuals from neutral territory, subject to belligerent rights of visit, search, capture, and condemnation, also favors sea powers but less positively than does the cash-and-carry plan. Freedom of the seas is doubtless more favorable to a balance-of-power system than the other neutrality policies referred to, although its defense may have hastened American entry into war in 1798, 1812, and 1917. Neutral rights were, however, the ostensible rather than the real reason for these wars. The American government, like other governments under the balance-of-power system, was influenced more by the desire to preserve and, if possible, augment its relative power than by consideration of legal right, though it could not ignore other considerations, sentimental and economic, strongly supported by public opinion.[81]

In spite of the growth of the legal status of neutrality during the nineteenth century, the policy of nonbelligerent states was determined less by rules of international law than by expediency and public opinion. Within great powers public opinion, affected by interested propaganda, sentimental preferences, juridical ideas, and balance-of-power considerations, usually rapidly became unneutral and help short of war was given to the favored belligerent, often eventuating in war itself. So long as freedom of speech, of the press, of radio, and of opinion is tolerated and the balance of power is the basis of state security, it seems unlikely that great powers will long remain neutral when confronted by general wars in a rapidly shrinking world.

d) Collective neutrality was envisaged in the armed neutralities of 1780 and 1800, in various proposals for a league of neutrals during World War I, in provisions of the Argentine anti-war treaty, and in proposals emerging from conferences of the American powers and of the Oslo powers since 1936.[82] This system tends toward international

[81] Julius W. Pratt, *Expansionists of 1812* (New York, 1925); Borchard and Lage, *op. cit.*, pp. 30 ff.; above, n. 70.

[82] See Karl Kulsrud, "Armed Neutralities to 1780," *American Journal of International Law,* XXIX (1935), 423 ff.; Jessup (ed.), *op. cit.,* Vol. II, chap. iv; IV, 160 ff.; "The Argentine Anti-war Pact," *American Journal of International Law,* XXVIII (July, 1934), 538; Venezuelan Memorandum, October, 1914, United States Naval War College, *International Law Documents, 1916* (Washington, 1917), p. 125; Georg Cohn,

organization. Neutrals are bound to be adversely affected by war, so a league of neutrals tends to be a league against war, though its immediate object may be to assure the profits while avoiding the risks of neutral trade with belligerents, to keep hostilities out of specified regions, or to prevent or frustrate aggression.[83] If, however,

op. cit., pp. 19 ff., 55 ff., 171 ff., 281 ff., 306 ff.; International Studies Conference, *Collective Security*, ed. M. Bourquin (Paris: International Institute of intellectual Cooperation, 1936), pp. 12, 150 ff., 287 ff., 402 ff., 469 ff.; Q. Wright, "Rights and Duties under International Law as Affected by the United States Neutrality Act and the Resolutions of Panama," *American Journal of International Law*, XXXIV (April, 1940), 245. The Harvard Research in International Law, "Draft Code on Neutrality," in providing (Art. 114) "a violation by a belligerent of a neutral right of one neutral state constitutes a violation of a neutral right of all neutral states," asserted the juridical basis for collective neutrality (*American Journal of International Law*, XXXIII [supp., 1939], 780 ff.). The documents concerning neutrality and collective action in the Ethiopian dispute are collected in Q. Wright (ed.), *Neutrality and Collective Security* (Chicago, 1936), pp. 185 ff.

[83] These four objectives have been, respectively, associated with the words "neo-neutrality," "armed neutrality," "neutralization," and "collective security." All of them imply activity on the part of neutrals and are to be distinguished from "traditional neutrality," which implies passivity and impartiality by neutrals (Cohn, *op. cit.*, pp. 319 ff.). There has been much difference of opinion as to whether any or all of these policies of "collective neutrality" can properly be called neutrality. Borchard and Lage (*op. cit.*, p. 267) consider all of them unneutral because they are "coercitive." The neutral to these writers must be passive. Jessup (*Neutrality*, IV, 177, 213; "The Argentine Anti-war Pact," *op. cit.*, p. 540) appears to consider all except "armed neutrality" as unneutral because they permit of partiality, though he thinks that collective neutrality policy need not be antagonistic, but may be supplemental, to a system of collective security. Cohn (*op. cit.*, pp. 319 ff.), the main advocate of "neo-neutrality," considers it a basically neutral policy, even though it may involve discrimination among the belligerents. It must not do so, however, on the basis of a juridical definition of aggression. He points out that other bases of discrimination had been commonly accepted in theory and practice, at least until the middle of the nineteenth century (p. 302). Neo-neutrality apparently has the same relation to collective security that criminology has to criminal justice. It looks upon war as the consequence of essentially irrational psychological, sociological and pathological conditions, therefore outside states should base their policy, not on legal rules or principles attributing responsibility for initiating war, but on principles derived from a study of these conditions designed to stop the war and keep it from spreading. He therefore assumes that neo-neutrality and collective security are incompatible (p. 330). This conclusion seems to rest on an incomplete analysis. While criminologists believe that crime can usually be traced to economic, sociological, psychological, or even biological conditions and urge social reforms and psychiatric treatments to prevent and remedy these conditions, they do not usually urge an abandonment of criminal law. One has to assume either that all state action is irrational, in which case international law as a whole should be discarded, or that the law itself is able to distinguish irresponsible from responsible state action. Aggression means *responsible*

a league is confined to neutrals, it can have no influence in preventing hostilities, and its influence in stopping them is limited. If directed toward the protection of neutral trading rights only, such a league is not likely to be effective unless the neutrals are prepared to enter the war to defend their rights. If directed toward keeping war out of a region, its effectiveness will depend upon the geographical situation as well as the willingness of the neutrals to use force.

The solidarity manifested by the American countries in meetings at Panama, Havana, and Rio de Janeiro from 1939 to 1942 was remarkable. It seems likely that if there is sufficient solidarity among peace-minded states to create a league of neutrals, they will hardly stop at this ineffective step but will move on toward a league of nations not only to limit but to prevent war.[84]

action taken by a state in breach of its antiforce obligations (Q. Wright, "The Concept of Aggression in International Law," *American Journal of International Law*, XXIX [July, 1935], 375; Harvard Research in International Law, "Draft Convention on Aggression," Art. 1[c], *American Journal of International Law*, XXXIII [supp. 1939], 847 ff.). Therefore, Cohn's program of treating belligerents as irresponsible implies (unless international law is to be abandoned entirely) a preliminary decision as to whether one or both of the belligerents is in law irresponsible. Some states have considered that collective sanctions against aggression, implying a use of force as police to prevent or stop lawbreaking, is so different in character from "war," which implies the use of force as an instrument of national policy, that it is compatible with neutrality. (Some states took this position in applying sanctions against Italy in the Ethiopian case [see Cohn, *op. cit.*, pp. 48 ff., 244 ff., 303 ff.].) The more common view, however, holds that neutrality assumes the permissibility of war (Q. Wright, "Present Status of Neutrality," *op. cit.*, "International Law and the World Order," in W. H. C. Laves [ed.], *The Foundations of a More Stable World Order* [Chicago, 1941], pp. 107 ff.). Collective security, on the other hand, is applicable only in so far as violent self-help is illegal. In such circumstances the words "war" and "neutrality" are unsuitable (Harvard Research in International Law, "Draft Convention on Aggression," *op. cit.*, p. 823). The same view has usually been taken of action in defense of neutralization, whether by the neutralized state or by its guarantors. Belgium and the countries which assisted in its defense in 1914 were not regarded as neutral. Belgium was not, strictly speaking, a belligerent but rather a victim of aggression. The Treaty of Versailles imposed heavier responsibility upon Germany for losses by Belgium than by others of its enemies (Q. Wright, "The Outlawry of War," *American Journal of International Law*, XIX [January, 1925], 86).

[84] This was manifest in the attitude of the American countries, which progressively approached a collective security position as Germany's aggressions developed in 1940. See joint declaration by the American republics, May 19, 1940, Department of State, *Bulletin*, II (May 25, 1940), 568; Q. Wright, "The Transfer of Destroyers to Great Britain," *American Journal of International Law*, XXXIV (October, 1940), 687, and above, n. 80.

The northern European "neutrals" tried to develop a compromise between collective security and collective neutrality after the failure of sanctions in the Ethiopian case. This "neo-neutrality" proposed to abandon impartiality and passivity as the essence of neutrality and to emphasize the determination to remain out of the "collective psychosis" of war. As means to this end, neutrality was to require active efforts against war, perhaps including commercial embargoes against one or both belligerents. Branding of one as the aggressor was to be avoided as likely to exacerbate the hostilities, though discriminations against the belligerent unreasonably continuing war was suggested. The difference between neo-neutrality and collective security seemed to be in large measure terminological, but the reversion of the Oslo powers to the terminology of neutrality weakened collective security, and neither conception saved them from invasion in 1940.[85]

4. ARMAMENT AND DISARMAMENT

In the nineteenth century, with the industrialization and capitalization of war, armaments became the normal measure of state power. Consequently, rearmament and disarmament assumed a role of major importance in the balance of power. Armament increases in one state have usually been motivated primarily by anxiety as to actual or prospective armament increases or manifestation of aggressive policies in neighboring states. Thus the history of the balance of power, always influenced by the history of the art of war, has become peculiarly dependent upon it during the nineteenth century.[86]

a) The influence of military invention.—The history of the art of war has been dominated by the effort of the strategists to devise new weapons, new maneuvers, and new organizations with which to win a rapid victory. This effort is opposed by the tendency of war to

[85] Statement of foreign ministers of Denmark, Finland, Netherlands, Norway, Spain, Sweden, and Switzerland, July 1, 1936 (League of Nations, *Official Journal, Special Supplement, No. 154*, p. 19), and statement by M. Unden of Sweden, January 31, 1938 (League of Nations, *Report of Special Committee on Application of the Principles of the Covenant*, p. 9). See also above, n. 83.

[86] Above, Vol. I, chap. xii, sec. 1c, d; chap. xx, sec. 1.

reach a stalemate in which victory can be won only by years of mutual attrition, so expensive to the victor that war ceases to be an efficient instrument of policy.[87] The race has been continuous between improvements in offensive and defensive weapons, formations, and tactical combinations. On a tactical level the offensive or defensive quality of a unit may be estimated by considering its utility in an attack upon an enemy unit like itself or in an attack upon some other concrete enemy objective, such as territory, commerce, or morale.

The offensive power of surface naval vessels against other such vessels has increased in the modern period. The range and penetrability of naval artillery and torpedoes have increased more rapidly than the resisting power of ships' armor, until today a naval battle usually results in elimination of the inferior force.[88] The use of the submarine and airplane in naval engagements has further increased the power of the tactical offensive. The success of Japanese air attacks on the outbreak of hostilities with the United States and Great Britain in December, 1941, indicated that even the largest battleships were extremely vulnerable.

The prime object of naval war is, however, the control of commerce. The offensive against the enemy fleet is for the purpose of defending our commerce and rendering his vulnerable. With respect to war on commerce the tactical offensive has probably also 'gained. Before the nineteenth century an armed merchant vessel had a good chance of escaping or successfully defending itself against an enemy privateer or frigate. The offensive gained during the seventeenth and eighteenth centuries, but effective blockade of a long coast line continued impossible. Resistance by a merchant vessel to a cruiser, however, became hopeless in the late nineteenth century. The state with superior surface force could destroy convoys and control all maritime commerce of the enemy. Nevertheless, the new steam and steel navies were more dependent upon bases than were the wooden

[87] Above, Vol. I, chap. xii, sec. 3b.

[88] After the Battle of Coronel in November, 1914, the British Admiralty changed the general orders, which had required commanders to seek battle even against a superior force of the enemy (Bernard Brodie, *Sea Power in the Machine Age* [Princeton, 1941], p. 244).

sailing ships, so a generally inferior navy might more easily maintain local superiority.[89]

The utilization of submarines, mines, and airplanes in commercial war has further increased tactical offensive power against commerce. Even the state with the inferior surface navy can destroy much commerce in waters near its bases. Defenses by surface control of the sea against these instruments (listening and finding devices, depth bombs, mine-sweepers, pursuit planes, convoys, antiaircraft guns) increased during World War I and defeated the German effort to blockade England by submarines. Whether defenses against the more formidable co-ordinated attack on commerce of these instruments in World War II will be successful remains to be seen. In any case it seems certain that, as compared with the Napoleonic period, the hazards to the maritime commerce of both belligerents and of neutrals have become much greater.[90] The belligerent weaker in surface war vessels can be entirely blockaded, but even the belligerent stronger in surface navy is in grave danger of that fate. Superiority of the tactical offensive in sea war tends to reduce warfare to attrition. The belligerent with the greater economic resources and civilian morale will win, though only after both have been ruined. In naval war progress in the relative power of the tactical offensive increases the rate of mutual attrition.

Air war as an independent service has the objective of destroying enemy naval forces, shipping, bases, troop concentrations, munition depots, transportation centers, and war factories. The air attack upon the enemy air force is to give us freedom of the air, as the naval attack upon the enemy naval force is to give us freedom of the seas. The invention of aviation gave an immediate advantage to the tactical offensive, but during World War I the defensive, by development of pursuit planes and antiaircraft guns, gained against the offensive

[89] *Ibid.*, p. 122.

[90] Hector Bywater's optimistic assertion ("The War at Sea," *Foreign Affairs*, XVIII [April, 1940], 547) that German raiding was less destructive to British commerce in 1939 than had been American raiding in 1812 seems not to be borne out by subsequent history or by past statistics. R. W. Neeser (*Statistical and Chronological History of the United States Navy, 1775–1907* [New York, 1902], II, 294–308) lists 50 merchantmen captured by the United States during the first seven months of the War of 1812 and less than 250 during the entire war, instead of 500 during the first seven months as stated by Bywater.

bomber and attack plane. In World War II, however, it appears that the aviation offensive has gained such an advantage over the defensive that the major defense has become the fear of reprisals.[91] In spite of this deterrent mutual destruction from the air of both land and sea objectives has become more serious, but the toll of invading planes taken by the defenders is still very great. In air war, as in sea war, superiority of the tactical offensive tends to reduce war as a whole to attrition. But in air war the rate of mutual attrition is far more rapid.[92]

The prime object of land war is the occupation of enemy territory. Capture or destruction of his armies and fortifications is a means to this end. If the infantry, which has always been considered the backbone of land forces, is considered alone, the power of the defense has, on the whole, gained since the fifteenth century. A smaller force with rifles, machine guns, and intrenchment spades can today effectively resist a much larger force similarly equipped. There have, however, been breaks in this trend. The offensive gained when Fredrickian tactics were introduced in the eighteenth century, when Napoleon increased mobility by forced marches and co-ordination of cavalry with infantry, when Moltke used railroads to move troops, and when Oyama used trench mortars at Port Arthur.

With respect to attack on prepared positions on land, it is difficult to detect a trend. Medieval castles were almost invulnerable to direct attack until gunpowder was invented. The advantage which artillery gave the offensive in siege operations in the sixteenth and seventeenth centuries was, however, lost by the superior methods of fortification invented in the eighteenth century. The offensive gained an advantage with new forms of heavy mobile artillery in the nineteenth century, but the stalemate of World War I created the impression that the defense again had an advantage. The Maginot and Siegfried lines, facing each other after 1936, were considered invulnerable to direct attack. Whether the operations of 1940 showed this to have been an illusion is not clear. The German invasion was successful at points in Belgium beyond the Maginot Line.

[91] Above, Vol. I, chap. xii, sec. 3b.

[92] See J. M. Spaight, "The War in the Air, Second Phase," *Foreign Affairs*, XIX (January, 1941), 402.

The German invasion, however, indicated the offensive superiority of highly mechanized armies in the field. The thoroughly integrated force, combining planes, tanks, motorcycle contingents, infantry, and light artillery, had a tremendous advantage over all field defenses and minor fortifications.[93] In land warfare, differing from sea and air warfare, increase in the relative power of the tactical offensive tends to avoid the war of attrition and to terminate hostilities by rapid occupation of the territory of the state with inferior land forces.

It is clear that no study of the relative defensive or offensive power of particular weapons, of particular tactical movements, or of particular branches of the service can indicate the relative advantage of the offensive or the defensive in war as a whole at a given stage of technology. A tremendous tactical advantage of the offensive may not compensate for less obvious strategic, political, and economic advantages of the defensive, such as capacity to resist blockade by organization of industry, agriculture, and the use of substitutes; the lesser human and material costs of defensive as compared with offensive operations; and the capacity for passive resistance and guerrilla tactics even in occupied territories.[94]

· In the broadest sense it is difficult to judge the relative power of the offensive and defensive except by a historical audit to determine whether on the whole, in a given state of military technology, military violence had or had not proved a useful instrument of legal and political change. Satisfied powers favor the *status quo*. They do not resort to arms except in defense. During periods when dissatisfied powers have, on the whole, gained their ends by a resort to arms, it may be assumed, on the level of grand strategy, that the power of the offensive has been greater. During periods when they have not been

[93] Henry J. Reilly, "Blitzkrieg," *Foreign Affairs*, January, 1940; M. W. Fodor, "Blitzkrieg in the Low Countries," *Foreign Affairs*, XIX (October, 1940), 197; Marion W. Boggs, *Attempts to Define and Limit Aggressive Armament in Diplomacy and Strategy* ("University of Missouri Studies," Vol. XVI [Columbia, Mo., 1941], pp. 90 ff.). These developments may have reduced the importance of the infantry in war, though infantry, whether transported by ship, lorry, or plane, is still the only organization that can occupy a territory for a long time.

[94] China successfully resisted Japan in the war which began in 1937 because of these advantages (see above, Vol. I, chap. xii, n. 61).

able to do so, it may be assumed that the power of the grand strategic defensive has been greater.[95]

A general superiority of the defensive in war may result in stability or in destruction of the civilization according as this superiority is or is not known in advance and acted upon. Superiority of the offensive, on the other hand, will result in changes desired by those dissatisfied powers best prepared for war. Since by assumption those powers place a premium on the use of arms, it is clear that superiority of the grand strategic offensive tends to augment the warlikeness of a civilization.[96]

The continuous factors which have tended to increase the strategic and political power of the defensive during the course of a civilization have been indicated in an earlier chapter.[97] The progress of social organization and of culture has combined with progress in the art of war to make successful aggression more difficult. This progress, however, has rendered the civilization more vulnerable to destruction through internal or external use of a wholly new military technique by the advocates of change. This development has contributed to the eventual destruction of most civilizations.[98]

b) *Political aspects of disarmament.*—The natural tendency during the rise of a civilization has been in the direction of a stable balance of power. The policy of disarmament has been intended to reinforce this tendency, but it has been confronted by the policy of national strategists whose object is to break the deadlock and to acquire for their own country temporary monopoly of a new strategy or technique with which to dominate. There has, therefore, been a conflict of aim between disarmament conferences, on the one hand, and national military departments, on the other. One has sought to stabilize the balance of power and to assure that any resort to arms will

[95] Boggs, *op. cit.*, p. 66; see below, n. 124. In general, a trend toward fewer and larger political units results from superiority of the grand strategic offensive (see above, Vol. I, chap. xii).

[96] Resort to war when the defense is superior on both sides tends toward a war of attrition which may if frequently repeated undermine the civilization. Great superiority of the offensive may eventually unify the civilization under a universal state within which warlikeness will decline.

[97] Above, Vol. I, chap. xii, sec. 3b.

[98] Above, Vol. I, chap. vii, sec. 3c; chap. xv, sec. 1.

result in at least a temporary stalemate. The other has sought to break the balance of power and to assure speedy victory to its own arms or at least to create the conviction among others that the risk is too great to justify resistance to an aggressive policy.[99]

It is, of course, true that financial as well as political considerations have often constituted an important motivation in disarmament efforts. Disarmament movements have been common after great wars when countries were nearly bankrupt and wished to save money. After the Napoleonic Wars such a movement was led by Czar Alexander of Russia.[100] When armament rivalry was becoming very intense, toward the end of the nineteenth century, another czar of Russia was advised by his minister of finance that his exchequer could not stand the strain of maintaining competition with Germany in making rapid-fire field artillery. Consequently, Czar Nicholas II called the first Hague Conference in 1899.[101] After World War I the same motivation was evident. Although financial considerations have been important, it has generally been assumed that important political results might be achieved from disarmament.[102]

It has been said that disarmament cannot affect the frequency of war, because people will fight with fists or with clubs if they are denied superior weapons. It is true that wars may develop between disarmed people, but that does not prove that they might not be less frequent or less destructive. Mark Twain reports that, as a second in a French duel, he was to suggest the weapons to be used. His

[99] To minimize this conflict, democracies ordinarily place civilians at the head of their military departments (see D. P. Myers, *World Disarmament* [Boston, 1932], pp. 36 ff.; Lieut.-Col. J. S. Omond, *Parliament and the Army, 1642–1904* [London, 1933]). The League of Nations found it could make no progress on disarmament while working through a committee composed entirely of military, naval, and air officers. "It was as foolish to expect a disarmament convention from such a commission, as a declaration for atheism from a commission of clergymen" (Salvador de Madariaga, *Disarmament* [New York, 1929], p. 92). See also Benjamin Williams, *The United States and Disarmament* (New York, 1931), p. 242.

[100] Hans Wehberg, *The Limitation of Armament* (Washington, 1921), p. 7; Q. Wright, *Limitation of Armament* (New York: Institute of International Education, November, 1921), p. 10.

[101] Langer, *The Diplomacy of Imperialism*, II, 582 ff.

[102] Myers, *op. cit.*, pp. 32–35.

first suggestion was axes. The opposing second thought these might cause bloodshed and, anyway, were barred by the French code. He then suggested, successively, gatling guns, rifles, shotguns, and revolvers. All were objected to, and he proposed brickbats at three-quarters of a mile. This was satisfactory except for the danger to passers-by. Finally they agreed on comparatively small pistols at a comparatively great distance, and the duel went on to the mutual satisfaction of the duelists.[103] The story indicates that the type of weapons may affect the probability of hostilities. If armaments are of such a character that both countries are sure to destroy each other, there is less likely to be war than if they are of such a character that each country feels it has a chance to win.with comparatively slight expense.[104]

It has also been suggested that disarmament arrangements are of no value because they will be violated. Nations at war, it is assumed, will pay little attention to bits of paper. Doubtless if two countries go to war they will start to build armaments as rapidly as they can without attention to any treaties which may exist. However, "production lags" may prevent such activity from changing the military position for a considerable time. A battleship takes several years to build. If the disarmament treaty is lived up to until the war begins, it will be years before the relative strength in battleships can be greatly altered. This "production lag" varies greatly among different types of armament, but the increasing mechanization of war tends to increase it.[105]

If the treaty merely makes rules of war, declaring that armaments must be used in a certain way, there is no "production lag." The minute war begins the soldiers can be ordered to use the armaments some other way. If, on the other hand, the treaty prohibits states from having certain types of armament in stock, this lag may be very important—more important, of course, for such materials as battleships, that take a long time to build, than for hand arms, ammunition, or poison gases, which, if the factories exist, can be manu-

---

[103] *Tramp Abroad*, chap. viii.

[104] See above, Vol. I, chap. xii, sec. 1.

[105] Victor Lefebure, *Scientific Disarmament* (New York, 1931); above, Vol. I, chap. xii, sec. 2a.

factured without great delay. Even such articles have a consider-
able lag for quantity production. Although the United States had
been preparing for a year prior to entry into World War I in April,
1917, and although after that date it stepped up all military produc-
tion processes to the utmost, it was not until the spring of 1918 that
American military equipment other than explosives began to get to
the front in France.[106] The disarmament treaty might even strike
at the means of producing armaments. Instead of limiting the quan-
tity of rifles or guns, it might limit the number and size of factories
for the production of these instruments. Such a treaty would make
the "production lag" even longer but would present the insuperable
difficulty that factories for production of nonmilitary articles can
also produce war equipment. There is also a lag in developing the
personnel of armies. It takes a considerable time to train effective
soldiers. If the treaty does not allow military organizations to func-
tion or reserves to be trained in time of peace, months must elapse
after the war breaks out before adequate military organizations can
be put in the field.

The sanctioning value of "production lag" depends upon the effi-
ciency of the peacetime international inspection. The treaty must
provide for an impartial body to visit periodically all the countries
bound and thus to assure that any violation will immediately be-
come known.[107]

It has also been said that states will not reduce armaments unless
they are given an equivalent in political guaranties of security. Un-
der the pressure of taxpayers, governments, it is supposed, maintain
armaments at no greater level than they consider necessary for se-
curity, or, if they are dissatisfied with the *status quo*, at no greater
level than they consider necessary to effect the changes desired.
They will not, therefore, agree to disarm until assured of a substitute
method of security or of change. There is certainly evidence to sup-
port this contention. Successful disarmament treaties have always
been accompanied by political arrangements which were believed by
the parties to augment their political security or to settle their out-
standing political problems. The two have gone hand in hand, and,

[106] Newton D. Baker, *Why We Went to War* (New York, 1936), pp. 119 ff.

[107] Myers, *op. cit.*, pp. 227 ff.; Williams, *op. cit.*, p. 277.

considering the conditions of successful negotiation, it is unlikely that agreement will ever be reached on the technical problems of disarmament unless the parties have lessened tensions by political settlements or by general acceptance of international procedures creating confidence that such settlements can be effected peacefully.[108]

It is, however, clear that the armament required by one country for security is a function of the armament of others, though statesmen have more easily perceived the influence of foreign increases upon their own needs than the influence of their own measures upon foreign needs.[109] Theoretically, therefore, it is possible to conceive a self-executing treaty which would stabilize the balance of power and reduce the probability of war, although it dealt with nothing but the armament programs of the states and a system of inspection.

Assuming that it is possible by an appropriate modification of the military technique and armament of the various states to affect the character and frequency of wars, what would be the probable effect of the various efforts in this direction? These efforts may be classified as armament-building holidays, quantitative disarmament, qualitative disarmament, rules of war, and moral disarmament.

c) Armament-building holidays have been of value in diminishing tensions. This is the easiest type of disarmament treaty to negotiate and is illustrated in the Argentine-Chilean Treaty of 1902, the Washington Treaty of 1921, and the London Treaty of 1930.[110] The

[108] Myers, *op. cit.*, pp. 69 ff., 106 ff.; R. A. MacKay, "The Politics of Disarmament," *Dalhousie Review*, 1932, pp. 474 ff. According to Salvador de Madariaga (*op. cit.*, p. 56), "the problem of disarmament is not the problem of disarmament. It really is the problem of the organization of the world community."

[109] Because of this, disarmament races are common (see Lewis F. Richardson, *Generalized Foreign Politics* ["British Journal of Psychology: Monograph Supplements," Vol. XXIII (Cambridge, 1939)]; see also Brodie, *op. cit.*, pp. 46 ff.). At one stage in the Geneva Disarmament Conference of 1932 it was suggested that national armaments be divided into a police component fixed by the size and character of the national territory and a defense component relative to the armaments of others (see Q. Wright [ed.], *An American Foreign Policy toward International Stability* ["Public Policy Pamphlet," No. 14 (Chicago, 1934)], p. 18).

[110] Holidays in naval building, army building, or military appropriations were proposed on a number of occasions during the nineteenth century, at the Hague Conferences of 1899 and 1907, by Great Britain in 1913, and by the League of Nations in 1920 and 1931 (see Wright, *Limitation of Armament*, pp. 9–22; Williams, *op. cit.*, pp. 119 ff.; Wehberg, *op. cit.*, pp. 5, 11, 38; Myers, *op. cit.*, p. 128).

psychological effect of such treaties, however, is not likely to endure for a long time. Usually after four or five years, changing conditions will convince some of the parties that the existing armament *status quo* is no longer equitable.[111]

d) Quantitative disarmament implies a general reduction of armaments to a specified level.[112] Such a reduction in itself would probably tend to increase the frequency of war. One factor tending to reduce the frequency of war has been the probability that a war will result in a mutually destructive stalemate. If the scale of armaments of all belligerents is very large, the probability of a stalemate is greater than if the scale of armaments is small. With armies so large that they cover the whole frontier, there is no flank to get around; possibilities of maneuver are reduced, and rapid victory by a superior strategical genius is unlikely though not impossible.[113]

A quantitative reduction of armaments inevitably affects the *relative size* of armaments in different countries. Proposals for quantitative reduction have usually attempted first to solve the problem of ratios. The relative strength at the moment the convention goes into effect may be accepted, as was done at the Washington Conference. A ratio may be defined on the basis of some theoretical consideration, such as the relative populations of the states, their areas, their coast lines, or similar consideration thought to measure defensive needs.

[111] These holidays, applied only to larger types of naval vessels, were for five, fifteen, and five years, respectively, and were provided with escape clauses. None of them was renewed after the original period. Discontent with the Washington Treaty was soon manifested, and an abortive attempt to supplement it was made at Geneva in 1927 (for divergent opinions of the value of this treaty see Williams, *op. cit.*, pp. 158 ff.). The Argentine-Chilean agreement aimed to produce a "just balance between the two fleets" (Convention, May 28, 1902, Art. 1, Protocol, March 22, 1902, Preamble and Art. 4 [Wehberg, *op. cit.*, p. 23]), and the others aimed "to contribute to the maintenance of the general peace and to reduce the burdens of competition in Armament" and "to prevent the dangers and reduce the burdens inherent in competitive armaments" (Williams, *op. cit.*, pp. 311 ff.). The League of Nations Covenant proposed a revision of disarmament arrangements every ten years (Art. 8).

[112] A distinction has been made between "limitation of armament" (abstention from increase, armament truce, or holiday), "reduction of armament" (general and simultaneous decrease), and "disarmament" (reduction to the minimum necessary for domestic, colonial, and international police purposes) (Q. Wright, *Limitation of Armament*, pp. 9 and 36; Williams, *op. cit.*, p. 252).

[113] Above, Vol. I, chap. xii, sec. 3b.

Agreement on ratios is exceedingly difficult to achieve. During the discussions at Geneva after 1932 the problem of ratios boiled down to Germany's demand for equality with France. Cruiser discussions, after the Washington Conference, boiled down to a question of equality between the United States and Great Britain, and equality between France and Italy. Japan denounced the Washington treaties and the London treaties in 1934 because it was denied equality with the United States and Great Britain. Political and prestige considerations always render acceptance of any ratio less than equality difficult for any state, while defensive as well as prestige considerations make it difficult for states that have a relative superiority to abandon it. Even if the existing *status quo* is the basis of the ratio, a reduction of armaments will almost certainly mean an actual change in the balance of power, because it will augment the importance of the nonmilitary resources of the states. If navies are reduced, the larger merchant marine will count for more. If stocks of arms and munitions are reduced, the larger iron and chemical industry will count for more. If effectives are reduced, the larger population will count for more.[114]

If agreement is reached on ratios, the problem of measuring armaments remains. Should only armaments be counted, or should total military power, including resources, industrial plant, and population be estimated?[115] France suggested during the Geneva discussions that it should have more actual armament than Germany to compensate for Germany's advantage in population and industry.[116] Because of the difficulties of measurement and ratios, it has been

---

[114] Q. Wright, *Limitation of Armament*, p. 36; Williams, *op. cit.*, pp. 226 ff. "Equality of right in a system which will provide security for all nations" was formally accepted on December 11, 1932, by Germany, the United Kingdom, France, Italy, and the United States as the principle which should guide the Disarmament Conference (Secretariat of the League of Nations, *The Aims, Methods and Activity of the League of Nations* [Geneva, 1935], p. 83; Rappard, *The Quest for Peace*, p. 433).

[115] Even if it is agreed that only actual armament is to be counted, the problem of measurement is sufficiently difficult. Should tonnage be compared in each category of warships or globally? How should effectives, reserves, and colonial troops be compared? Does a comparison of military budgets compare armaments? How may naval forces, air forces, and land forces be compared with one another? (see Myers, *op. cit.*, chaps. vi, vii, viii).

[116] The relative importance of "war potential" over armament in being has tended to increase with the mechanization of war (*ibid.*, p. 26).

suggested that disarmament might proceed by permitting each state to have equality not in armament but in security. Each would state the program in each type of equipment and personnel it deemed essential for maintaining internal order and for defending its frontiers. These programs would then be incorporated in a treaty. This procedure, however, neglects the dependence of the defense component upon the armament of others. No state could tell what was essential until it had seen the programs of all the others. Thus the problem of ratios, though it may be concealed by treating armament categories separately, can hardly be avoided.

With these considerations in mind, President Hoover proposed, at the Geneva Conference in 1932, that the "police component" for all states be the average ratio of the armament allowed the central powers to their populations, with special allowance for colonial police, and that all armaments beyond this, considered the "defense component," be scaled down one-third. In addition, the elimination of certain "weapons of attack" was proposed. No agreement was reached, however.[117]

Armament agreement may, therefore, influence the balance of power. By properly arranging ratios and categories, it may be possible to promote the prospects of a stalemate in case military operations develop, and thus to reduce the prospects of war. During the disarmament discussions in 1932 it was accepted that France and her allies still had such a superiority in arms that they could overrun Germany, in spite of probable German lapses from the requirements of the Treaty of Versailles. Germany wanted equality, by which was meant not only equality between its armaments and those of France but equality between the armaments of itself and its allies, on the one hand, and France and its allies, on the other.[118] It was, however, feared by the French that with such equality, while the prospects of French victory would be less, the prospects of German victory would be greater than under the Versailles disarmament provision. It was feared that Germany, anxious for a war of revenge, would take the field, even though the prospects for victory were no more than even.

[117] U.S. Department of State, "Instructions to American Delegation at the Disarmament Conference, June 22, 1932," *Press Releases*, June 25, 1932, pp. 593–94. See Q. Wright (ed.), *An American Foreign Policy toward International Stability*, pp. 16 ff.

[118] Rappard, *The Quest for Peace*, pp. 414 and 470.

The French argument, therefore, denied that peace could be promoted by disarmament and with proper logic they asked rather for a strengthening of collective security.[119]

The advocates of disarmament have replied that so long as the military situation was such that France could easily win a "preventive war," Germany would not cease to militarize itself in the name of "defensive necessity"; but this aggressive attitude of Germany, being a consequence of the military disequilibrium, would disappear if genuine equilibrium were achieved.[120] It must be confessed that subsequent events have hardly supported this hypothesis. Germany did rearm in 1935 and ended the Rhineland demilitarization in 1936, thereby achieving "equality." But the tensions of Europe increased, German rearmament and aggressions continued until in 1938 Great Britain and France inaugurated vast but insufficient programs of rearmament to restore "equality." These events suggest that in practice quantitative equality will not in itself necessarily assure a stable balance of power.

e) *Qualitative disarmament*, as the conception developed at the Geneva Disarmament Conference of 1932, meant the elimination of certain types of military instruments and methods deemed to be particularly valuable for aggression. Its object is to increase the possession of defensive weapons and to decrease the possession of offensive weapons to such an extent that each country will approximate a perfect defense against any probable attack. Invasion will then be physically impossible. The conception that the object of disarmament is to prevent the possibility of territorial invasion was especially emphasized by the American delegation at the Geneva conference.[121]

[119] See Richard Schmidt and Adolph Grabowsky (eds.), *The Problem of Disarmament* (English supplement to the *Zeitschrift für Politik* [Berlin, 1933]), especially articles by Julius Curtius, former minister for foreign affairs, "Fundamentals of German Disarmament Policy"; Ernest Jaeckh, "The Psychology of Disarmament"; Major Erich Marcks, "France's Security"; and General H. von Metzsch, "War Potential." See also Rappard, *The Quest for Peace*, p. 418; Boggs, *op. cit.*, pp. 25 ff.

[120] Richardson, *op. cit.*

[121] Rappard, *The Quest for Peace*, pp. 415 and 428; Q. Wright (ed.), *An American Foreign Policy toward International Stability*, pp. 17 ff. In his address of May 19, 1933, President Franklin D. Roosevelt referred to the elimination of "offensive" or "aggressive" weapons as the object of the Disarmament Conference (see Rappard, *The Quest for Peace*, p. 457; Boggs, *op. cit.*, pp. 39 ff.).

Is such universal perfection of defenses possible to achieve? The answer depends not only on the characteristics of armament but also on the characteristics of the things to be defended. The defense of territory, the defense of overseas commerce, the defense of nationals abroad, and the defense of expansive foreign policies may require very different equipment. A particular nation's interpretation of defense depends upon its economic, political, and psychological circumstances as well as upon existing international law. It was generally assumed in the Geneva discussions, however, that the defense of the territory to which the state was entitled under existing law was intended.[122]

It has been questioned whether a valid distinction can be made between defensive and offensive weapons. While the shield would ordinarily be spoken of as defensive and the sword as offensive, it is clear that even in this simple case the distinction is relative. The shield increases the offensive effectiveness of the sword, and the sword can be used to parry as well as to cut or thrust. Among the materials which may be examined to ascertain weapons regarded as especially offensive are the provisions of unilateral disarmament treaties, the discussions of disarmament conferences, and the analyses of military writers. Unilateral disarmament treaties like those imposed on Prussia in 1807 and on Germany in 1919, while usually designed to withhold offensive weapons from the defeated power, also often seek to reduce its defenses. They do not, therefore, provide clear evidence of the drafter's conception of an offensive weapon.[123] The elaborate discussions at the disarmament conference of 1932 produced a vague formula and incomplete agreement on its application. A majority agreed that long-term professional armies, heavy

[122] The United States in fact proposed that the use of force be renounced except for territorial defense. See proposal by Norman H. Davis, May 22, 1933, in Department of State, *Press Releases*, May 27, 1933; Q. Wright, (ed.), *An American Foreign Policy toward International Stability*, p. 14. Even with this assumption the experts of different countries differed as indicated by Madariaga's parable of the disarmament conference of the animals. The lion wanted to eliminate all weapons but claws and jaws, the eagle all but talons and beaks, the bear all but an embracing hug.

[123] Treaty of Versailles, Part V; General Tasker Bliss, "The Problem of Disarmament," in E. M. House and C. Seymour (eds.), *What Really Happened at Paris* (New York, 1921), pp. 387 ff.; André Tardieu, *The Truth about the Treaty* (Indianapolis, 1921), p. 144.

mobile artillery, heavy tanks, capital ships, aircraft carriers, submarines, bombing airplanes, poison gases, and bacteria were predominantly offensive weapons. Effectiveness of the instrument in facilitating the invasion of territory and the destruction of civilians seems to have been the main criterion.[124]

Military writers have studied the problem functionally and analytically. Functionally they have distinguished the offense and the defense at various levels. At the levels of law, policy, and grand strategy the offensive consists in the intention to change the legal *status quo* by force; the defensive, to preserve it. At the level of strategy and tactics the offensive consists in a movement toward the enemy; the defensive, in waiting for the enemy to attack a position. Clearly both the offensive and the defensive at the political and legal level will at times and places be strategically on the offensive and at other times and places strategically on the defensive. At the level of weapons and organizations, those instruments most useful for the strategical and tactical offensive may be called offensive or aggressive armament. Military writers recognize that all weapons may be used either offensively or defensively. Even fortifications, though primarily defensive, can provide a screen for offensive movements. Weapons to be most valuable in the tactical offensive must, however, be capable of movement toward the enemy, rapidly and over varied terrains. A political offensive cannot be advanced by a purely defensive strategy, nor can a strategic offensive be advanced by a purely defensive tactic. Since some weapons are more useful than others in the tactical offensive, it is clear that, according to military theory, a regulation of weapons may have an influence on the capacity of the political offensive to advance itself by resort to arms.[125]

[124] Wright (ed.), *An American Foreign Policy toward International Stability*, p. 21; Boggs, *op. cit.*, p. 43. Instruments especially useful for civilian attack, such as bombing airplanes and poison gas, may be regarded as offensive because of their psychological influence useful for an offensive diplomacy in time of peace (see above, Vol. I, chap. xii, sec. 3*d*).

[125] "No fighting in the history of the world, no matter how defensively conducted, has ever obtained victory without offensive action of some sort" (Rear Admiral Bradley A. Fiske, *The Art of Fighting* [New York, 1920], p. 5). See also Colonel J. F. C. Fuller, *The Reformation of War* (New York, 1923), p. 31; Boggs, *op. cit.*, p. 66. Hitler's concentration on offensive weapons and methods from 1934 to 1939 advanced his offensive policy at least for a time. The time element is important. Given a long enough

Military analysts have considered that an offensive weapon consists in the combination of four elements: mobility, protection, striking power, and holding power.[126] Striking power in itself does not make an offensive weapon. A gun firmly implanted in a fort can defend the fort, can defend a certain surrounding area, and can defend an advancing force for a limited distance, but it cannot move and conquer the enemy. A fort is an offensive weapon only within range of its guns, which may, however, be over fifty miles. In a thoroughgoing disarmament scheme fixed guns should not be allowed nearer than their range to the frontier. They could not then reach a neighbor's territory.

It is generally recognized that the longer the range and the more rapid the fire of guns has become, the greater has become the advantage of the defensive over the offensive. The rifle and then the machine gun, with longer range, more accuracy, and more rapid fire than the musket, increased the power of defense.[127]

If, however, such weapons are attached to a means of transportation which is at the same time highly protected, a powerful offensive weapon is produced. A machine gun in a trench is a defensive weapon, but a tank equipped with machine guns is a powerful offensive weapon. It has mobility, protection, and striking power combined. The cavalry was at one time a powerful offensive weapon. The knight in armor had striking power, protection, and the mobility of his horse. But when the defense with guns was invented, the armored knight ceased to have offensive value because his protection was inadequate. Neither the tank nor the armored knight, however, could maintain an offensive unless supported by infantry with the

time, moral and economic factors may prove more important than military. The meek may eventually inherit the earth. Loss of faith in a bad cause and economic attrition may in time destroy the gains of the military offensive. Under certain conditions a papal interdict may prove more effective than an imperial expedition; a Chinese boycott or an Indian nonco-operation movement may prove more effective than military occupation. There are, therefore, limits to Admiral Fiske's assertion that "to gain tactical victories should be the only aim in war" (*op. cit.*, p. 63). See also above, Vol. I, chap. xii, sec. 3*b*, *c*.

[126] Fuller, *op. cit.*, pp. 25 ff.; Boggs, *op. cit.*, p. 69 ff.; above, Vol. I, chap. xii; Appen. VII, sec. 3.

[127] Ivan Bloch, *The Future of War* (Boston, 1914), pp. 347 ff.

power of occupying a large area. Infantry has greater holding power than other arms and thus continues to be an indispensable element for the offensive. The most powerful offensive formation yet devised has been the *Blitzkrieg*, co-ordinating large numbers of airplanes, tanks, motor vehicles, light artillery, and infantry so that it functions as a single fast-moving machine which occupies territory as it advances.[128]

The battleship is a powerful offensive weapon, but its mobility is limited by its cruising radius from its nearest base. By itself it lacks the capacity to hold territory. The opportunity to use bases near the enemy, the aid of minor vessels for scouting, protection, and torpedoing, and the inclusion in its personnel of marines for landing add greatly to the battleship's offensive power. By forbidding a country from having naval bases within the vicinity of possible enemies, a disarmament treaty would diminish the offensive power of that country's navy. By its provisions forbidding further development of naval bases in the Pacific, the Washington Treaty sought to limit the offensive power of navies across the Pacific. Naval bases are valueless unless they can be defended, and if the enemy has the natural advantage of proximity this may be difficult. War vessels are powerful offensive weapons against merchant vessels. Such offensive activity on the economic front is to be distinguished from the offensive on the military front, which aims to destroy the armed forces of the enemy and to occupy his territory. Control of commerce constitutes the normal offensive activity of the navy.[129]

An airship carrying explosive, incendiary, or gas bombs or machine guns has great speed and striking power, but it is weak in protection and by itself has no holding power at all. The military use of aircraft was not fully developed until World War II. That experience suggests that this invention has greatly augmented the power of the offensive. Observation planes function as scouts and as agencies of propaganda distribution. Bombers and attack planes function as the spearhead of the land, maritime, or parachute invasion and as destroyers of enemy commerce and war industries. Bombers

[128] See n. 93 above.

[129] Above, Vol. I, chap. xii, sec. 1c. For influence of invention on the offensive-defensive balance see above, n. 89.

also function by propaganda of the act, wearing down civilian morale
in time of war and aiding diplomacy by threats in time of peace.
Planes can make possible the occupation of territory behind the ene-
my lines or over natural barriers by carrying parachute troops and
dragging gliders. Pursuit planes function primarily for defense
against bombing, attack, and observation planes of the enemy.
Tactically, it is clear that bombing and attack planes are powerful
offensive weapons.[130]

The problem of qualitative disarmament, whether on land, sea, or
air, involves complex technical questions as well as political and psy-
chological questions. But in their mastery lies the most important
avenue for achieving greater stability through disarmament.

f) Rules of war may be considered disarmament not of materials
but of methods. Such rules have existed even among savage tribes,
but the modern system which was eventually codified in the Hague
Conventions of 1899 and 1907 developed from medieval chivalry,
sixteenth-century honor, seventeenth-century military discipline,
eighteenth-century commercial treaties, and nineteenth-century hu-
manitarianism.[131]

Rules of warfare of the type abundant in the seventeenth and
eighteenth centuries, designed to promote the safety, honor, and
prosperity of rulers and high officers, tended to make war a game
rather than a destruction, easy to start and easy to end; but for that
reason such rules have tended to disappear with the nationalization
and democratization of armies.[132]

Rules of the type abundant in the eighteenth and nineteenth cen-
turies, designed to moderate the hardships of war for noncombatants
and neutrals in so far as military necessity permits, tended to confine
hostilities to the armed forces, to prevent wars of attrition, to localize
wars, to favor aggressors, and to make wars short and frequent. As
the proportion of the population contributing directly or indirectly
to the making of the policy and the military effort of the enemy have
increased, economic and propaganda measures have gained in rela-
tive importance. Attacks upon civilians and neutrals have increased
under the plea that traditional rules must be applied in the light of

[130] Above, n. 91; Vol. I, chap. xii, sec. 3b.

[131] Above, Vol. I, chap. xiii, sec. 1a.   [132] *Ibid.*, sec. 1b.

"military necessity" as developed under changing technical conditions.[133]

In general, a far-reaching regulation of war, confining its destruction to definite military objectives, has tended to reduce the bitterness and destructivenesss of war, to make both resort to war and restoration of peace more easy, and, consequently, to bring about a state of affairs where wars are short, inexpensive, but frequent. Such a modification of war is looked upon with favor by many military writers who believe that the totalitarian war, originating in conscription, propaganda, and a multiplication of war objectives at the time of Napoleon, and developed since by mechanization of military transportation and national industrial mobilization, has been a misfortune. They believe the situation might be improved by reverting to the more gentlemanly and limited type of war characteristic of the eighteenth century.[134]

This program seeks to reverse the natural trend of war toward utilization of all means available to bring about complete submission of the enemy. Rules of war have habitually proved of little practical significance when they have failed to give sufficient heed to "military necessity"—when they have attempted to prohibit methods and weapons which, in the existing state of military and political technique and with due consideration to the possibilities of reprisal by the enemy and of entry into the war by neutrals, promise military results. The experience with conventional regulation of submarine warfare, aerial bombardment, and poison gas before and since World War I gives little reason for believing that such efforts to regulate warfare will be effective in the future. Unregulated war between peoples of similar economic, social, and political development has tended to be long and destructive but infrequent.[135]

The sanctions of rules of war have been inadequate between peoples of similar civilization, but observance of such rules has been almost wholly lacking in wars between peoples of very different civilizations. Among the Greek city-states, for example, rules recognized in hostilities between one another were considered inapplicable

[133] *Ibid.*, sec. 1c.

[134] *Ibid.*, chap. xii, sec. 4a.　　　　　　　[135] *Ibid.*, chap. xiii, sec. 1d.

in war with barbarians.[136] The Western nations manifested few scruples in hostilities against American Indians, Australian aborigines, Asiatic tribesmen, and African natives and have even claimed that the normal rules are not applicable to hostilities against such recognized political entities as China, the Sudan, Syria, and Abyssinia.[137] The British argued in the Hague Conference of 1899 against the adoption of a rule prohibiting the use of dumdum bullets on the grounds that a bullet which not merely penetrated a man but stopped him was necessary when dealing with the fanatical tribes of the Sudan and the northwest frontier of India.[138] More recently it has been suggested that conventional limitations on aerial bombardment should not apply in hostilities against primitive tribes.[139] With the rise of extreme forms of nationalism, passionately adhering to revolutionary doctrines, all external political groups come to be considered as inferior civilizations to be denied the benefit of rules of war whenever expedient.[140] The effective regulation of war, in short, implies recognition by all the belligerents of their common membership in a higher community or family of nations. It implies that the balance of power is so stable that wars are not fought to revolutionize the world-order but for concrete ends.[141]

[136] William Ballis, *The Legal Position of War, Changes in Its Practice and Theory from Plato to Vattel* (The Hague, 1937), pp. 13, 21, 34, 62, 136; Majid Khadduri, *The Law of War and Peace in Islam* (London, 1941), pp. 30, 39, 57.

[137] Anonymous [Francis Hirst], *Arbiter in Council* (London, 1906), p. 230; Q. Wright, "The Bombardment of Damascus," *American Journal of International Law*, XX (April, 1926), 267. -

[138] J. B. Scott (ed.), *The Proceedings of the Hague Peace Conferences: The Conference of 1899* (New York, 1920), pp. 276 and 343; A. P. Higgins, *The Hague Peace Conferences* (Cambridge, 1909), p. 396.

[139] The British draft proposed to the Geneva Disarmament Conference on March, 1933, provided: "The complete abolition of bombing from the air (except for police purposes in certain outlying regions)" (League of Nations, *Records of the Conference for the Reduction and Limitation of Armaments* [Geneva, 1933], p. 173). See also J. M. Spaight, *Air Power and War Rights* (2d ed.; London, 1933), pp. 258 ff.; Oppenheim, *International Law* (6th ed. [Lauterpacht]; London, 1940), II, 417.

[140] Ossip K. Flechtheim and John H. Herz, "Bolshevist and National Socialist Doctrines of International Law" (reprinted from *Social Research*, February, 1940, pp. 2, 15, 17, 21); see also above, Vol. I, chap. xiii, n. 112.

[141] Above, chaps. vii (sec. 7b), xii (sec. 2e), and xiii.

g) Moral disarmament.—Discussion of material disarmament has usually led to a consideration of "moral disarmament." By this is meant limitation or qualification of the will to fight as a prerequisite of limitation of the instruments of fighting. This discussion has included consideration of the regulation of international propaganda and of the political problem of security, on the one hand, and the possible revision of the international *status quo*, on the other.[142] Moral disarmament from the standpoint of those countries satisfied with their present possessions means genuine belief that they will be able to retain them without resort to arms. But from the standpoint of those that are anxious to modify the territorial *status quo* it means genuine belief that they will be able to acquire what they want by peaceful procedures. The problem lies in the realm of international law, organization, and public opinion, to be dealt with in subsequent chapters. It is, however, related to the problem of material armament in that the statistics of the latter provide evidence of the former, and reciprocally effective regulation of material armament influences moral attitudes. When armament budgets, personnel, and material are rising at an accelerating rate, it may be assumed that international tensions are increasing and that states are morally, as well as materially, rearming.[143] Armament races, evidenced by such statistics, constitute a form of international relations closely related to war and often ending in war itself.[144]

[142] Myers, *op. cit.*, pp. 3 ff.; MacDonald (Great Britain), March 16, 1933, Nadolny (Germany), March 27, 1933, and Gibson (United States), 1927, replying to Litvinoff's (Russia) plea for immediate, complete, and general disarmament by insisting that a "will for peace" must first be established, and President Roosevelt, May 19, 1933, all pointed out what they regarded as essential to create the will to peace (Williams, *op. cit.*, p. 262; Rappard, *The Quest for Peace*, pp. 405, 450, 457). See also Polish Memorandum to the Disarmament Conference, September 23, 1931, in League of Nations, Information Section, *Essential Facts about the League of Nations* (7th ed.; Geneva, 1936), p. 107.

[143] Above, Vol. I, Appen. XXII. The League of Nations Secretariat has published statistical information on armaments in two annual publications since 1920, the *Armaments Year Book* and the *Statistical Year Book of Trade in Arms, Armaments and Implements of War*.

[144] Above, chap. xvii, sec. 1d. The elimination of armament competition has been frequently recognized as one of the objects of disarmament conferences. See address of Secretary of State Hughes at Washington Conference, November 12, 1921 (Williams, *op. cit.*, p. 142), and above, n. 111.

5. IDEAS BEHIND FOREIGN POLICY

As material armament provides evidence of the material aspect of power, so the purposes for which armaments are used provide evidence of the moral aspect of power. Though more difficult to measure, the changes in the latter have an important influence on the balance of power, especially in revolutionary times when forms of government, rules of law, and traditions of policy are changing.

National governments determine the use of armament, and they are influenced by many factors such as personal idiosyncrasies, constitutional limitations, public opinion, national traditions, international law, and changing circumstances and conditions. These factors often suggest inconsistent action, but the rational disposition of man induces him to organize policy hierarchically with a master-idea at the apex, thus assuring consistency of action. Governments therefore tend to adapt their policies to a basic idea of the nature of international relations. While this idea is usually rooted in the various factors referred to, it may at a given time spring from a small group or an individual with a philosophy. It provides the moral foundations for policy.[145]

The ideas which have guided the policy of modern government may be classified as world-dominance, stable equilibrium, unstable equilibrium, and international organization.[146] One of these ideas

---

[145] The reaffirmation of such convictions has been spoken of as "moral rearmament," a phrase the opposite of "moral disarmament," only if a will to peace is regarded as equivalent to moral nihilism. "The strength of a nation consists in a vitality of her principles. Policy, foreign as well as domestic, is for every nation ultimately determined by the character of her people and the inspiration of her leaders. . . . . The real need of the day is therefore moral and spiritual rearmament" (letter to the *Times* [London], September 10, 1938, signed by Lords Baldwin, Salisbury, Lytton, Stamp, Sir William Bragg, *et al.*, reprinted in H. W. Austin, *Moral Rearmament* [London, 1938], p. 6). A few weeks after this plea the British government made the Munich agreement!

[146] It is one function of international law to formalize these ideas for the civilization as a whole (see Vol. I, chap. vii, sec. 7b). If a government co-ordinates its foreign policy by a single idea for a long period, the idea may be considered a function of its habitual technique for conducting world-politics (above, Vol. I, chap. xii, sec. 4), a function of its economic and political relations with other powers (above, Vol. I, chap. xv, sec. 4), a function of the world-symbols dominant in its culture (below, chap. xxiv, sec. 5), or a function of the personality ideal dominant in its population (below, chap. xxxiii, sec. 5). It will be observed that the classifications suggested in the above sections are the same but seen from these different points of view.

may dominate in a government's thinking as a condition to which policy must be adjusted or as an ideal which policy should seek to achieve. The difference is not great. Governments seldom regard conditions as inevitable unless they favor them.[147]

a) Dominance.—A government which conceives of the world as dominated by one authority usually envisages itself as that authority, particularly if it has already achieved the position of a great power. It will strive to maintain a superiority in armament by inventing new weapons, organizations, and strategies; by increasing its own naval, military, and air forces; by compelling political rivals to disarm; by annexing territory; and by making unequal alliances as the opportunity arises. Obviously this idea cannot be realized by more than one government at a time. This fact is probably the most important single element in the causation of major modern wars.[148] If a government succeeds in establishing a predominant position, it may maintain peace for a considerable period, but the governments compelled by circumstances or compulsion to accept an inferior position are not likely to disarm morally. The implication of moral superiority by the dominant power will be resented and will lead to the phenomena of dissatisfied powers striving, often with success, to augment their power or position.[149]

b) Stable equilibrium.—A government will seldom conceive of the world as a stable balance of power unless it is satisfied with its political position. This attitude is more characteristic of small than of great powers. A government with this conception will seek to decrease the offensive arms of all and will urge policies of nonaggression, guaranty, neutralization, regionalization, and moral disarma-

---

[147] Above, Vol. I, secs. 2 and 3.

[148] Above, chap. xix, n. 60. "The pacifist humane ideal might be a very good one if first one man had made himself master of the world" (Adolph Hitler, *My New Order* [New York, 1941], 717).

[149] By maintaining naval supremacy through the nineteenth century, Britain established a *pax Britannica*, but its success was partly due to Britain's willingness to limit the exercise of its power to maintaining a balance of power in Europe, to promoting moderate freedom of the seas, and to preventing gross inhumanities. As its land power was always inferior to many other states, it could not act effectively except at sea and except when supported by most of the other powers. Its position was therefore one of leadership rather than of dominance (see Q. Wright, "The Present Status of Neutrality," *op. cit.*, pp. 410–15).

ment so that conquest will be neither practicable nor desirable, and all will feel secure. This conception is difficult to realize because economic and cultural changes take place at different rates in different parts of the world. Some states will eventually feel sufficiently free and sufficiently strong to attempt aggression, or others, anxious over such a prospect, will initiate a preventive war. More precise methods for measuring disturbances to the balance of power and more adequate machinery to initiate remedial measures might achieve greater stability, but only at the expense of some of the sovereignty of states. The equilibrium tends either to be unstable or to be absorbed in international organization. A stable equilibrium of sovereign states implies a moral unity, such as the church sought to preserve in medieval Christendom. There is, however, little ground for expecting that, in a dynamic world, governments will morally disarm so as to preserve peace in a state of international anarchy.

c) Unstable equilibrium. —A government which conceives of international relations as a continuous struggle in which increase of power is sought by all, with, however, no expectation that any will ever achieve dominance, is usually dissatisfied with its position, confident of its capacity, and convinced of the contingency of history. The policies flowing from such an idea are a combination of those adopted by governments striving for dominance and of governments striving for stable equilibrium, but with conviction that if either were achieved civilization would stagnate.[150] Continuous competitive development of military science and armament, maintenance of the influence of the military class, regulations limiting the destructiveness of war, and continuous moral rearmament of each people in its particular ideal will, they believe, keep the offensive continually ahead of the defensive so that maladjustments will generally be rectified by short, bilateral, and relatively inexpensive wars. These will, it is hoped, be kept from getting out of hand by the potential intervention of neutrals, who in any war will constitute the majority of

[150] This has been the typical attitude of modern states, and its prevalence has been the condition which accounts for both the instability and the persistence of the modern balance of power (above, chap. xx, sec. 2). According to P. J. Proudhon (*La Guerre et la paix* [Brussels, 1861]) and others (below, chap. xxvi, sec. 1; Appen. XXVIII, sec. 1), violent conflict is occasionally necessary to stimulate reasonableness and to regenerate civilization.

states. This idea is difficult to maintain for long periods because of the influence of the application of science to war, the development of international propaganda, the increase of the economic interdependence of states, and the polarization of the system of alliances. These developments make it probable that a balance-of-power war will spread and become a major catastrophe to civilization.[151]

d) International organization.—Governments which conceive of international relations as the functioning of an international organization maintaining order and justice have achieved a rare degree of sophistication. Such an idea logically requires a limitation of sovereignty by law and a transfer of the control of arms to an authority representative of the world-community. Feudal barons were brought under control because the state achieved a monopoly of arms. The federal state gives the control of arms to the central government. The idea of an international police was often proposed before World War I and was adopted in principle in the League of Nations Covenant. Numerous proposals were made, especially by the French, to vest the League Council with control of armed forces for enforcing the covenants against aggression.[152]

A general feeling of moral security is more likely to result from such federalization than from the dominance of one power because, under it, all will be protected by the common law. This program, however, involves profound political and legal difficulties because of the dogma of sovereignty and the intense nationalism of the present time.[153]

During the modern period different governments have had different ideas behind their foreign policies. So long as states morally rearm in support of different and inconsistent propositions, there is not likely to be any effective material disarmament, and policies will continually conflict.

Should this be a cause for congratulation? During the course of history stalemated warfare has contributed to the collapse of civilizations. Frequent wars of attrition have wiped out civilizations.[154]

[151] Above, chap. xx, sec. 4.
[152] Rappard, *The Quest for Peace*, pp. 132, 245, 412, 434.
[153] Below, chaps. xxiv and xxvii.
[154] Above, Vol. I, chap. vii, secs. 3c and 6; chap. xii, sec. 5.

Does this mean that attainment of the objective of disarmament, a stable balance of power, would hasten the end of modern civilization? Not necessarily. Technical conditions assuring stalemate might mean disaster if war were resorted to. But if the certainty of stalemate were anticipated, the result might be that war would not be resorted to at all. The dynamism of civilization might then be maintained by less destructive forms of conflict.

During the history of modern civilization wars have tended to become more destructive but less frequent.[155] The fact that the military equilibrium has tended to become more stable has meant that efforts to overthrow it have become more destructive. If a degree of stability should eventually be reached which statesmen realized could not be overthrown, such efforts might be abandoned and other than military methods devised and utilized to achieve political security and change. This would, however, be a transition from a stable balance of power to international organization.

[155] *Ibid.*, chap. ix, sec. 3.

CHAPTER XXII

CONDITIONS OF GOVERNMENT AND WAR

THE governments must think first of retaining power. Even though they perceive that because of the balance of power a given foreign policy is certain to fail, nevertheless they may pursue that policy if they are convinced that national law, national tradition, or national public opinion is firmly committed to it. Governments tend to place domestic requirements ahead of international requirements because their impact upon the existence of the government is more immediate. They may be obliged to attempt the impossible in order to retain office.[1] It is not always true, however, that domestic opinion, tradition, and law are more blind to the realities of the international situation than is the government. The latter may, in fact, underestimate the relentless efficiency of the external balance of power and trust overmuch to the potency of a firm will and the supineness of other states. In spite of a relatively stable international system a government may initiate war either because of the real or apparently irresistible pressure of internal forces or because of its own doubt of the strength of external resistances.

1. GOVERNMENT, STATE, AND SOCIETY

In the simplest sense of the term, the government is the group of men who decide how the state shall function at a given moment. Clearly the constitutional structure which determines in a given state the type of men in the government and the considerations which limit their freedom and influence their decisions affect the probability of that state's getting into war. A war does not start un-

[1] For this reason it has been said that a stable balance of power requires that foreign policy always take precedence over domestic policy (C. J. Friedrich, *Foreign Policy in the Making* [New York, 1938], pp. 46 ff.). J. Alsop and Robert Kintner (*American White Paper* [New York, 1940], pp. 3-4) insist that if there is to be stability the cables (i.e., the actual course of world-events) must make foreign policy. C. A. Beard (*A Foreign Policy for America* [New York, 1940], p. 9), on the other hand, insists that foreign policy can only be "a phase of domestic policy."

less some government either initiates it deliberately or blunders into it. An analysis of the relationship of constitutions to war is, therefore, important.

The word "government" has been used in contradistinction to the word "state."[2] This usage, though common among political scientists,[3] presents the same sort of difficulties as are presented by a contrast between the brain and the organism in biology or between the will and the personality in psychology. The difficulties are even greater in social science because the state is only one aspect of society. There are also churches, business corporations, social, educational, and charitable organizations, frequently quite distinct from the state, though occupying the same time and space, and composed of many of the same people, each with its own "government." The state is distinguished from other social entities by its possession of sovereignty or the capacity to make and enforce law within the society.[4] This capacity implies an ultimate control over the life of the

[2] In the theories of modern international law and of domestic constitutionalism, the state is a body corporate consisting in the sovereign political union of the organized population occupying a territory. The government is merely an agent, instrument, or organ of the state (below, chap. xxiv). Under the divine-right theory the state was identified with the monarch. In legal but not in political theory this is the case in Great Britain still (Sir William R. Anson, *The Law and Custom of the Constitution* [Oxford, 1907], pp. 4 ff.; J. W. Salmond, *Jurisprudence* [London, 1902], pp. 362 ff.). In Germany, Italy, and Russia the state is identified with the leader in political but not in legal theory (Charles E. Merriam, *The New Democracy and the New Despotism* [New York, 1939], p. 217). In Japan this identification is made in both legal and political theory (above, Vol. I, chap. xiii, n. 75). Originally in monarchical theory the government was also identified with the monarch; thus state and government meant the same thing. Where, as in Great Britain, the advisers of the monarch acquired actual political power, they came to be called collectively "the government" in distinction from "the crown." Since they were politically responsible to Parliament, which was politically responsible to the electorate, the legal and political theories became inconsistent. Legally the crown is the state and the government its adviser. Politically the people, as a corporate body, constitutes the state, the government is its agent, and the crown, bound to accept the "advice" of the government, is its formal representative.

[3] J. W. Burgess, *Political Science and Comparative Constitutional Law* (Boston, 1890), I, 57; J. W. Garner, *Political Science and Government* (New York, 1928), p. 303.

[4] This is the point of view of formal political science and law which look upon the state not as a social reality but as the condition of a geographical, ideological, racial, social, or any other human aggregation within which all disputes may be dealt with authoritatively. The state is a jural condition, not a sociological entity (above, n. 2; below, n. 45; chap. xxiv). Sociology and practical politics usually identify the state

individual and of other social entities. The state, or society in its political aspect, may therefore be identified by its claim to a monopoly of human killing and protection from killing.[5]

The state claims the privilege of killing people for such crimes as treason, sedition, and murder and in such activities as wars, reprisals, and pacifications. The state also tries to prevent any other person or organization from killing within its jurisdiction by enforcing municipal laws against homicides, insurrections, and invasions and from killing its nationals abroad by diplomatic protection and intervention.[6] Since this monopoly in killing is conceived as a characteristic of the state in the abstract, the recognition by each state of other states implies recognition of the equal right of every state to

with the social group which in a given culture most nearly conforms to this condition. The state, therefore, is similar to other social groups, such as churches, clubs, and corporations, all distinguished from mere human aggregations because their members interact in some respects differently *inter se* and with nonmembers. The state is distinguished by its relatively greater coercitive capacity. In this sense the state is in contemporary civilization often identified with the nation (see below, chap. xxvii). The two concepts may be united by defining the state as the condition of a population (usually territorially defined) which professes to have an inclusive and self-sufficient legal order and in which there is sufficient concentration of political power to maintain that order with reasonable efficiency (see F. M. Watkins, *The State as a Concept of Political Science* [New York, 1934], pp. 46 ff.). To be a state in international law this condition must be generally recognized by the members of the community of Nations (L. Oppenheim, *International Law*, Vol. I [London, 1937], sec. 71).

[5] J. J. Rousseau thought that the people properly conferred the "Right of Life and Death" on the state because in doing so they merely assumed the risks of death by war or execution in order better to assure life (*The Social Contract*, Book II, chap. v ["Everyman's" ed.], p. 30). A. J. Toynbee imagined that "local national states which started their careers in a rather sinister way as killing machines 'killing by 'war' outside the national frontiers and by 'justice' inside them), might end up quite innocently as local associations for mutual benefit" ("World Sovereignty and World Culture: The Trend of International Affairs since the War," *Pacific Affairs*, III [September, 1931], 771). Peter Stuyvesant is said to have defined a government as "a group of men organized to sell protection to the inhabitants of a limited area at monopolistic prices" (Maxwell Anderson, "On Government: Being a Preface to the Politics of 'Knickerbocker Holiday,'" *New York Times*, November 13, 1938, sec. 9, p. 1). See W. T. R. Fox, "Some Effects upon International Law of the Governmentalization of Private Enterprise" (manuscript, University of Chicago Library, 1940), p. 2.

[6] This, in effect, denies the individual any rights except such as the law of some state gives him. He is not a subject of international law. Even self-defense is not an inherent right of the individual but a right derived from the criminal law of the state before whose tribunal he makes the plea.

exercise the monopoly within its jurisdiction. This jurisdiction, how-
ever, is not easy to define because of the migratory character of na-
tionals and armies and the frequent instruction of armies to kill for-
eigners abroad and to protect nationals abroad from being killed.
It is the inadequately achieved task of international law to demar-
cate the jurisdiction of states, internally and externally, so that con-
flict may be avoided.[7]

The government exercises the state's authority internally to co-
ordinate the various elements constituting the national society and
externally to adjust that society as a whole to changing conditions.
While abstractly the state is merely a system of legal relations, such
a system cannot be concretely realized unless the law has an actual
relationship to the administration, the culture, and the population.[8]
The government is the active agency maintaining these relation-
ships. It is (1) a part of the law—the public law—distinguished
from the private law by the fact that it defines the legal position of
governmental agencies and offices; (2) a part of the administration
—the political officers—distinguished from the ministerial or admin-
istrative officers by the fact that they make the important decisions;
(3) a part of the culture—hereditary titles, public offices, social posi-
tions, or personal reputations—recognized in the society as qualify-
ing the possessors for political leadership; and (4) a part of the popu-
lation—the élite—distinguished from the rest by the fact that their
decisions are generally followed.

The government of a state, therefore, does not mean merely the
élite, the political officers, the competences of office, or the qualifi-
cations for leadership but an organization which possesses all these
characteristics. This organization may include not only the de jure
political officials but also the invisible government, the leaders of
political parties and private armies, in so far as they actually main-
tain the state.

A government is usually considered an organ of a state, but it may

[7] Since the state's constitution usually asserts a capacity to modify the state's own
jurisdiction by an autonomous procedure, conflicts between international law and
municipal law are possible (see above, Vol. I, chap. xiii, sec. 3).

[8] Consequently, state, government, nation, and people must be related to one another
if any one of them is to exist concretely.

also be considered an organ of a larger entity. Theories of divine right have asserted that governments are instruments of the divine order;[9] theories of international law, that they are agents of the community of nations;[10] and theories of leadership, that they are organs of a society, a nation, or a race to develop the state in its service.[11] Democracy has developed, overmuch, the conception that government is an organ exclusively of the state with the sole function of formulating and administering the will of the state expressed in its laws.[12]

A synthesis of these various theories suggests that a government is a semi-independent organization, which, although to some extent dependent upon the state, the national society, and the community of nations, may act independently to keep them in harmony. A government must adapt the state to the changing conditions of the national society which the state serves, while at the same time it adapts that society to the form of the state. So also it must adapt both the state and the society to the changing character and institutions of the community of nations, while it seeks to influence the development of the latter according to the form and ideals of the state and nation.

The government is thus the equilibrating agency which relates the state to the nation and to the community of nations. If it is assumed that the state asserts a monopoly of political power, the community of states becomes a balance of power, and it becomes the function of the government to direct the power of the state so that the nation

[9] J. N. Figgis, *The Divine Right of Kings* (2d ed.; Cambridge, 1914), pp. 5 ff.; James I, "The Trew Law of Free Monarchies: Or the Reciprock and Mutuall Duetie betwixt a Free King and His Naturall Subjects" (1598), in Charles H. McIlwain, *The Political Works of James I* (Cambridge, Mass., 1918), pp. 53 ff.

[10] Q. Wright, *Control of American Foreign Relations* (New York, 1922), pp. 15 ff.; Permanent Court of International Justice, *Eastern Greenland Case* ("Series A/B," No. 53), p. 71, and dissenting opinion of Judge Anzilotti, *ibid.*, p. 91; Harvard Research in International Law, "Draft Convention on Law of Treaties, Art. 21," *American Journal of International Law*, XXIX (suppl., 1935), 1006 ff.

[11] Frederick L. Schuman, *The Nazi Dictatorship* (New York, 1935), p. 120.

[12] Rousseau, *op. cit.*, Book III, chap. i, p. 49. Constitutional monarchies reach the same conclusion by identifying the government with the ministers who in law are agents of the crown and in politics of the people. In law the crown is the sovereign and in politics the people. See above, n. 2.

will survive in the changing conditions of that equilibrium. The manner and efficiency with which a government performs this difficult task depend upon the patterns of behavior implicit in the structure and relationships of the organizations and institutions which in the broadest sense constitute the society's constitution. The state's constitution consists of that part of the society's constitution formulated in public law. The latter may be called the "political constitution" and may be distinguished from the remainder of the society's constitution called the "social constitution."[13]

Different states have varied in warlikeness at the same time, and the same state has varied in warlikeness at different times.[14] Can these variations be related to variations in national constitutions?

2. CONSTITUTIONS AND FOREIGN POLICY

Detailed studies have indicated that states with constitutions as widely different as those of Japan, France, Great Britain, the United States, and Germany have tended to react similarly under similar external pressures.[15] Foreign policies have been influenced more by the external situation, especially the political and economic activities of other nations, than by the society's internal constitution.[16] The latter, however, has not been without influence. While states must in the long run adapt their constitutions to external pressures which cannot be changed, yet they may through wise policies to some extent adapt the external environment to the existing constitu-

[13] Garner, op. cit., pp. 498 ff. Both the political and the social constitutions of a society may be distinguished from its policy or its behavior to meet new conditions or to realize its aspirations. Policy may be divided into domestic and foreign according as action is intended to alter the social constitution or to alter relationships with other societies. Policy may also be divided into government and social according as it is formulated by the government or by other agencies.

[14] Above, Vol. I, chap. ix, sec. 1a.

[15] See Q. Wright, op. cit., pp. 365 ff.; Frederick L. Schuman, War and Diplomacy in the French Republic (New York, 1931), p. xvi; Tatsuji Takeuchi, War and Diplomacy in the Japanese Empire (New York, 1935), p. xix; James Q. Reber, "War and Diplomacy in the German Reich" (manuscript, University of Chicago Library, 1939); F. R. Flournoy, Parliament and War (London, 1927); above, Vol. I, chap. x, n. 33.

[16] "The main lines of the foreign policies of nations seem frequently to be determined by the circumstances of their existence and reassert themselves in a surprising way under the greatest diversity of governments and personalities" (Dewitt C. Poole, The Conduct of Foreign Relations under Modern Democratic Conditions [New Haven, 1924], p. 67).

tion. Democracies pressed by emergency may have to become dictatorships,[17] but by foresight they may organize a world safe for democracy.[18]

The constitution, as well as the foreign policy, of a state results from the interaction of internal and external conditions.[19] External environment, however, influences foreign policy more rapidly than it influences the constitution. The state's constitution need not and usually does not respond to a changing world-situation so rapidly as does the state's foreign policy.[20]

As a consequence the organs of government responsible for a state's foreign policy are under continuous tension, especially in time of rapid external change. The internal constitution urges a policy founded on national traditions and domestic public opinion, while external conditions and events, as disclosed by information from the diplomatic service, urges a policy of immediate adaptation to shifts in the balance of power by preparations for defense or utilization of favorable opportunities.[21]

This tension has been dramatized in the United States because the Constitution, based upon a system of checks and balances, emphasizes the conflict between the president, in continuous contact with external conditions, and the Senate, influenced mainly by internal opinion.

The President and Secretary of State together propose, and the Senate, speaking with the voice of American public opinion, in the long run disposes. Yet neither the President nor the Secretary nor the Senate really *makes* American foreign policy. The cables make it. Senators, who do not read the cables, may be isolationists. But men who see the cables coming in, week by week and month by month, are either enlightened or afflicted with a professional defor-

[17] D. P. Heatley, *Diplomacy and the Study of International Relations* (Oxford, 1919), pp. 56–63.

[18] Elihu Root, "The Effect of Democracy on International Law," *Proceedings of the American Society of International Law, 1917*, pp. 7–8.

[19] Q. Wright, "The Government of Iraq," *American Political Science Review*, XX (November, 1926), 743 ff.

[20] For this reason it has often been said that foreign policy should be relatively free from the deliberative procedures of domestic legislation (Heatley, *op. cit.*, p. 56; Q. Wright, *Control of American Foreign Relations*, pp. 141 ff., 363 ff.; above, Vol. I, chap. xi, n. 2).

[21] Q. Wright, *Control of American Foreign Relations*, pp. 4 ff.; above, n. 1.

mation, as you may choose to call it. These long mimeographed sheets, with their heavy, secretive stamp, too insistently proclaim this country to be one member only in the community of nations; too grimly suggest that what threatens the community threatens us. Recent history does not record a President in office or a Secretary of State who believed the United States could safely be indifferent to the fate of the rest of the world.[22]

This belief, however, does not necessarily determine policy. Senators with ears to the ground and eyes to the past may ignore the requirements of foreign policy which seem obvious to the executive, and disaster may occur.[23] The same conflict exists in all countries, though it is usually manifested in the privacy of cabinet meetings or inner councils. Only occasionally does it appear on the floors of parliament in the democracies, and it never appears to the public in the autocracies so long as they last.[24]

The lag of the domestic constitution behind changing international conditions may be an important factor in the fluctuations of war and peace. In times of general expectation of peace, politics tend to become democratic. Governments tend to become agents for the execution of national public opinion rather than leaders in forming it. Public opinion, springing from sources other than the government, tends to dominate policy, and that opinion, in so far as it bears upon foreign affairs, reflects the attitude of the average man and of interest groups. The average man inclines to be suspicious of the foreigner,[25] to be more interested in domestic than in foreign affairs,[26] to be educated in nationalism limiting his interests to the national horizon,[27] and to be more ready to resent than to understand the complaints of foreign governments.[28] Interest groups seek protection of their special interests, and this is more likely to result in gov-

[22] Alsop and Kintner, *op. cit.*, p. 4.

[23] Q. Wright, *Control of American Foreign Relations*, pp. 360 ff.; "Domestic Control of Foreign Relations," in C. P. Howland (ed.), *Survey of American Foreign Relations* (New York, 1928), pp. 91–105.

[24] Heatley, *op. cit.*, pp. 61 ff.; Poole, *op. cit.*, pp. 190 ff.

[25] James Bryce, *International Relations* (New York, 1922), p. 142.

[26] Friedrich, *op. cit.*, pp. 29 ff.

[27] Q. Wright, "Domestic Control of Foreign Relations," in Howland (ed.), *op. cit.*, pp. 119 ff.

[28] Below, n. 77.

ernment action when protection is sought against the foreigner than against some other domestic group. The export trades and foreign investments tend to expand, frequently giving rise to friction within the area of expansion and to demands for diplomatic or military protection.[29]

As a consequence, in time of peace governments tend to pursue policies, springing from the domestic public opinion, which neglect the balance of power and which have the dual effect of increasing the vulnerability of the state to economic and military attack and of increasing the number of controversies with foreign states. States become materially more interdependent and morally more aloof. In course of time certain states may pass a threshold either of vulnerability or of irritation or of both, leading to constitutional changes. The government of these states will assume a leadership devoted primarily to integrating domestic opinion behind an aggressive foreign policy. The unpreparedness of other states will provide the opportunity to utilize foreign propaganda, diplomatic threats, and military coercion with effect. Tensions will then rise in all states, military preparations will become general, diplomatic grievances will become intense. Eventually minor and then major wars will be fought.[30] These may so exhaust all participants that a period of peace will follow.

The alternation of domestic constitutions from autocracy to democracy may therefore be related both as cause and as effect to the alternations of peace and war. In history, however, the expectation of war has prevailed in most times and places. Consequently, autocracy, at least in the handling of foreign affairs, has been the prevailing constitutional form.[31]

The relationship of constitutional forms and foreign policy is not simple. Both the domestic constitution and the international situation are composed of many factors. In the following sections attention will be given to the influence upon warlike and peaceful policies

[29] Eugene Staley, *War and the Private Investor* (New York, 1935), chaps. vi–viii.

[30] The period from 1920 to 1940 illustrates the process. See Bernadotte Schmitt, *From Versailles to Munich, 1918–1938* ("Public Policy Pamphlet," No. 28 [Chicago, 1938]); E. H. Carr, *International Relations since the Peace Treaties* (London, 1937).

[31] Friedrich, *op. cit.*, p. 13; above, n. 20.

of the social and political constitution of states and of international conditions affecting the utility of war as an instrument of policy to all or to some states.

3. THE SOCIAL CONSTITUTION AND WAR

Among factors in its social constitution which appear to influence the warlikeness of a state are its age, cultural composition, economy, progressiveness, and integration.

a) Age.—There is some evidence that the warlikeness of a state alters with its age. Holland, Sweden, and Denmark, for instance, were all much more belligerent in the seventeenth century than they have been in the nineteenth and twentieth. Even France and Austria, the most belligerent of the powers during most of the modern period, declined somewhat in belligerency in the nineteenth century. Russia, Prussia, and Italy, on the other hand, have increased in belligerency. These states were also the latest comers into the general power complex of Europe.[32]

It has been suggested that states have a life-history like that of individuals. In youth the population increases rapidly, and consequently there is a larger proportion of young people and a smaller proportion of old people. This induces an adventurous and warlike tendency. After a time the population becomes stabilized, the proportion of the young becomes less, the culture is more concerned with economy and welfare, less with adventure and expansion, and there is less inclination to go to war. In advancing age the proportion of the old in the population becomes greater, the state's position in the balance of power becomes stabilized, and its willingness to risk this position by war becomes progressively less.[33]

b) Cultural composition.—Cultural heterogeneity within a state tends to involve it in wars of two types: civil revolts of cultural minorities to resist oppression or to establish national independence and imperialistic wars to expand empire or to divert attention from

[32] Above, Vol. I, chap. ix, sec. 1a.

[33] See Corrado Gini (*Population* [Chicago, 1930], p. 29), whose effort to establish this relation statistically has not been unchallenged. The influence upon warlikeness of other aspects of population such as density, racial composition, rate of growth or decline, and migration is in itself indeterminate. It depends upon the societies' polity, economy, culture, and international relations. Below, chap. xxxi.

domestic troubles. As the large states, especially those with over-seas empires, have tended to be the least homogeneous, this is a factor accounting for the greater warlikeness of the "great powers." Wars to suppress colonial revolt and to expand empire in backward areas, while numerous, have seldom involved national aspirations or the balance of power and have usually remained "small wars."[34]

If there is great cultural heterogeneity within the home territory of the state, as was notably true of the Hapsburg Empire, wars of self-determination or diversion may occur. The cure for incipient civil war is said to be foreign war. Instances appear in the history of all the great powers where this device has been considered or utilized, notably by the Hapsburg Empire in 1914.[35] Such wars often spread because they usually involve the balance of power.

Another method for avoiding the dangers of a heterogeneous cul-ture has been the propaganda of nationalism. The effort to advance cultural homogeneity has, however, been even more productive of war than the existence of cultural heterogeneity. Nationalism has produced more serious wars than imperialism. The characteristics of national cultures differ, however, in respect to warlikeness. These qualitative differences are probably more important than the degree of uniformity of the culture throughout the state's territory.[36]

c) *Economy*.—The system of economic production or resource utilization has had an important influence upon warlikeness. States with economies based on agriculture, though less warlike than those based on animal pasturage, have generally been more warlike than those based on commerce and industry. This tendency has been pointed out by economists, sociologists, and historians[37] and was to

[34] Above, Vol. I, chap. ix, n. 10, and Appen. XXI, Table 48.

[35] On the eve of the American Civil War, Secretary of State Seward advised that trouble be stirred up with England and France, but President Lincoln did not follow this advice (Carl Russell Fish, *American Diplomacy* [New York, 1923], p. 305). The Japanese invasion of Manchuria in 1931 was in part motivated by the desire of some of the army leaders to stop the democratic trend which was gradually reducing the army's position in home politics (Takeuchi, *op. cit.*, pp. 343 ff.). See also above, Vol. I, chap. x, n. 12.

[36] Below, chap. xxvii.

[37] The influence of commercial and industrial advance in diminishing warlikeness was attributed by Adam Smith (*Wealth of Nations* [London, 1833], Book V, chap. i, p. 319)

be observed in the contrast between the agricultural West and the more commercial East in the United States during the Napoleonic period; in that between the agricultural South and the industrial North in the United States before the Civil War; in that between the agricultural east and the industrial west of Germany before World War I; and in that between the agricultural east and the industrial west of Europe in the nineteenth century.

This difference appears to rest on inherent conditions of the two economies. Self-sufficient agriculture in modern civilization originated in feudalism or in the settlement of nomadic conquerors or pioneers with the spirit of adventure and self-reliance in which each man defends his home with his arms. The spirit of feudalism has continued in the former case and has tended to develop in the latter, with increasing inequality in the possession of land. The landowners defend their estates with their own forces, exalt the military virtues, engage in hunting for food and sport, and maintain familiarity with the weapons of war. Furthermore, in an agricultural civilization, land is the major commodity of value, and land is something that can be acquired by war. The growth of population, which is usually more rapid in rural than in urban areas, makes evident a continuous need for more land if the rising generation is to have an equal number of acres.

On the other hand, industrial activities tend toward urbanization and demilitarization of the leaders and the society and to the exaltation of business shrewdness, which in trade and industry is a more

to the opportunity it afforded to defend the country by a small standing army, thus relieving most of the population of the need of military activity; by Herbert Spencer (*Principles of Sociology*, II, 578, 675 ff.) to the greater individual freedom possible under industrialism; by H. T. Buckle (*History of Civilization in England* [London, 1869], I, 190 ff.) to the opportunity for and stimulus to intellectual interest under industrialism; and by Charles A. Beard ("Prospects for Peace," *Harper's Magazine*, February, 1929, and above, Vol. I, chap. vii, n. 107) to the military tendencies of agrarian aristocracies. On the other hand, enthusiasts for Jeffersonian agrarian democracy have suggested that industrialism with its consequence of an urban proletariat tends to cause war (W. E. Dodd, "The Dilemma of Modern Civilization," in Q. Wright [ed.], *Neutrality and Collective Security* [Chicago, 1936], pp. 97 ff.). Civilizations dependent on mining, such as Mexico, are said to acquire a spirit of adventure, of gambling, and of conquest in contrast to the more ordered and peaceful spirit of agricultural civilizations. (José Vasconcelos, *Aspects of Mexican Civilization* [Chicago, 1926], pp. 27 ff.).

efficient instrument than war. It is, of course, true that highly in-dustrialized states must import foodstuffs and raw materials, must export manufactured goods to pay for them, and may profit by op-portunities to invest capital and to utilize technical and managerial ability abroad. In the absence of excessive trade barriers and exces-sive government control of trade, these requirements and opportuni-ties can, however, be more profitably secured by peaceful bargaining than by conquest.

Feudalism, by subordinating economy to polity, increased the warlikeness of earlier agricultural economies. In the same way gov-ernment planning has often tended to subordinate economic welfare to political power and to increase the warlikeness of states with an industrial economy. Socialistic economies have produced the most warlike states of history.[38]

d) *Progressiveness.*—Modern war appears to have had an adverse influence on social progress. Military preparedness and war have made for rigidity, unadaptiveness, and traditionalism.[39] Progressive and dynamic states, however, which continually strive to arouse the society as a whole to a consciousness of national values and to adapt social institutions and activities in order to realize these values, are more warlike than traditional and static states, which leave the defi-nition and realization of social values to the interplay of the ideas and propagandas of individuals and private organizations. The effort of government rapidly to change society tends to produce internal dis-sensions, and, to eliminate these dissensions, governments often re-sort to regimentation of opinion and the creation of scapegoats. The psychological mechanisms of repression, displacement, and projec-tion are made to serve the purposes of government.[40] In so far as

[38] Below, sec. 5c and chap. xxxii.   [39] Above, Vol. I, chap. x, sec. 5.

[40] E. F. M. Durbin and John Bowlby, *Personal Aggressiveness and War* (New York, 1939), pp. 15 ff. Though he criticizes these writers, Bronislaw Malinowski ("An An-thropological Analysis of War," *American Journal of Sociology*, XLVI [January, 1941], 527) seems to duplicate their position in the following statement: "Everywhere, at all levels of development, and in all types of culture, we find that the direct effects of aggressiveness are eliminated by the transformation of pugnacity into collective hatreds, tribal or national policies, which lead to organized, ordered fighting, but prevent any physiological reactions of anger" (*ibid.*, p. 533). See also H. D. Lasswell, *World Politics and Personal Insecurity* (New York, 1935), pp. 68 ff.; Ross Stagner, J. F. Brown, R. H. Grundlach, and Ralph K. White, "The Psychology of War" (manuscript for Society

they are successful the state becomes socialistic in economy and aggressive in foreign policy.

Planning of progress for a society as a whole may therefore prove to be self-defeating. Progress consists in the continuous rising of new values through analysis, experiment, and comparison. Once a society as a whole has defined its values and organized to realize them, it has put a stop to further progress.[41]

e) Integration.—Youth, cultural homogeneity, national economic planning, and dynamism are characteristics which often make for war and are all characteristics upon which totalitarian societies have prided themselves. It is therefore not surprising that totalitarianism has made for war. The liberal society, which confines the functions of government to the maintenance of law and order and which recognizes the autonomy of national minorities, churches, economic enterprises, and educational, research, and publicity organizations, may be expected to command a less united loyalty among its population and a less perfect administrative machine with which to mobilize its resources for war than will the totalitarian society whose people are taught to believe that the state is the supreme value.[42] The leaders of liberal states have, therefore, taken a longer time to prepare to fight, even after that decision has been reached, and, in the early stages of fighting, have been less efficient. Furthermore, the liberal society, because of its liberalism, presents an opportunity for propagandas of disintegration and, because of its unpreparedness, presents a tempting target for attack by aggressive neighbors. These relationships have been illustrated by the aggressions of the totalitarian

for Psychological Study of Social Issues, 1941). Social integration may be effected less dangerously but more slowly by democratic and educational processes (below, chap. xxviii).

[41] Above, Vol. I, chap. x, sec. 5.

[42] The distinction between liberal and totalitarian societies has some resemblance to Ferdinand Tönnies' distinction between "artificial" contractual associations (*Gesellschaft*) and "natural" organic communities (*Gemeinschaft*) (*Gemeinschaft und Gesellschaft* [Leipzig, 1887; 7th ed., Berlin, 1926]; "Sociology," *Encyclopaedia of the Social Sciences*, XIV, 244). The highly integrated totalitarian societies are, however, "natural" only in the sense that they resemble primitive communities. They are more "artificial" than liberal societies in that under modern conditions their maintenance requires more conscious planning and coercive force.

states since 1931 and suggest that either excessive or inadequate social integration within a state presents dangers for peace. Furthermore, the degree of integration may be less important in this respect than the method by which integration is achieved.[43]

Changes in the social constitution of states may in part account for the changes in the warlikeness of a civilization during its history. The youthfulness and dynamism of states make for warlikeness in the heroic age. The increasing homogeneity and integration of states in the time of trouble sustain their warlikeness in spite of increasing age. In the period of the universal state, however, the increasing age of states as well as the developing uniformity and integration of the civilization as a whole make for peace. The peacefulness of aged states in the period of decline renders the civilization as a whole vulnerable to attack from outside, and defensive wars become frequent.[44]

4. THE POLITICAL CONSTITUTION AND WAR

Among factors which appear to influence the warlikeness of a state are the degrees of constitutionalism, federalism, division of powers, and democracy established in its political constitution.

a) Constitutionalism implies that the scope of all political power is limited by law. It is distinguished from absolutism, which implies that political power is hierarchically organized under a supreme authority superior to the law. Law is interpreted as the commands of that supreme authority.

The early advocates of state sovereignty, like Bodin and Althusius, considered that the power of the state as a whole was limited by international law and constitutional principles.[45] The tendency of

---

[43] Schuman, *The Nazi Dictatorship; Europe on the Eve* (New York, 1939); *Night over Europe* (New York, 1941); below, chap. xxviii.

[44] Above, Vol. I, chap. vii, secs. 2b and 3c; chap. xii, sec. 5; chap. xv, sec. 1c.

[45] J. Bodin, *Six livres de la république* (1576), Book I, chaps. ii and viii; J. Althusius, *Politica methodica digesta* (1609), chap. ix, secs. 122 and 125; C. E. Merriam, *History of the Theory of Sovereignty since Rousseau* (New York, 1900), pp. 14–20; Q. Wright, *Mandates under the League of Nations* (Chicago, 1930), p. 278. Hans Kelsen expresses the same idea by identifying the state with law *(Das soziologische und juristische Staatsbegriff* [1st ed., 1922; 2d ed., 1928]; "Centralization and Decentralization," in *Factors Determining Human Behavior* ["Harvard Tercentenary Publications" (Cambridge, Mass., 1937)], sec. 6). "When one speaks of the power of the state one necessarily refers there-

democratic theory, however, as developed both by the romanticists and by the utilitarians, was toward the absolute sovereignty of the state, though toward limitations of the authority of the government by the political constitution. The state as a corporate body was absolute, though the monarch was limited.[46]

Modern despots have combined the democratic absolutism of the nineteenth-century state with the divine-right absolutism of seventeenth-century monarchs. They have put the despot above the law, not, however, from hereditary title but from a self-discovered capacity to mold the national will.[47]

Fundamentally, constitutionalism is the claim that law is superior to power.[48] Does law create authority or does authority create law?[49] Do highest social values reside in abstract principles or in effective organizations? Is the intellect or the will superior? Is right or might the final test of conduct?

fore to the actuating force of ideas whose content is the objective ordering of the state. . . . . If the state is only an expression for the unity of the legal system and if international law is recognized—as admittedly it is—as a body of rules of law binding upon states independently of their will, then from a purely legal point of view, there is already in existence a state over and above the national sovereignties" (H. Lauterpacht, "Kelsen's Pure Science of Law," *Modern Theories of Law* [Oxford, 1933], pp. 121 and 124). See also H. E. Cohen, *Recent Theories of Sovereignty* (Chicago, 1937), chap. v.

[46] Rousseau, *op. cit.*, Book I, chap. vi; Book II, chap. iv; John Austin, *Lectures on Jurisprudence* (1832; 3d ed., 1869), I, 270; Jeremy Bentham, *Fragment on Government* (1776), chap. iv, pp. 152–55; Merriam, *History of the Theory of Sovereignty*, pp. 33–35, 90–95, 130–50; Q. Wright, *Mandates*, p. 280. Burgess (*op. cit.*, I, 73) considers the phrase "constitutional state" (*Rechtstaat*) misleading: "The expression applies to government rather than to state. The state makes the constitution instead of being made by it, and through it organizes a government which may act only in accordance with the legal forms and for the legal purposes prescribed in the constitution." See below, n. 82.

[47] This development owed much to the German transcendentalists (Q. Wright, *Mandates*, p. 281) and to German militarists (A. T. Lauterbach, "Roots and Implications of the German Idea of Military Society," *Military Affairs*, V [Spring, 1941], 1 ff.). See also Merriam, *The New Democracy and the New Despotism*, pp. 194, 215 ff.; Watkins, *op. cit.*, pp. 34–41.

[48] Compare ideas of the sovereignty of reason (Cousin, Constant, Guizot), sovereignty of law (Krabbe), and supremacy of "social solidarity" (Duguit). See Merriam, *Theories of Sovereignty*, pp. 75 ff.; P. W. Ward, *Sovereignty: A Study of a Contemporary Political Notion* (London, 1928), pp. 127 ff.; Cohen, *op. cit.*, chap. iv.

[49] See A. V. Dicey, "Relations between Parliamentary Sovereignty and the Role of Law," *Introduction to the Study of the Law of the Constitution* (8th ed.; London, 1915), chap. xiii; Fox, *op. cit.*, pp. 8 ff.

Actually no society can exist without both law and power.[50] No values can exist unless formulated in principles and realized in organizations. Effective organization requires both reason and faith.[51] Effective government requires both a determination of what is right and the might to enforce it.[52] Law is at the same time the enactments of political authority in varying degrees of concreteness and the principles of procedure and substance which political authority must follow in order that its enactments may be considered just.[53]

Different states have, however, given varying emphasis to the two aspects of law and organization. Constitutional states (*Rechtstaaten*) have emphasized the legal requirements which must be observed if any exercise of authority is to be valid. Absolutistic states, on the other hand, have emphasized the legal validity of all exercises of supreme authority. To the one, justification for administrative action is found in superior orders; to the other, only in conformity to the common law.[54] Constitutionalism tends toward limitation and division of authority and toward traditionalism in government. Absolutism tends toward unification and discretion of government and toward central planning. In modern governments the first emphasis has dominated the development of common law and the practices of the judiciary, and the second has dominated the development of legislation and the practices of public administration.[55]

[50] The common law has been reluctant to push either the idea of natural law or the idea of sovereignty too far (W. S. Holdsworth, *Some Lessons from Our Legal History* [New York, 1928], pp. 109 ff.).

[51] It must serve the interest of its members and must also be sustained by a common opinion among them (below, chap. xxviii, sec. 1a).

[52] "Justice without force is powerless, force without justice is tyrannic" (Blaise Pascal, *Les Pensées* [Paris, 1877], I, 100).

[53] N. S. Timasheff (*An Introduction to the Sociology of Law* [Cambridge, Mass., 1939]) defines law as "ethico-imperative social coordination." Other writers, like Hans Kelsen, apply the term "law" to imperative enactments even though devoid of the ethical element (justice). Lauterpacht ("Kelsen's Pure Science of Law," *op. cit.*, p. 131) disagrees with Kelsen in this respect. Justice means a continuous effort to define and apply the law so that it will better realize the fundamental assumptions of the civilization. If the civilization is vital, the judges will make that effort and the law will not be entirely divorced from justice. Below, chap. xl, n. 35.

[54] See Dicey, *op. cit.*, chap. xii: "Rule of Law Compared to Droit Administratif."

[55] Roscoe Pound, "The Growth of Administrative Justice," *Wisconsin Law Review*, II (January, 1924), 321 ff. The common-law attitude (*Rex non debet esse sub homine sed*

It is clear that constitutionalism is more favorable to peace than is absolutism. By envisaging law in the abstract as superior to organization, constitutionalism tends toward a universalizing of law[56] and thus facilitates a harmonizing of international law and municipal law through application of the former in national courts.[57] It avoids the assumption of ineradicable conflicts between the legal sovereignties of different states. Absolutism is faced by the dilemma of assuming, as did Dante, a single sovereign empire to make law for the world, thus reducing national states to mere administrative circumscriptions; or of assuming, as did Machiavelli, a number of sovereign states each with unlimited authority to make law, thus eliminating international law altogether and reducing international relations to relations of power.[58]

---

sub Deo et lege, 12 Coke 65; Bracton, fol. 5b) and the administrative attitude (*Salus populi est suprema lex,* Bacon, Max. Reg. 12) are said to have, respectively, characterized Bracton and Azo in the Middle Ages; Coke and Bacon in the seventeenth century; common law and civil law in the nineteenth century; the judiciary and the administration in the twentieth century. See Sir Frederick Pollock and F. W. Maitland, *The History of English Law,* I (Cambridge, 1899), 24, 182, 209; F. W. Maitland, *English Law and the Renaissance* (Cambridge, 1901), pp. 8 and 29; Sir Frederick Pollock, *The Expansion of the Common Law* (Boston, 1904), p. 88; Roscoe Pound, *The Spirit of the Common Law* (Boston, 1921), pp. 5, 16 ff.; Dicey, *op. cit.;* Walter Lippmann, *The Good Society* (Boston, 1937); Herbert Broom, *A Selection of Legal Maxims* (10th ed.; London, 1939), pp. 1 ff., 17 ff. W. W. Buckland and A. D. MacNair (*Roman Law and Common Law* [Cambridge, 1936], pp. xi, xvii, 9) point out that civilian and philosophic commentators of later epochs, not the Roman jurists themselves, justified the association of Roman law with the administrative attitude. The common-law attitude tends to emphasize individual freedom and free-enterprise economy, while the administrative attitude tends to emphasize government efficiency and socialistic economy. Below, chap. xxiii, nn. 31–34; chap. xxxii, nn. 116–18; Appen. XXXVIII.

[56] Even so skeptical a jurist as Walton Hamilton admits that the theoretical unchangeableness of law has a symbolic advantage if placed in the custody of skilled interpreters who, if necessary, can "match language and meaning along the same line of argument in opposite directions" ("Constitutionalism," *Encyclopaedia of the Social Sciences,* IV, 258).

[57] Above, n. 45. H. Lauterpacht, "Is International Law a Part of the Law of England?" *Grotius Society Proceedings, 1939;* E. D. Dickinson, "Changing Concepts of the Doctrine of Incorporation," *American Journal of International Law,* XVII (April, 1932), 239 ff.; Q. Wright, "International Law in Its Relation to Constitutional Law," *American Journal of International Law,* XVII (April, 1923), 236 ff.

[58] Above, Vol. I, chap. xiii, nn. 86 and 87; Percy Corbett, "International Law and Organization," *Proceedings of the American Society of International Law, 1940,* p. 102;

Furthermore, by envisaging the constitution as superior to all authorities within the state, constitutionalism gives a rational foundation for the federal organization of government, for the separation of governmental powers, and for guaranties of individual rights, all of which seem unreal under a theory of absolutism which subordinates all such distinctions to the discretion of the supreme authority. Absolutism tends toward totalitarianism because of the absence of any check upon the natural expansive tendency of authority.[59]

b) Federalism.—The influence of geographic centralization of government[60] upon peace and war is similar to that of totalitarianism or the expansion of the functions of the state.[61] The highly centralized government tends to prepare for and wage war more efficiently than the decentralized federation, and it is likely to be under greater necessity for doing so, in order to divert attention from dissatisfactions, certain to arise in local areas, because of the very intensity of centralization.[62]

The difficulties which federations, especially those formed by the union of sovereign states, have sometimes encountered in concluding and carrying out international engagements have caused diplomatic friction but have had little direct importance in causing war. These difficulties may, however, have hampered the participation of federal states in international organization.[63]

States are continually undergoing a process of centralization or decentralization according as the centripetal or centrifugal forces are

Lauterpacht, "Kelsen's Pure Science of Law," *op. cit.*, pp. 125 ff.; Ruth D. Masters, *International Law in National Courts* (New York, 1932), pp. 11 ff.

[59] Merriam, *The New Democracy and the New Despotism*, pp. 237 ff.

[60] Kelsen points out that centralization is fundamentally a jural conception referring to the spatial sphere of validity of legal rules ("Centralization and Decentralization," *op. cit.*, sec. 8).

[61] Above, sec. 3e.

[62] "The subject . . . . remaining always a unit, the relation between law and the sovereign increases with the number of citizens. From this it follows that the larger the state, the less the liberty. . . . . Now the less relation the particular wills have to the general will, that is, morals and manners to laws, the more should the repressive force be increased" (Rousseau, *op. cit.*, Book III, chap. i, p. 51).

[63] H. W. Stokes, *The Foreign Relations of the Federal State* (Baltimore, 1931), pp. 219 ff.

stronger. The British Empire, with the development of Dominion status, has been decentralizing, although certain of its parts, the federated dominions, have themselves been centralizing. The United States and other federations such as Switzerland and Germany have tended to centralize. Confederations like the Holy Roman Empire, the United States under the Articles of Confederation, the Germanic Confederation of 1815, and the League of Nations tended to decentralize. If either centralization or decentralization of government proceeds out of pace with the integration or dissolution of the society and the culture, it is likely to lead to civil war, whether of self-determination against central interference or of sanctions against local nullifications of the constitution.[64] Furthermore, while the process of decentralization may stimulate attacks from outside, because of the impression of weakening, rapid centralization may alarm other states and lead to preventive wars, if indeed the political strengthening which it gives to the state does not induce it to embark upon aggressions.[65]

c) Separation of powers.—Whether centralized or federal, the national government may have a functional union or a functional separation of governmental powers. It would appear that the system of separation of powers, maintained by checks and balances, augments the tendencies of liberalism and federalism. Even when governments have a considerable separation of powers for domestic purposes, it is common for the control of foreign relations to be centralized in a single authority. Such a policy was advocated by the early prophets of the separation of powers, such as Locke and Montesquieu.[66] The United States has been peculiar in extending the system of checks and balances into the conduct of foreign relations, and the perpetual antagonism between the Senate and the president has rendered a per-

[64] Above, Vol. I, chap. xiv, sec. 2b.

[65] The influence of change in constitutions upon the balance of power has always been recognized (above, chap. xx, nn. 3 and 10). The greater centralization of the United States after the Civil War induced the Canadian provinces to unite. The centralization of Germany by Bismarck induced France and Russia to become allies. The decentralization of the Danubian area in 1920 encouraged aggression by Germany and Italy.

[66] Q. Wright, *Control of American Foreign Relations*, pp. 141 ff.

sistent and efficient foreign policy extremely difficult.[67] This system has doubtless influenced the isolationist tendencies of American foreign policy and the unwillingness of the United States to enter actively into the balance of power or into international organization.[68] When the isolationist policy was based upon a high degree of strategic and economic invulnerability, the effort to make the most of those conditions may have been wise policy. But with a rapidly shrinking world, both strategically and economically, it may be doubted whether the check-and-balance system with its extreme inefficiency has proved adequate to the conduct of foreign affairs. It has augmented the reluctance of the United States to enter war, but it has also decreased the possibility of the United States' taking constructive measures to prevent war. It, however, has not decreased the vulnerability of the United States to attack nor of its population to acquiring war fever through natural interest, extensive news services, and interested propaganda. While functional centralization, at least in foreign and military affairs, is a prerequisite for the effective preparation and waging of modern war and may be the price of survival in a jungle world, it also increases the warlikeness of the state.[69]

d) Democracy.—What is the influence of democracy upon war and peace? By democracy in the political sense is meant the general conviction that the source of governmental authority and of the duty of obedience should be the freely manifested consent of the governed population and the realization of this conviction through appropriate institutions.[70] Democracy is distinguished from aristocracy,

[67] *Ibid.*, pp. 360 ff. Checks and balances have caused more friction than federalism in the conduct of American foreign relations.

[68] The Senate has been especially hostile to arbitration and international organization in dealing with treaty ratification. See Royden J. Dangerfield, *In Defense of the Senate* (Norman, Okla., 1933), pp. 258 ff.; D. F. Fleming, *The Treaty Veto of the American Senate* (New York, 1930), pp. 272 ff.; W. Stull Holt, *Treaties Defeated by the United States Senate* (Baltimore, 1933).

[69] Q. Wright, "Domestic Control of Foreign Relations," in Howland (ed.), *op. cit.*

[70] This implies government which conforms to public opinion and is supported by the consent of the governed, which respects individual freedom in the development of personality and the expression of opinion, which equally evaluates the personalities of all and the opinions of competent adults on political questions. See H. J. Laski, "Democracy," *Encyclopaedia of the Social Sciences;* C. E. Merriam, *The New Democracy and the New Despotism*, pp. 11 ff.; W. E. Rappard, *The Crisis of Democracy* (Chicago, 1938), pp. 13–19; Garner, *op. cit.*, pp. 312 ff.

oligarchy, and autocracy, which assert that governmental author-
ity and the duty of obedience flow from the superior ability, status,
or title of an individual or small group of individuals.[71] Recognizing
that freedom and equality, while both elements of consent, if pushed
to the extreme become incompatible, democracy has usually insisted
that both must be exercised under law which develops with changing
conditions of culture and technology. While suspicious of both total-
itarianism and centralization, democracy has usually recognized that
changing conditions may require increase in the functions of the state
and in the centralization of its government.[72]

It was a favorite theme of the allied powers during World War I
that democracy tends toward peace.[73] The masses of the people who
have to do the fighting, it has been said, never want war, and if
they control the state they will not consent to war.[74] This theory has

[71] These forms of government may grant a high degree of freedom and recognize
equality in many respects. They are therefore to be distinguished from despotism. The
latter term refers to antidemocratic government, which not only may but does violate
individual liberty and equality. There is no single antidemocratic theory of govern-
ment, but many (Merriam, *The New Democracy and the New Despotism*, pp. 191 ff.).

[72] Absolutism, which separates law from justice, and totalitarianism, which greatly
expands the functions of the state, might theoretically apply to democracy as well as to
despotism, but, practically, democracy can hardly function without a common law and
without serious limitations upon government functions (see above, sec. 4*a*).

[73] "A steadfast concert of peace can never be maintained except by a partnership of
democratic nations. No autocratic government could be trusted to keep faith within it
or observe its covenant. . . . . Only free peoples can hold their purpose and their honor
steady to a common end and prefer the interest of mankind to any narrow interest of
their own" (President Wilson, address, April 2, 1917, in J. B. Scott [ed.], *Official State-
ments of War Aims and Peace Proposals* [Washington, 1921], p. 89). See also I. Kant,
Eternal Peace (1st ed., 1795; Boston, 1914), pp. 77, 85; Paul S. Reinsch, *Secret Diplo-
macy* (New York, 1922), p. 178; H. L. McBain and Lindsay Rogers, *The New Constitu-
tions of Europe* (New York, 1922), pp. 15, 136 ff.; Rappard, *op. cit.*, p. 256; Eduard
Beneš, *Democracy Today and Tomorrow* (London, 1939), p. 136; Clarence Streit, *Union
Now* (New York, 1939). Machiavelli thought that republics were less aggressive than
princes because, "their movements being slower," they would "take more time in form-
ing resolutions and therefore will less promptly break their faith" (*Discourses* [Detmold
trans.], I, 59). See also Q. Wright, "International Law in Its Relation to Constitutional
Law," *op. cit.*, p. 236; "Fundamental Problems of International Organization," *Inter-
national Conciliation*, April, 1941, No. 369, pp. 476, 489 ff.

[74] Kant, *op. cit.*, p. 77. Elihu Root argued that democracies must favor the develop-
ment of peaceful modes of international settlement because they are dependent upon
law (*op. cit.*, p. 14).

been carried to its logical extreme by proposals for a referendum on war.[75]

Statistics can hardly be invoked to show that democracies have been less often involved in war than autocracies. France was almost as belligerent while it was a republic as while it was a monarchy or empire. Great Britain is high in the list of belligerent countries, though it has for the longest time approximated democracy in its form of government if not in its social attitudes. More convincing statistical correlations can be found by comparing the trend toward democracy in periods of general peace and away from democracy in periods of general war. This correlation, however, may prove that peace produces democracy rather than that democracy produces peace.[76]

It seems probable that while democracies have frequently been involved in war, this has usually been because they were attacked by nondemocratic governments. Yet democracies have displayed some aggressive characteristics. Former Secretary of State Root wrote:

Governments do not make war nowadays unless assured of general and hearty support among their people, but it sometimes happens that governments are driven into war against their will by the pressure of strong popular feeling. It is not uncommon to see two governments striving in the most conciliatory and patient way to settle some matter of difference peaceably while a large part of the people in both countries maintain an uncompromising and belligerent attitude, insisting upon the supreme and utmost views of their own right in a way which, if it were to control national actions, would render peaceable settlement impossible.[77]

[75] See Q. Wright, "International Law in Its Relation to Constitutional Law," *op. cit.*, p. 235. A constitutional amendment, proposing a popular referendum before declaration of war, was introduced by Representative Ludlow in 1937, was opposed by the President and Secretary of State, and was defeated in the House of Representatives on January 10, 1938 (Department of State, *Press Releases*, January 15, 1938, pp. 99 ff.).

[76] Democracy made its greatest progress during the *pax Britannica* of the nineteenth century and in the early stages of the peace immediately after World War I (Rappard, *op. cit.*, pp. 29 ff., 102 ff.).

[77] Elihu Root, "The Need of Popular Understanding of International Law," *American Journal of International Law*, I (1907), 1. See also Root, "Effect of Democracy on International Law," *op. cit.*, p. 7; "A Requisite for the Success of Popular Diplomacy," *Foreign Affairs*, I (September, 1922), 3 ff.; "Public Opinion and Foreign Policy," *ibid.*, Vol. IX, No. 2 (spec. suppl., January, 1931).

Probably there are tendencies toward both peace and war in democracies as there are in autocracies—tendencies which approximately neutralize each other and, under present conditions, render the probabilities of war for states under either form of government about equal. Perhaps it would not be far from the truth to say that democracies, while in principle opposed to war, are, in practice, often opposed to the organization of peace; whereas autocracies, though in principle unwilling to abandon war as an instrument of policy, in practice often achieve their ends without actual breach of the peace.

Democracies normally require that important decisions be made only after wide participation of the public and deliberate procedures which assure respect for law and freedom of criticism before and after the decision is made. They are, therefore, ill adapted to the successful use of threats and violence as instruments of foreign policy. Autocracies, on the other hand, are accustomed to ruling by authority at home and are able to make rapid decisions which will appear to be accepted because adverse opinion is suppressed. Consequently, in the game of power diplomacy, democracies pitted against autocracies are at a disadvantage. They cannot make effective threats unless they really mean war; they can seldom convince either themselves or the potential enemy that they really do mean war; and they are always vulnerable to the dissensions of internal oppositions, capable of stimulation by the potential enemy, whatever decision is made. Thus it is not surprising that democracies have usually desired to abandon war as an instrument of policy, while autocracies have desired to retain it.[78]

Yet if war occurs, democracies may fight effectively, display equal endurance, and survive the shocks of disaster and defeat even better than autocracies. In World War I it was the autocracies rather than the democracies that suffered violent revolution, even those on the victorious side. Democracies are likely to be more prosperous in times of peace because their economy is likely to aim at welfare rather than at military invulnerability,[79] and in wars of attrition their superior economies give them an advantage. They have there-

[78] Above, Vol. I, chap. xii, sec. 3d.

[79] Sir Alfred Zimmern, "The Problem of Collective Security," in Q. Wright (ed.), Neutrality and Collective Security, pp. 58 ff.

fore survived, even under conditions of power diplomacy, but at the expense of temporary dictatorships for the conduct of war and other emergencies.[80] Such dictatorships may prove difficult to shake off after the emergency, especially if it is protracted and soon followed by another. The democratic institutions of ancient Rome and of the medieval monarchies were superseded by autocracies after the protracted and frequent wars of the late Roman republic and of the Renaissance. The modern world appears to be threatened by a similar succession of emergencies arising from the overrapid growth of technological interdependence and the lag of political adaptation.[81]

Under these conditions why do not democracies combine their overwhelming power in the world to eliminate war as an instrument of policy?

The difficulty appears to lie in the fact that democracies insist too vigorously that the government should be the servant of the state and the state should be the servant of the national society.[82] Such

[80] Rappard, *op. cit.*, chap. iii.

[81] *Ibid.*, chap. iv; Merriam, *The New Democracy and the New Despotism*, pp. 191 ff.

[82] Above, nn. 12 and 46. The humanistic idea at the root of democracy which holds that both governments and states are instruments for the realization of universal human rights has been minimized in theory and has been followed in practice only in times of great emergency. The French Declaration of the Rights of Man and Citizens inconsistently indorsed both universal rights of man and national absolutism. On the one hand, it declared: "(1) Men are born and remain free and equal in rights. . . . . (2) The aim of every political association is the preservation of the Natural and imprescriptible rights of Men," and, on the other hand, "(3) The source of all sovereignty is essentially in the nation. . . . . (6) Law is the expression of the general will." On the one hand, it places law above the national will and, on the other hand, below it. It attempts to effect a reconciliation by the conception of two laws, a higher above and a lower below the national sovereignty, each, however, determined by the other: "(4) . . . . The exercise of the natural rights of each man has for its only limits those that secure to the other members of society the enjoyment of their social rights. These limits can be determined only by law. . . . . (5) The law has the right to forbid only such actions as are injurious to society" (F. M. Anderson, "Constitution of September 3, 1791," *The Constitutions and Other Select Documents Illustrative of the History of France, 1789–1901* [Minneapolis, 1904], p. 58). The United States Declaration of Independence seeks to resolve the same inconsistency by invoking the right of revolution as a sanction to the higher law, but in this case the higher law seems to refer to the national "safety and happiness" rather than to universal human rights. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving

an attitude implies that foreign policy, though it affects the people of other states, should conform to the opinion of the people only of one state. That opinion can neither be representative of all the interests involved nor be adequately informed of the changing circumstances of international politics such as the opinions behind and the dangers from other governments. Democratic statesmen are obliged to base their policies upon the opinion of the public which maintains them in office and to ignore or subordinate the realistic dispatches of their diplomats or the resolutions of international bodies when these are in conflict with that opinion. Therefore, democracies, while usually theoretically against war, often fail to take measures, whether to balance power or to organize the world democratically, which might preserve the peace. Instead, they insist upon policies which, though consciously directed only to domestic ends, are in fact likely to lead to war.[83] The Pact of Paris, with its broad aspirations favorable to peace, was approved by the United States Senate in 1929 contemporaneously with an enlarged naval appropriation supported only on grounds of national defense.[84] The French Revolutionary government of 1792 expressed pacific aspirations in its

their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness" (William MacDonald, *Select Documents Illustrative of the History of the United States, 1776–1861* [New York, 1898], p. 2). For emphasis on the universal aspects of democracy in time of crisis see Robespierre's proposed Declaration of Rights, April 24, 1793; "(34) Men of all countries are brothers and the different peoples ought to aid one another, according to their power, as if citizens of the same State. (35) The one who oppresses a single nation declares himself the enemy of all. (36) Those who make war on a people in order to arrest the progress of liberty and to destroy the rights of man ought to be pursued by all, not as ordinary enemies, but as assassins and rebellious brigands" (F. M. Anderson, *op. cit.*, p. 163). Similar emphasis can be found in United States, Committee on Public Information, "War Information Series" (1917), No. 1: *The War Message and the Facts behind It;* No. 8: *American Interest in Popular Government Abroad* (E. B. Greene). See also message of President Franklin D. Roosevelt asserting the "four freedoms," January 6, 1941, and indorsement thereof by British Foreign Minister Anthony Eden, May 29, 1941.

[83] Above, n. 1.

[84] W. E. Rappard, *Uniting Europe* (New Haven, 1930), p. 162; *The Quest for Peace* (Cambridge, Mass., 1940), p. 171.

declaration of war against Austria, which, however, was concretely justified by the necessity of national defense.[85] These were characteristic expressions of the tendency of democracy to avow universal principles but to act only for national ends.

The incapacity of democracies to maintain peace through an unorganized balance of power arises from the fact that democracy cannot give foreign affairs priority over domestic affairs; that, with its party changes, it cannot pursue any foreign policy continuously; and that its procedures, designed for deliberation, prevent the rapid balancing operations essential to stability under that system.[86] In an interdependent world, in which governments are related only by such a balance of power, democracies are not likely to survive. The continuous decrease of technological distances makes it ever more pressing for lovers of freedom that the world be made safe for democracy.[87]

Democracies have, however, shown little capacity to co-operate for peace through world-organization. The United States, though it initiated the World Court, the League of Nations, and the Pact of Paris, has been most reluctant to accept concrete international obligations for the preservation of peace and has been most insistent on its sovereign discretion to legislate on all topics with little or no consideration for the repercussion of such action upon other states.[88] Like all democracies, the United States has feared distant government and prior commitments. It is significant that, in the history of the United States, the statesmen who have been regarded as the most democratic have tended to oppose superorganization. During the debates on the American Constitution it was the conservatives who favored the Constitution. Democrats such as Patrick Henry were against it and in favor of "states rights" pushed to the

[85] April 20, 1792 (F. M. Anderson, *op. cit.*, pp. 103–4). Democratic revolutions and wars seek to justify themselves by appeal to universal principles. H. D. Lasswell, "The Strategy of Revolutionary and War Propaganda," in Q. Wright (ed.), *Public Opinion and World Politics* (Chicago, 1933), pp. 189 ff.; above, n. 82.

[86] Friedrich, *op. cit.*, pp. 14, 27–28.

[87] Above, Vol. I, chap. x, sec. 4; chap. xx, sec. 4 (8).

[88] D. F. Fleming, *The United States and the League of Nations, 1918–1920* (New York, 1932); *The United States and World Organization, 1920–1933* (New York, 1938); Philip Jessup, *The United States and the Stabilization of Peace* (New York, 1935), pp. 96 ff.

limit. Similarly, in the controversy over the League of Nations, senators like La Follette and Borah, who claimed to be champions of democracy, were against the League of Nations. Here is a paradox. While democracies in an interdependent and shrinking world require international political organization more than any other form of government to preserve themselves, yet they have been most hesitant to accept the obligations implied by such organization.[89]

Unable to work the balance of power and unwilling to build an effective international organization, democracies have tried to secure their interests by isolation and neutrality, but science has been against them. In the age of world trade, news, and radio, democratic people have been unable to avoid or to evade an interest in world-problems. Refusing regular representation in a world-assembly, the rank and file of a democracy have deprived themselves of a process for distinguishing propaganda from enlightenment on world-situations; declining to enforce law in the world, they have repeatedly faced situations which permit no opportunity to discover facts and to reach conclusions by the democratic method of thorough debate; taught to be suspicious of other nations, they have given weight to only one side of the case in reaching conclusions on international problems; interested primarily in the solution of domestic problems, they have treated matters of obvious world-importance such as tariffs, immigration regulations, international debt settlements, and even neutrality laws as entirely domestic. By these attitudes democracies, while not consciously favoring war, have created situations dangerous to peace. By insisting on isolation, democracies have in fact denied their principles, prevented the penetration of democracy into world-policics, and perpetuated the balance of power to the advantage of despotisms. Democracies, therefore, while theoretically against war, have failed to proceed rationally to preserve peace and have blundered into war.[90]

[89] This has been less true of small democracies like Switzerland, the Netherlands, and the Scandinavian powers, but their enthusiasm for collective security has lasted only so long as they were consumers rather than producers of collective security (Rappard, *The Quest for Peace*, pp. 312 and 322; above, chap. xxi, sec. 3).

[90] Salvador de Madariaga, *The World's Design* (London, 1938), pp. 181 ff.; Rappard, *The Quest for Peace*, chap. iv.

Autocracies, on the other hand, do not go blindly into war. Those in control understand the opinions in other countries and are capable of taking a realistic view of the reports that come from their diplomats and of appreciating what effect a given policy is likely to have abroad. But though they can and do estimate the risks of their policy, they frequently are ready to assume those risks. They can use war efficiently and threats of war even more efficiently; consequently, they are unwilling to abandon this instrument. So long as they can maintain their position and prestige by successful *démarche* without war, they are in favor of peace.[91] For policies which can only be achieved by the sword they are able to plan aggression long in advance.[92]

Democracy has inherent possibilities of being the more peaceful form of government. Autocrats, especially those who have achieved their own position, tend to be aggressive types of personality, to consider themselves above the law, to regard universal ideals as useful only for propaganda, to value military preparation and the institution of war as instruments of both internal and external policy, and to value power above welfare.[93] Democracies, on the other hand, tend to give leadership to personalities of a conciliatory type, to attach importance to respect for law, to oppose military preparation and war, and to value liberty, humanity, and welfare above power.[94] Yet the problem of so organizing international affairs as to realize this possibility remains the major problem of contemporary statesmanship.

To sum up, it appears that absolutistic states with geographically and functionally centralized governments under autocratic leadership are likely to be most belligerent, while constitutional states

[91] Such supporters of autocracy as Alexander I of Russia and Metternich preserved peace for a generation after the Napoleonic Wars.

[92] As did Hitler since his advent to power in 1933. It is far easier to plan for aggression than to plan for defense because the nature, the time, or even the reality of the attack, which provides the objective of the latter, is debatable.

[93] Machiavelli, *The Prince*, chap. xiv; H. D. Lasswell, *Politics, Who Gets What, When, How* (New York, 1936), pp. 196 ff.

[94] Lasswell, *Politics, Who Gets What, When, How*, pp. 184 ff.; Root, "The Effect of Democracy on International Law," *op. cit.;* Zimmern, *op. cit.*, pp. 58 ff.

with geographically and functionally federalized governments under democratic leadership are likely to be most peaceful.

The types of government tending toward warlikeness are also those tending toward efficient operation of the balance-of-power system, whereas the types of government making for peace tend in the long run toward an international system based upon law and organization. Governments of the peaceful type tend to develop within a stable balance of power, but such governments have succeeded neither in organizing the world for peace nor in maintaining the equilibrium of power. Peaceful governments have created conditions favorable to the rise of warlike governments. There have, therefore, been historic successions from periods dominated by peaceful to those dominated by warlike governments.[95]

5. VULNERABILITY AND WAR

The internal constitution of states exercises less influence upon their foreign policy than do the external conditions with which they are faced. The state must adjust to conditions even at the expense of its theories, or it may cease to exist. Among these conditions are the relative power of the state and its military and economic vulnerability.[96]

a) Relative power.—There seems to have been a positive correlation between the warlikeness of a state and its relative power. The "great powers" in all periods of history have been the most frequently at war, and the small states have been the most peaceful. The great powers not only have engaged in balance-of-power wars among themselves but also have engaged in frequent small wars and military expeditions against lesser states and semicivilized communities. Some countries large in area and population, such as India and China, have not participated as subjects in the balance of power during the modern period. They have not, however, been "great powers" in the political sense. France and the Hapsburg Empire have, through most of that period, been the greatest of the powers,

---

[95] This may, in part, account for the tendency for war and peace to fluctuate at half-century intervals (above, Vol. I, chap. ix, sec. 2d).

[96] Above, nn. 16 and 17. "It is a *condition* which confronts us, not a theory" (President Cleveland, Annual Message to Congress, December 6, 1887).

about which the balance of power has revolved, and they have been most frequently at war. Next in rank, taking the four-century period, come Great Britain, Russia, Prussia, Spain, and Turkey, and they have been next most frequently at war, while the smaller powers—Holland, Sweden, Denmark, and Norway—have been comparatively little at war.[97]

This relationship is partly due to the fact that the more powerful the state, the more likely it is to win a given war. A weak state if it fights is likely to be opposed by a more powerful state, and, consequently, it is not likely to be at war unless attacked. When such attacks have occurred, the small state has sometimes failed to survive;[98] but frequently, in general wars, both belligerent parties find it to their advantage to maintain the neutrality of small neighbors in order to protect that portion of their frontiers by a less costly means than military defense.[99] The more important reason for the excessive belligerency of great powers, however, lies in the structure of the balance of power, which practically assures that all great powers will enter wars which threaten the balance in order to preserve it, a responsibility which the smaller states do not have.[100]

b) Strategic vulnerability tends to involve the state affected in war. States with widely scattered territories are more difficult to defend at all points than are states with compact territory, and at the same time they are under pressure to expand at more points in order to achieve more satisfactory strategic boundaries. The states with the most concentrated territory, such as Switzerland, Sweden, and Norway, have been least at war in the modern period.

Natural barriers to invasion probably make the state so protected less likely to be involved in war, though the influence of invulnerability at home in creating civil strife and an aggressive spirit cannot be overlooked.[101] Japan, England, and the United States, separated

[97] Above, Vol. I, chap. ix, sec. 1a.

[98] There has, therefore, been a tendency for the number of states to decline during the course of a civilization (above, chap. xx, sec. 4 [5]).

[99] This probably accounts for the capacity of the northern "neutrals" to stay out of World War I and for the idea of "buffer states" (see Sir Thomas Holdich, *Political Frontiers and Boundary Making* [London, 1916], chap. vii; above, chap. xxi, sec. 2b).

[100] Above, chap. xx, sec. 1.   [101] Below, n. 105.

by oceans or straits from the other great powers, were less at war than the states of continental Europe during the modern period, particularly in its early portion.[102] The trend of modern invention has made natural barriers a less important source of security, although even in earlier times Hannibal and Napoleon crossed the Alps. Wide oceans did not preserve the empires of the Aztecs and the Incas and did not protect Japan, India, and China from military attacks by the Western powers.[103] It should also be noticed that natural geographic frontiers may be more favorable to the state on one side than to that on the other. The frontier itself has sometimes become a bone of contention, as has the Tyrolean frontier between Italy and Austria and the Rhine frontier between Germany and France.[104]

There is a tendency for communities so isolated or protected that they fear no hostile neighbors to break up even when they do not suffer from serious cultural heterogeneity. The population of certain of the small Polynesian Islands has split into two quarreling groups. Great Britain was divided by civil war following its withdrawal from Europe after the Hundred Years' War. During its seclusion in the seventeenth and eighteenth centuries Japan was broken into numerous feudal baronies continually fighting one another. China during the period when it was comparatively isolated was frequently the victim of civil war. Even the United States, which after the Napoleonic Wars was in comparative isolation, broke into two halves and had the bloody Civil War. Thus the immunity from foreign war, arising from the effect of strategic invulnerability, may increase the danger of civil war. This danger tends to be compensated by an aggressive spirit, prone to indulge in foreign war as a diversion from domestic ills.[105]

c) The *economic vulnerability* of a state requires it to maintain economic contacts with foreign territory whether in times of peace or neutrality. Among primitive peoples warlikeness was found to

[102] Above, Vol. I, chap. ix, sec. 1a.

[103] Vice Admiral G. A. Ballard, *America and the Atlantic* (New York, 1923); *The Influence of the Sea on the Political History of Japan* (New York, 1921).

[104] Holdich, *op. cit.*, pp. 151, 157.

[105] Above, Vol. I, chap. vi, n. 6; chap. xv, sec. 4a.

be closely correlated with the number of contacts;[106] among civilized peoples the relation is less clear. Economic contacts are certain to involve occasional friction and may lead to war in the absence of international machinery of adjustment, but civilization implies superior capacity to make such adjustments. It has, in fact, been suggested that the shrinking of the world through rapid transport and communication and the increase of economic interdependence among the states have made for peace.[107] This may be true in the long run, but the first effect of increasing economic and cultural contact among states has been to augment the probability of war.[108]

Economic self-sufficiency has therefore been urged in the interest of peace.[109] This policy, however, also has within it the seeds of war, because a state which has been engaged in extensive trade, in seeking to increase its economic invulnerability by trade barriers, is certain to injure others thereby deprived of markets. Efforts at economic invulnerability or autarchy may also cause domestic discontent because of the lowering of standards of living and the disorganization of many economic enterprises, thus creating a demand for territorial expansion. A vicious circle of autarchy, conquest, and deteriorating economies is thus set up. The expansiveness of Germany, Italy, and Japan in the post-war period arose in part from their efforts toward economic self-sufficiency as measures of military defense. The hardships which the peoples of certain countries had suffered from blockade during World War I and the world economic disorganization after it made such policies popular though they have been pursued at great cost.[110]

Economic self-sufficiency, even when not developed out of a condition of wider trade, may be unfavorable to peace. Among dynamic cultures it tends to create a spirit of conquest, as illustrated by the efforts of the relatively self-sufficient England to conquer France and of Japan to conquer Korea in the late Middle Ages. Perhaps because

[106] Above, Vol. I, chap. vi, nn. 41 and 42.

[107] Norman Angell, *The Great Illusion* (New York, 1911).

[108] Above, Vol. I, chap. xv, sec. 2a.

[109] Arnold Brecht, "Sovereignty," in Hans Speier and Alfred Kähler (eds.), *War in Our Time* (New York, 1939), p. 72.

[110] Below, chap. xxxii, sec. 5a.

of the very invulnerability of the population to economic attack, self-sufficiency tends to create overconfidence in the state's invincibility.[111] Economic and cultural self-sufficiency also tend to produce a divergence between the cultural and economic standards and the military methods of the isolated state and its neighbors. When contacts do occur, there is likely to be both the opportunity and the urge for conquest from one side or the other because of these differentials. On the other hand, countries in continual contact will copy each other's military advances, and consequently, if not too disparate in size, a speedy victory for either side becomes unlikely.[112]

Furthermore, an economically self-sufficient population cannot be so highly industrialized as can a population enjoying international trade. The former is likely to be in large measure agricultural, though, of course, devotion to agriculture does not necessarily mean self-sufficiency. Wholly agricultural countries like Cuba may specialize in particular commodities such as sugar and so may be in a high degree dependent and tend to a colonial status. Agricultural civilizations have in history tended to be more belligerent than industrial and commercial civilizations.[113]

Putting all factors together, it may be doubted whether under the dynamic conditions of modern civilization economic self-sufficiency promotes peace more than does the development of economic interdependence. During the nineteenth century the relatively agricultural and self-sufficient Russia and Austria were as much at war as the relatively commercial England and Germany among the great powers. Among the small states the relatively agricultural and self-sufficient Balkans were more at war than the commercial Netherlands and Belgium. The comparative peacefulness of the Asiatic states may have been due to ideological and political conditions, but as Western nationalism spread to Asia, Japan, China, Siam, and India became warlike in spite of agricultural self-sufficiency. Self-sufficiency, if it can be achieved only at the price of destroying a complicated world trading system, undoubtedly makes for war as illustrated by the anarchy of the fifth and twentieth centuries following

[111] Above, n. 105.

[112] Above, Vol. I, chap. xv, sec. 2a.

[113] Above, n. 37; below, chap. xxxii, secs. 2 and 3.

the breakup of the Mediterranean trading system established during the *pax Romana* and of the world trading system established under the *pax Britannica*.[114] The international problems of the economically vulnerable states are difficult; but, if guided by commercial and financial minds, such states are more likely to recognize the economic advantages of conciliating or adjudicating controversies than are states guided by military and land-centered minds usually influential in self-sufficient states.[115]

6. THE POLITICAL UTILITY OF WAR

The conditions of relative power and of vulnerability to military and economic attack, while necessarily matters of major consideration for foreign offices in a balance-of-power system, decline in importance in proportion as threats of war cease to be the major instrument of foreign policy within the community of nations.[116]

The role of war in international relations has therefore varied greatly in history. Sometimes states have very readily resorted to war for political purposes, and at other times they have resorted to other means. They have at times tried propaganda, economic pressure, diplomacy, arbitration, conciliation, conference, consultation, and investigation and have resorted to war only in exceptional cases. There have been great variations not only in the willingness of states to resort to war[117] but also in the influence of military operations upon the winning of wars.[118]

[114] The decline of political order and of extensive trading react upon each other reciprocally. It is difficult to determine which initiates the process of disintegration. See Clive Day, *A History of Commerce* (New York, 1907), pp. 26 ff.; M. Rostovtzeff, *The Social and Economic History of the Roman Empire* (Oxford, 1926); Tenney Frank, *An Economic History of Rome* (2d ed.; Baltimore, 1927), pp. 476 ff.; A. H. Hansen, "Report of the Director of Research," *International Economic Relations: Report of the Commission of Inquiry on National Policy in International Economic Relations* (Minneapolis, 1934), pp. 63 ff.; above, Vol. I, chap. viii, n. 152; chap. xiv, secs. 2 and 5.

[115] Japanese leadership passed from commercial-minded to military-minded politicians in 1931, and German leadership made a similar transition in 1933 (above, Vol. I, chap. xi, n. 35). When commercial-minded leaders have to deal with military-minded leaders, their effort to appease may precipitate war.

[116] Above, Vol. I, chap. x, sec. 4; chap. xii, sec. 5; chap. xxi, sec. 5.

[117] Above, Vol. I, chap. vii, sec. 3; chap. x, sec. i; chap xv, secs. 1 and 2.

[118] Above, Vol. I, chap. vii, sec. 6; chap. xii, sec. 3.

There has been a tendency, with the maturity of every civilization, for strictly military operations to play a relatively less important role in the settling of political controversies than propaganda, economic pressure, and diplomacy.[119] World War I was said to have been won through a combination of the French army fighting the German army, the British navy blockading Germany and its allies, and President Wilson's propaganda gradually breaking down the confidence of the peoples under the central alliance in their leadership, their objectives, and their ultimate victory.[120] After 1937 German propaganda and diplomacy won victories in Spain and at Munich without formal war, and in Scandinavia, the Low Countries, France, and the Balkans propaganda through "fifth column" agents paved the way for military invasion.[121] Propaganda is cheaper than invasion and so will be preferred if equally effective.

General literacy, the movie, the radio, and the controlled press has made the centralized use of propaganda easier, though the employment of personal agents remains important. The modern despotisms rest as much upon controls of opinion as upon military might.[122] The progress of technology has also increased the possibility of the centralized use of economic regulation and of diplomacy as instruments of foreign policy. Socialistic controls of trade and finance by centralized government have made it easier to reduce economic dependence upon foreign areas, to extend economic advantages to friends, and to withhold them from enemies.[123] Electrical communication

[119] Above, Vol. I, chap. xi, sec. 3c.

[120] H. D. Lasswell, *Propaganda Technique in the World War* (London, 1927), pp. 214 ff.; George G. Bruntz, "Allied Propaganda and the Collapse of German Morale in 1918," *Public Opinion Quarterly*, II (January, 1938), 61 ff.

[121] Q. Wright, "American Policy and the War," in William Allen White (ed.), *Defense for America* (New York, 1940), pp. 6 ff.; John B. Whitton, "War by Radio," *Foreign Affairs*, XIX (April, 1941), 584 ff.; Harold N. Graves, Jr., *War on the Short Wave* ("Foreign Policy Association Pamphlet" [New York, 1941]); John Crosby Brown, "American Isolation, Propaganda Pro and Con,"*Foreign Affairs*, XVIII (October, 1939), 29 ff.

[122] The Soviet government appears to have relied more upon propaganda. It favored complete material disarmament (above, chap. xxi, sec. 4d) and was the first to utilize international broadcasting for national propaganda (Graves, *op. cit.*, p. 13).

[123] Fox, *op. cit.*, chap. ix; Percy W. Bidwell, "The Battle of the Metals," *Foreign Affairs*, XVIII (July, 1940), 719 ff.; Oliver J. Lissitzen, "The Diplomacy of Air Trans-

and the centralized control of national foreign policy have made it easier for a powerful state to convert governments with common interests into allies, to neutralize those vulnerable to intimidation or corruption, and to isolate the victims of a particular *démarche*.[124]

During periods when military operations have tended to a stalemate and consequently have become very expensive, economic control, propaganda, and diplomacy have acquired greater relative importance as instruments of policy, though a state has seldom relied on one method alone. Nonmilitary methods have commonly been combined with military methods, and totalitarian states have had an advantage in effecting such combinations. It is easier to prepare for aggression than for defense because the objective and the time of action can be determined. Consequently, aggressive states have gained in proportion as the instruments of foreign policy need to be prepared long in advance. The development of the efficiency of nonmilitary instruments of policy may, therefore, contribute little to reducing the danger of war.[125]

The methods of conducting foreign policy appropriate to liberal and democratic governments are litigation before international tribunals, conference in international assemblies, regularized consultation among interested parties, and investigation of the facts related to a problem by technical commissions.[126]

Might the use of war as an instrument of national policy be diminished by increasing the efficiency of these peaceful instruments? This has happened to some extent in the relations of individuals. It was often, though not universally, true among savage people that the

port," *Foreign Affairs*, XIX (October, 1940), 156 ff.; Percy W. Bidwell and Arthur R. Upgren, "A Trade Policy for National Defense," *Foreign Affairs*, XIX (January, 1941), 282 ff.; Karl Brandt, "Food as a Political Instrument in Europe," *Foreign Affairs*, XIX (April, 1941), 516 ff.

[124] Heatley, *op. cit.*, pp. 30 and 251 ff.; Janice Simpson, "The Effect of Change in the Technique of International Communications on Diplomacy" (manuscript, University of Chicago Library, 1932).

[125] Above, Vol. I, chap. xii, secs. *1d* and *3c* and *d*.

[126] The destructive effects of totalitarianism upon these methods is discussed by W. Friedman, "The Disintegration of European Civilization and the Future of International Law," *Modern Law Review*, December, 1938, pp. 194 ff.; "State Control over the Individual," *British Year Book of International Law, 1938*, pp. 118 ff.

man with a strong arm was the important personage in the tribe. In modern civilization the man with a strong tongue and a strong mind may be more important. Such a man may acquire wealth and influence through skill in commerce and litigation beyond that possible to the man skilled in pugilism, acrobatics, or sports. Is it possible to conceive a world in which governments could acquire more influence through superior skill in utilizing international institutions than through skill in utilizing war?[127]

What are the conditions under which war is a valuable instrument of policy? Conditions of law, of military technology, of foreign policy, and of international relations may be surveyed from this point of view.

a) Legal conditions.—General recognition by the members of the society of nations that war is a proper procedure favors resort to war. There have been great changes in the position of war under international law. These changes may be taken as a reflection of changes in world public opinion with reference to the propriety of resort to war. While these opinions have been in large measure consequences of the war practices of the time, it is probable that they have had some influence on those practices.

During the Middle Ages international law emphasized the justice of the cause and the legitimacy of the declaring authority in granting or withholding approval of a war. During the Renaissance "reason of state" came to be an accepted justification for war, and war was more frequently used as an instrument of policy. Nineteenth-century international law considered the initiation of war outside of its realm altogether. War was explained as a result of a biological urge and a factor in social evolution. War tended to be considered a struggle for annihilation rather than a procedure of adjustment, and thus to be more costly and less serviceable as an instrument of policy. The rules of international law accepted in the Covenant of the League of Nations and the Pact of Paris presume the initiation of war to be illegal. This opinion did not encourage the use of war as an instrument of policy. The aggressive states made it their prime objective to undermine the authority of these instruments and to re-

[127] See above, chap. xxi, sec. 5d.

establish the general opinion that war was a necessary and useful instrument of policy.[128]

b) Technological conditions.—War is a valuable instrument of national policy in proportion as military techniques are such that they are the most economic methods for gaining results deemed important. The increasing economic and human costs of war and the decreasing calculability of its consequences because of mechanical and social inventions have tended to impair its utility to most modern states.[129]

c) Political objectives.—Even under the most favorable conditions of law and technology, certain political objectives cannot be forwarded by war. War has been most useful as an instrument for the acquisition of territory and political power. By its nature war is territorial occupation. Territories have seldom been transferred except as a result of war. A state may want a territory because of the actual or potential economic value of its resources or population, because of its historic relations or cultural affinity, because its present situation makes it a menace to national or international security, or because its possession or the manifested capacity to possess it will add to the power and prestige of the state.[130]

In proportion as the territories of the world come to be possessed by people with a vigorous national sentiment, an advanced industrial technology, and a disposition to trade, territorial acquisition by war becomes expensive and its utility becomes reduced. Economically possession of the territory becomes of little more value than the opportunity to trade with it. Culturally the territory becomes a liability rather than an asset. Defensively its menace becomes reduced. The power objective alone remains, and even relative power may not be increased by possession of resentful people of alien nationality. Nevertheless, it cannot be doubted that military victory and the capacity to take territory, under most conditions, increase relative political power at least for a time.[131]

[128] Above, Vol. I, chap. vii, sec. 7*b;* chap. xiii.

[129] Above, Vol. I, chap. xii, sec. 3.

[130] Above, Vol. I, chap. vii, sec. 5*c.*   [131] Above, Vol. I, chap. xi, sec. 1.

The effort of national policy may, however, under these conditions be directed less at the conquest of territory than at the opportunity to trade, to invest, or to migrate on a fair basis. For such policies war has not usually been a suitable instrument. It is difficult to make a man a willing customer or to increase his capacity to buy by fighting him. The French did not increase German reparation payments by occupying the Ruhr in 1923, nor did Japan increase its trade with China by invasion.[132]

If a government does not intend permanently to occupy and administer a territory but merely to make a treaty in which the people agree that they will trade on favorable terms or concede other intangible advantages, what assurances can there be that they will continue to carry out these obligations after the armies are gone? European trade with American Indians in the seventeenth century, with East Indians in the eighteenth century, and with China and Japan in the nineteenth century were initiated by armed force. Totalitarian governments are attempting to organize vast trading monopolies by armed force in Europe and Asia. Most economists doubt, however, whether under modern conditions force applied except to maintain order and justice can advance economic welfare. The unparalleled economic progress of the nineteenth century depended on political stability, expectations of justice, and a highly organized international commercial and banking system. Neither military nor political power of the nations within this system measured their economic prosperity. The average citizen of Switzerland, the Netherlands, or Sweden was better off than the average citizen of France, Germany, or Italy. Territories and movable properties can be seized by force, and trade may be opened with commercially backward people by coercion, but profitable exchange cannot be long maintained by war.[133]

[132] International sanctions, interventions, boycotts, and imperial wars may have serious economic disadvantages for the states initiating such measures even where the military dangers are at a minimum. See Janice Simpson, "The Position in International Law of Measures of Economic Coercion Carried on within a State's Territory" (manuscript, University of Chicago Library, 1935); Madariaga, *op. cit.*, p. 181; Eugene Staley, *War and the Private Investor*, chap. ii; *World Economy in Transition* (New York, 1939), chap. iv; *War Losses to a Neutral* (New York, 1937).

[133] Above, Vol. I, chap. xi, sec. 2.

Some states have asserted political objectives even less tangible than economic interests, such as social welfare, general education, human freedom, or international peace. Such social objectives are even less capable of being obtained directly by war than are economic objectives.[134]

d) *International relations.*—Even if a state has an objective which might be obtained by military victory, the particular situation of the state may make war comparatively useless for that state. A small state obviously cannot by itself make successful war against a very large state. A state geographically separated from its enemy, even though it has superior military power, may not be able to transport its army to the scene of action. Democracies are under serious disadvantages in utilizing war and threats of war. They cannot bluff effectively or decide rapidly to strike.[135]

As a result of these conditions there has been great variation among states in the same civilization in the importance they have attached to the use of war as an instrument of national policy. In modern history only great or near-great powers have used war as an instrument of policy in Europe. Even if started against a much weaker state, the operation of the balance of power is likely to spread the war and to reduce its efficiency as an instrument of policy to nothing.[136]

The conditions of modern civilization have probably tended to become progressively less favorable to an international political system based exclusively upon the balance of power.[137] The advent of democracy and constitutionalism has made it extremely difficult for governments to take action devoted solely to rectifying the balance of power. The development of nationalism, liberalism, and interdependence flowing from international commerce and communica-

[134] Secretary of State Hull, *Memorandum on Fundamental Principles of International Policy, July 16, 1937* (Washington: Department of State, 1937); Q. Wright (ed.), *An American Foreign Policy toward International Stability* ("Public Policy Pamphlet," No. 14 [6th ed.; Chicago, 1938]), p. 8. The expansion of culture and ideals may lead to war, and, if attacked, interests may be destroyed unless force is used to defend them (above, Vol. I, chap. xi, secs. 3 and 4).

[135] Above, secs. 4d and 5.

[136] Above, chap. xxi, sec. 5b.

[137] Friedrich, *op. cit.*, p. 131; above, Vol. I, chap. x, sec. 5.

tion has diverted much influential opinion from problems of power to problems of welfare. New military inventions, the rise of industrialism, the rise of literacy, and the sentiment of nationality have augmented the importance of economic, diplomatic, and propaganda activities as instruments of war and of policy and have made calculation of the relative power of states less easy. The development of international law and the network of treaties and of international organizations have created moral and customary barriers to free action on the basis of power politics. The increasing destructiveness of hostilities and the rapidity with which they may spread have created hesitancy to resort to war even when necessary to restore equilibrium. The economic objectives of states have become less capable of advancement by war than was the case in a less interdependent and less industrialized world.

These factors make against the dominance of balance-of-power politics in international affairs and tend to develop international law, international organization, and world public opinion as new bases for such activities. The latter methods, however, have not as yet developed sufficiently to give a sense of security to the satisfied and confidence in the possibility of change to the dissatisfied. As a consequence, the balance of power has continued as the basis of international relations. So long as it does, states will be obliged to conform their constitutions and policies to its exigencies, and war will continue to be the final arbiter. Diplomacy, economic pressure, propaganda, litigation, consultation, and investigation may be utilized for obtaining particular objectives, but the problem of which state is most powerful will continue to dominate and will continue to be settled by war.

C. STATES AND THE DIVERGENCIES OF LAW

CHAPTER XXIII

LAW AND VIOLENCE

I. LAW, WAR, AND PEACE

AMONG the hypotheses suggested to explain the recurrence of war was the inadequacy of the sources and sanctions of international law continually to keep that law an effective analysis of the changing interests of states and the changing values of humanity.[1] While certain branches of law have as their end the definition and regulation of permissible violence[2] and the organization of collective violence,[3] and while all systems of law tolerate certain kinds of violence under certain circumstances,[4] the normal end of law, the maintenance of order and justice, is hostile to violence.[5] When Cicero wrote, "Inter arma silent legis," he emphasized this generally accepted antithesis between law and violence.[6] Political philosophers have emphasized the same antithesis when they have posited the social contract, establishing law and society, as the process of man's emancipation from the state of nature, which, if not a perpetual *bellum omnium contra omnes*,[7] was at least a condition in which each man judged his own case, and violence was frequent.[8]

---

[1] Above, chap. xix, sec. 2a.

[2] E.g., laws of war and of military occupation.

[3] E.g., military law and martial law.

[4] E.g., the rights of self-defense and of police action.

[5] While some writers regard law as any system of enforced norms whether general or particular, reasonable or arbitrary, the more common view associates law with both regularity of enforcement and conformity with justice. Above, chap. xxii, n. 53.

[6] J. B. Moore interprets this maxim to mean that when "a contest of force prevails, the ordinary rules and methods of administration become inadequate and give way to measures dictated by public necessity," such as martial law and the law of war (*International Law and Some Current Illusions* [New York, 1924], p. 290). This interpretation acknowledges that normal law can only function in time of peace and also that peace can exist only when the normal laws are functioning. See below, n. 10.

[7] As assumed by Hobbes, *Leviathan*, chap. xiii.

[8] As assumed by Locke, *Two Treatises of Government*, Book II, chap. ii, sec. 13.

Violence has been considered synonymous with disorder and injustice, both of which are eliminated in the ideal legal community.

All actual systems of law do, however, tolerate some violence. War has been defined as the legal condition which equally permits two or more hostile groups to carry on a conflict by armed force.[9] The concept of war has included both law and violence. The same is true of the concept of peace, which, according to Augustine, is "tranquillity in order" (*tranquilitas ordinis*). "The state of peace," says a commentator upon this, "is not tranquillity under the yoke of the evildoer but tranquillity in justice, the harmony of order."[10] But the suppression of the evildoer and the maintenance of justice have been found in all actual communities to require some use of force. Every such community has occasionally been disturbed by unjust violence, but its condition has nevertheless been considered one of peace if legally permissible defense or police action has restored justice without too much difficulty. The "peace" is not broken by all violence but only by violence which defeats justice (crime) or by violence the justice or injustice of which is in doubt because of the comparative equality of the support given to each side (war). "Breach of the peace" does not destroy the "state of peace" unless rectification is long delayed.[11] Peace may, then, be defined as the condition of a community in which order and justice prevail, internally among its members and externally in its relations with other communities.[12]

It is the function of law to produce this condition—of municipal law to maintain internal peace in each state and of international law

[9] See above, chap. xvii, sec. 5. If the community of nations should withdraw this permission, as it did in the Pact of Paris, war in this sense could not exist (cf. below, chap. xxxiv, sec. 2).

[10] Augustine *De civitate Dei* xix. 13; Robert Regout, *La Doctrine de la guerre juste* (Paris, 1935), p. 40.

[11] See Q. Wright, "The Munich Settlement and International Law," *American Journal of International Law*, XXXIII (January, 1939), 14. See also above, Vol. I, chap. ii, n. 4.

[12] "Peace is the tranquillity enjoyed by a political society internally by the good order which reigns among its members and externally by the good understanding it has with all other nations" (John Bouvier, "Peace," *Law Dictionary* [14th ed.; Philadelphia, 1872]; see also "Report of Commission To Study the Organization of Peace," *International Conciliation*, No. 369 [April, 1941], pp. 198, 454). Peace is sometimes defined as the absence of violence, i.e., as order alone, but it is usually acknowledged that an unjust order is not "real peace."

to maintain external peace among all states.[13] As crime, rebellion, and insurrection are evidences of the imperfection of municipal law, so interventions, reprisals, and wars are evidences of the imperfection of international law. This proposition is not denied by the existence of abnormal law to regulate these conditions. Just as remedial medicine is necessary to rectify the imperfections of preventive medicine, so abnormal law is necessary to remedy the imperfections of normal law, or, if not to remedy them, at least to ameliorate their resulting evils.

2. IMPERFECTIONS OF THE LEGAL PROCESS

A system of law is always related to a society. *Ubi societas ibi jus est.* The law seeks to maintain justice within the community by protecting the interests of the members of the community, and it seeks to maintain order in the community by maintaining the values of the community, in both cases through the application of general rules.[14] To maintain justice, the law must determine who the members of the community are, what are their interests, and what is to be done if these interests are ignored, threatened, or impaired. To maintain order, it must determine what is the community, what are its values, and what is to be done when these values are ignored or impaired.

A system of law cannot make these determinations automatically and unequivocally, because it functions in a changing society. It treats them as legal problems to be solved by human agencies, utilizing legal evidence, legal sources, legal propositions, and legal procedures.[15] Evidence must be considered according to a procedure established by the legal system to ascertain the facts which consti-

[13] Law has secondary functions of assuring the continuity of the society and the reasonable expectations of its members, but order and justice are its first concern. The term "municipal law" is used by jurists to refer to the law which proceeds from the authority of single states in contrast to international law.

[14] The first tends to individualism and the second to socialism. All systems of law have compromised between individual and social justice. See Sir Frederick Pollock, *The Genius of the Common Law* (New York, 1912), pp. 51 ff., 94 ff., and below, chap. xxxii, sec. 3.

[15] The administration of justice means "the application by the state of the sanction of physical force to the rules of justice" (J. W. Salmond, *Jurisprudence* [London, 1902], p. 93).

tute the problem. Sources accepted by the legal system must be studied to ascertain the rules, principles, and standards relevant to the formulation and solution of the problem. Deductions must be drawn from these propositions to ascertain the relations which the law establishes among the persons involved in the problem and the procedures which it permits for discovering and maintaining these relations. Procedures must be invoked by appropriate action to establish the facts and the law and to apply force if necessary in order to prevent or to remedy conditions of fact contrary to law.[16]

While the examination of evidence, the study of sources, the application of law to facts, and the invocation of sanctioning procedures tend to follow one another in chronological sequence, each is to some extent dependent on the others. Appropriate procedures must be invoked to examine the evidence, to ascertain the law, and to judge the case as well as to enforce the judgment. The law must be known in order to determine what is evidence, and provisional judgments must be made in order to determine what evidence and rules are relevant. These observations apply primarily to the activities of courts, but legislatures, administrative bodies, and executive officers also deal with legal problems. In an orderly community they all weigh evidence, formulate principles of justice, draw inferences from established rules, and follow regular procedures.[17]

a) *Evidence.*—In modern legal systems facts are usually ascertained by the application of the common sense of jurymen, administrators, or legislators to oral or written testimony, but legal rules usually exclude some possible types of evidence and evaluate others. Earlier systems of law often relied upon trials by battle, ordeals,

---

[16] Legal method parallels scientific method (see below, Appen. XXV). Pure scientists, however, have the object of formulating knowledge rather than of controlling behavior; consequently, they give a different order to the steps in procedure. The first step of defining the problem from evidence and the third step of inference from propositions are the same, but the second and fourth steps are reversed. Scientific technique has to do especially with investigation. Legal technique, while concerned with investigation, has to do especially with enforcement. Scientific generalization is the end of scientific procedure, while legal generalization is a means for judging a particular case.

[17] Legislatures, like pure scientists, end their procedure on a particular problem by a formulation of general propositions and, also, like pure scientists, emphasize in this formulation the results of the particular investigation rather than the existing propositions of law.

oaths, and opinions of autocrats as evidence, sometimes making such evidence conclusive not only as to the facts but also as to the law.[18] If violence figures prominantly in the legal procedure itself, clearly the idea of law is very imperfectly realized. In proportion as war is considered a method of proof or evidence in international law, that law is imperfect.[19]

b) Sources.—Most societies recognize custom, consent, reason, and authority as sources of law.[20] The particular system of law designates the concrete legal materials in which these sources may be found and the relative weight to be given them. The process of finding and weighing involves much juristic judgment. The bias of these judgments determines whether the society is conservative, liberal, progressive, or authoritarian, and the stability of a society depends upon the degree in which such biases are controlled. If too much weight is given to custom, it may be impossible to adapt the law to changing conditions except by revolutionary violence. If too much weight is given to consent, minorities may thwart concerted action to remedy abuses. If too much weight is given to reason, the law may be threatened by vested interests, local loyalties, and emergency situations too pressing to permit of rational deliberation. If too much weight is given to authority, the law may tolerate inequities leading to discontent and revolt. Peace requires that the institutions defining and applying law maintain a just balance in the use of the sources.[21]

c) Propositions.—In proportion as broad standards and general principles are developed into concrete authoritative rules systema-

[18] Salmond, *op. cit.*, pp. 581 ff.

[19] *Ibid.*, pp. 589 and 595; below, sec. 3.

[20] Salmond (*op. cit.*, pp. 103 ff.) lists custom, agreement, professional opinion, legislation, and precedent. The statute of the Permanent Court of International Justice (Art. 38) refers to international custom, international conventions, general principles of law, judicial decisions, and the teaching of publicists (see Q. Wright, *Mandates under the League of Nations* [Chicago, 1930], pp. 311 ff.). For general concept of "sources" see above, chap. xix, n. 31, and Salmond, *op. cit.*, p. 99.

[21] Salmond (*op. cit.*, pp. 52 ff.) considers it important to compromise the imperative and ethical theories of law which respectively emphasize authority and reason as sources. "Law" which tends toward a literal application of established rules must be continually interpreted by "justice" which strives to realize the ethical ideals of the civilization (see above, chap. xxii, n. 53; below, nn. 28, 35, 36).

tized in a code or in a limited body of source materials, the idea of formal law is realized. *Jus* becomes *lex*. Maintenance of order and justice without law in this sense is theoretically possible and has been attempted in times of martial law and revolution, but law has seldom been wholly excluded even in such situations.[22] Arbitrary government by men issuing orders and judging cases without formal law has existed, sometimes for long periods, but only if society has been so static that custom dominated behavior. Experience shows that the effort to administer complex and dynamic societies with authority unguided by a reasonably precise law leads to violence because of the corrupting influence upon justice of the undue interjection of the self-interest of the magistrates and the limited experience from which decisions are made.[23]

There has always been a tendency for government to utilize rules which are both general and precise, that is, to establish government by law, not by men.[24] Such government implies that all rules are reasonably general and reasonably consistent with one another. The law, therefore, always tends to become a logical system in which legal relations are substituted for human and social relations in the contemplation of officials. Officials are concerned with legal rights,

[22] The Soviet government at first relied on "the revolutionary conscience" as instructed by Karl Marx for the administration of justice, but elaborate codes and precedents soon developed (Walter Duranty, *The Curious Lottery, and Other Tales of Russian Justice* [New York, 1929]). The Duke of Wellington defined martial law as "the will of the general who commands the army," but he added that the general was "bound to lay down distinctly the rules and regulations and limits according to which his will was to be carried out" and might appropriately adopt the existing law for that purpose (Hansard, *House of Lords Debates*, April 1, 1851, CXV [3d ser.], 880; Moore, *op. cit.*, p. 290).

[23] Roscoe Pound, "Justice According to Law," *Columbia Law Review*, XIII (1913), 696 ff.; *ibid.*, XIV (1914), 1 ff., 103 ff.

[24] This tendency has been more evident in democracies than in autocracies (see E. Root, "The Effect of Democracy on International Law," *Proceedings, American Society of International Law, 1917*, p. 8) and in occidental than in oriental countries. Though China and India have had periods of legalism, they have minimized formal law. China has been influenced by the Confucian idea of the good ruler following nature. India is still influenced by the Hindu idea of the localization of judicial administration within each family, caste, or group aware of its own "Dharma" or nature (see Jean Escarra, "Law, Chinese," and Seymour Vesey-Fitzgerald, "Law, Hindu," *Encyclopaedia of the Social Sciences*, IX, 250 and 257).

duties, powers, and liabilities rather than with moral, economic, or political interests and influences.[25] A perfect legal system has, however, never been achieved, because changes in the society outstrip changes in the law. "The life of the law has not been logic: it has been experience."[26] Logic, however, must be striven for because judgment of all alike according to a general rule has been considered the essence of justice in most civilizations.[27]

The law must, therefore, always compromise between precision and generality in its propositions. Precise rules alone can control the despotism of magistrates, but they prevent gradual adaptation to new conditions and require arbitrary classifications which seem unjust. General principles and standards may be interpreted to meet new conditions and to take advantage of growing experience, but such interpretations develop inconsistencies and conceal inequities under the ambiguities of general terms.[28]

[25] For classification of legal relations see Salmond, *op. cit.*, pp. 231 ff.; W. N. Hohfeld, *Fundamental Legal Conceptions* (New Haven, 1923); A. Kocourek, *Jural Relations* (Indianapolis, 1927), pp. 7 ff.; Q. Wright, *Mandates under the League of Nations*, p. 287. Roman law centered around the concept of the "legal transaction," i.e., the manifestation of an intention which the law would enforce, while common law centered around the "legal relation" between subjects of law (Roscoe Pound, "The End of Law as Developed in Juristic Thought," *Harvard Law Review*, XXX, 211 ff.). Modern jurists have insisted that legal relations should be interpreted in the light of the total factual situation. According to Pound, modern systems of law tend to enforce "reasonable expectations arising out of conduct, relations and situations" rather than "willed consequences of declared intentions" or "reparation for willed aggression" (*Introduction to the Philosophy of Law* [New Haven, 1922], p. 189).

[26] Oliver Wendell Holmes, *The Common Law* (Boston, 1881), p. 1; Q. Wright, "Remarks," *Proceedings of the American Society of International Law, 1940*, p. 90.

[27] Kant's Categorical Imperative ("Act always so that you can at the same time will that the maxim by which you act may be a universal law") may provide the basis for either an individualistic theory of justice, leaving each person free to act except as limited by the equal freedom of others (Kant, Spencer), or a social theory of justice, leaving each person free to act except as limited by the nature of a society of rational beings (Grotius, Leibnitz) (see George Gurvitch, "Justice," *Encyclopaedia of the Social Sciences*, VIII, 511–12). Pound modifies Holmes's statement (above, n. 26): "The life of the law is reason tested by long experience and experience developed by reason" (*Fashions in Juristic Thinking* [Birmingham: Holdsworth Club, 1937], p. 20).

[28] Such general principles as legal continuity (*jus ex injuria non oritur*), good faith (*pacta sunt servanda*), social solidarity (*salus populi est suprema lex*), and moral equality (*jus est ars boni et aequi*) have been used to modify the rigor of strict law by special tribunals such as the Praetor Peregrinus in Rome and the chancellor in England, but,

d) Procedures.—As no merely logical manipulation of legal propo-
sitions can assure order and justice, it has been hoped that, by cen-
tering attention upon fair procedures for discovering, applying, and
enforcing the law, order and justice might prevail.[29] The great con-
stitutional documents of modern history have emphasized pro-
cedural rather than substantive rights—notice and hearing, jury
trial, due process of law; freedom from arbitrary imprisonment and
from unreasonable searches and seizures; and freedom of petition,
assembly, speech, and press.[30]

Procedures must compromise between freedom and consent of the
subjects of law, on the one hand, and the authority and efficiency of
the magistrates, on the other. If procedure leans too heavily to the
side of freedom of the subject, as does international administration,
law tends to be vague and self-judgment tends to be permitted. The
anarchic "state of nature" represents the extreme development of
such procedures.[31] If procedure insists too much on consent of the
governed, as do systems of popular and legislative justice, substan-

until interpreted by precedent, they are ambiguous. British equity was at first guided
by such general principles in a petition sent to the chancellor in 15 Rich. II (1392): "Let
there be done by the authority of parliament, that which right and reason and good faith
and good conscience demand in the case" (Bouvier, *op. cit.*, "Maxims," II, 116 ff.;
"Equity," I, 532). Cf. H. S. Maine, *Ancient Law* (London, 1870), pp. 28, 44 ff.; Walter
Wheeler Cook, "Equity," *Encyclopaedia of the Social Sciences*.

[29] "The normal elements of judicial procedure are five in number, namely, Summons,
Pleading, Proof, Judgment, Execution" (Salmond, *op. cit.*, p. 580).

[30] The distinction between procedural and substantive rights is not easy to draw.
In a technical sense the law of procedure concerns only rules which pertain to the pro-
ceedings of courts or other official agencies (*ibid.*, p. 577), and consequently legal free-
doms of assembly, speech, and press would be substantive rights. In a wider sense,
however, procedure may include all means to ends. In so far as these freedoms are de-
signed as instruments to assure that official bodies will be guided by public opinion they
are procedural rights. If, however, these freedoms are considered elements of a basic
value of human liberty, as is freedom of religion, they would become substantive rights.
While "due process of law" is fundamentally a guaranty of fair procedure, when it
limits the substance of legislative action, as it does in the United States, it becomes a
guaranty of substantive rights of the individual (see R. L. Mott, *Due Process of Law*
[Indianapolis, 1920], pp. 589 ff.).

[31] Above, nn. 7 and 8. The Brehons of ancient Ireland are said to have maintained
an elaborate system of law with little authoritative procedure (Sir Henry Maine, *Lec-
tures on the Early History of Institutions* [New York, 1875]; but see Eoin MacNeill,
"Law, Celtic," *Encyclopaedia of the Social Sciences*, IX, 249). ·

tive law tends to be vague and decisions delayed, indecisive, and arbitrary.[32]

On the other hand, if procedure overemphasizes the authority of the magistrates, law tends to be arbitrary, government despotic, and opinion suppressed and dissatisfied.[33] If procedure is organized to assure efficiency, as in administrative justice, law may be precise but uncertain and unresponsive to concepts of justice accepted by the public.[34]

Judicial justice emphasizing the independence and integrity of the court and the dominance of both procedural and substantive law over personal opinion has effected the fairest compromise, but it tends to overemphasize the logical development of established principles and thus to ignore the special character of each case and the changes in general conditions. It needs, therefore, continually to be rectified by the spirits of "natural justice" and of public administration.[35] Such interpretive guides might serve to adapt the law to special cases but not to adapt it to general changes in conditions in a dynamic society. A process of legislation in addition to the processes of legal fiction and equitable interpretation is necessary.[36] In times of rapid change all these processes are likely to prove inadequate if the magistrates are overinfluenced by the logic of accepted principles. Legislation has often been interpreted by the courts to conform to ancient principles of common law rather than to meet the present

[32] These characteristics have been attributed to the administration of justice in the ancient Greek democracies (R. G. Bonner and G. Smith, *The Administration of Justice from Homer to Aristotle* [2 vols., Chicago, 1930, 1940]; Egon Weiss, "Law, Greek," *Encyclopaedia of the Social Sciences*, IX, 229).

[33] These characteristics have been attributed to the neo-Babylonian and neo-Assyrian empires, though certain laws sought to curb arbitrariness (Paul Koschaker, "Law, Cuneiform," *Encyclopaedia of the Social Sciences*, IX, 214). Ethical ideas, custom, and localization mitigated personal justice in China and India (above, n. 24).

[34] Above, chap. xxii, n. 55.

[35] Pound, "Justice According to Law," *op. cit.;* Morris R. Cohen, "The Place of Logic in the Law," *Harvard Law Review*, XXIX (1915–16), 622 ff.; Walton H. Hamilton, "Judicial Process," *Encyclopaedia of the Social Sciences;* William Seagle, "Justice, Administration of," *ibid.*

[36] Maine, *Ancient Law*, chap. i; Q. Wright, "Article 19 of the League Covenant and the Doctrine 'Rebus sic Stantibus,'" *Proceedings of the American Society of International Law, 1936*, pp. 55 ff.

demand for which it was intended.[37] A wide disparity may develop between the law and the needs of society. The law may cease to be an analysis of the actual values of the society and of the actual interests of its members. In such a situation justice according to law will appear to many an exceedingly poor brand of justice from which they are likely to revolt with violence.[38]

3. LEGALLY TOLERATED VIOLENCE

The elimination of violence has always been considered one object of law, but this object has never been wholly achieved in practice. No utilization of evidence, no study of the sources of law, no organization of legal propositions, and no procedures for applying law have succeeded in analyzing society and its needs so perfectly as to avoid occasional illegal violence—crime, mob violence, and insurrection.

A system of law must draw, on the one hand, from the values implicit in the moral, religious, political, social, and other symbols gen-

[37] Walton Hamilton, "Constitutionalism," *Encyclopaedia of the Social Sciencees*.

[38] Science has a more effective check upon excess of logic than does law. In science, propositions inconsistent with current observations are rejected even though logically deduced from the body of previously accepted scientific propositions. In jural law, on the other hand, conclusions logically deduced from accepted propositions continue law even if inconsistent with what is happening. An epidemic of crime, tort, or breaches of contract does not automatically change the law, though some writers on international law believe it should through the process of recognition (Q. Wright, *Legal Problems in the Far Eastern Conflict* [New York: Institute of Pacific Relations, 1941], pp. 16, 121, 123). Such events in a functioning system of law initiate procedures for vindicating the law by civil or criminal actions. Long-continued violation of particular laws may, it is true, bring about a change of law, but legislative changes may be designed to improve enforcement rather than to abandon legal prohibitions. Congress legislated to improve enforcement of the prohibition amendment before that law was finally repealed. Since the function of jural law is to control society, not merely to describe it, there can be no automatic process to keep the propositions of jural law congruent with the concrete facts of the society which it governs. If the magistrates, on whose interpretation and administration depends the maintenance of that congruity, act with a continuing bias (above, sec. 2b), the gap between law and social conditions may widen by a cumulative process, until enforcement of law becomes impossible and a new order more congruent with existing conditions is established by revolution. This theory of revolutions may be compared with the theory of the collapse of civilizations (above, Vol. I, chap. xv, sec. 5f). On the process of national revolution see Lyford P. Edwards, *The Natural History of Revolution* (Chicago, 1927), and George S. Pettee, *The Process of Revolution* (New York, 1939), and on that of international revolution see E. D. Dickinson, "The Law of Change in International Relations," *Proceedings of the Institute of World Affairs*, XI (1933), 173 ff.; John Foster Dulles, *War, Peace and Change* (New York, 1939), chap. i; Bryce Wood, *Peaceful Change and the Colonial Problem* (New York, 1940).

erally accepted within the society and constituting it a cultural unity. And, on the other hand, it must draw from the interests, supported by the demands of individuals and organized groups, equipped with latent or actual power. There is no necessary harmony between these two types of pressure. The whole is not necessarily consistent with all its parts. A judgment deduced from fundamental values of the society is not necessarily the same as a judgment balancing particular interests in the controversy. Yet every judgment must consider both the society and the litigants. Public law and private law must be integrated. As this is sometimes impossible, some dissatisfaction, and perhaps violence, is inevitable.[39]

Not only may imperfections of the law lead to illegal violence but also the probability of some illegal behavior requires the law itself to recognize certain circumstances in which violence is legal, especially (a) in execution of judgments, (b) in police, (c) in self-defense, and (d) sometimes as a method of proof.[40]

The first two are implied by the authoritarian character of jural law. The society asserts its capacity to enforce judgments of the law by coercive methods or to prevent illegal violence and enforce submission to established procedures. These cases of violence, used by society as a whole against the subject of law, are related to the organization and procedures of the society and will not be dealt with here.[41]

Toleration of violent self-defense is also inherent in a system of law which is based not only on social values but also on private interests. No system of law wholly denies self-defense, though the scope of such action may vary greatly. Defense of life when immediately threatened, even to the extent of homicide, is generally permissible, though the law always requires subsequent justification before the court.[42] Self-help to rectify injuries or to gain vengeance was usually recognized in primitive systems of law, but with the development of

[39] Below, chap. xxxii, sec. 3; G. A. Waltz, "Public Law," *Encyclopaedia of the Social Sciences*. The concept of "social justice" is an effort to solve this dilemma (see above, n. 27).

[40] See below, Appen. XXX.

[41] See above, sec. 3d; below, chap. xxv.

[42] See J. L. Brierly, *The Law of Nations* (Oxford, 1936), pp. 255 ff.; Q. Wright, "The Meaning of the Pact of Paris," *American Journal of International Law*, XXVII (January, 1933), pp. 41 ff.

a police organization this function was taken over by the government.[43]

Defense of honor or reputation has often been recognized in the practice of duelling, especially in armies, but it is seldom legally tolerated in modern legal systems.[44] Lynch law and rebellion have sometimes been given a limited status in undeveloped legal systems and, even when they are not approved by the law of the land, efforts have sometimes been made to justify them by a "higher law" said to require that the normal course of adjudication and legislation be accelerated in the case of certain offenses and certain demands for social and political change.[45]

Systems of law have sometimes recognized the legitimacy of violence as a method of proof, as in the ordeal, the judicial combat, and torture. These methods have, for the most part, been abandoned in modern systems of law.[46]

Systems of municipal law have tended to eliminate violence in private behavior and to reduce it in public procedure. International law has exhibited a similar tendency but has lagged far behind the law of national states.[47]

4. RELATION OF INTERNATIONAL LAW TO MUNICIPAL LAW

The role of violence in international law is related to the role of violence in municipal law not only by analogy but also by homology and perhaps by identity.

Primitive societies and most historic civilizations have not developed a genuine international law, although rules governing the external relations of the group achieved a jural character earlier than

[43] Retribution equating injury with injury or injury with compensation has been considered the basic concept of justice among primitive people (Hans Kelsen, "Causality and Retribution," *Philosophy of Science*, VIII [October, 1941], 534). The concept is manifested in primitive customs of blood revenge and modern international practices of reprisal.

[44] See "Duelling," *Encyclopaedia of the Social Sciences*. The post-Renaissance concept of war was similar.

[45] See "Lynching" and "Revolutions," *Encyclopaedia of the Social Sciences*. The common-law "hue and cry" and the right of insurrection expressly given the barons in case Magna Charta was violated are illustrations.

[46] C. T. McCormick, "Evidence," *Encyclopaedia of the Social Sciences*.

[47] Above, Vol. I, chap. vii, sec. 7c, d.

those dealing with internal relations.[48] Such intergroup law as there has been in these cultures has derived from the psychological needs of the individual (natural law) or from the social needs of the group (civil or municipal law). Modern international law, on the other hand, has derived from the needs of the community of states.[49] Its purpose has been to maintain order and justice in that community. To do this, it has attempted to facilitate the coexistence of organized groups of human beings of different culture and government. It has recognized that the environmental differences of the various portions of the earth's surface and the cultural differences arising from the divergent histories of peoples occupying these areas render a uniformity of human culture throughout the world unlikely for an indefinite future; and, even if a certain uniformity were possible, it would probably be undesirable because the experiments and rivalries of diverse national cultures is an important stimulus to human progress. At the same time, it has been clear that each group will usually believe in the superiority of its own culture and will develop policies with respect to outside peoples based upon that belief. These policies will unavoidably come into conflict at certain points with policies developed by other groups.[50]

Law requires precise conceptions. To perform its task, international law attempts to define precisely the organized groups whose autonomy it will protect. These are called states, each with a definite territory (domain), people (nationals), authority (jurisdiction), and status (sovereignty or semisovereignty). In a narrow sense, therefore, international law has been conceived by most writers as the law among states, although there is a school of thought which regards it as also a law among all members of the human race.[51] With

[48] Kelsen asserts that the internal relations of primitive groups continued to be governed by religious conceptions after intergroup relations had assumed a juridical character. Marx, Lenin, and Franz Oppenheimer assume that the state with coercive law, which, following R. H. Morgan, they distinguish from primitive social regimes resting on kinship and custom, arose from war, conquest, slavery, caste, or class. These practices could not exist until there were intergroup relations.

[49] Above, Vol. I, chap. vi, sec. 6; chap. vii, sec. 7b; chap. xiii, sec. 1.

[50] Q. Wright, "International Law," in F. J. Brown, C. Hodges, and J. S. Roucek, *Contemporary World Politics* (New York, 1939), chap. xviii.

[51] For concept that individuals are subjects of international law see Clyde Eagleton, *The Responsibility of States in International Law* (New York, 1928), pp. 22 ff. See also

the first conception international law is merely analogous to munici-
pal law,[52] with the second it is identical with and inclusive of all sys-
tems of municipal law.[53]

However different the state and the individual may seem today,
at the time international law originated they were identical, for the
state was the ruler. *L'Etat, c'est moi*. With the development of the
corporate character of the state and the conception of the sovereign-
ty of the state as distinct from the powers of the government, much
of international law, which was originally a law between kings, has
become less applicable.[54]

That international law has not maintained either order or justice
at all times in the community of nations is obvious. The history of
international relations is one of frequent war and frequent unrem-
edied acts in violation of international law and of fundamental prin-
ciples of justice. This situation has been attributed by some to the
inadequacy of international procedure to enforce international law
and to keep it up to date. There is said to be a lack of instruments of
collective security and of peaceful change. Others attribute the situ-
ation to a flaw in the construction of international law itself, to a
fundamental contradiction between the conceptions of the sovereign
state and of subjection to law. These problems will be considered in
the next two chapters. Here consideration will be given to the posi-
tion of war in international law. It will be convenient to examine
the matter genetically, as the conception of war arose from the fif-
teenth-century duel; philosophically, as the conception has been
influenced by ethical consideration of the role of violence in human
relations; analogically, as the conception has been influenced by com-

George Manner, "The Position of the Individual in International Law" (manuscript
thesis, Cornell University, 1940).

[52] "The Law of Nations is but private law writ large" (T. E. Holland, *The Elements
of Jurisprudence* [11th ed.; Oxford, 1910], p. 381).

[53] This is the necessary conclusion if international law is regarded as superior to
municipal law (J. B. Scott, "The Individual, the State, the International Community,"
Proceedings of the American Society of International Law, 1930, pp. 15 ff.; Ruth D.
Masters, *International Law in National Courts* [New York, 1932], pp. 14 ff.; above, n.
112).

[54] Roscoe Pound, "Philosophical Theory and International Law," *Bibliotheca Vis-
seriana*, I (Leiden, 1923), 71 ff.

parison with systems of municipal law; and juristically, as the conception has been developed in the sources of international law itself.

5. WAR AND THE DUEL

The legal position of war was discussed by jurists and philosophers of the classic civilizations of Greece and Rome and of the Western Christian civilization of the Middle Ages as well as by writers of other civilizations. Attempts were made to answer such questions as: Who can wage war, and against whom? When, where, and under what circumstances is resort to war justifiable? How should war be begun and conducted? What attitudes may nonparticipants take toward a war?[55]

At different times and places jurists and philosophers have likened war to an act of self-defense,[56] to the execution of a judgment,[57] to a political measure,[58] to a crime,[59] and to a duel or judicial combat.[60] Many Renaissance writers discussed the legal propriety of

[55] William Ballis, *The Legal Position of War: Changes in Its Practice and Theory from Plato to Vattel* (The Hague, 1937); above, Vol. I, chap. vii, sec. 7d.

[56] "There are occasions, however, when, e.g., pressing necessity or the absence of the prince, coupled with the hazards of delay, may justify a commencement of war, even without his sanction, and this is especially so for purposes of defense, which is open to any one by the law of nature" (Balthazar Ayala, *De jure et officiis bellicis et disciplina militari, libri iii* [1582], Book I, chap. ii, sec. 9 [Carnegie ed., p. 9]).

[57] "In order that a war may be styled just, it ought in the first place to be declared and undertaken under the authority and warrant of a sovereign prince in whose hands is the arbitrament of peace and war" (*ibid.*, sec. 7).

[58] "War . . . . is the sole art that belongs to him who rules" (Machiavelli, *The Prince* [1513], chap. xiv). "War is nothing but a continuation of political intercourse with a mixture of other means" (Von Clausewitz, *On War* [1832] [London, 1911], I, 121).

[59] "It is incumbent on every man by every lawful means, to avoid, to deprecate, to oppose . . . . war. . . . . There are innumerable writers of acknowledged sanctity, who absolutely forbid war" (Erasmus, *Antipolemus* [1517] [London, 1794], pp. i and 72). "A war of aggression constitutes a violation of this solidarity and an international crime" (Preamble, "Geneva Protocol for Pacific Settlement of International Disputes" [1924], Manley O. Hudson [ed.], *International Legislation* [Washington, 1931], II, 1380; Harvard Research in International Law, "Draft Convention on Aggression," *American Journal of International Law*, XXXIII [suppl., 1939], 863).

[60] "War is a just and public contest of arms. In fact war is nothing if not a contest. . . . . Bellum, 'war,' derives its name from the fact that there is a contest for victory between two equal parties, and for that reason it was at first called duellum, "a contest of two'" (Alberico Gentili, *De jure belli, libri tres* [1588], Book I, chap. ii [Carnegie

war, and all these analogies were used.[61] It appears, however, that
the dominant idea of war at that time was that of a duel between
princes.

The words *bellum* and *duellum* have the same origin (from the
word *duo*, "two"), and in the Middle Ages the two were often treated
together, as by Legnano.[62] The dominant medieval opinion, how-
ever, treated war as a proper measure of sovereign authority for pro-
moting justice and remedying wrong. War could be just only òn one
side, and that side was normally the one acting under superior au-
thority of God, the pope, or the emperor. While war between equals
was discussed, equals must necessarily under the prevailing theory
of a united Christendom be subject to some superior authority. One
belligerent, if not both, must presumably be disobeying this author-
ity; if not his direct command, at least the divine law or the law of
nature which he sanctioned.[63]

The doctrines of the equality of sovereignties and the absolutism
of monarchs had, however, been developing in the later Middle
Ages,[64] and by the Renaissance it had reached such a stage that
political and juristic writers (who, with the wider development of
literacy and the press, ceased to be exclusively ecclesiastics) took
cognizance of it and presented war as a combat between equal
princes.[65] Even churchmen like Victoria and Molina, who clung to

ed., p. 12]). "The closest historical analogy to war is the duel, duellum' and 'bellum'
both originally meaning war" (Salmon O. Levinson, *Outlawry of War* [67th Cong.,
2d sess.; Sen. Doc. 115 (Washington, 1922)], p. 12; see also Frederick R. Bryson, *The
Sixteenth-Century Italian Duel* [Chicago, 1938], pp. 151 ff.).

[61] See above, Vol. I, Appen. III; Luigi Sturzo, *The International Community and the
Right of War* (New York, 1930); Q. Wright, "The Present Status of Neutrality,"
American Journal of International Law, XXXIV (July, 1940), 392. "The war spirit is
now a striking anachronism. War was once a duty and later a right; it has become a
crime. Expelled from ethics it will not live in history" (Mariano H. Cornejo, *The Bal-
ance of the Continents* [Oxford, 1932], p. 16; see also Malinowski, above, Vol. I, chap. x,
n. 48).

[62] Ballis, *op. cit.*, p. 56.

[63] Dante, *De monarchia*, chap. 10 (Aurelia Henry ed.; Boston, 1904), p. 30; Ballis,
op. cit., pp. 47 ff.

[64] Julius Goebel, *The Equality of States* (New York, 1923), pp. 25 ff.

[65] Luther justified war between equals (Ballis, *op. cit.*, p. 70): "A perfect State or
community, therefore, is one which is complete in itself, that is, which is not a part of

the medieval tradition that war could be just only on one side, modified this tradition in fact by the doctrine of "invincible ignorance." This doctrine held that if the side in the wrong remained ignorant of the unjustness of its cause after due study, the war should be treated as just on both sides.[66] Churchmen also began to consider honor a cause of war.[67] Lay jurists like Gentili and Grotius found these circumlocutions unnecessary and simply said that in doubtful cases "neither can be called unjust."[68] Consistent with the analogy of war to the duel, neutrality, which had been inconsistent with the medi-· eval conception of society, began to take root, and lay writers like Machiavelli and Hobbes, as well as reformers like Luther, perceived war as the natural consequence of controversy between equals subject to no common authority and in a state of nature.[69]

More significant of the relation of war to the duel than this logical similarity was the assumption that war was a personal affair of the prince. He alone could initiate war (except perhaps in defense).[70]

another community, but has its own laws and its own council and its own magistrates, such as is the Kingdom of Castile and Aragon and the Republic of Venice and other the like. For there is no obstacle to many principalities and perfect States being under one prince. Such a State, then, or the prince thereof, has authority to declare war, and no one else. Here, however, a doubt may well arise whether, when a number of States of this kind or a number of princes have one common lord or prince, they can make war of themselves and without the authorization of their superior lord. My answer is that they can do so undoubtedly just as the kings who are subordinate to the Emperor can make war on one another without waiting for the Emperor's authorization, for (as has been said) a State ought to be self-sufficient, and this it would not be, if it had not the faculty in question. Hence it follows and is plain that other petty rulers and princes, who are not at the head of a perfect State, but are parts of another State, cannot begin to carry on a war. Such is the Duke of Alva or the Count of Benevento, for they are parts of the Kingdom of Castile and consequently have not perfect States." He adds that special custom or necessity for defense may on occasion justify war by imperfect states. Franciscus de Victoria, *De Indis et de jure belli relectiones* (1532), Book II, secs. 7, 8, 9 (Carnegie ed., p. 168); Ballis, *op. cit.*, p. 83.

[66] Ballis, *op. cit.*, pp. 85–86.

[67] *Ibid.*, p 92, citing Suarez.

[68] Gentili, *op. cit.*, chap. vi (Carnegie ed., p. 32); Ballis, *op. cit.*, p. 98. Grotius held that if it was doubtful which side in a war was just, nonbelligerents should be impartial (*De jure belli ac pacis* [1625] iii. 17. 3. 1 [Carnegie ed., p. 786]).

[69] Ballis, *op. cit.*, chap. iii; Q. Wright, "Present Status of Neutrality," *op. cit.*, pp. 394 ff.

[70] Ballis, *op. cit.*, p. 88; above, nn. 56 and 57.

And while he ought to consult the grandees of the state, he had dis-
cretion to reject their advice.[71] While the medieval customs by
which princes had sometimes actually settled international con-
troversies by a personal duel,[72] and usually instituted war by sending
a defiance by herald in the manner of a challenge,[73] had fallen into
abeyance in the Renaissance, these practices showed that modern
war and the duel were one and the same in origin, though the two in-
stitutions had diverged. Only persons of a certain legal capacity
could fight duels.[74] In the Middle Ages the king was only *primus
inter pares*,[75] but in the Renaissance the rise of monarchy placed him
in a class by himself. Gentlemen and nobles continued to fight
duels, but only kings could fight wars.[76] The fact that duels were
usually fought personally, although substitutes might be used, and
that wars were usually fought with armies accentuated the develop-
ing difference between the two institutions, especially as armies be-
came more formidable in size.

The rise of the corporate theory of the state, with its accompani-
ments of constitutionalism, nationality, and democracy, led to a con-
ception of war as a means to political or economic ends or as a spon-
taneous manifestation of cultural or biological urges and obscured
its genetic relationship to the duel.[77] Nevertheless, their homology
makes the history of the duel still instructive in explaining war.
Many of the curious conventions of the duel flow from psychological
factors which are present also in war.[78]

Historians of the duel recognize three forms—the state duel, the
judicial combat, and the duel of honor. In the first a champion
fights in behalf of the state. It is thus a war in miniature. In the
judicial combat or trial by battle the duel becomes a prescribed pro-

---

[71] Ballis, *op. cit.*, p. 93, citing Suarez.

[72] Ayala, *op. cit.*, Book III, secs. 10–13 (Carnegie ed., p. 29); Bryson, *op. cit.*, pp.
142 ff.

[73] Ballis, *op. cit.*, p. 43.

[74] Bryson, *op. cit.*, pp. 11–12.

[75] Goebel, *op. cit.*, p. 51.

[76] Above, nn. 57 and 65.

[77] Pound, "Philosophical Theory and International Law," *op. cit.*; Sturzo, *op. cit.*

[78] Below, Appen. XXXI.

cedure under state authority to prove guilt or innocence. In the duel of honor gentlemen defend their honor by a fight under conditions prescribed by practice and convention.[79]

These forms of the duel are related to one another; in fact, they developed, with some overlapping, in the sequence named, and they are all related to war. War was a state duel in that the army fought as the representative of the prince. It was a trial by combat in that it decided the justice of the cause under the regulation of international law. It was a duel of honor in that "national honor" was and continues one of its main causes.

The duel of honor arose in the fifteenth century. It flourished particularly in Italy during the next century, which produced a large literature on the subject, until it was put under the ban largely by papal initiative in the Council of Trent in 1582. It flourished in France particularly in the seventeenth century, when it is said that eight thousand gentlemen succumbed to dueling in the reign of Henry IV. In England and America it flourished especially in the eighteenth century, Alexander Hamilton in the early nineteenth being one of its victims. In the nineteenth century it became less popular, though it continued in France and other Latin countries in less deadly form and is still recognized in certain armies.[80]

Duels are fought in defense of reputation, prestige, or honor. They do not directly concern facts or material injuries. Thus the insult which "gave the lie" (the accusation of falsehood being the accepted slight upon honor) did not necessarily repeat the statement said to be false, nor did it necessarily mention the person accused. The insulter might say, "So-and-so has lied," or he might say, "Whoever said so-and-so lied." There was no argument about the truth of this allegation. The fact that the allegation had been made was an insult or a stain on honor, and if the person thus insulted did not issue a challenge he would cease to be a gentleman, a circumstance which night carry with it grave disadvantages. The fact that the issue was not on a question of fact but about words, which each claimed sullied his honor, meant that each could be defending his honor. The prob-

[79] Bryson, *op. cit.*, p. xii.

[80] *Ibid.*, Introduction and Appens. XI and XII; "Dueling," *Encyclopaedia of the Social Sciences;* "Duel," *Encyclopaedia Britannica.*

lem which troubled the medieval writers on war, How could both sides be acting in defense of justice? could not arise. In a duel of honor there was no issue which could be submitted to any form of adjudication. The only defense against an insult was a willingness to risk one's life in order to prove one's honor.[81]

In situations where the administration of justice is inadequate, an individual's freedom from harassment depends in no small measure upon his reputation for avenging insult. Where the code of the duel has been recognized, no one would lightly trespass upon the interest of a man of honor, because in doing so he would risk his life. On the other hand, the reputation of a gentleman would at once collapse if he failed to avenge an insult or if he failed to insult the person who had injured him. Once honor was gone, reputation was gone; no one would fear to commit trespasses against the dishonored who would rapidly sink in the world.

The duel of honor is, therefore, in reality a mode of defending material interests when there is no established code of religion, morality, law, or custom adequate to mobilize social authority.[82] Reputation, prestige, and honor are, under such conditions, the practical road to security and advancement.

These conditions, favorable to the duel, existed with the breakup of the traditional social controls in the late Middle Ages. Similar conditions have led to fights as a protection from bullying among small boys, to warfare among primitive tribes, to rapid gunplay among cowpunchers of the early American West, to duels among medieval monarchs, and to wars among modern states, especially when governed by despotic regimes contemptuous of international law.[83]

There is a tendency for the duel of honor to develop similar conventions in all these diverse circumstances. Each of the parties is motivated by two strong but antagonistic drives—a desire to pre-

[81] Bryson, *op. cit.*, chap. i. "It appears to me that wars, for the most part, originate from certain empty words (titles) which seem to have been invented solely to feed human vanity" (Erasmus, *op. cit.*, p. 126). Kenneth Burke (*Permanence and Change* [New York, 1936], p. 240) points out that the importance of a claim is proved by willingness to sacrifice for it.

[82] The feud, vendetta, lynch law, and vigilantism arose under similar conditions.

[83] Below, Appen. XXXI.

serve a reputation for courage in order that no one will risk a trespass and a desire to preserve life and limb.[84] To reconcile these opposing motives, there is a tendency for conventions to develop which will make it possible for each party to say the other is the coward without himself actually fighting. In the Italian duel of the sixteenth century frequent disputes arose in which A claimed that he had insulted B and that B had not challenged him. Consequently, B had lost honor and A need do nothing further about it. B, on the other hand, would claim that A had not only insulted him but at the same time had challenged him. B would insist that he had expressed readiness to fight but that A had failed to arrange the time, place, and weapons, as the challenger should. Consequently, A's honor was sullied and B need do nothing further about it. Such issues were discussed by the experts, centering upon such points as: What form of words constituted a *mentita*, or insult? What form of words constituted a challenge?[85]

The analogy of such practices to the diplomatic parleying of today is obvious. Each of the states wishes to keep its reputation for fighting, and through that reputation to acquire territory or hold what it has without actually fighting. Each desires to impress the world with its willingness to fight if an attack is made, but at the same time each tries to avoid making an actual challenge which might precipitate the fight. The process is illustrated in the exchange of insults between Germany and Poland in 1939.[86]

Private dueling was gradually eliminated by the rise of the bourgeois temperament, which preferred litigation in court to fighting, recognized the acquisition of wealth as the appropriate means to influence and prestige, and regarded killing as immoral; and by the contemporaneous rise of more efficient government, providing adequate courts and police. In the same way reliance upon national honor, prestige, and military reputation as instruments of national policy might gradually subside, if statesmen developed a trading spirit, humanistic morals, and efficient international institutions. Until

[84] Compare with conditions underlying formalities of primitive warfare, above, Vol. I, chap. vi, sec. 6.

[85] Bryson, *op. cit.*, pp. 3 ff., 156 ff.; below, Appen. XXXI.

[86] Below, Appen. XXXI.

such behavior patterns and institutions acquire such a reality that their operation may be generally expected, states will place a high value upon military reputation as an essential means for preserving national existence and will find it difficult to maintain that reputation without occasionally risking war.[87]

The duel has at times been a legal institution. But it was characteristic of the duel of honor that it flourished most when it was in principle illegal. In this respect also war and threats of war today resemble the duel. The duel of honor appears at a stage in the development of a legal community in which principle is ahead of institutional realization. This often occurs during periods in which ancient institutions have crumbled or in which people have carried developed conceptions into a backward environment. The modern state system, with legal conceptions borrowed from advanced systems of municipal law beyond the possibility of realization in the backward state of international organization, presents a parallel situation. Men and nations in such circumstances maintain a conception of the rights of personality beyond the capacity of the community to protect.[88] The more daring may, however, find it possible to protect the rights they assert by establishing a reputation for the prompt resentment of injury by combat. Because the threat of homicide or war supporting this reputation is accompanied by an equal risk of being killed or defeated and is surrounded by gentlemanly formalities, the duel constitutes a stage above the maintenance of position by brigandage. The struggle for prestige is an advance in law above the bare struggle for power. The struggle for rights marks a further advance, dependent upon a more completely organized society. The duel of honor is, therefore, an advance toward law beyond the mere balance of power, but in international relations the corporate theory of the state and the political exigencies of government soon blurred all distinction between the war for honor and the war for power. Both were covered by the phrase "reason of state."[89]

[87] "It may be admitted that a nation can be concerned about her honor or prestige without being conscious of the relationship between it and power. It is not, however, easy for other nations to make the separation" (F. E. Dunn, *Peaceful Change* [New York, 1937], p. 19).

[88] Sir Arthur Salter, *Security—Can We Retrieve It?* (New York, 1939), p. 101.

[89] Sturzo, *op. cit.*

6. WAR AND ETHICS

The breakdown of medieval law and religion and the rise of powerful monarchs created a situation in which both gentlemen and princes maintained their positions by defending honor with the sword. The literature and ideas of the Middle Ages were, however, carried on in the writings of Victoria and other ecclesiastical jurists and continued to influence the position of war in the developing international law. In fact, to the medieval tradition of "just war" was added the pacifistic attitude characteristic of the stoics and the early Christians which had been revived in the study of classical sources and early Christian literature by Erasmus and other Renaissance writers.[90]

Both of these traditions, centering attention upon human or Christian ideals of individual welfare, tended to ignore political interests, princely prerogatives, prestige, and honor. They classified war from its outstanding manifestation, the maiming, slaughter, and impoverishment of human beings, and they appraised it ethically according to the sixth commandment and the Sermon on the Mount. To this way of thinking, there was no distinction between state ethics and private ethics. There was just one community—Christendom— which to the Christian was potentially humanity. International law was therefore identical with private law, both resting upon "natural law" and "divine revelation." Nature, Grotius pointed out, is the mother of natural law, whose child is the obligation of promises which begot civil society. Consequently, "nature may be considered the great grandmother of municipal law."[91]

The stoics, early Christians, and Renaissance humanists jumped one of these generations and decided that war was contrary to human nature, thus paving the way to nonresistant pacifism.

The Catholic tradition, initiated by Augustine in the fourth century, qualified this position by a more realistic consideration of the need of police in actual human societies and the need of defending Christendom from its external enemies. It asserted that war was permissible to promote peace, that is, order and justice, provided the

[90] Erasmus, *op. cit.;* Robert P. Adams, "The Pacific or Anti-military Idealism of the Oxford Humanist Reformers—John Colet, Erasmus, Vives, and Their Circle, 1497-1535" (manuscript thesis, University of Chicago, 1936); above, Vol. I, chap. vii, n. 180.

[91] Grotius, *op. cit.*, "Prolegomena," sec. 16. See above, n. 51.

war was initiated by a proper authority and provided that authority had found peaceful procedures inadequate in the situation and had assured himself that the injustices arising from the war would not be greater than the injustices which the war was to remedy. Further elaboration made it clear that war would not promote peace unless there was a "just cause"[92] and unless this cause constituted the actual motive, not a mere pretext, of the initiating authority. This thesis was supported by biblical exegesis to show that the New Testament tolerated just war and permitted soldiers and citizens to give the ruler the benefit of the doubt in respect to a particular war.[93] This carefully balanced theory of war figured in the classical writings on international law,[94] continues as the official theory of the Catholic church,[95] and has influenced modern international law,[96] different as are its assumptions from those of the theory which assimilated war to the duel of honor.

The Catholic theory was adapted to the religion-dominated medieval Christendom, which lacked strong political organization and often degenerated into feudal anarchy. This theory was, however,

[92] The causes usually considered just were defense, restitution, and punishment. "A state is within its rights not only in defending itself, but also in avenging itself and its subjects and in redressing wrongs" (Victoria, *op. cit.*, sec. 5). "Authorities generally assign to wars three justifiable causes, defense, recovery of property, and punishment" (Grotius *op. cit.* ii. 1. 2. 2). See also H. W. Halleck, *International Law* (1861) (4th ed.; London, 1908), I, 540; Q. Wright, "The Outlawry of War," *American Journal of International Law*, XIX (January, 1925), 92.

[93] T. E. Holland, *Studies in International Law* (Oxford, 1898), pp. 40 ff.; Alfred Vanderpol, *La Doctrine scolastique du droit de guerre* (Paris, 1919); Regout, *op. cit.;* John Eppstein, *Catholic Pronouncements on International Peace* (New York, 1934); *The Catholic Tradition of the Law of Nations* (Washington, 1936); Ballis, *op. cit.*, pp. 41 ff.; above, Vol. I, chap. vii, n. 178.

[94] It was not until the nineteenth century that writers on international law generally omitted discussion of "just war," and some, like Halleck (*op. cit.*, Vol. I, chap. xv), devoted attention to it in the later nineteenth century (see Q. Wright, "Changes in the Conception of War," *American Journal of International Law*, XVIII [October, 1924], 757 and 764).

[95] Eppstein, *The Catholic Tradition of the Law of Nations;* Charles Plater, S.J., *A Primer of Peace and War* (New York, 1915).

[96] While the recent distinction between defense and aggression is not the same as the medieval distinction between just and unjust war, the two are related. See Q. Wright, "The Test of Aggression in the Italo-Ethiopian War," *American Journal of International Law*, XXX (January, 1936), 53 ff.; Regout, *op. cit.*, pp. 309 ff.

difficult to apply in the post-Renaissance world of powerful princes, claiming sovereign authority to organize their states internally on national lines. With the realization of a world economic and cultural community in the nineteenth and twentieth centuries, the Catholic theory attracted more attention. Jurists, however, tended to develop municipal-law analogies rather than to revert to the medieval theory, when considering the problem of checking resort to war.[97] Positive law and ethics had become too much separated to be easily drawn together, although the Catholic theory of just war and Renaissance pacifism were a continuous reminder to international lawyers that law and ethics can never be wholly separated. Both derive eventually from human needs and interests rather than from the accidents of sovereignty. The law is eventually for man, not man for the law.[98]

7. WAR AND PRIVATE-LAW ANALOGIES

Modern international law is a primitive system of law. It lacks the wealth of sources, the precision of propositions, and the efficiency of procedures which characterize the municipal law of modern states. Its advocates, usually schooled in some system of municipal law, both because of habits of thought and because of the opportunity offered, tend to develop their subject by analogy to the rules of those more mature systems. Among the classical writers Roman law was an important source, but more recently jurists have drawn from contemporary systems and particularly from those rules or principles found to be common to most of them.[99] This practice was indulged

[97] Clyde Eagleton, *The Problem of War* (New York, 1937), chap. vii; Q. Wright, "The Outlawry of War," *op. cit.;* "The Concept of Aggression in International Law," *American Journal of International Law*, XXIX (July, 1935), 373 ff.; "The Test of Aggression in the Italo-Ethiopian War," *op. cit.;* "The Rhineland Occupation and the Enforcement of Treaties," *American Journal of International Law*, XXX (July, 1936), 486 ff.; "The Munich Settlement and International Law," *op. cit.*, pp. 12 ff.; "The Lend-Lease Bill and International Law," *American Journal of International Law*, XXXV (April, 1941), 305 ff.

[98] Above, n. 53; Q. Wright, "Remarks," *Proceedings of the American Society of International Law, 1939*, p. 93; "Report of Commission To Study the Organization of Peace," *op. cit.*, pp. 201, 463, 488 ff.

[99] H. Lauterpacht, *Private Law Sources and Analogies of International Law* (London, 1927).

in by the "naturalists," for whom international law was fundamentally a law for individuals and the state was only an instrument for the benefit of its citizens.[100] The positivists also used such analogies, although they considered international law as law only between states, which were no longer sovereign princes but sovereign corporations with complex constitutions.[101]

Many international lawyers questioned the analogy between the individual, who could be physically brought to court, jailed, or, if need be, executed, and the state, to which none of these treatments could be applied.[102] There have, consequently, been many warnings about the careless application of private-law analogies, but the practice continues. Bilateral treaties are considered analogous to contracts and multilateral treaties to legislation. Protectorates and mandates are considered analogous to the relationship of guardianship, agency, and trust. State domain is likened to real property, states to natural persons, and international unions to corporations.[103] It is not surprising, therefore, that the familiar legal allocations of internal violence to the categories of crime, insurrection, defense, and police should have been utilized in dealing with war. The League of Nations' Covenant, the Pact of Paris, the Argentine Anti-war Treaty, and other similar treaties accepted this analogy.

What has heretofore been called an act of war became, under the Pact, either a civil breach of the peace, an act of self-defense, or an act of international police. As the legal consequences of each would be very different, the situation of states engaged in these different acts should no longer be characterized by the common term, war. Similarly what has heretofore been called neutrality becomes the situation of states, not actively engaged in illegal violence or suppression, bound, to paraphrase Grotius, "to do nothing to strengthen the side" of the pact-breaker "or which may hinder the movement" of its adversary.[104]

[100] E. D. Dickinson, *The Equality of States in International Law* (Cambridge, Mass., 1920), pp. 29 ff., 111 ff.; above, nn. 53 and 99.

[101] Holland, *Elements of Jurisprudence*, pp. 388 ff.

[102] E. D. Dickinson, "The New Law of Nations," *West Virginia Law Quarterly*, XXXII (December, 1925), 16 ff.

[103] Lauterpacht, *op. cit.*, pp. 84–86; Q. Wright, *Mandates under the League of Nations*, pp. 347–90; Sir John Fischer Williams, "The Status of the League of Nations in International Law," *International Law Association, Report*, XXXIV (1926), 675.

[104] Q. Wright, "Neutrality and Neutral Rights Following the Pact of Paris," *Proceedings of the American Society of International Law, 1930*, p. 86. See also Secretary of State Henry L. Stimson, "The Pact of Paris: Three Years of Development," *Foreign*

The influence of this analogy is found in the numerous suggestions for revision or elimination of the idea of neutrality which is hardly analogous to any situation recognized in the municipal law.[105] The analogy of the nonbelligerent to the witness of a crime was developed in the Budapest Articles of Interpretation of the Pact of Paris[106] and in the Harvard research draft on the rights and duties of states in case of aggression.[107] Suggestions have been made that nonbelligerents should be permitted to participate in a primitive form of collective security analogous to the "hue and cry" or the "Vigilantes" even in the absence of international organization.[108]

While it is clear that ideas of justice cannot be reconciled with legal toleration of acts of war found, by procedures accepted by all the states involved, to have been in violation of international obligation, it is also clear that the problem of controlling states by international law is very different from the problem of controlling individuals by municipal law. The units are proportionately larger, and coercion may lead to the initiation of war rather than to an effective exercise of police. National sentiment prevents the creation of a unified international police force; punishment of guilty nations by fine, indemnities, or losses of territories are likely to undermine the economic structure of society to the injury of all nations; and the moral responsibility cannot usually be attributed to one nation, and almost never to the entire population of a nation, all of whom will suffer.[109]

Affairs, XI (spec. suppl.; August, 1932), iv; Attorney-General Robert H. Jackson, "Address at Havana, Cuba," *American Journal of International Law*, XXXV (April, 1941), 354; and above, n. 97.

[105] Holland somewhat lamely suggests that violations of neutrality may be analogous to common-law prohibitions of "champerty," "maintenance," and "interference with the course of criminal justice" (*Elements of Jurisprudence*, p. 399).

[106] International Law Association, *Report of Thirty-eighth Conference, Budapest, 1934*, pp. 66 ff.

[107] *American Journal of International Law*, XXXIII (suppl., 1939), 823 ff.

[108] Lord Parker of Waddington, in House of Lords, March 19, 1938, quoted by Alfred Zimmern, *The League of Nations and the Rule of Law, 1918-1935* (London, 1936), pp. 174 ff.; Charles H. Hamill, "Patriotism and International Relations," *Michigan Alumni*, XXIII (March, 1917), 10 ff.; "War and Law," *Michigan Law Review*, XVI (November, 1917), 13 ff.; below, Appen. XXX.

[109] See Alexander Hamilton, *The Federalist*, No. 15 (Ford ed.; New York, 1898), pp. 90 ff.; Q. Wright, "The Outlawry of War," *op. cit.*, p. 98; "Collective Rights and Duties

The fact that the problem of control is different does not, however, necessarily mean that it is incapable of solution. This problem will be considered in later chapters.[110] Nor does the lack of analogy in respect to the sanctions of a rule necessarily vitiate the analogy in respect to the rule. On such a theory the analogy between the interpretation of treaties and of written instruments of municipal law would have to be denied. The difficulty of enforcing effective sanctions against states has, however, induced many to consider whether individuals and public officials should not be subjects of international law against whom sanctions could more easily be enforced. The tendency of confederations, if they survive, to develop a direct relationship between the individual and the central government, as did the United States in the more perfect union of 1789, has been noted in this connection.[111]

Such a development would be a reversion to the ethical theory of the Middle Ages which tended to reduce the states and their sovereigns from entities of pre-eminent value in themselves to the position of administrative conveniences relating the individual to humanity.[112]

for the Enforcement of Treaty Obligations," *Proceedings of the American Society of International Law, 1932*, p. 113; "Fundamental Problems of International Organization," *International Conciliation*, No. 369, April, 1941, pp. 486 ff.; J. L. Brierly, "Sanctions," *Proceedings of the Grotius Society, 1931*, p. 5; Levinson, *op. cit.;* Senate Resolution 441 (67th Cong., 4th sess., 1923).

[110] Below, chap. xxvi, sec. 3; chap. xxix, sec. 5c.

[111] See Clarence Streit, *Union Now* (New York, 1939); "Commission To Study the Organization of Peace," *op. cit.*

[112] In his presidential address to the American Society of International Law in 1930, James Brown Scott supported the thesis that "the individual inevitably is the primal unit of an international community; that the state is only a secondary and intermediate unit; that the community itself is the supreme unit, synonymous and identical with humanity, being the sum total of individuals making up humanity; that the community is likewise the sum total of the states composing the community; that the international community represents in its twofold capacity humanity in its relations with individuals, and the union of states in its relations with the states; and that, therefore, the international community, whether organized or inchoate, possesses at one and the same time the right to impose its will alike upon individual and state" (*Proceedings of the American Society of International Law, 1930*, p. 15).

8. WAR AND MODERN INTERNATIONAL LAW

Having considered the position of violence in the origin of international law, in its ethical substratum, and in the domestic law of its subjects, what can be said of its position in international law itself? No categorical answer can be given. International law is a dynamic system, and a careful examination of its sources—treaties, customs, general principles, and the authority of jurists and judges—would give different results if examined in successive decades of the twentieth century.

In 1924 the writer examined the changes in the concepts of war since the Middle Ages with the conclusion:

Under present international law "acts of war" are illegal unless committed in time of war or other extraordinary necessity, but the transition from a state of peace to a "state of war" is neither legal nor illegal. A state of war is regarded as an event, the origin of which is outside of international law although that law prescribes rules for its conduct differing from those prevailing in time of peace. The reason for this conception, different from that of antiquity and the Middle Ages, was found in the complexity of the causes of war in the present state of international relations, in the difficulty of locating responsibility in the present regime of constitutional government, and in the prevalence of the scientific habit of attributing occurrences to natural causes rather than to design. It was recalled, however, that the problem of eliminating war has gained in importance while the possibility of solving it through the application of law has improved with the development of jural science. Thus efforts have been made to eliminate war (1) by defining the responsibility for bringing on a state of war, (2) by defining justifiable self-defense, and (3) by providing sanctions for enforcement.[113]

Ten years later the writer examined the concept of aggression, then growing into jural usage, with the following conclusions:

A state which is under an obligation not to resort to force, which is applying force against another state, or which refuses to accept an armistice proposed in accordance with the procedure which it has accepted to implement its no-force obligation, is an aggressor, and may be subjected to preventive, deterrent or remedial measures by other states bound by that obligation. There cannot be an aggressor in the legal sense unless there is an antecedent obligation not to resort to force. Doubtless there are some such obligations in customary international law; thus the pre-war text books define limitations upon the resort to intervention and reprisal, upon the use of force during a state of war, and even

[113] "The Outlawry of War," *op. cit.*, p. 75.

upon the initiation of a state of war, although during the nineteenth century the latter was considered a moral rather than a legal question. Treaties, however, especially post-war treaties, have imposed extensive obligations not to resort to force, and the conception of aggression has developed mainly in connection with the interpretation and application of these treaties, of which the League of Nations Covenant and the Pact of Paris have been the most widely ratified. . . . .

Even if a state violates an obligation not to resort to force, it would still not be an aggressor under the definition proposed unless the law draws some practical consequences therefrom. Several official texts have described aggressive war as a crime, but the definition here proposed does not demand that the consequence of aggression be of the nature of criminal liability. The measures consequent upon aggression may be preventive, deterrent, or remedial rather than punitive, and their application may be discretionary, rather than obligatory with other states, but unless there is some sanction, some legal consequence of the breach, the breaker is not, under this definition, an aggressor.

While it is believed that the test of aggression here proposed conforms to the standards of practicability and justice, it cannot be applied satisfactorily without discretion. While it is as automatic as may be in the varied conditions of international relations, a test applicable with mechanical precision cannot be expected. The body proposing the armistice cannot merely order the parties to stop fighting. It must propose a line of separation, provide a commission for observing the withdrawal of troops behind the line, and act rapidly, always with due consideration to the military problems of transport and terrain, in determining the period necessary for withdrawal. While the line of battle at the time would probably have to be given primary consideration, various tests of aggression should be in mind in formulating the terms of the armistice. What was the respective attitude of the parties toward pacific settlement of the dispute before hostilities began? Who first violated the *de facto* frontier? Which was best prepared with an offensive strategy? Such questions, if easily answered, might be given weight in determining the terms of the armistice. It is believed, however, that the basic tests of aggression must be the attitude and behavior of the parties in response to the armistice after it is presented.[114]

These principles prohibiting aggression, establishing criteria for determining the aggressor, and permitting all states to discriminate against the aggressor were applied in a number of cases, including the Greco-Bulgarian dispute in 1925, the Chaco War, and the Manchurian, Ethiopian, and Chinese hostilities, but in the most serious of these cases sanctions proved inadequate. In the aggressions of Germany in Austria and Czechoslovakia no effort was made to apply

[114] "The Concept of Aggression in International Law," *op. cit.*, pp. 375 ff., 395.

the League Covenant. The German aggression in Danzig and in Poland was made the occasion for war by Great Britain and France but less on the basis of general principles of law than on the basis of special guaranties given to Poland on balance-of-power principles. With the further German and Italian aggressions in 1940, most states in a condition to exercise independent judgment denounced these states as aggressors, and the United States justified its discriminatory action in favor of Great Britain on this ground.[115]

The developments from 1920 to 1941 suggest that the customary international law, tolerating and regulating resort to war, which had existed before 1914, had received important modifications during this period by treaty, juristic interpretation, and diplomatic practice, influenced by ethical considerations and private-law analogies. International law had begun to differentiate the conceptions of aggression, defense, and sanction, all of which may involve the use of armed force, from the conception of war, and had differentiated the conceptions of peaceful procedures and peaceful change from the conceptions of intervention and aggression.[116]

It is also clear that these new conceptions had not worked themselves into the minds of all jurists, much less of all statesmen. They had not acquired the sanction of custom, their logical ramifications had not been fully developed, nor were there institutions capable of enforcing them. While international law struggled to improve its sanctions by clarification of its rules, by procedures of adjudication, by education of public opinion, and by focusing world-opinion upon threats to its principles, it did not during this period create an expectation that its rules would be observed and enforced. Statesmen were convinced that the state, fortified by military power and prestige, had a superior status to the state fortified by legal powers and rights. The latter were of value but not of sufficient value to supersede the former.

[115] Q. Wright, "The Transfer of Destroyers to Great Britain," *American Journal of International Law*, XXXIV (October, 1940), 685 ff.; "The Present Status of Neutrality," *ibid.*, July, 1940, pp. 401 ff.; "The Lend-Lease Bill and International Law," *ibid.*, XXXV (April, 1941), 305 ff.; Attorney-General Jackson, *op. cit.*, 348 ff. See also above, nn. 106 and 107.

[116] See Q. Wright, "The Munich Settlement and International Law," *op. cit.*, pp. 12 ff.

International law struggled to advance toward a more perfect justice manifested in such maxims as "rights do not arise from wrongs," "duress vitiates agreements," "agreements ought to be observed," and "agreements should be revised when essential conditions change," all more or less implicit in the Stimson Doctrine.[117] Progress was, however, obstructed by the prerogatives of sovereignty, the inadequacy of international procedures, and the lack of supranational government. In spite of many ratifications of the optional clause of the statute of the Permanent Court of International Justice, the claim of each state to judge its own case persisted for important matters. Some states were uncertain whether they could defend the scope of their present possessions, their domestic and foreign policies, or even their right to exist before a tribunal administering abstract justice. Other states were unwilling to have such questions judged on the basis of a positive international law which supported the *status quo*. Still others doubted whether there were any criteria of fundamental justice for solving such questions.[118] The general conviction persisted that states could continue to exist only through the balance of power and that the operation of this system depended upon criteria of expediency incapable of juristic formulation.

In the face of such difficulties it was not surprising that international law failed to command the confidence of all states and to fulfil its function of maintaining order and justice in the community of nations. Although far from perfect, international law has defined the basic position of the state for centuries, it has served to settle many disputes, and in the interwar period it showed a capacity to progress.[119] This progress was especially important in redefining the position of war and neutrality and stating the conditions which must be realized if war is to be subordinated to law.

[117] Q. Wright, "The Stimson Note of January 7, 1932," *American Journal of International Law*, XXVI (April, 1932), 345 ff.; above, n. 28.

[118] If the state is for man, not man for the state, it might be difficult to prove that the state as such has a right of existence and independence parallel to the individual's right to life and liberty (see above, n. 112).

[119] Q. Wright, *Research in International Law since the War* (Washington, 1930), pp. 24 ff.; "International Law and the World Order," in W. H. C. Laves (ed.), *The Foundations of a More Stable World Order* (Chicago, 1941), pp. 107. ff.

CHAPTER XXIV

SOVEREIGNTY AND WAR

MODERN international law took form in the sixteenth century while princes were claiming and in some cases maintaining a monopoly of violence in territories larger than the feudal domains and smaller than Christendom.[1] The political theory was developing that princes could build stable states by using force and fraud.[2] The ethical assumption was being made that the state society was superior to the religious community.[3] The economic doctrine was being applied that commerce should be regulated in the interest of state power.[4] These conditions and doctrines conspired to create sovereignty as a developing fact and an inchoate idea. The distinguishing feature of international law was its assertion of the sole competence of the sovereign state to make war.[5]

Sovereignty has been considered a major cause of modern war.

[1] Q. Wright, *Legal Problems in the Far Eastern Conflict* (New York: Institute of Pacific Relations, 1941), pp. 18 ff.; above, Vol. I, chap. viii, sec. 4*d* (i); chap. xii, sec. 1*a;* chap. xiii, sec. 2*a.*

[2] Machiavelli, *The Prince* (1513); J. N. Figgis, *From Gerson to Grotius, 1414–1625* (Cambridge, 1916), pp. 94 ff.

[3] "Erastianism in its strict sense leads logically and practically to Erastianism in its developed sense, which makes religion the plaything of statesmen who may or may not profess any faith. . . . . The unity and universality and essential rightness of the sovereign territorial State and the denial of every extraterritorial or independent communal form of life are Luther's lasting contribution to politics. . . . . Luther, Henry VIII and Philip II . . . . in reality worked together despite their apparent antagonism" (Figgis, *op. cit.,* pp. 6, 89, 91).

[4] "The prevalent medieval idea had been that a country should aim at the securing of plenty as Francis Bacon pointed out in his *History of Henry VII* in saying that that monarch was 'bowing the ancient policy of this estate from the consideration of plenty to the consideration of power' " (Eli Heckscher, "Mercantilism," *Encyclopaedia of the Social Sciences,* X, 336).

[5] See quotation from Francis of Victoria, above, chap. xxiii, n. 112. Grotius wrote: "Public war ought not to be waged except by the authority of him who holds the sovereign power" (*De jure belli ac pacis* i. 3. 5[7]). "Territorial sovereignty is a necessary assumption of international law" according to Figgis (*op. cit.,* p. 242), but see Q. Wright, *Mandates under the League of Nations* (Chicago, 1930), pp. 267–73.

According to Arnold Brecht, "there is a cause of wars between sovereign states that stands above all others—the fact that there are sovereign states, and a very great many of them."[6] Perhaps it would be no less accurate to attribute war to the fact that there are no sovereign states but a great many that want to be. It is clear that the relation of sovereignty to war cannot be discussed intelligently unless the term is carefully defined.[7] The conception of sovereignty and the changes which it has undergone as well as the legal and political controls to which it has been subjected will be considered.

I. THE CONCEPTION OF SOVEREIGNTY

Sovereignty has been defined as "the status of an entity subject to international law and superior to municipal law."[8] By ascertaining the entities which give authority to those who invoke procedures for applying international law[9] and to those who participate in procedures for changing the fundamentals of any system of municipal law,[10] it is relatively easy to determine who are the subjects of the former and the masters of the latter.[11] Applying this definition,

[6] "Sovereignty," in Hans Speier and Alfred Kähler (eds.), *War in Our Time* (New York, 1939), p. 58.

[7] Bentham stressed the danger of ambiguous terms in law: "In a body of law—especially of laws given as constitutional and fundamental ones—an improper word would be a national calamity: and a civil war may be the consequence of it. Out of one foolish word may start a thousand daggers" (C. K. Ogden, *Bentham's Theory of Fictions* [New York, 1932], p. cxlviii).

[8] Q. Wright, *Mandates under the League of Nations*, p. 283; H. E. Cohen, *Recent Theories of Sovereignty* (Chicago, 1937), pp. 83 ff.

[9] These entities would normally be organized communities whose sovereignty has been generally recognized by the members of the community of nations. General recognition may be considered an act of the community of nations as a whole; consequently, that community, in a broad sense, gives authority to invoke international procedures.

[10] These entities would normally be organized communities whose independence has been accepted by their own populations.

[11] Both criteria must concur to establish sovereignty. Members of the community of nations may have refused to recognize the sovereignty of a community which in fact governs itself independently. *De jure* or international law sovereignty and *de facto* or municipal law sovereignty are not necessarily congruent (see L. Oppenheim, *International Law* [5th ed.; London, 1937], Vol. I, secs. 71 and 72; Q. Wright, *Legal Problems in the Far Eastern Conflict*, pp. 25 ff.). Furthermore, international law may accord a limited jural personality to individuals, governments, or other entities subject to municipal law in most matters (see above, sec. 3d).

sovereignty can be ascribed to some seventy of the thousands of political organizations in the contemporary world.[12] They are the source of authority for negotiating treaties, for recognizing new conditions, for submitting international disputes to adjudication or conciliation, and for initiating war, as well as for enacting, applying, and enforcing municipal law. The definition does not, however, throw much light upon the characteristics of sovereignty, except to persons familiar with law, both international and municipal. As international law and the various systems of municipal law are not necessarily consistent with each other, the characteristics of a particular sovereign entity may seem very different from one or the other point of view.[13]

As each sovereign entity can modify its own municipal law merely by observing the proper internal procedures, it can give itself whatever rights and powers it pleases under that law. But, viewed from within, municipal law is the only law there is. Rules of international law are not law unless "adopted," and rules of other systems of municipal law are not law unless recognized. From the point of view of municipal law, therefore, each sovereign is omnipotent in the jural universe.[14]

On the other hand, from the standpoint of international law, each sovereign is bound by law, and none can, on its own authority, change it. Furthermore, different sovereigns have different rights under treaties, and some are more limited than others with respect to their powers or capacities to acquire rights, thus creating varia-

[12] Oppenheim, *op. cit.*, sec. 108.

[13] It is only because of this dualism that legal sovereignty has meaning (Q. Wright, *Mandates*, pp. 282–85). In proportion as international law expands its field of regulation and international authorities acquire competence to nullify national acts contrary to international law, sovereignty is transferred to the world-community. In so far as international law is limited in scope, or its relation to municipal law is determined by political negotiations between national and international authorities, the dualism of international and municipal law is preserved.

[14] W. W. Willoughby, "The Legal Nature of International Law," *American Journal of International Law*, II (1908), 357 ff.; *Fundamental Concepts of Public Law* (New York, 1924), p. 284; Oppenheim, *op. cit.*, sec. 21; C. M. Picciotto, *The Relation of International Law to the Law of England and the United States of America* (London, 1915), pp. 125 ff. and Introduction by L. Oppenheim, p. 10.

tions in status.[15] Furthermore, as international law is continually developing through treaty, custom, and juristic analysis, the sphere within which the normal sovereign entity may act freely is suffering continual modification. Thus, from the international-law point of view, sovereignty is limited by law, and the scope of these limitations has varied in time and place.[16]

This definition of sovereignty, based upon the assumption that a body of international law and distinct bodies of municipal law exist, has some analogy to the definition of liberty as the status of natural persons with freedom under law[17]—a definition which, however, means little unless persons with that status constitute a significant class by virtue either of their psychological distinctiveness or of their social value.

Following the same line of thought, this definition of sovereignty might be justified scientifically if it could be shown, by assembling pertinent military, administrative, economic, and psychological data, that the seventy-odd populations recognized as sovereign states constitute a distinctive class of social groups. The definition might be justified politically, if its application promoted some accepted value, as, for example, a political order assuring a continually improving welfare to the human race or to some part of that race.

To apply such tests lies beyond the scope of this chapter.[18] It should be emphasized, however, that a definition is not necessarily good because it has been stated and can be applied, or even because it is being applied in the contemporary world.[19] Skepticism is justified in regard either to the realizability or to the value of any con-

[15] E. D. Dickinson, *Equality of States in International Law* (Cambridge, Mass., 1920), pp. 221 ff.

[16] Oppenheim, *op. cit.*, secs. 1 and 10; Robert Lansing, *Notes on Sovereignty* (Washington, 1921), p. 67.

[17] "Opinion concerning competence of the International Labour Organization," Permanent Court of International Justice, *Publications*, Ser. B, No. 2, p. 23; Ser. C, No. 1, p. 174; Q. Wright, *Mandates*, p. 369; Lansing, *op. cit.*, pp. 39 ff.; Clyde Eagleton, *International Government* (New York, 1932), p. 28.

[18] The characteristics of nationality are considered in chaps. xxvii above and the sources of psychological and economic values in chaps. xxx and xxxii, respectively.

[19] Ogden (*op. cit.*, p. ix) describes as "word magic" the common confusion of what can be or is said with what is or ought to be. See below, Appen. XXXVII, sec. *b*.

ception of sovereignty, for sovereignty has frequently changed its content, its locus, and its functions during the modern period.

2. CHANGES IN THE MEANING OF SOVEREIGNTY

a) *Content of sovereignty.*—Bodin defined sovereignty as "the supreme power over citizens and subjects unrestrained by law."[20] Grotius defined it as "that power whose acts . . . . may not be made void by the acts of any other human will."[21] Bodin conceived of sovereignty as a relation between a personal ruler and his subjects and gave only casual attention to the relation of such rulers *inter se.* Grotius gave detailed attention to those relationships but thought of them as relationships of individual monarchs. Both were aware of the medieval tradition whereby society was conceived as an organic hierarchy of governing individuals. They modified this conception in the light of changing conditions by giving extraordinary emphasis to one stage in the hierarchy which they denominated "sovereignty."

In the Middle Ages equal importance attached to each of the estates, lordships, and ecclesiastical titles which might exist in the feudal and religious hierarchy from the vassal or the priest up to God, who was the Supreme Lord and ruled on earth through the emperor, either by direct authority or by way of his vicar, the pope. The Renaissance writers emphasized one step in this hierarchy as of supreme importance—that from the sovereign prince to the international order. The authorities in the hierarchy below became subject to the prince and the princes themselves became subject only to natural law, or to the law of nations resting on their agreement.[22] The gradual secularization of affairs and of thought reduced the in-

[20] *Six livres de la république* (1675), Vol. I, chaps. 2 and 8.

[21] *De jure belli ac pacis* (1625) i. 3. 7, 16, 17; ii. 5. 31.

[22] "In the strict sense of the term, there is no sovereign in the middle ages. . . . . There is an *état* which belongs to the king; but there is also an *Etat de la république*, while even a lawyer in the Paris Parlement has his *état*. Only very gradually does State come to mean the organization of the nation and nothing else" (Figgis, *op. cit.*, p. 13). Julius Goebel (*Equality of States* [New York, 1923]) points out that, though medieval theory emphasized inequality in its differentiations of status and estate (pp. 19 ff., 39 ff.), the germ of equality between sovereigns is to be found in medieval practice (pp. 43 ff.).

fluence of the pope and of divine law with respect to temporal government.[23]

This change was important but scarcely more so than the later change which transferred the prerogatives of the prince to the corporate state. The latter change is not fully attained today, as evidenced by the legal theory of the British crown, the official persecution in Japan of Dr. Minobe's theory that the emperor is only an organ of the state, and the reversion in Germany and Italy to the notion of personal leadership.[24] In general, however, the seventy-odd subjects of international law today are not princes or leaders but states, and the source of municipal law is not the will of the prince but the procedures of the constitution. These procedures have tended to widen the sphere of state interest and state legislation. Municipal law today deals not only with preparation for defense, the suppression of violence, the collection of taxes, and the administration of justice but also with the physical, economic, and social welfare of the population.[25]

No less important in changing the content of sovereignty has been the growth in the objectivity and the scope of international law. The *jus naturale* and *jus gentium*, which theoretically defined the sphere of princes from the international point of view in the seventeenth century, were maintained by few documents, little practice, and no permanent institutions, though they were maintained by the declining supranational estates of clergy, nobility, and merchants. International law today is a relatively precise body of rules, defined in general and particular treaties, judicial precedents, and four cen-

[23] Bodin and Grotius gave conscious expression to the secularizing tendency of Luther and Calvin (above, n. 3). "It is right to treat the growth of political ideas during the fifteenth and sixteenth centuries as a branch of ecclesiastical history. With a few exceptions religion or the interests of some religious body gave the motive for political thought of the period. . . . . Except at the beginning with Machiavelli and at the end among the Politiques and in the Netherlands, the religious motive is always in the foreground" (Figgis, *op. cit.*, p. 36). Above, Vol. I, chap. viii, sec. 3a.

[24] Above, Vol. I, chap. xiii, n. 75; chap. xxii, n. 2.

[25] Q. Wright, *Mandates*, pp. 279 ff.; "International Law and the Totalitarian States," *American Political Science Review*, XXXV (August, 1941) 739; F. M. Watkins, *The State as a Concept of Political Science* (New York, 1934), pp. 37 ff.; above, chap. xxii, sec. 4a.

turies of juristic analyses, with established international institutions, capable of making clear its application in particular cases, even though they are not always successful in preventing violation or in applying remedies. This law has continually expanded through the acceptance by states of new limitations by general and particular treaties, especially in regard to international trade, transport, and communication; the advancement of general health and social welfare; and the prevention of crime and war. At the same time, the nationalization of all classes and the lack of a world public opinion has prevented the development of adequate sanctions.[26] While the definition of sovereignty is applicable throughout the modern period, the content of sovereignty has changed with changes both in international law and in the systems of municipal law.

b) Locus of sovereignty. —Not only has the content of sovereignty changed but its locus in the hierarchy of human government has also changed. When Dante wrote his *De monarchia* in the early fourteenth century, he did not use the word "sovereignty," but he was convinced that there could be only one "monarch" in the world, though it is well to remember that he had only the Christian world in mind.[27] Two centuries later Machiavelli located supreme power, or at least competence to strive for it, in the thousands of princes, dukes, counts, and republics continually waging war with one another.[28] Doubtless the difference in fact between these two periods was not so great as these descriptions of the locus of supreme power suggest. There were warring baronies in the fourteenth century and aspirations for unity in the fifteenth, but there was more ground for attributing sovereignty to the many in the later than in the earlier period.[29]

[26] Q. Wright, *Mandates*, pp. 274 ff.; Gerhart Niemeyer, *Law without Force* (Princeton, 1941), pp. 76 ff., 207 ff.

[27] Book I, chap. x; Figgis, *op. cit.*, p. 32. Other medieval writers recognized a larger number of "supreme" temporal authorities. See below, n. 31.

[28] *The Prince*, chap. i.

[29] "With all reservations there remains a broad difference between the self-sufficing unit of International Law, and the spoke in the wheel of medieval Christendom. The closer we look the more we see that it is the resemblance which is superficial, and the differences that are profound, between medieval and modern notions" (Figgis, *op. cit.*, p. 23; see also *ibid.*, p. 73).

To say this suggests that the conception of sovereignty has always had some relation to the actual organization of political authority. While this organization is affected by many factors, administrative, economic, and sociological, it has generally been most closely related to military organization and activity.[30]

The theologians and canonists of the Middle Ages inquired whether the wars of princes and barons were "private wars" or "public wars." They all agreed that the *bellum Romanum* or war against the infidel authorized by the pope and conducted in the Crusades was a public war, but with respect to other wars they differed. According to the theory of the time, a public war could only be authorized by a ruler who had legal characteristics which later would have been designated as sovereignty. Some thought the emperor or the pope alone had these characteristics. Others recognized certain kings as having them, but all the medieval writers assumed that the right to make war was prior to the fact of waging war. Because one was fighting, or even because he was fighting successfully, did not prove that he had the right to fight.[31]

The age of science, initially, reversed this order. Instead of inquiring who can declare a just war, writers began to inquire, "Whom does the army obey?"[32] He whom it obeys actually made war and actually was a sovereign, whatever might be his title or his morals.

In both periods, then, the war power was associated with sovereignty, but in the Middle Ages the war power flowed from the legal title of the monarch. In the Renaissance legal titles flowed from successful warmaking. The anarchic condition of Machiavelli's world, though not wholly eliminated, suffered attrition during the eight-

[30] Above, nn. 1 and 5. On the significance of nonmilitary factors see above, chap. xx, nn. 7 and 8. Political sovereignty can hardly be said to exist unless the concentration of political power within a territory has passed a certain threshold (Watkins, *op. cit.*, p. 44).

[31] Robert Regout, *La Doctrine de la guerre juste* (Paris, 1935); Luigi Sturzo, *The International Community and the Right of War* (New York, 1930); William Stubbs, *Seventeen Lectures on the Study of Medieval and Modern History* (Oxford, 1886), pp. 210, 217; Figgis, *op. cit.*, pp. 17, 22 ff.

[32] Hans Delbrück, *Regierung und Volkswille*, pp. 133 ff., quoted in G. L. Beer, *The English-speaking Peoples* (New York, 1918), p. 127. Machiavelli asserted: "War is the sole art of him who rules" (*The Prince*, chap. xiv).

eenth and nineteenth centuries both because the facts of European political life appeared to accord better with the new international law which developed and because that law appeared to develop a certain capacity to control the behavior of rulers.[33]

In the late sixteenth century the juristic conception of sovereignty could be applied to territorial princes with less doubt than in either the fourteenth or the fifteenth centuries. On the one hand, the papacy had lost prestige and the Empire had lost its shadowy titles to land outside of Germany and northern Italy. On the other, many of the minor princelings had been united by force of arms, so that Bodin could "tidy up Europe" by distinguishing a moderate number of sovereigns who deserved the title according to his juristic definition.[34]

After the Thirty Years' War, the problem of locating sovereignties in Europe was simpler still, because formalities of diplomatic intercourse and treaty-making, not to mention the text-writers, had provided criteria. But already complexities were arising because of the spread of the family of nations and of the suggestion that American, oriental, and African rulers were "sovereigns." It was hard to apply a definition based upon conceptions of European law to communities whose municipal law was of a different type and who had never heard of international law as expounded by Victoria, Gentili, and Grotius. New difficulties developed when principles of natural right were invoked to justify oppressed peoples and nationalities in violent secession. Social and economic changes accompanied political changes. The sociological foundations of sovereignty were one thing in illiterate peasant communities subject to autocratic princes, another in states dominated by literate, trading *bourgeoisie* insisting upon constitutionalism.[35]

However, international law and municipal law accommodated

[33] For discussion of insecure foundations of these appearances see Q. Wright, "International Law and World Order," in W. H. C. Laves (ed.), *The Foundations of a More Stable World Order* (Chicago, 1941), pp. 118 ff.; "The Present Status of Neutrality," *American Journal of International Law*, XXXIV (July, 1940), 410 ff.; Niemeyer, *op. cit.*

[34] G. Butler and S. Maccoby, *The Development of International Law* (London, 1928), p. 7; see also G. N. Clark, *The Seventeenth Century* (Oxford, 1929).

[35] Q. Wright, *Mandates*, p. 276; *Legal Problems in the Far Eastern Conflict*, pp. 20 ff.

themselves to these changes, and in the nineteenth-century world it was not difficult to identify the sovereign states with power to make municipal law, treaties, and war but subject to international law. The latter regulated the intercourse of states in peace and limited the methods of warfare but imposed no precise limits on the initiation of war.[36]

The world after 1918 tended to recognize a new *jus ad bellum* reminiscent of, but different from, the medieval conception of "just war" and to distinguish "public war" or sanctions authorized by the League of Nations from "private war" or aggression not so authorized.[37] Thus there was a tendency for the locus of jural sovereignty to shift from the national state to the world-community, but this tendency was reversed by the rise of totalitarian states and the outbreak of World War II.

c) The *function of sovereignty* has also changed during the last four centuries. Bodin valued royal sovereignty because it tended toward peace among the nobility within the relatively large areas subject to the "sovereign" and thus promoted order in a period of transition.[38] Grotius valued it because it regularized international relations and centralized responsibility in the interest of peace and the humanization of war in the European community as a whole.[39] Others have valued sovereignty as a dynamic factor, capable of shattering the *status quo* for the benefit of political power[40] or popular welfare[41]

[36] Q. Wright, "Changes in the Conception of War," *American Journal of International Law*, XVIII (October, 1924), 755.

[37] T. P. Conwell-Evans, *The League Council in Action* (Oxford, 1929), p. 258. W. Arnold-Forster (*Problems of Peace* [5th ser.; Geneva: Institute of International Relations, 1931], p. 246) distinguishes "private war" from "public sanctions." For medieval exposition of the distinction see A. Vanderpol, *La Doctrine scolastique du droit de guerre* (Paris, 1919), pp. 76 ff.; Butler and Maccoby, *op. cit.*, pp. 4 ff.; above, nn. 5 and 31; chap. xxii, secs. 5 and 6.

[38] Above, n. 34; Figgis, *op. cit.*, pp. 143 ff.

[39] *Op. cit.*, dedication to King Louis XIII of France, Proleg., pars. 28, 29, 33; i. 3. 5(7).

[40] This attitude, characteristic of Machiavelli (Figgis, *op. cit.*, p. 98) is continued by the modern "integral nationalists," Fascists, and Nazis (F. M. Russell, *Theories of International Relations* [New York, 1936], p. xxi).

[41] This attitude characterized Luther (Figgis, *op. cit.*, pp. 75 ff.), Rousseau (*Social Contract*, Book I, chap. vii), and the French "Declaration of Rights of Man and Citizen"

within a group, or of assuring human progress through competition[42] or co-operation[43] among distinctive groups. Voices have not been wanting who, in the interest of churches, labor unions, or other groups, chafing at the restrictions of sovereignty, or, in the interest of world-peace, have decried the conception of sovereignty as obsolete and harmful and have urged that it be abandoned.[44]

What would be the function of sovereignty if applied to nations in a world organized for peace? Sovereignty thus applied might prevent, on the one hand, the political stagnation and administrative inconvenience of a world-state and, on the other, the unpredictable fluidity and economic impossibility of a multitude of minute communities. Between the primary communities and the world it might be useful to have a definite breach in the continuity of law and organization. Sovereignty, by distinguishing the sources and sanctions of international law from those of municipal law, makes the state the indispensable mediator between the individual and the international community[45] and assures that the two laws shall not become identical, that neither shall dominate over the other, and that between the two an area of flexible political adjustment shall always remain. This might cushion the pressure of the world-community toward unity

(Arts. 2–6) (A. M. Anderson, *The Constitutions and Other Select Documents Illustrative of the History of France, 1789–1901* [Minneapolis, 1904], p. 59) and is continued in modern reformers (A. V. Dicey, *Lectures on the Relation between Law and Public Opinion in England during the Nineteenth Century* [New York, 1905]; Marshall Dimock, *Modern Politics and Administration: A Study of the Creative State* [New York, 1937]) and socialists (Russell, *op. cit.*, chap. xxii).

[42] This has been implied by the "integral nationalists" (above, n. 40) as well as by the racial (Ratzenhoffer, Gumplowicz), military (Clausewitz, Bernhardi), and ethical (Nietzsche) Darwinists. See Figgis, *op. cit.*, p. 110.

[43] Sir Alfred Zimmern implies this in denying the possibility of "world-citizenship" (Q. Wright [ed.], *Neutrality and Collective Security* [Chicago, 1936], pp. 16–29). Many international lawyers do the same in recognizing nationality as the basis of the state and the balance of power as the sanction of international law (Oppenheim, *op. cit.*, sec. 51, pars. [1] and [4]; James Lorimer, *Institutes of the Law of Nations* [Edinburgh, 1883], Vol. I, chap. iii).

[44] Q. Wright, *Mandates*, p. 281; Eagleton, *op. cit.*, pp. 25 ff.; Brecht, *op. cit.* In their enthusiasm for deconcentrating political sovereignty, the pluralists overlooked the value of legal sovereignty. See Watkins, *op. cit.*, pp. 57 ff.

[45] Hans Kelsen, *The Legal Process and the International Order* (London: New Commonwealth Institute, 1935), p. 24.

and uniformity and permit juridical experimentation and differentiation in sections of the human population on their own responsibility and risk without committing or jeopardizing the whole human race. Diversification in law, and as a result in ideals and standards of all kinds, might thus be perpetuated, permitting continuous progress through the processes of borrowing, emulation, and co-operation.[46]

Biologists have pointed out that organic evolution has been stimulated by the partial isolation of subpopulations:

> In a large population, divided and subdivided into partially isolated local races of small size, there is a continually shifting differentiation among the latter (intensified by local differences in selection, recurring under uniform and steady conditions) which inevitably brings about an indefinitely continuing, irreversible, adaptive, and much more rapid evolution of the species.[47]

In the past, natural barriers of geography and language have assured such a separation of many human populations, but in modern times communication and education have tended to strike down these barriers unless they have been buttressed by artificial devices. Devices for preserving isolation—such as the maintenance of war fears, militarism, and armed frontiers; policies of migration restriction, protective tariffs, monetary autonomy, and economic self-sufficiency; propagandas of pseudo-racialism and extreme nationalism; and education on the assumption of national cultural superiority— have maintained barriers, but they have also generated wars. The doctrine of national sovereignty has doubtless supported and been supported by these devices,[48] but sovereignty can be defined and perhaps maintained as a purely legal doctrine apart from these extreme military, economic, racial, and cultural accretions.

In the legal sense, national sovereignty, by preserving the dualism of international and municipal law and the independence of systems of municipal law, even at the expense of logical harmony and with some danger of jusristic conflict, facilitates national legislative experimentation, international competition, and progressive civilization.

[46] See above, n. 43.

[47] Sewall Wright, "Evolution in Mendelian Populations," *Genetics*, XVI (March, 1931), 158.

[48] Above, nn. 40 and 42.

3. SOVEREIGNTY UNDER LAW

The problem of reconciling the legal sovereignty of states with peace is the problem of preventing these logical disharmonies and conflicts, useful if kept within bounds, from degenerating into violence and war.

Those who have emphasized the war-producing characteristics of sovereignty have usually ignored international law and have assumed that sovereignty implies competence to make geographical boundaries insuperable barriers to trade and migration, thus rendering it "desirable for any major sovereign country to expand until it reaches a high degree of self-sufficiency in peace and war."[49] Assuming that there are neither legal, moral, nor political limits to the exercise of sovereignty, it is said: "Today, such expansion is (except for the scientific development of substitutes for various products) the only way for a country to make itself, in regard to its own necessities for life, independent of the will, the pleasure, the whim and the currency of other countries."[50]

If, however, sovereignty is confined to a legal conception, no such consequences are inevitable. If sovereignty means freedom under international law, the problem of reconciling sovereignty with peace is merely that of adequately developing and enforcing international law. That problem, however, is difficult to solve because much of international law has been deduced from alleged attributes of sovereignty. Political sovereignty has controlled international law not only in practice but also in theory, and, as a result, international law supports doctrines which are inconsistent with a legal system.[51]

[49] Brecht, *op. cit.*, p. 72.

[50] *Ibid.*

[51] The Permanent Court of International Justice has opposed this tendency: "The court declines to see in the conclusion of any Treaty by which a State undertakes to perform or refrain from performing a particular act, an abandonment of its sovereignty. No doubt any convention creating an obligation of this kind places a restriction upon the exercise of the sovereign rights of the State, in the sense that it requires them to be exercised in a certain way. But the right of entering into international engagements is an attribute of State sovereignty" (Permanent Court of International Justice, *Publications*, Ser. A, No. 1, p. 25; see also Ser. C, No. 3, pp. 43, 44, 66–73). "The work of the Court can to a large extent be conceived in terms of a restrictive interpretation of claims of State sovereignty" (H. Lauterpacht, *The Development of International Law by the Permanent Court of International Justice* [London, 1934], p. 89). See also n. 13 above.

Sovereignty has been said to imply that the state is not bound by a judgment or a new rule without its express consent, that it is free to resort to war and to remain neutral during the hostilities of others, and that it is free to govern its territory and to pursue its foreign policies subject only to responsibility to make reparation to another state injured by its acts or omissions in violation of international obligations. If adjudication is based on consent of the parties and legislation on consent of all states, an effective judicial or legislative system cannot be developed in the community of nations. If the acquisition and destruction of rights by violence and the impartial treatment of the aggressor and the victim are permissible, an effective executive system is impossible. If all government and policy-making are left to states, subject only to remedial responsibility, an effective administrative system is very difficult to devise. In short, these deductions from sovereignty prevent the development of the institutions essential to a system of positive law and condemn the members of the family of nations to remain in a state of nature.[52]

International law has not been so impotent as this theory suggests. In times of tranquillity international adjudication, legislation, execution, and administration have developed from treaty, custom, general principles of law, judicial precedent, and juristic analysis. The idea that sovereignty is something apart from law has, however, prevented a continuous development of such institutions. If it became generally accepted by the nations and the people of the world that sovereignty under law is a broader and more desirable freedom than sovereignty above the law, international law could develop into an effective system. The germ of such an acceptance by many nations was recorded in the League of Nations Covenant, the Pact of Paris, the "optional clause" of the Statute of the Permanent Court of International Justice, and other instruments, but the germ was not permitted to grow.

Modification of certain power structures, social symbols, and human interests would doubtless facilitate such a change in the conception of sovereignty. The change would also be facilitated by a conscious effort of jurists and courts to relate the concrete rules of

---

[52] See Q. Wright, "International Law and World Order," *op. cit.*, pp. 126 ff.; and proposals for facilitating certain limitations of sovereignty, "Commission To Study the Organization of Peace," *International Conciliation*, No. 369, April, 1941, p. 200.

international law to all of the objects of that law and thus to reduce the preservation of state sovereignty to its proper position among those objects. Such an effort would suggest a continuation of the tendency of the 1920's to eliminate the law's toleration of war, of neutrality, of self-judgment, and of the *liberum veto*. To secure these changes, it seems necessary that certain human rights be incorporated in international law, that the responsibilities of states be limited, that the responsibilities of governments be increased, and that an international status be accorded to certain entities other than states.

a) Human rights.—It has been suggested that international law is confronted by a dilemma between two inconsistent aims—to promote human welfare by protecting minimum human rights and to preserve the independence of distinctive nations by protecting state sovereignty. In reality there is no dilemma. The achievement of each aim is an essential contribution to the achievement of the other. Human welfare requires a variety of cultures, but divergent cultures cannot coexist in peace without a minimum recognition of human rights.[53]

While hitherto international law has not in theory recognized "rights of man" subject to its direct protection and has not often accorded a legal personality to individuals entitling them to direct access to international procedures, it has in fact defined and enforced many such rights. The practice of diplomatic protection of nationals abroad has often resulted in the arbitration of claims, the actual, if not the theoretical, beneficiaries of which are individuals.[54] The states have had the dual interest of maintaining sovereignty within

[53] Lorimer, *op. cit.*, I, 9 ff.; H. Bonfils, *Manuel de droit international public* (6th ed.; Paris, 1912), sec. 24, p. 10; Q. Wright, "Effect of the League of Nations Covenant," *American Political Science Review*, XIII (November, 1919), 556 ff. In the early days of modern international law exaggerated applications of sovereignty were hampered by continuance of the ethical tradition of Christian Europe and by the inefficiency of administrative and propaganda methods. As nationalism superseded Christianity as the basis of ethics in Europe, as non-Christian nations entered the community of nations, and as political and military planning and administration increased in efficiency, sovereignty became more absolute. Since the interdependence of peoples increased and war became more destructive absolute sovereignty became more dangerous to civilization. See Q. Wright, "International Law and the Totalitarian States," *op. cit.*; World Citizens Assoication, *The World's Destiny and the United States* (Chicago, 1941), pp. 102 ff.

[54] E. M. Borchard, *Diplomatic Protection of Citizens Abroad* (New York, 1919), secs. 13–15, 133, 138–40; Clyde Eagleton, *The Responsibility of States in International Law* (New York, 1928), pp. 220 ff.

their territory and of protecting their nationals abroad. Among states, each of which has a considerable number of nationals abroad, reciprocity exists. Each is ready to qualify its territorial sovereignty by the duty to accord certain legal rights to resident aliens, provided the others do likewise. Furthermore, among states with a similarity of civilization and governmental organization there has been no great difficulty in defining the minimum legal rights which international law requires each state to accord to resident aliens. An international standard has been defined by extracting the common elements in the national standards.[55] The humanitarian spirit has even resulted in general treaties according international protection to classes of individuals particularly liable to abuse by their own government, such as natives in colonial areas, members of racial, linguistic, and religious minorities, and laborers.[56]

There have, however, been difficulties in achieving a universal recognition of human rights through this development of the reciprocal interest of states in protecting their nationals. In the first place, rights have been recognized only for nationals of other states. Apart from treaties states have been free to do as they saw fit with their own nationals. Furthermore, countries like those of Latin America, which receive foreign capital and nationals but do not, to any great extent, send their own capital or nationals abroad, have lacked reciprocity of interest and have, therefore, tended to insist that the alien should be entitled only to the treatment accorded the national.[57] Finally, where cultural differences have been great, as between oriental and occidental countries and more recently between fascist, communist, and liberal countries, determination of the international standard has been difficult.[58]

[55] E. M. Borchard, "The 'Minimum Standard' of the Treatment of Aliens," *Proceedings of the American Society of International Law, 1939*, pp. 51 ff.; E. C. Stowell, *International Law* (New York, 1931), pp. 176 ff. See also n. 53 above.

[56] Borchard, *Diplomatic Protections of Citizens Abroad*, sec. 9; Q. Wright, *Mandates*, pp. 190 ff., 461 ff.; Julius Stone, *International Guaranties of Minority Rights* (London, 1932), pp. 3 ff.; Lewis Lorwin, *Labor and Internationalism* (New York, 1929), pp. 478 ff. Extreme barbarity to nationals has sometimes led to "humanitarian intervention" even when no treaty has been involved. See E. C. Stowell, *Intervention in International Law* (Washington, 1921), pp. 51 ff.; *International Law*, pp. 349 ff.

[57] Borchard, "The 'Minimum Standard,' " *op. cit.*, p. 52.

[58] *Ibid.*, pp. 55, 71 ff.; F. S. Dunn, *The Protection of Nationals* (Baltimore, 1932), pp. 30 ff. See also n. 53 above.

International law influenced by these circumstances has tended to develop toward the recognition of universal human rights at times when world-civilization has tended toward uniformity, as in the relatively peaceful politics and laissez faire economy of the nineteenth century. On the other hand, it has tended toward a recognition of absolute territorial sovereignty and abandonment of international standards for the protection of human rights in times when new cultural ideas were developing rapidly in certain areas.[59]

Unless all states respect a minimum of human rights, particularly those assuring the individual access to world-opinion and world-markets, governments will occasionally prostitute national opinion to illegal ambitions, and large-scale violations of law will follow. A world public opinion is the ultimate sanction of international law, and such an opinion cannot develop unless minimum human rights are respected everywhere.

b) Responsibility of states.—If states are bound by international law, they must be responsible in the sense of obligation to make suitable reparation to those injured as a result of their violations of that law. Although many theories of responsibility[60] have been developed by jurists and a mass of concrete rules have been developed by diplomatic practice and international adjudication,[61] it has remained difficult to explain how the state, whose powers flow only from law, can commit an act in violation of law. Would not an illegal act be *ultra vires* and consequently attributable not to the state but to the agent? The explanation lies in the fact that the state is a creature of two laws. From the point of view of international law, *de facto* its powers derive from its own municipal law but *de jure* they derive from international law. Acts authorized by municipal law may violate international law. They are not *ultra vires* by the state's constitution though they are by international law.

In practice, international law has recognized both criminal and civil responsibilities of state. States have been considered responsible to the community of nations as a whole and liable to preventive

[59] Above, Vol. I, chap. xiv, sec. 1.

[60] Eagleton, *The Responsibility of States in International Law*, pp. 16 ff.

[61] *Ibid.*, pp. 22 ff. See Draft Code on "Responsibility of States for Damage Done in Their Territory to the Person or Property of Foreigners," *American Journal of International Law* (spec. suppl., 1929), pp. 140 ff.

and deterrent sanctions for aggressions in violation of general anti-war treaties.[62] The term "international crime," however, has usually referred not to acts involving the responsibility of states but to acts involving the responsibility of individuals which jeopardize the procedures and instruments of international relations. Acts of piracy, attacks upon diplomatic officers, libels on foreign sovereigns, counterfeiting foreign currencies, and breaches of neutral obligation have been considered "offences against the law of nations."[63] This practice has doubtless arisen because of realization that criminal sanctions are by their nature adapted to controlling the behavior of individuals rather than of states.

On the other hand, the civil responsibility of states for injury to the nationals, territory, government, or prestige of other states has been enforced by diplomacy and arbitration in numerous cases.

If international law took the position, as it has tended to do, that, while a state may commit a tort or a breach of contract, it cannot commit a crime, it would be abandoning a large sphere of international relations to lawlessness, unless it at the same time recognized that a government which in the name of the state resorts to violence in disregard of the state's obligations to the community of nations as a whole is itself criminally responsible to that community.

c) Responsibility of governments.—Recognition of the responsibility of governments under international law would modify the traditional doctrine that states alone are subjects of international law and might be criticized as tending to break down the solidarity and unity of the state and to open the way for civil disorder by dividing the government from its people.

The doctrine of the legal unity of the state has doubtless been of value in assuring the autonomy of national cultures and the continuance of diverse cultures in the world as well as in assuring peace and order within the state's territory. If, however, agents, officials, or individuals within a state have taken action sufficiently injurious to the family of nations as a whole to be characterized as international crime or aggression, if the government of the state, far from

[62] Above, chap. xxiii, sec. 8.

[63] U.S. Constitution, Art. 1, sec. 8, cl. 10; Q. Wright, "The Outlawry of War," *American Journal of International Law,* XIX (1925), 78–83.

attempting to stop this disorder, is its main propagator, considerations of national unity might well be sacrificed to considerations of international order.

In fact, this is exactly whàt has happened when a large share of the world has envisaged the behavior of the government of a state as an international crime. The Declaration of the Congress of Vienna on March 13, 1815, declared that "Napoleon Bonaparte has placed himself without the pale of civil and social relations and that as an enemy and a disturber of the tranquillity of the world he has rendered himself liable to public vengeance." By Article 227 of the Treaty of Versailles "the Allied of the Associated Powers publicly arraign William II of Hohenzollern, formerly German Emperor, for his supreme offence against international morality and the sanctity of treaties."[64] President Wilson in his address to Congress of April 2, 1917, declared the United States a friend of the German people and an enemy only of the German government.[65] In World War II the British and other governments declared that they were acting only against the Nazi government.[66]

From a practical point of view the first step in making sanctions effective is to divide the delinquent government from its people, and this would be facilitated by a legal theory which held that if a government has resorted to violence, contrary to the international obligations of the state, it should be considered to have violated not only international law but also the state's constitution, which, owing its authority to recognition by the family of nations, cannot be assumed to permit violations of the fundamental laws of that society. Such an act of the government should not therefore impose responsibility upon the state as such but should render the government itself liable not only to international sanctions but also to such constitutional

[64] Q. Wright, "Legal Liability of the Kaiser," *American Political Science Review*, XIII, (February, 1919), 120 ff.

[65] J. B. Scott (ed.), *Official Statement of War Aims and Peace Proposals* (Washington, 1921), p. 89.

[66] "England was not fighting against the German people but against a tyrannous and foresworn regime which had betrayed the whole of Western civilization" (broadcast by Prime Minister Chamberlain, September 4, 1939, in Royal Institute of International Affairs, *Bulletin of International News*, September 9, 1939, p. 61).

sanctions as are provided in case of a betrayal of the state's funda-
mental laws. A government guilty of aggression should be guilty
also of treason. With this theory, the sanctions against a delinquent
government might be supported not only by public opinion in for-
eign countries anxious to sustain international law but also by patri-
otic opinion in the state which has been betrayed by the delinquent
government.

Such a theory would be parallel to the common practice of dealing
with corporations whose acts have violated criminal law by pro-
ceeding not against the corporation as such but against its officers.[67]
It also was the theory of the United States in dealing with violence
supported by the governments of the southern states in the Civil
War.[68] While it has been held that the federal government has power
to take measures against a state as such to enforce the state's federal
obligations,[69] in practice it has been considered inexpedient to use

[67] "To punish a body corporate, either criminally or by the enforcement of personal re-
dress, is in reality to punish the beneficiaries on whose behalf its property is held, for the
acts of the agents by whom it fulfils its functions." Furthermore, "how can an illegal
act be imputed to a corporation? If illegal, it cannot be within the limits of lawful au-
thority; and if not within these limits it cannot be the act of the corporation" (J. W.
Salmond, *Jurisprudence* [London, 1902], p. 353). Salmond tries to explain the actual
civil and criminal liability of corporations under the common law by a theory of vicari-
ous responsibility of the beneficiaries and of legally imputed responsibility of the corpo-
ration for acts of agents under color of authority or in wrongful exercise of authority
(*ibid.*, pp. 355–56). See Q. Wright, "Fundamental Problems of International Organiza-
tion," *International Conciliation*, No. 369, April, 1941, pp. 482 ff.

[68] While the theory of the Civil War and reconstruction is controversial, President
Lincoln acted on the assumption that federal forces were being used not against the
states but against hostile combinations within the states (W. A. Dunning, *Essays on the
Civil War and Reconstruction* [New York, 1931], pp. 11 ff.). "The Constitution, in all its
provisions, looks to an indestructible Union, composed of indestructible States. . . . .
Considered, therefore, as a transaction under the Constitution, the ordinance of seces-
sion, adopted by the convention and ratified by a majority of the citizens of Texas, and
all the acts of her legislature intended to give effect to that ordinance, were absolutely
null. They were utterly without operation in law. The obligations of the State, as a
member of the Union, and of every citizen of the State, as a citizen of the United States,
remained perfect and unimpaired. It certainly follows that the State did not cease to be
a State, nor her citizens to be citizens of the Union. If this were otherwise the State
must have become foreign and her citizens foreigners. The war must have ceased to be
a war for the suppression of rebellion and must have become a war for conquest and sub-
jugation" (Chase, C.J., in *Texas* v. *White*, 7 Wall. 700 [1869]).

[69] "As it is certain that governmental powers reserved to the States by the Constitu-
tion—their sovereignty—were the efficient cause of the general rule by which they were

this power. When coercion has been resorted to, it has not been against states as such but against governments, individuals, or hostile combinations within the state.[70] The expediency of such practice was clearly recognized in the Federal Convention of 1787, and a provision for federal execution against a delinquent state included in an early draft was omitted in the final Constitution.[71]

d) *Status under international law.*—A realistic view of international relations in the present age of close international contacts indicates a high degree of unreality in insisting upon the dogma that only states are subjects of international law. Eventual responsibility of the state under international law is not adequate to preserve respect for that law in the modern dynamic and interdependent world. Responsibility must be established more immediately and more concretely if the supremacy of law is to supersede the balance of power.

Certain text-writers have suggested that not only states but also governments, certain officials, individuals, public international unions, and perhaps certain private international associations should have a status in international law. A careful examination of judicial opinion and diplomatic practice discloses the fact that entities of all

not subject to judicial power, that is, to be impleaded, it must follow that, when the Constitution gave original jurisdiction to this court to entertain at the instance of one State a suit against another, it must have been intended to modify the general rule, that is, to bring the States and their governmental authority within the exceptional judicial power which was created. . . . . The duty to enforce the judgment by resort to appropriate remedies being certain, even although their exertion may operate upon the governmental powers of the State, What are the appropriate remedies for such enforcement?" The court then referred to the power of Congress to legislate, to powers of the president under existing law, and to extraordinary remedies which the court might institute. Before such measures were instituted the defendant responded to the judgment (White, C.J., *Virginia* v. *West Virginia*, 246 U.S. 565, 595, 600, 605 [1918]). See J. B. Scott, *Judicial Settlement of Controversies between States of the American Union* (Oxford, 1919), pp. 519 ff.

[70] Such coercitive measures have been executed by action of federal courts and administrative officials within the states, by execution of judgments of the Supreme Court on appeal from state courts, or by presidential authorization of the use of the army or militia to enforce federal law within the states.

[71] Max Farrand (ed.), *Records of the Federal Convention* (New Haven, 1911), I, 54, 406; II, 6, 9; *The Federalist*, No. 15, pp. 16 and 21; *International Conciliation*, No. 369, April, 1941, p. 486. Such a provision existed in the German imperial constitution of 1871 and in other federal constitutions.

these types have, on occasion, been accorded some international status.[72] International law has tended to become world-law.

International law cannot be effective unless supported by world public opinion, conscious of certain elementary standards of human right. Such standards cannot be realized in practice if the only interests and responsibilities recognized by international law are the interests and responsibilities of states. The number of states is so few, and their characteristics so varied, that standards interpreted in terms of their interests and responsibilities are certain to be fluctuating in time and place and to confuse power with justice. Universal standards can develop only if the interests and responsibilities of individuals, of governments, of nations, of regional and world associations, and of humanity as a whole which lie behind the jural façade of the state are recognized as the real objects of law, international as well as municipal. Such recognition would imply that these entities should be competent to invoke appropriate international procedures to protect their rights and also that they should be directly responsible for breach of their duties under international law.[73]

4. SOVEREIGNTY AND COLLECTIVE SECURITY

Experimentation with a system of collective procedures applicable to the entire human race was not possible until the period of discov-

[72] John Westlake, *Chapters on the Principles of International Law* (Cambridge, 1894), pp. 1 ff.; Clyde Eagleton, *The Responsibility of States in International Law*, pp. 220 ff.; N. Politis, *The New Aspects of International Law* (Washington, 1928), p. 23; J. B. Scott, "Presidential Addresses," *Proceedings of the American Society of International Law, 1930*, pp. 15 ff.; *ibid., 1931*, pp. 2 ff.

[73] Q. Wright, "International Law and the World Order," *op. cit.* An international court of claims, an international prize court, and an international criminal court dealing with individuals directly have been suggested ("Commission To Study the Organization of Peace," *International Conciliation*, No. 369, April, 1941, p. 201). Such courts would necessarily be competent to ignore or nullify national laws contrary to the rights and duties of individuals under international law, but this would not destroy the legal sovereignty of the state if the competence of the tribunal were precisely limited by international law. The state would continue to enjoy a large field of freedom to make and enforce municipal law and would be limited only by international law (see above, n. 13). The American reservation to the international prize court convention (XII Hague Conventions, 1907) providing for an original action for damages against the state rather than for appeal from the national prize court may have been required for formal constitutional reasons, but the effect on national sovereignty would be the same (Q. Wright, *Control of American Foreign Relations* [New York, 1922], pp. 117 ff.).

eries, accompanied by the development of printing and technological improvements in means of communication, had assured continuous contact among all important sections of that race.[74] Previously, all political organizations, even the largest, such as the empires of Persia, Rome, India, or China, had been compelled to cohere by the external pressure of barbarian enemies upon their frontiers. After the beginning of the sixteenth century the ideas of universal polity, universal justice, universal peace, and universal security were for the first time capable of realization. Since then these ideas have been kept alive in the schemes of world-organization, the system of international law, and the propaganda of pacifism.[75] Not until the post-Napoleonic period was an organized system of security instituted. This system of holy and unholy alliances was ill conceived, practically confined to Europe, and short lived, even there.[76] The League of Nations became more nearly universal, was more adequately organized, and had already lived more than twice as long as did the Confederation of 1815 when it suffered the severe blows of totalitarian aggression. The experience of the League, formulated in thousands of documents and rationalized in the discussions at the International Studies Conferences,[77] provides an analysis but not a solution of the problem.

a) Security through sovereignty is the system by which the family of nations has in the main been governed since the Middle Ages. This system has broken down because of its incapacity to prevent recurrent war and of the increasingly intolerable character of war with the progress of inventions and industrial production. This system rested upon the corpus of customary international law permitting both war and neutrality, applied by diplomacy and *ad hoc* arbitration, sanctioned by self-help and the balance of power. International law could only be adjusted to changing conditions by the

[74] J. B. Scott, *The Spanish Origins of International Law* (Washington, 1934), Vol. I, chap. i; above, Vol. I, chap. viii.

[75] P. B. Potter, *Introduction to the Study of International Organization* (4th ed., 1935), chap. i; A. C. F. Beales, *The History of Peace* (New York, 1931), pp. 27 ff.

[76] W. Alison Phillips, *The Confederation of Europe* (2d ed.; London, 1920).

[77] International Studies Conference, *Collective Security* (Paris: International Institute of Intellectual Cooperation, 1936); *Peaceful Change* (Paris, 1938).

gradual processes of custom, juristic commentary, and treaty-making, but it always lagged behind the demands of dynamic states who sought to extend their rights beyond what the law granted them at the moment. For this purpose they used negotiation and equitable arbitration if possible. Otherwise, threats and the accomplished fact were resorted to with the expectation that most states would remain neutral and the fruits of aggression would be legitimatized by subsequent recognition. This was a system of limited security for the militarily strong and unlimited insecurity for the militarily weak. Law governed the unimportant transactions, force the important. The system prevented a world-state, preserved the independence of some, won independence for others, and destroyed the independence of many. Sovereignty was loudly proclaimed and exemplified in action but was always in jeopardy.[78]

b) Collective security through the League of Nations proposed to increase the definiteness of international law by codification in general treaties and by the accumulation of precedents handed down by the World Court. It proposed to perfect the application of law by compulsory adjudication before that tribunal and to substitute for the sanction of self-help the prevention or stopping of violence by collective action. The League system did not contemplate collective enforcement of all judgments or treaties. Sanctions were provided under Article 16 only to prevent or to stop illegal hostilities. The League was intended to preserve peace rather than to preserve the *status quo*. Furthermore, only economic sanctions were obligatory, though it was recognized that such sanctions were incompatible with impartial neutrality and might lead to or necessitate military action. Military action by members of the League against a state which had illegally resorted to war, though not obligatory, was permissible.

Accompanying these collective devices for defining law and rights and preserving them against violence, no less important arrangements for change were provided. Many conferences were held for improving international law through the conclusion of general treaties of legislative effect. Furthermore, procedures for general consultation and conciliation by the League under Article 15 and for

---

[78] F. L. Schuman, *International Politics* (New York, 1933), chaps. ii and iii; above, Vol. I, chap. x.

the exercise of equity jurisdiction by the Court facilitated the modification of rights in hard cases. The procedures under Article 11 for emergency action to prevent war sometimes resulted in recommendations, such as that by the Lytton commission indorsed by the Assembly, that certain rights be changed. Article 19 contemplated consultation in the general interest, to advise revision of treaties and consideration of dangerous conditions. These procedures had some analogy to the procedures of police and eminent domain in systems of municipal law, but the authority of the world-community as a whole to subordinate rights of particular states to important general interests was not fully established, and the procedures proved inadequate.[79]

None of these collective procedures impaired sovereignty in the legal sense. None of them proposed to subject any state to the municipal law of another, or to modify the international law binding a state, except by the established international procedures. The sources of international law and municipal law were kept distinct. Sanctions were applied only for breaches of the peace to protect the weaker from being subjected to the municipal law of the conqueror. Article 15, paragraph 8, of the Covenant expressly excluded League action on domestic questions. Collective interventions or consultations under Articles 11 and 19 come nearest to depriving states of rights against their will, but in each case the competence of the collective bodies was limited to recommendation or advice. These articles, however, enshrined the principle stated by President Wilson in his draft from which Article 19 emerged: "The peace of the world is superior in importance to every question of political jurisdiction or boundary."[80] That principle, almost universally recognized in the Pact of Paris,[81] even if implemented by the principle that human

[79] Alfred Zimmern and E. D. Dickinson, in Q. Wright (ed.), *Neutrality and Collective Security* (Chicago, 1936); Eduard Beneš, *International Security* (Chicago, 1939); Q. Wright and W. H. C. Laves, in Laves (ed.), *The Foundations of a More Stable World Order* (Chicago, 1941): Q. Wright, "Article 19 of the League of Nations Covenant," *Proceedings of the American Society of International Law, 1936*, pp. 55 ff.

[80] Hunter Miller, *The Drafting of the Covenant* (New York, 1928), II, 12.

[81] Q. Wright, "The Meaning of the Pact of Paris," *American Journal of International Law*, XXVII (January, 1933), 39 ff.

justice is superior to such political questions,[82] is not inimical to sovereignty, functioning as the custodian of the distinction between international law and municipal law, but it is inimical to sovereignty functioning as the right to war.

c) Military and legal sovereignty.—The right to make war, creating discipline within and fear of the enemy without, has been the most important sociological context in which the legal conception of sovereignty has developed, although within the past century the historical-psychological phenomenon of nationality has been of almost equal importance. Thus, in so far as international law, supported by collective institutions holding governments responsible for aggressions and protecting human rights within the states, prevents war, it will modify the political content of sovereignty, if not its legal form.

Legal sovereignty does not prevent peace through law; military sovereignty does. Can legal sovereignty exist without military sovereignty? The question resembles that long ago answered, "Can individual liberty exist without side arms?"

Whether the claim of nonsovereign nationalities to organize sovereignty would be more or less difficult of execution under collective security is not clear. Nationalities have sometimes won independence by war. At the same time, self-determination was at the root of the League of Nations. The League sought to protect minorities and mandated areas and ushered one of the latter, Iraq, into full sovereignty.[83] Cyrano's sword may have been part of his personality, but it was not the whole of it. It cannot be denied that great personalities have developed in states which forbade duelling and enforced this prohibition. Is the case of nationalities different?

With appreciation of national cultural differences, with pride but not prejudice in national characteristics, with adequate systems of civic education, and with legal systems independent except for the guaranties of human right and of government responsibility under international law, both legal sovereignty and cultural nationality

[82] Above, sec. 3.

[83] Q. Wright, "Proposed Termination of the Iraq Mandate," *American Journal of International Law*, XXV (July, 1931), 436 ff.; W. H. Ritsher, *Criteria of Capacity for Independence* (Jerusalem, 1934).

might function as characteristics of the state in a world which, while not claiming a monopoly of war, was organized to maintain a legal equilibrium between national independence and human justice.

It may be that sovereignty will shift its locus in the future as it has in the past. Perhaps it will pass from the nation to the world-community. Perhaps it will pass to regions or continents including several nations. Perhaps it will pass to units smaller than the nation. A world-community of a couple of hundred small and more nearly equal sovereign nations might be more stable than a world of seventy-odd states, some of which are nations, some empires, some cities, varying in size from the United States to Monaco. Sovereignty will probably be redefined in the future as it has in the past. Perhaps it will serve new functions and cease to serve old functions. It is possible that it will cease to be useful altogether and disappear. It seems clear that the method by which states have sought security each through its own sovereignty, under present conditions of economic interdependence and military technique, endangers the sovereignty of many and is hostile to the security of all. With such procedures international law cannot survive.

d) *Sovereignty and opinion.*—This analysis has been confined to the juridical plane but with full realization that law is but one of the vocabularies which influence social stability and change. Propaganda is another vocabulary in which sovereignty also figures. In that vocabulary words symbolize neither things nor concepts but emotional complexes and accepted myths.[84] To associate words with the latter sort of fiction is the art of the orator and the politician, not of the jurist and the logician. In the short run those arts are likely to prevail. Sovereignty will function according to associations fixed by the spellbinders. People and parties will be for or against sovereignty according to the persuasiveness of orators and advertisers. On such large questions analysis is difficult, and the rank and file will necessarily be guided by influence rather than by interest, by politics rather than by logic. Sovereignty or some other symbol may become

[84] C. K. Ogden and I. A. Richards, *The Meaning of Meaning* (3d ed., 1930). pp. 223 ff.; Jeremy Bentham, *Works* (Edinburgh, 1838–43), VIII, 301–2; Ogden, *op. cit.*, p. lxxi.

the accepted myth upon which policy will, for considerable periods, be tacitly based.[85]

But amid the welter of opposing propagandas and the resulting oscillations of opinion and action, long-time trends may be guided by careful consideration of the things men want persistently, of the concepts which can give order to these things, and of the symbols by which these concepts can be realized.[86] The expectation that the words which symbolize conceptions will in the long run prevail over those which only stimulate emotions is supported by the essentially analytic character of language. Man differs from other animals by relying on language from which has grown culture and civilization. This, as Bergson reluctantly pointed out, tends to make man and his philosophies intelligent rather than intuitive.[87] The word "sovereignty" is capable of causing war—civil and international—but if used intelligently it might establish conceptions of value to jurists and administrators in the task of maximizing human satisfactions.

[85] H. D. Lasswell, *World Politics and Personal Insecurity* (New York, 1935), pp. 237 ff.

[86] Ogden, *op. cit.*, p. lxii: "Words, Thoughts and Things."

[87] Henri Bergson (*Creative Evolution* [New York, 1911]) notes the tendency of consciousness based on intellect to diverge from consciousness based on intuition (p. 267) and the tendency of the analytic character of language (p. 160) to accentuate the tendency of intelligence (p. 153) and to develop analytic philosophies (p. 329). Yet he hoped to develop a philosophy which would synthesize intelligence and intuition (pp. xiii–xv).

CHAPTER XXV

INTERNATIONAL PROCEDURES AND WAR

INTERNATIONAL law has attempted to rationalize the position of international violence by implicit if not explicit reference to various distinct bodies of standards—the code of the duel, medieval ethical doctrines, systems of private law, and the customs and practices of modern states.[1] It has usually been possible to justify any war by application of one or the other of these bodies of material. It is not, therefore, surprising that the legal position of war has remained uncertain and that the contributions which international law has made to the elimination of war have been meager. During the nineteenth century, while British sea power and commercial policy maintained comparative tranquillity, doctrines of sovereignty, of nationality, of neutrality, of pseudo-biology, and of pseudo-sociology were developing which lowered even the feeble barriers which earlier concepts of international law had placed in the path of war.[2]

In the period following World War I, however, conventions and practices did much to eliminate confusion by branding hostilities not in defense or under authority of international sanctions as illegal and requiring that international disputes, including those concerning pleas of defensive necessity, be settled by peaceful procedures.[3] It has, however, been suggested that these principles can never be realized by international law because they conflict with the concept

[1] Above, chap. xxiii.

[2] Luigi Sturzo, *The World Community and the Right of War* (New York, 1930). The relative peacefulness of the nineteenth century was due to British sea power rather than to international law (Q. Wright, "The Present Status of Neutrality," *American Journal of International Law*, XXXIV [July, 1940], 400, 410 ff.), which treated war as a fact, the origin of which it could not judge (Q. Wright, "Changes in the Conception of War," *ibid.*, XVIII [October, 1924], 757).

[3] Q. Wright, "The Meaning of the Pact of Paris," *American Journal of International Law*, XXVII (January, 1933), 39 ff.; "The Concept of Aggression in International Law," *ibid.*, XXIX (July, 1935), 373 ff.; above, chap. XXIII, sec. 8.

of sovereignty basic in that law.[4] This argument appears to rest upon a misconception. International law has never conceived of sovereignty as a prerogative, freeing the state from the control of that law itself. It has regarded sovereignty as freedom to make and enforce municipal law, but only within a sphere which international law itself defines—a sphere which narrows with the growth of that law. Legal sovereignty is not, therefore, incompatible with the elimination of international violence.[5] Nevertheless, the rule of recent international law proscribing war has not been observed by several important states. Substantive international law does not today favor war, but procedural international law has not developed sufficiently to make the substantive law effective.

The reasons for this ineffectiveness will be examined by considering the relation of rights to remedies in municipal and international law, the relation of legal competence to political power, and the obstacles which certain doctrines of international law present to the development of effective international procedures.

I. RIGHTS AND REMEDIES

Procedural international law has not developed as rapidly as has substantive international law. It has consisted mainly in the description of practice with little influence from ethical and juridical theory. Substantive international law, on the other hand, while not unaffected by practice,[6] has been greatly influenced by the theory of natural law and analogies drawn from developed systems of municipal law.[7] The consequence has been that in international law rights

[4] This conclusion has been drawn from the totalitarian conception of sovereignty that the state is an absolute value (see C. E. Merriam, *The New Democracy and the New Despotism* [New York, 1939], p. 220); from the isolationist conception that the state has no responsibility for the maintenance of international law (see R. L. Buell, *Isolated America* [New York, 1940], pp. 66 ff.); from the diplomatic conception that the state can be bound only by a law of co-ordination, not by a law of subordination (see below, n. 42); and from the economic conception that the state's territorial monopoly compels a universal struggle for existence among states (see Arnold Brecht, "Sovereignty," in Hans Speier and Alfred Kähler, *War in Our Time* [New York, 1939]). See also Q. Wright, *Mandates under the League of Nations* (Chicago, 1930), pp. 267 ff.

[5] Above, chap. xxiv, sec. 3.

[6] Julius Goebel, *Equality of States* (New York, 1923); C. Van Vollenhoven, *The Law of Peace* (London, 1936).

[7] E. D. Dickinson, *The Equality of States in International Law* (Cambridge, Mass., 1920); H. Lauterpacht, *Private Law Sources and Analogies of International Law* (London, 1927).

have often been recognized and defined long before there have been adequate legal remedies to support them.[8]

In systems of municipal law the right and the remedy have usually grown up together. Modern states originated in most cases by the conquest and unification of tribal or feudal principalities, establishing an executive with physical power to declare and enforce law.[9] This power was, it is true, usually far from complete in its early stages. The king was obliged to accept many local, feudal, and ecclesiastical rights and jurisdictions, but his domestic objectives were clear and persistent—to establish order and justice throughout his realm.[10]

These domestic objectives were usually subordinate to foreign policy, and the military, financial, and commercial requirements of the latter frequently distorted a normal development of domestic policy and institutions. England, shielded by insular position from the more rigorous necessities of defense, best illustrates the normal development of procedures to maintain domestic order and justice. The relative completeness of the Norman Conquest permitted the theory that all power proceeded from the king to be in considerable measure realized, but the exercise of this power required division of labor. The king's council, which originally advised on all questions, gradually developed agencies to deal with particular subjects—at first the central courts to administer the king's justice in an expanding range of cases, and then the parliament to grant money, to reform abuses in the common law, and to make new law to meet new

[8] This has sometimes been true in the evolution of systems of municipal law as witness certain of the substantive rights announced in the American Declaration of Independence (1776) and in the French Declaration of the Rights of Man and Citizen (1791).

[9] Above, Vol. I, chap. x, sec. 1. While doubtless law cannot emerge until courts are functioning (Hans Kelsen, discussion in H. Bonnet [ed.], *The World's Destiny and the United States: A Conference of Experts in International Relations* [Chicago: World Citizens Association, 1941], pp. 44, 112, 119, 162), courts have seldom been able to function until there is an effective executive power (J. W. Salmond, *Jurisprudence* [London, 1902], pp. 13 ff., 67 ff.). In England the common law did not begin to develop until the king's courts were established, and these were not established until the Norman Conquest had created a central executive authority (D. J. Medley, *English Constitutional History* [Oxford, 1898], pp. 91 and 345).

[10] Above, Vol. I, chap. vii, sec. 7c.

conditions.[11] The council itself continued to advise on the important questions of war, finance, foreign policy, commerce, and colonies, but gradually it established specialized administrative agencies, first in these fields and, in the late eighteenth and nineteenth centuries, in home affairs, public works, education, local government, agriculture, and health.[12] While this was happening, the privy council, the residuum of the old king's council, came to perform its advisory functions through a committee known as the cabinet, which brought together the chiefs of the great administrative departments and acted both as the executive committee of parliament and as the king's representative in parliament.[13]

From this history grew the familiar divisions of government functions into the executive, to assure domestic order and external defense; the judicial, to administer justice; the legislative, to formulate the national will and to provide the necessary money and organizations to carry it out; and the administrative, to administer legislative programs. Executive and administrative powers have in all modern governments been closely associated, since both have been exercised under authority of the chief executive, but the first, dealing with functions of government regarded as a first necessity, have usually been considered inherent or prerogative powers of the chief executive, while the administrative powers, dealing with more controversial aspects of public welfare, have been subject to legislative control.[14]

So far as domestic affairs are concerned, the executive and the judicial departments have tended to maintain the *status quo*, order, and justice as they have been conceived in the past, while the legisla-

[11] George Burton Adams, *The Origin of the English Constitution* (New Haven, 1912), pp. 343 ff.; Medley, *op. cit.*, pp. 91 ff; Sir Frederick Pollock and F. W. Maitland, *The History of English Law before the Time of Edward I* (Cambridge, 1899), pp. 108 ff., 153 ff., 190 ff.

[12] Medley, *op. cit.*, pp. 112 ff.; Q. Wright, *Control of American Foreign Relations* (New York, 1922), pp. 143–44.

[13] Medley, *op. cit.*, pp. 104 ff.; Walter Bagehot, *The English Constitution* (New York, 1893), pp. 78 ff.

[14] John Locke, *Two Treatises of Government* (1689), Vol. II, secs. 144–48; Montesquieu, *L'Esprit des lois* (1748), Book XI, chap. vi; Q. Wright, *Control of American Foreign Relations*, pp. 141–42.

ture and the administration have tended to be agencies of change, formulating and applying new concepts of order and justice. The courts and the executive have been the static, the legislature and the administration the dynamic, departments of government.[15]

Distribution of these functions among departments, each with limited and separate legal powers, tends to preserve the rule of law, because each department may be checked from legal usurpation by the others. But during the course of modern history, in spite of constitutional limitations, dictatorships have frequently been established, particularly on the continent of Europe, by dynamic executives who were able to usurp legislative, administrative, and even judicial powers. Such dictatorships have sometimes lasted for considerable periods and have degenerated into despotisms, abrogating traditional concepts of social order and subordinating domestic to foreign and military policy. Such a development has invariably tended toward the guidance of procedure by the idea of efficiency rather than of justice and the establishment of a government of men in substitution for a government of law.[16]

The progress of division of functions, however, as it proceeded in England tended toward the subjection of all phases of internal government to law. Government agencies tended to become simply embodiments of legal procedure which functioned not in response to the personal impulses or ideas of policy entertained by the ruler of the day but in response to rules established either by the unwritten common law or by written statutes and orders elaborated after consultation with responsible advisers in Parliament or council.[17]

The common law grew from treating the decisions in cases brought before the king's courts as judicial precedents. These cases could

[15] Static order has been associated with individual justice and common law; dynamic order with social justice and public administration (see below, chap. xxxii, sec. 3). In international affairs the executive has frequently assumed a dynamic role and in domestic affairs the chief executive as head of the administration and a participant in the legislative process has often done so.

[16] Figgis points out that Machiavelli was dominated by the idea of efficiency in the pursuit of state power (J. N. Figgis, *From Gerson to Grotius* [Cambridge, 1916], pp. 94 ff.). See above, chap. xxii, sec. 4a.

[17] A. V. Dicey, *Introduction to the Law of the Constitution* (London, 1915), chap. iv: "The Rule of Law"; above, chap. xxii, n. 55.

only be heard on the basis of writs implying specific remedies. Such precedents could hardly establish rights beyond the capacity of the court and the executive to enforce. Every precedent linked a definite procedure of enforcement with the rule of substantive law. The written law, differing from the common law, was in theory the king's command. The king, however, could only act with advice of the council if the proposal was within the executive prerogative, or with the advice of the Parliament if it modified the common law. In either case the judicial or administrative procedure for giving effect to the law could be expected to accompany its enactment, because the law was usually urged by the ministers responsible for enforcement. The processes both of law enforcement and of law change, therefore, assured a continuous linkage of substantive law and procedure. Rules to protect individual interests linked right with remedy. Rules to promote the public welfare linked formulations of policy with administrative powers.[18]

In the development of modern international law there has been no such linkage. That law grew historically from (a) the practices of armies and navies in peacetime ceremonial and discipline and in the waging of war; (b) the practices and codes of consular courts and agencies in protecting maritime commerce in time of peace and war; (c) the practice of foreign offices and diplomatic services in attempting to justify acts of policy and in negotiating agreements; (d) the theories and arguments of theologians, philosophers, and jurists expounding ethical systems and rationalizing international practices; (e) the precedents of national tribunals and the enactments of national legislatures in dealing with foreign agencies and interests; (f) the practices of international conferences in passing resolutions and drafting general treaties; (g) the precedents of conciliatory and arbitral tribunals in recommending settlements and adjudicating disputes; and (h) the practices of international organizations in formulating and carrying out international policies.[19]

---

[18] "It is the King's business to provide a remedy for every wrong" (F. W. Maitland and T. C. Montague, *A Sketch of English Legal History* [New York, 1915], p. 82; see also *ibid.*, pp. 99 and 161).

[19] Above, Vol. I, chap. xiii, sec. 2a. The historical sources of modern international law are to be distinguished from the juristic sources (convention, custom, legal principles, and juristic analysis) (see above, chap. xxiii, n. 20). Evidence of custom may be

a) The *practices of armies and navies* have developed from considerations of internal discipline and military efficiency rather than from respect for international standards. Rules relating to discipline and efficiency can be effectively enforced by courts-martial, but for enforcing international standards only such procedures are available as formal protest, neutral interposition, reprisals, or diplomatic claims after the war, the influence of which is doubtful or delayed. National courts-martial may punish soldiers who violate international standards, and national military commissions may punish persons in occupied areas or members of the enemy's armed forces whom they catch. But these procedures are primarily designed to promote discipline in the army and to govern occupied areas. They have not proved effective sanctions for the international law of war.[20]

b) *Consular courts* in the late Middle Ages often had a genuinely international character, and the codes which emerged from and guided their practices, such as the Consolato del Mare, constituted rules of mercantile international law closely related to their remedies.[21] The rise of sovereign states in the Renaissance, however, checked this development. Except in the Orient, consuls lost most of their judicial functions and became agents of national commercial policy.[22] Extraterritorialty in the Orient rendered consuls in those areas agencies of imperialism rather than of international law.[23] Maritime law, while it retained much of its international character, came to be enforced by purely national courts of admiralty, influenced, it is true, by the possibility of diplomatic protest in the back-

found in most of the historical sources. Evidence of convention or agreement is provided by (*f*) and (*h*), but the rules originating in other historical sources have often been embodied in conventions. Legal principles and juristic analyses are to be found in (*c*), (*d*), (*e*), and (*g*).

[20] United States War Department, *Rules of Land Warfare* (Washington, 1914), chap. x, secs. 363–87.

[21] Vollenhoven, *op. cit.*

[22] Harvard Research in International Law, "Draft Code on the Legal Position and Functions of Consuls," *American Journal of International Law*, XXVI (suppl.; July, 1932), 202.

[23] Q. Wright, *Legal Problems in the Far Eastern Conflict* (New York, 1941), pp. 16 ff., 109 ff., 124.

ground.[24] International maritime rights and international remedies ceased to be closely related.

c) The *practices of foreign offices and diplomatic services* were devoted primarily to the advancement of national policies, especially the maintenance of the balance of power. Legal arguments were presented to defend national interests and acts, but the procedure was one of advocacy rather than of international adjudication. Procedures of mediation, conciliation, and arbitration, of conference and consultation, and of international administration, all of which grew out of diplomacy, were of a more international character.[25] After the system of permanent missions had been established, assuring reciprocity and facilitating collective *démarche* by the diplomatic corps at a particular capital, diplomacy provided a quasi-international procedure for enforcing certain rules of substantive law, especially those defining the rights and privileges of diplomatic officers themselves.[26] These rules were more closely related to their remedy than were most rules of international law.

d) *Text-writers*, while often in close contact with governments, could not directly enforce the precepts which they recommended. They appealed to the consciences of princes and peoples, but their rules had no other sanction in so far as they went beyond a mere classification of customs and treaty provisions. Whether a text-writer's background was juristic, philosophical, theological, or diplomatic (and often it was all four), he tended to emphasize the consistency and logical coherence of the rules of international law with only secondary regard to the procedures whereby these rules could be regularly applied and enforced.[27]

[24] The Scotia, 14 Wallace Supreme Court Reports 170 (1871).

[25] L. Oppenheim, *International Law* (6th ed. [Lauterpacht], 1940), Vol. II, secs. 3 ff.; Sir Ernest Satow, *A Guide to Diplomatic Practice* (London, 1917), Vol. II, secs. 439, 619, 631, 641.

[26] Q. Wright, *Control of American Foreign Relations*, pp. 317 ff.; Satow, *op. cit.*, Vol. I, sec. 369 ff.

[27] According to the United States Supreme Court, the works of jurists "are resorted to by judicial tribunals, not for the speculation of their authors concerning what the law ought to be, but for trustworthy evidence of what the law really is" (The Paquete Habana, 175 United States Reports 99 [1900]). The British Court of King's Bench emphasized that "the mere opinions of jurists, however eminent or learned," do not make law, though their works help to "create the opinion by which the range of the consensus of civilized nations is enlarged" (*West Rand Central Gold Mining Co.* v. *The*

e) National tribunals, other than military tribunals, have had to deal with international problems in exercising admiralty jurisdiction, especially over prizes of war; in adjudicating controversies involving resident diplomatic, consular, and other foreign agents; in dealing with controversies involving the sovereignty of territory; in dealing with controversies involving aliens; in interpreting and applying treaties; in applying national legislation designed to enforce international obligations or to regulate foreign policy; and in dealing with controversies involving rights arising from or affected by foreign law.

A very large amount of case law has arisen under these heads, but while these precedents clearly indicate the procedures for enforcing the rules recognized, the rules have been in the main rules of municipal rather than of international law. Prize courts have, it is true, declared themselves courts of the law of nations,[28] and common-law courts have from time to time espoused the doctrine of incorporation, which holds that international law is to be applied by national courts in appropriate cases, especially those concerning diplomatic officers.[29] This doctrine, however, has almost invariably been subject to the exception that national legislation must be observed, even if contrary to international law or treaty, and that the courts will follow the political departments of the government on political questions, such as the recognition of states, governments, belligerency, and territorial changes, the limits of national domain, and the validity of treaties.[30] Consequently, the theory that national judicial procedure should enforce international law within the na-

King [1905], 2 King's Bench 401). The Statute of the Permanent Court of International Justice considers "the teaching of the most highly qualified publicists of the various nations as subsidiary means for the determination of rules of law" (Art. 38). See H. W. Briggs, *The Law of Nations* (New York, 1938), pp. 26, 33, 35.

[28] The Maria, 1 Christopher Robinson 340 (1799).

[29] E. D. Dickinson, "Changing Concepts and the Doctrine of Incorporation," *American Journal of International Law*, XXVI (April, 1932), 239; H. Lauterpacht, "Is International Law a Part of the Law of England?" *Proceedings of the Grotius Society, 1939;* Q. Wright, *The Enforcement of International Law through Municipal Law in the United States* (Urbana, Ill., 1916), pp. 13 ff., 223 ff.; C. M. Picciotto, *The Relation of International Law to the Law of England and of the United States of America* (New York, 1915); Ruth D. Masters, *International Law in National Courts* (New York, 1932).

[30] Q. Wright, *Control of American Foreign Relations*, pp. 171–75.

tional domain is subject in practice to important qualifications.[31] National courts apply primarily national law, and their opinions on international questions, while less influenced by ephemeral policies than those of the executive, can at best be regarded only as national interpretations of international law. Upon the important questions of international law, involving issues of peace and war, national courts cannot transcend the national policy as declared by the executive or the legislature.

f) International conferences have evolved rules for their own procedure which they themselves have power to enforce. The codification of substantive international law, which has occasionally been undertaken by such conferences, even if formally binding upon states because of subsequent ratification, has frequently lacked effective procedures of enforcement. Enforcement has usually been dependent upon action by national legislative and administrative authorities or upon presentation of diplomatic claims for reparation, perhaps supported by the threat of reprisal or denunciation of the treaty. General treaties have sometimes provided for their own interpretation and application by arbitration and for their own enforcement by guaranties whose execution has sometimes been intrusted to international organization.[32]

Efforts have been made to render the resolutions of international conferences or consultations immediately executable by constituting the national delegations of political or administrative officials, each with power to deal with the subject in his own territory. This practice proved effective among the Allies during World War I,[33] but its development in normal times through the League of Nations proved more difficult. The practice, however, which prevailed during the Locarno period, whereby responsible ministers of state attended meetings of the League of Nations Council, did tend to ren-

[31] "The legislative and executive authorities must take care that these officials [courts and administrative bodies] are given an authority sufficient for the adequate municipal enforcement of international law" (E. C. Stowell, *International Law* [New York, 1931], p. 60; above, n. 29).

[32] Q. Wright, "Collective Rights and Duties for the Enforcement of Treaty Obligations," *Proceedings of the American Society of International Law, 1932,* pp. 101 ff.

[33] J. Arthur Salter, *Allied Shipping Control* (London, 1921), pp. 243 ff.; *The United States of Europe* (New York, 1933), chap. i.

der decisions immediately executable in the territories controlled by the ministers who had agreed.[34]

g) The *practice of mediation* by third parties in a dispute has sometimes led to intervention by a powerful state, dictating the settlement in its own interests with little regard to law. Such intervention has, however, sometimes been collective, as by the Concert of Europe, and it has even been institutionalized as in the procedure under Article 11 of the League of Nations Covenant, thus acquiring the character of a legal procedure.[35] Mediation has also led to the practices of inquiry, conciliation, and arbitration whereby the mediator, with consent of the parties, defines facts, recommends a settlement, or makes an award. These procedures have tended to be institutionalized by converting the state or royal mediator into a technical or juridical body, constituted by and acting according to accepted principles.

When the *ad hoc* arbitral tribunal selected by the parties to the dispute has been developed into a permanent court with established personnel as in the Permanent Court of International Justice, and when that court has been given a compulsory jurisdiction, as under the optional clause, a procedure is at hand in which the development of the substantive law and the procedure for its application appear to be adequately linked. There is, however, a weakness. The obligation of states to submit to the jurisdiction and to observe the award is sanctioned only by good faith. The king's courts in England had behind them the sword of the Norman conquerors. If the sanctions of the League of Nations had been equally effective, the analogy of the Permanent Court of International Justice to the king's courts in Angevin England would have been complete. In fact, the procedure of the World Court rests upon legal powers, not physical powers, and those legal powers rest upon the rule of substantive international law requiring the observance of treaties. Thus, while substantive law and international procedure are linked, the proce-

[34] Alfred Zimmern, *The League of Nations and the Rule of Law, 1918–1935* (London, 1936), pp. 351 ff.; T. P. Conwell-Evans, *The League of Council in Action* (Oxford, 1929), pp. 252 ff.

[35] Malbone W. Graham, "The Effect of the League of Nations Covenant on the Theory and Practice of Neutrality," *California Law Review*, XV (July, 1927), 363 ff.; below, n. 61.

dure is unable greatly to strengthen the substantive law which constitutes its only sanction.[36]

h) International organization has grown through combining the practices of international conference, treaty guaranties, intervention, inquiry, conciliation, arbitration, and judicial settlement, with a permanent secretariat.

The post-Napoleonic European system depended on occasional conferences and guaranties.[37] The nineteenth-century Concert of Europe proceeded by occasional conferences and collective interventions.[38] The international administrative unions, while dealing in the main with nonpolitical questions, utilized permanent conferences and permanent secretariats.[39] The Hague system utilized the practices of periodic conferences, codification of international law, and a permanent court of arbitration, unified through an administrative commission consisting of the diplomatic representatives of the parties at the Hague, but it lacked the authoritative element which had been present in the interventions of the Concert of Europe.[40]

The League of Nations combined all these aspects of international organization. Frequent periodic conferences were provided in the annual meetings of the Assembly and the more frequent meetings of the Council. These institutions had powers of inquiry, conciliation, and intervention in international conversies (Arts. 10, 11, 12); of recommending changes in the *status quo* in the interests of peace and justice (Arts. 11 and 19); and of initiating international legislation on numerous topics, such as armaments, international commerce and communications, native welfare, minority rights, health, and labor (Arts. 8, 22, 23). Procedures of voluntary arbitration and judicial settlement were provided (Arts. 13 and 14), as were guaranties and sanctions (Arts. 10, 16, 17). This most comprehensive

[36] Q. Wright, "The Outlawry of War," *American Journal of International Law*, XIX (January, 1925), 99–100.

[37] W. Alison Phillips, *The Confederation of Europe* (London, 1920); J. A. R. Marriott, *The European Commonwealth* (Oxford, 1918), pp. 337 ff.

[38] T. E. Holland, *The European Concert in the Eastern Question* (Oxford, 1885), chap. i; Zimmern, *op. cit.*, chap. vi.

[39] Paul S. Reinsch, *Public International Unions* (2d ed.; Boston, 1916); Norman L. Hill, *International Administration* (New York, 1931), chap. vi.

[40] Walther Schücking, *The International Union of the Hague Conferences* (Oxford, 1918).

development of international procedure suffered from the general requirement of unanimity and from the lack of political power. The ultimate sanction of the system was neither unified military power nor unified public opinion but the legal obligation of the member-states to observe their covenants. When the guarantors faltered in their legal duties, the whole structure fell.[41]

The conclusion cannot be escaped that international rights, whether emerging from military, consular, diplomatic, juristic, or judicial practices, from the activities of international conferences, adjudications, or organizations, has been remote from remedies more powerful than a sense of legal duty.

2. LEGAL COMPETENCE AND POLITICAL POWER

International law has fallen short of being an effective system because the development of its substantive rules has not been closely linked with enforcing and correcting procedures. The procedures which have developed have not been able to prevent or remedy breaches of law or rapidly to change law in accord with the requirements of justice. These weaknesses stem from the political weakness of the community of nations as compared with its member-states—a weakness which flows both from the theory and the history of international relations.

Jural law implies that the will of the whole is greater than the will of its parts, that the subject of law is subordinate to the community in whose name the law is made and enforced. International law, however, has been referred to as a law of co-ordination, not of subordination—a law which rests on agreement among sovereign states, none of which is subordinate to anything. This theory appears to deny the existence of international law altogether, for, unless agreements are supported by a duty arising from some other source, they can be repudiated at will. If international law is to be a real law, sovereignty must be subordinate to law and, consequently, to the procedures for making and enforcing law. These procedures taken together constitute juridically the community of nations. That community must, therefore, be superior in legal contemplation to sov-

---

[41] W. E. Rappard, *The Quest for Peace* (Cambridge, Mass., 1940), pp. 496 ff.; Eduard Beneš, in W. H. C. Laves (ed.), *International Security* (Chicago, 1939), pp. 71 ff.; Rushton Coulborn, in *ibid.*, pp. 127 ff.; Margaret E. Burton, *The Assembly of the League of Nations* (Chicago, 1941), pp. 371 ff.; above, n. 34; chap. xxix, sec. 4.

ereign states.⁴² Such a jural community cannot, however, function effectively unless it is also a political community with political power superior to that of its subjects. The practice of international relations has not provided evidence sufficient to create general belief in the existence of such a political power above sovereign states.⁴³

In the history of states the political power of central organs has usually developed before their jural competence. In the history of the family of nations this order has been reversed. International institutions have been given jural competence by treaties, but their executive powers have depended upon the will of the member-states. They have lacked political power.

The contrast between legal and political power should not be exaggerated. Each contributes to the other. Nevertheless, their sources are different. Political power is a psychological phenomenon which springs eventually from the attitude of individuals toward group symbols,⁴⁴ while legal power is a juridicial phenomenon which springs from the sources of a particular system of law.⁴⁵

In systems of municipal law the customs, maxims, judicial precedents, constitutional compacts, legislative enactments, and jural reasoning which have constituted the main sources of legal competence have also constituted important psychological influences uniting the people. In international law, on the other hand, the treaties and resolutions; diplomatic exchanges; national practices, recognitions, and acquiescences; private-law analogies, juristic treatises,

⁴² Oppenheim, *op. cit.*, Vol. I, secs. 5 and 7. Christian Wolff recognized this in assuming that a *civitas maxima* must be assumed as the basis of international law (*Jus gentium methodo scientifica pertractatum* [1749], Proleg., secs. 9, 11, 13 [Carnegie ed.], pp. 12–14). Vattel rejected this position and held that international law was based only on the agreement of states (*Le Droit des gens* [1758], Preface [Carnegie ed.], p. 9a). See also D. J. Hill, *World Organization as Affected by the Nature of the Modern State* (New York, 1917), p. 178; H. Lauterpacht, *The Functions of Law in the International Community* (Oxford, 1933), pp. 407 ff.; Josef Kunz, "The Theory of International Law," *Proceedings of the American Society of International Law, 1938*, pp. 29 ff.; E. M. Borchard, "Remarks," *Proceedings of the American Society of International Law, 1938*, p. 35.

⁴³ See Vattel, *op. cit.;* D. J. Hill, *op. cit.*

⁴⁴ Below, chap. xxix, sec. 3. The existence of any organized human group implies that those directing it possess some political power. See F. M. Watkins, *The State as a Concept of Political Science* (New York, 1934), p. 71.

⁴⁵ Above, chap. xxiii, sec. 2a.

and judicial precedents which have constituted the sources of legal competence have been remote from the daily life of peoples. However influential they might be upon the minds of a few diplomats and international lawyers, they have not created a world public opinion behind the competences which they legally create.[46] The process by which international law has developed has not at the same time constituted a process whereby a public opinion has been created to give its institutions political power.

The consciousness that institutions must be directly related to the people if they are to have political power lay behind the American controversy as to the sources of the federal Constitution. Was the Constitution a compact of states or a constitution of the American people?[47] Only with the latter interpretation could the United States have sufficient political power to overcome state nullification.[48] While it is conceivable that international law might gradually and peacefully come to be considered the fundamental law of the human race, binding individuals as well as states, such a process is not likely. International unions do not as a rule grow gradually into federal unions, because in the transitional period states must rely for security either upon the balance of power or upon the jural authority of the federation. If they rely on the first, they prevent the federation from developing political power. If they prematurely rely on the second, they fall a victim to one of their number bent on domination. The federation must have adequate political power or its jural claims will prove a delusion and a snare.

International law must therefore continue a primitive law, based on a balance of power until historic events suddenly give the world-

[46] Sir Alfred Zimmern, in Q. Wright (ed.), *Neutrality and Collective Security* (Chicago, 1936), p. 21; N. A. McKenzie, "The Nature, Place and Function of International Law," *Proceedings of the American Society of International Law, 1938*, p. 7; Q. Wright, in W. H. C. Laves (ed.), *The Foundations of a More Stable World Order* (Chicago, 1941), pp. 117 ff.

[47] E. S. Corwin, *The Doctrine of Judicial Review* (Princeton, 1914), chap. ii: "We the People." Wolff seemed to recognize this position in insisting that the *civitas maxima* was a community not only of all states but also of the human race (*op. cit.*, Proleg., secs. 7 and 9).

[48] Although a number of confederations and international unions have through a historical process become federal states, the historical process has sometimes been reversed. Unified empires have given more and more autonomy to the parts until the whole became an international union or disappeared altogether. Above, chap. xxii, sec. 4b.

community sufficient political power actually to control the member-states.[49]

While it was to be hoped that this transition might be made peacefully because of widespread comprehension of the needs of a shrinking world, there was never ground for optimism. Federations, while in principle organizations of consent, distinguished from empires organizing violence, have actually involved a good deal of violence in their establishment and maintenance.[50] Bismarck converted the German *Zollverein* into a federation by blood and iron, and the United States was formed only by a process which began with the Revolution and ended with the Civil War. War played a part in the creation of the Swiss confederation. It could not be anticipated that effective world-institutions could be built without utilization of the opportunities of war.

Effective government necessarily combines the principles of consent and coercion, but the proportion of each is not unimportant. The virtues of modern civilization—the spirit of liberty, humanity, toleration, and reason—can be better preserved if every stage of organization can be effected with a maximum of consent and a minimum of compulsion and if every institution can be sanctioned by a maximum of rational conviction and a minimum of threatened penalties. These conditions suggest that the world-community should accord a certain respect to individual, local, national, and regional autonomy.[51]

Procedures based on these principles were developed through the League of Nations and other institutions after World War I. The reason for their failure to maintain order and justice are more sociological and psychological than legal.[52] The primary legal reason for the failure of these procedures was the lack of a direct relation-

[49] See Q. Wright, "Peace and Political Organization," *International Conciliation*, April, 1941, p. 457; "Fundamental Problems of International Organization," *ibid.*, pp. 480 and 484.

[50] Above, chap. xx, sec. 4d.

[51] "Coercion and persuasion are inextricably intermingled in the activities" of all organized groups (Watkins, *op. cit.*, p. 69). See also C. E. Merriam, *Prologue to Politics* (Chicago, 1939); Commission To Study the Organization of Peace, "Report," *International Conciliation*, April, 1941, pp. 201 ff., 460 ff.; above, Vol. I, chap. viii, secs. 2 and 4a.

[52] Below, chap. xxix, secs. 4 and 5.

ship between the League of Nations and the people of the world. The League could reach people only indirectly through the mediums of national governments. Consequently, popular insistence upon the observance of League procedures was at the mercy of government policies, and reciprocally government policies were at the mercy of nationally minded publics.

One requirement of legal procedures capable of controlling world-politics is, therefore, the direct citizenship of individuals throughout the world in the world-community and a redefinition of sovereignty to permit such citizenship. While the League of Nations permitted individual petitions from minorities and from mandated territories, it treated them as information, not as juristic acts. League procedure in these and other matters could be invoked only by "Members of the League," that is, by sovereign states or dominions.

The League accepted the prevailing doctrine of international law that sovereign states are its only subjects and that individuals are subjects of the sovereign state and not citizens of the world-community.[53] Consequently, the League's procedures dealt only with sovereign states and were confronted by an insoluble problem whenever a powerful state resisted the application of international sanctions, the enactment of international legislation, or the reconciliation of peace with justice.

3. INTERNATIONAL SANCTIONS

The word "sanction" has often been applied to measures of self-help taken by single states under circumstances which they deem render such action permissible under international law.[54] It has also been applied to include all social, psychological, and physical conditions inducing respect for law, such as the pressure of public opinion, the inertia of custom, and the calculations of self-interest.[55] It is

[53] Above, chap. xxiv. See also Salvador Madariaga, *The World's Design* (London, 1938).

[54] "Self-help and intervention on the part of other states which sympathize with the wronged one are the means by which the rules of the law of nations can be and actually are enforced" (Oppenheim, *op. cit.*, Vol. I, sec. 9). "War is the last and the most formidable of the sanctions which the society of nations maintains the law of nations" (Salmond, *op. cit.*, p. 14).

[55] Jeremy Bentham (*Theory of Legislation* [London, 1896], chap. vii) included in the term "sanctions," used in the broadest sense, all pleasures and pains which might be anticipated from the violation of a rule, whether from physical, moral, political, or reli-

believed that clarity of thought will be promoted if the term "sanctions" in the present connection is confined to organized sanctions, or positive action which a community has authorized in a particular situation for the purpose of inducing its members to observe the law to which they are bound as members of that community.[56] Sanctions would thus be distinguished from war, which implies a strug-

gious sources, and anthropologists include in the term unorganized social disapproval, reprobation, ridicule, and retaliation, as well as organized penalties and taboos. In international law the term has often been used in this broad sense, as by W. E. Hall (*International Law* [8th ed.; Oxford, 1924], p. 13), who notes that while in the case of municipal law "a machinery exists for securing obedience, in international law no more definite sanction can be appealed to than disapprobation on the part of the community or a section of it." Potter includes "spontaneous fear of retaliation inducing action by a state" as "an element of external sanctions and not of voluntary discharge of obligations" ("Sanctions and Security," *Geneva Special Studies*, III, No. 2 [February, 1932], 7). See also E. Root, "The Sanctions of International Law," *American Journal of International Law*, II (1908), 451; Q. Wright, *The Enforcement of International Law through Municipal Law*, pp. 14, 229; "The Effect of the War on International Law," *Minnesota Law Review*, V (1921), 440–45; "The Outlawry of War," *op. cit.*, pp. 96–97; *Mandates under the League of Nations*, pp. 216–18.

[56] This includes "permissive sanctions" or action, which members of a community may engage in under authority of the community, though they are not obliged to do so, against a member whose delinquency has been established by the community (Q. Wright, "Repeal of the Neutrality Act," *American Journal of International Law*, XXXVI [January, 1942], 20, 103). "Sanctions and guarantees in international law correspond to the means adopted in national law to enforce legal decisions" (Philip J. N. Baker, *Encyclopaedia Britannica* [14th ed.], XIX, 930). Baker points out that as a result of concentration on the problem of security after World War I, and the effort to effect it through the League of Nations, the use of force in international affairs has been conceived as analogous to its use within the state, and the word "sanction" has tended to replace the older words "alliance" and "guaranty." See also Q. Wright, *Research in International Law since the War* (Washington, 1930), pp. 28–29. The following quotations illustrate the concept of sanctions in municipal law: "Those parts of laws by which punishments are established against transgressors" (Justinian *Institutes* ii. 1. 10); "the pleasures and pains which may be expected from the action of the magistrate in virtue of the laws" (Bentham, *op. cit.*, chap. vii); "intimation that the author of commands will see to their being obeyed; not necessarily by a threat of punishment as such, but also by a promise of interference to prevent disobedience or to reinstitute things in the position in which they were before the act of disobedience" (T. E. Holland, *Jurisprudence* [11th ed.; Oxford, 1910], p. 22); "the instrument of coercion employed by any regulative system" (Salmond, *op. cit.*, p. 14); "that part of a law which inflicts penalty for its violation or bestows a reward for its observance" (Bouvier, *Law Dictionary*, "Sanction"); "a provision of a law which enforces obedience by the enactment of rewards or penalties" (*Century Dictionary*); "A provision for securing conformity to law, as by the enactment of rewards or penalties or both" (*Standard Dictionary*).

gle between equals. Sanctions can only be authorized by the commu-
nity of which the state or other person against which the sanctions
are directed is a member, they can only be utilized to enforce a rule
which bound the delinquent state or person before its wrongful act,
and they must involve positive action taken with the purpose of
such enforcement.

Sanctions may be moral, involving appeal merely to the intelli-
gence and good faith of the person, such as the judgment of a court,
advice, or admonition by suitable authority, or they may be physi-
cal, involving promises to employ or actual employment of measures
affecting the person's interests in order to control his conduct or to
nullify the effects of his illegal acts. Execution against property,
fine, imprisonment, and corporal or capital punishment are the best
known types of physical sanctions in systems of municipal law.[57]

International law has in the past rested upon unorganized sanc-
tions or organized moral sanctions, and some writers have distin-
guished international law from municipal law on the assumption
that the former was supported by no organized physical sanctions.[58]
The League of Nations Covenant, however, required member states
to engage in economic sanctions, and it permitted them to engage
in military sanctions in case of certain gross breaches of the Cove-
nant. The Pact of Paris permitted its parties to engage in physical
sanctions against violators of the Pact.

The difficulty of applying physical sanctions in international af-
fairs has frequently been stressed. The analogy between the family
of nations and the state is far from complete.[59] As Madison and
Hamilton pointed out in the Federal Convention of 1787, sanctions
against states are in danger of assuming all the characteristics of
war, in practice and in result, however much they might differ in
theory and in initiation.[60]

[57] The terms "moral" and "physical" sanctions have sometimes been used in a dif-
ferent sense to distinguish the anticipated consequences of wrongdoing according as they
result from the opinion of the community or from natural causes (Bentham, *op. cit.*,
chap. vii).

[58] Above, nn. 42, 54, and 55.

[59] Below, chap. xxix, sec. 5c.

[60] Above, chap. xxiv, n. 71. "For judgments are efficacious against those who feel
that they are too weak to resist; against those who are equally strong, or think that they

It should be noted, however, that physical sanctions, like moral sanctions, is a term which covers a considerable variety of actions. The objections suggested would not apply as vigorously against an embargo on arms or on loans as against a general embargo, including foodstuffs and raw materials of industry, nor would they apply as vigorously against the latter as against military invasions. Both the effectiveness and the cost of various types of sanctions would differ tremendously according to the geographic, industrial, and commercial position of the state acted against, according to the extent to which participating states had been forewarned of the nature of the sanctions to be applied and had made preparations in advance to meet them, and according to the degree of unanimity and vigor with which the states of the world co-operate in applying them.

The practice of the League of Nations was to utilize physical sanctions only after moral sanctions had failed, only to stop hostilities, and only of a kind adapted to the situation at hand and of the least severity which had prospects of being successful. This caution was indicated by a resolution passed in 1927 as follows:

> Should any of the parties to the dispute disregard the advice or recommendations of the Council, the Council will consider the measures to be taken. It may manifest its formal disapproval. It may also recommend to its members to withdraw all their diplomatic representatives accredited to the state in question, or certain categories of them. It may also recommend other measures of a more serious character.

> If the state in default still persists in its hostile preparations or action, further warning measures may be taken such as a naval demonstration. Naval demonstrations have been employed for such a purpose in the past.

> It is possible that air demonstrations might within reasonable limits be employed. Other measures may be found suitable according to the circumstances of the case.

> It should be pointed out that the very general terms of Article 11, "any action that may be deemed wise and effectual to safeguard the peace of nations," allows any action which does not imply recourse to war against the recalcitrant

are, wars are undertaken" (Grotius, *De jure belli ac pacis*, Proleg., sec. 25). See P. B. Potter, *Geneva Special Studies*, III, No. 2 (February, 1932), 13–19; J. B. Moore, *International Law and Some Current Illusions* (New York, 1924), pp. 309–15; J. L. Brierly, "Sanctions," *Proceedings of the Grotius Society, 1931;* John Dewey, "Peace by Pact or Covenant?" *New Republic*, March 23, 1932, p. 145; Acting Secretary of State Castle, "Recent Developments in the Kellogg Pact," Department of State, *Press Releases*, May 7, 1932, p. 415.

state. The above mentioned measures have only been given as examples. Circumstances might lead to an alteration in the order of their application. . . . .

If, in spite of all steps here recommended, a "resort to war" takes place, it is probable that events will have made it possible to say which state is the aggressor, and in consequence it will be possible to enforce more rapidly and effectively the provisions of Article 16.[61]

The League applied certain sanctions in the Manchurian, Chaco, and Chinese affairs, though Article 16 was invoked only in the Ethiopian hostilities. As a result of its experience and discussion, the League solved the problems of determining aggression and of coordinating common measures among the League's members, but it failed to make sanctions effective against determined resistance. It adhered to the theory of international law that responsibility for international delinquencies and for the application of sanctions rested upon states as such. Sanctions thus resembled a military alliance against the aggressor state, subject to the risks that some of the allies would default in their obligations and that the aggressor could not be conquered. These conditions account for the failure of the action against Italy in 1935 and 1936 and the failure to apply sanctions at all in the subsequent aggressions of the despotic states. There was continual fear among certain of the sanctioning powers that others would default, and there was also fear that persistence in sanctions would result in a revolution in Italy by which the fascist government might be replaced by a communist government. Furthermore, all were aware of the risks of serious retaliation by Italy in case sanctions promised to succeed.[62]

The experience suggests that effective sanctions must rest on a police united by psychological as well as jural bonds and that the

[61] League of Nations, *Monthly Summary*, VII (October, 1927), 308; *ibid.*, X (January, 1928), 356, 376–78; Conwell-Evans, *op. cit.*, pp. 282–85; Q. Wright (ed.), *Neutrality and Collective Security*, pp. 198–203.

[62] Q. Wright, "The Test of Aggression in the Italo-Ethiopian War," *American Journal of International Law*, XXX (January, 1936), 45 ff.; "The Rhineland Occupation and the Enforcement of Treaties," *ibid.*, July, 1936, pp. 486 ff.; "The Denunciation of Treaty Violators," *ibid.*, XXXII (July, 1938), 526 ff.; "The Munich Settlement and International Law," *ibid.*, XXXIII (January, 1939), 12 ff.; *Legal Problems in the Far Eastern Conflict* (New York: Institute of Pacific Relations, 1941), Introd. The United States justified its departures from neutrality to the disadvantage of the Axis powers prior to its entry into the war in December, 1941, on the theory of permissive sanctions under the Pact of Paris (below, n. 85).

operation must be directed against psychological rather than jural entities.[63] The police should be an organization of men, not of states, and the aggressor should be identified as an individual participating in or supporting the aggressor government rather than the state as such.[64] In the Ethiopian case sanctions should have been directed against Mussolini and his supporters in Italy and not against the Italian state as such. It could not be anticipated that sanctions would be successful unless the fascist government was eliminated. Yet that was the very thing which certain of the sanctioning powers wished to avoid. These changes in the theory of sanctions would, however, involve considerable modification of existing international law.

4. INTERNATIONAL LEGISLATION

The problem of keeping law abreast of changing conditions becomes more difficult in proportion as societies become progressive and dynamic. The judicial development of law by fictions and ideas of equity and justice has been adequate in relatively static societies.[65] Advanced societies, however, have needed a legislative procedure whereby an authoritative body can make general laws for the community to meet new conditions, can remedy injustices arising from the application of law in unusual circumstances, and can override existing rights when necessary in the interests of the community as a whole.[66]

While the League of Nations Covenant recognized that, in principle, territorial or treaty rights should be modified if necessary to preserve peace or to remedy injustices (Arts. 11 and 19) and authorized the League organs to propose general treaties on numerous economic, social, and technical subjects (Art. 23), the procedure for im-

[63] See below, chap. xxix, sec. 5c.

[64] Above, chap. xxiv, sec. 3c.

[65] H. S. Maine, *Ancient Law* (4th ed.; London, 1870), pp. 24–25; Max Habicht, *The Power of the International Judge To Give a Decision ex Aequo et Bono* (London: New Commonwealth Institute, 1935); W. G. Rice, Jr., "Judicial Settlement in World Affairs," *International Conciliation*, April, 1941, pp. 505 ff.

[66] These correspond to powers of general legislation, of special legislation, and of police and eminent domain (see Q. Wright, "Article 19 of the League Covenant and the Doctrine Rebus Sic Stantibus," *Proceedings of the American Society of International Law, 1936*, pp. 59 ff.).

plementing these principles did not command the confidence of states dissatisfied with the *status quo*.[67] This lack of confidence can be attributed, at least in part, to insistence upon the doctrine of international law, which required the consent of each state to any new rule imposing an obligation upon it. According to international law, a state is not bound by the award of any judicial or other international authority to whose competence it has not consented,[68] by any treaty which it has not accepted,[69] or by any act infringing its rights which it has not recognized.[70] While the wide acceptance of the optional clause of the statute of the Permanent Court of International Justice gave the Court a considerable opportunity to develop law by utilizing general principles of equity and justice (abuse of rights, *rebus sic stantibus*),[71] and the League's procedures facilitated the conclusion of multilateral treaties developing the law in many fields,[72] the *liberum veto* always frustrated politically important changes of law or rights in time to maintain general confidence. Changes could not be brought about normally and gradually by legislation induced by the pressure of world public opinion and political interests but only by "appeasements" in which the rights of the weak were hastily sacrificed under threats of violence, and confidence in law instead of being restored was further impaired.[73]

[67] John Foster Dulles, "Peaceful Change," *International Conciliation*, April, 1941, pp. 493 ff.

[68] Eastern Carelia Case, Permanent Court of International Justice, *Publications*, Ser. B, No. 5 (1923).

[69] This is asserted to be a consequence of the doctrine of sovereignty whereby express consent is the basis of changes in rights. This is to be distinguished from the theory that general consent is the basis of international law (Oppenheim, *op. cit.*, Vol. I, sec. 11). "Consent is the legislative process of international law, though it is not the source of legal obligation. A rule once established by consent (which need not be universal) is binding because it has become a part of the general law, and it can then no longer be repudiated by the action of individual states" (H. A. Smith, *Great Britain and the Law of Nations* [London, 1932], I, 12–13). See also Q. Wright, *Legal Problems in the Far Eastern Conflict*, p. 25.

[70] Q. Wright, *Legal Problems in the Far Eastern Conflict*, pp. 91, 139 ff., 182.

[71] H. Lauterpacht, *The Development of International Law by the Permanent Court of International Justice* (London, 1934); *The Function of Law in the International Community* (Oxford, 1933).

[72] Manley O. Hudson, *International Legislation* (Washington, 1931), I, xviii ff.

[73] Q. Wright, "The Munich Settlement and International Law," *op. cit.*

The doctrine of the political equality of states, attributing to each state equal weight in international conferences, has in the past proved a serious obstacle to international legislation. This has been modified to some extent in certain international unions and in the organization of the League of Nations, which gave a superior weight to the great powers in the Council.[74] While equality before the law or in the protection of rights is a necessary principle of any system of law, and while it may be that equality in jural capacity, although not actually accepted by international law, is a desirable goal, it is clear that equality in political capacity is incompatible with effective international organization. A state with a population of one hundred million will not recognize a state with a population of one million as entitled to equal political influence. While this difficulty was not great in the practice of the League, if legislative procedures were adopted capable of binding states without their consent, the problem of weighting the political influence of states would acquire major importance.[75]

5. PEACE AND JUSTICE

The procedures established by the League system created the germ of a world public opinion and in many cases were able to sanction rights and to rectify abuses, but they failed to deal with major political demands backed by violence or threats of violence. Disputes between lesser states were dealt with satisfactorily, even, in some cases, after violence had been resorted to; but, when great powers made demands for political change, the League faced the dilemma of peace or justice and failed to solve it.[76] This dilemma was in fact invited by the Covenant articles which reserved the political

[74] E. D. Dickinson, *Equality of States*, chap. viii; Sir John Fischer Williams, "The League of Nations and Unanimity," *American Journal of International Law*, XIX (July, 1925), 475 ff.; Cromwell A. Riches, *The Unanimity Rule and the League of Nations* (Baltimore, 1933); *Majority Rule in International Organization* (Baltimore, 1940).

[75] Dickinson, *Equality of States*, p. 332.

[76] The most important of these cases arose from the Italian demands in regard to Corfu (1923) and Ethiopia (1935); the Japanese demands in regard to Manchuria (1931) and China (1937); the Italian and German intervention in Spain (1936); the German demands in regard to Austria (1938), Czechoslovakia (1938), and Poland (1939); and the Russian demands in regard to Finland (1939). See Appen. XXXIV below.

procedures for disputes which threatened a rupture or threatened the peace. Until a state had manifested a disposition to break the peace, it could not successfully invoke the League's procedures for modifying the *status quo*.[77] The League was overreluctant to trouble the *status quo* in the interest of justice when there was no threat to peace, and it was overwilling to sacrifice justice when peace was seriously endangered. The issue of peace or justice was presented not only on the issue of seizing the league of disputes and of applying sanctions but also on the issue of recognition of the fruits of aggression and of the right of neutrality in case of aggression.

The British suggested on April 9, 1938, that the members of the League should be free to recognize the Italian conquest of Ethiopia, and the issue was debated in the Council on May 12, 1938. Lord Halifax said:

> When, as in the present case, two ideals were in conflict—on the one hand, the ideal of devotion, unflinching but unpractical, to some high purpose; on the other, the ideal of a practical victory for peace—he could not doubt that the stronger claim was that of peace. In an imperfect world, the indefinite maintenance of a principle evolved to safeguard international order, without regard to the circumstances in which it had to be applied, might have the effect merely of increasing international discord.

On the other hand, the emperor of Ethiopia, Haile Selassie, said:

> It was true that the League's fundamental object, as Lord Halifax had said, was the maintenance of peace, but there were two ways of achieving that object —through right or by peace at any price. The League of Nations was not free to choose. Set up to maintain peace through right, it could not abandon that principle. . . . . He would ask the League to refuse to encourage the Italian aggressors by offering up their victims as a sacrifice.

[77] The council decided after four years of study that it could consider Finland's claim against Great Britain for compensation for certain Finnish ships seized during World War I, but only under the conciliatory procedure of Art. 11, par. 2 (League of Nations, *Monthly Summary*, XV [September, 1935], 200). The British and French representatives had taken the position that disputes not threatening a rupture were barred even from this procedure. The *rapporteur*, Señor de Madariaga of Spain, "thought it was extremely dangerous for the Council, the Assembly and the League of Nations to establish the doctrine that irascible parties would be listened to and calm parties would not, because in the latter case there would be no question of a rupture" (League of Nations, *Official Journal*, XV [1934], 1458).

Mr. Litvinov, the representative of the Soviet Union, insisted that the dilemma could be solved by adhering to the principle of collective action:

> Of course the League, at the request of individual members, could always correct its decisions, but it should do so collectively, and it was not the business of the individual Members to act unilaterally and anarchically. The Council should not only disapprove of activities of such a nature, but should severely condemn those of its Members who set the example. . . . . Neglect of the considerations he had laid before the Council would endanger the very existence of the League.[78]

The League offered superior facilities for ascertaining the requirements of justice in particular situations. Its procedures for dealing with political controversies offered more resistence than the procedures of other bodies to the toleration of injustice. It, however, lacked authority to make collective security work. Consequently, the dilemma of peace or justice was augmented by the application of its procedures. Members of the League, therefore, on a number of occasions preferred to utilize other agencies to deal with certain grave emergencies.[79] It was easier for these bodies to "appease" than it was for the League to do so. For the same reason aggressive states demanding change preferred to avoid League procedures.[80]

Unlimited freedom to recognize the legality of titles arising from aggression is difficult to reconcile with the legal principle *jus ex injuria non oritur*—a principle which has been stated by a British

[78] However, on August 24, 1939, the Soviet Union signed a nonaggression pact with Germany in spite of the latter's recent aggressions in Austria and Czechoslovakia, and Lord Halifax broadcast that Britain was ready to defend the principle of "respect for the pledged word" and that "in failing to uphold the liberties of others we run great risk of betraying the principle of liberty itself, and with it our own freedom and independence" (Royal Institute of International Affairs, *Bulletin of International News*, XVI [September 9, 1939], 4 and 7). League of Nations, *Monthly Summary*, XVIII (May, 1938), 98-100.

[79] The Corfu crisis (1923) was dealt with by the Council of Ambassadors, the Chino-Japanese War (1937) by the Brussels Conference, and the Czech crisis (1938) by the Munich Conference. In some cases these special procedures were necessary because of the League's lack of unanimity.

[80] Mussolini's Four-Power Pact (1933) might have facilitated changes of dubious justice (Maurice Bourquin, *Dynamism and the Machinery of International Institutions* ["Geneva Studies," Vol. XI, No. 5 (September, 1940)], p. 59).

court: "The law is that no person can obtain or enforce any right resulting to him from his own crime. . . . . The human mind revolts at the very idea that any other doctrine could be possible in our system of jurisprudence."[81] In so far as an aggression has the status of a crime, it would appear that an individual act according legal recognition to its consequences has the character of complicity. Yet undoubtedly customary international law has permitted such recognition after the victim of aggression had ceased resistance. Peace and stability, it is said, requires that facts be accepted.[82]

A similar issue was raised by the declaration of the foreign ministers of Denmark, Finland, the Netherlands, Norway, Spain, Sweden, and Switzerland on July 1, 1936. They contemplated reversion to neutrality in spite of their obligations to participate in sanctions under the League of Nations Covenant because of the failure of the League to achieve disarmament and the aggravation of the international situation.[83]

The aggravation of the international situation and the cases of resort to force that have occurred during the last few years, in violation of the Covenant of the League, have given rise in our countries to some doubt whether the condition in which they undertook the obligations contained in the Covenant still exist to any satisfactory extent.

In view of the gravity of the situation with which the League is faced, we recognize that it is necessary to consider whether the Covenant could be so amended, or its application so modified, as to increase the security of states, which it is its object to insure.

Though not forgetting that rules for the application of Article 16 were adopted in 1921, we would place it on record that, so long as the Covenant as a whole is applied only incompletely and inconsistently, we are obliged to bear that fact in mind in connection with the application of Article 16.

[81] In the Estate of Cora Crippen [1911], P. 108; Harvard Research in International Law, "Draft Code on Aggression," *American Journal of Law*, XXXIII (suppl., 1939), 890. See also H. Lauterpacht in Q. Wright, *Legal Problems in the Far Eastern Conflict*, pp. 139 ff.

[82] Lauterpacht, in Wright, *Legal Problems in the Far Eastern Conflict*, pp. 142 ff.; see also E. M. Borchard, "The Doctrine of Non-recognition," in *ibid.*, pp. 157 ff.; and Q. Wright, *ibid.*, pp. 123 and 182, on the utility of the "Stimson Doctrine."

[83] League of Nations, *Official Journal* (Spec. Suppl. No. 154 [Geneva, 1936]), p. 19; Georg Cohn, *Neo-neutrality* (New York, 1939), p. 172.

In this veiled language the smaller states of Europe indicated that they would have to place their own peace ahead of the collective efforts which the Covenant called for to maintain justice.

The freedom of states to remain aloof from unjust demands upon their neighbors, to recognize fruits of aggression, and to be neutral in case of aggression, though tolerated by traditional international law, accords a legal position to war that is difficult to reconcile with principles of justice or even with other assumptions of international law itself.

The system of international law premises the right of states to exist. Every state has a duty to respect the rights and powers which international law has attributed to each state and which in the legal sense constitute its existence. These rights and powers assure the state the opportunity to possess its domain, to protect its nationals, to govern within its jurisdiction, and to enjoy its status and whatever additional benefits it may have acquired through the legal exercise of its powers.

War is in essence a denial of all these rights. Each belligerent is proposing to bring about the complete submission of the other, thus giving itself both the physical capacity and the legal power to deprive the other of any particular right or even of its existence. As a means to this end, during the course of war, each refuses respect for the enemy's territory, nationals, jurisdiction, status, and treaties, subject only to the rules of war which profess to forbid inhumanities not dictated by military necessity. Furthermore, the belligerent may limit many of the rights of neutrals, including free navigation of the seas by their vessels.

If each state is free to institute a state of war by unilateral action, and by that act to relieve itself of most of the obligations of international law toward its enemy and of many of those obligations toward third states, it is clear that international law takes away with one hand what it gives with the other. It both asserts and denies the right of states to exist. There is, therefore, an inherent inconsistency in an international law which recognizes the right of states to exist and at the same time grants an unlimited power in states to institute a state of war and an unlimited freedom in states

to remain neutral. Obviously, if the practice of remaining neutral were generally adhered to in the absence of an effective international police force, powerful states would not find it difficult to plunder and destroy their weaker neighbors.[84]

Apart from special treaties like the League of Nations Covenant international law has imposed no duty upon third states to intervene against aggression nor has it, apart from special neutralization treaties, imposed a duty to remain neutral. It has left states free to enter the war or to remain neutral. Under the Pact of Paris other alternatives of assistance to the victim and interference with the aggressor less than war are permissible.[85] On the outbreak of World War II general conventions held that states do not have an unlimited freedom to initiate a state of war, that illegal resort to violence violates a legal interest of all states, and that every state is competent to invoke available legal procedures to protect that interest, but practice did not conform to these principles.[86]

Serious inadequacies and inconsistencies were tolerated in international law and procedure during the nineteenth century because of the relative peacefulness of that century. This peacefulness, however, cannot be attributed to international law and procedure but rather to the dominance of British sea power, industry, and finance; to the rapidly expanding economy; to the development of new overseas markets; and to the relative invulnerability, under existing conditions of technology, of the rising countries in overseas areas. During the sixteenth and seventeenth centuries the Christian states of Europe, having emancipated themselves from the medieval ecclesiastical and imperial controls, were frequently involved in serious general wars. During the twentieth century the states of a world, no larger under modern technology than was Europe in the earlier period, having emancipated themselves from British regulation, were

[84] Q. Wright, "The Present Status of Neutrality," *op. cit.*, p. 399; "International Law and the World Order," *op. cit.*, pp. 126 ff.; D. J. Hill, *op. cit.*

[85] Q. Wright, "The Lend-Lease Bill and International Law," *American Journal of International Law*, XXXV (April, 1941), 305 ff.; "Repeal of the Neutrality Act," *ibid.*, XXXVI (January, 1942), 8 ff.; "Address of Attorney-General Jackson, March 27, 1941," *ibid.*, XXXV, 348 ff.

[86] Q. Wright, "Present Status of Neutrality," *op. cit.*, pp. 399–401.

again frequently involved in serious general wars. In both periods the inconsistencies in an international law tolerant of war were too glaring for jurists to ignore, and they asserted limitations on the power to initiate war and the legal concern of all states in the conditions under which war had been initiated. In the League of Nations Covenant and other instruments states even went further and assumed positive obligations to suppress aggression. And yet the earlier tolerance with which international law had regarded the initiation of war, the maintenance of neutrality, and the recognition of the fruits of aggression continued to influence opinion and to hamper the development of procedures to deal with political disputes involving violence.[87]

Their impairing effect varied according to the degree of the League's prestige and authority at the time. Since that authority rested largely on world-opinion and since world-opinion was very sensitive to failures in dealing with political controversies, whatever may have been the circumstances causing such failures, there was a rapid decline in the capacity of the League to deal with such controversies after its failure in the Manchurian dispute of 1931. Incapacity to deal with political disputes which constituted the main method for preserving peace and justice in the world was reflected rapidly in the League's incapacity to approach the problems of sanctions and legislation directly, and, as a consequence, its political work as a whole collapsed.[88]

This review suggests that procedures adequate to enforce international law are dependent upon social changes and political devices contributing political power to international institutions. Such changes will involve modifications of international law, particularly modifications which will establish its direct relation to individuals, which will impose responsibility for aggression upon individuals and governments, which will modify the *liberum veto* and the political equality of states, and which will modify the jural status of war and neutrality.

[87] Above, n. 82.

[88] Q. Wright, "Political Activities of the League of Nations," *Politica*, September, 1939, p. 217.

D. NATIONS AND THE RIVALRY OF CULTURES

.

CHAPTER XXVI

THE FAMILY OF NATIONS

IT IS difficult to organize political power so that it can maintain order within a society which is not related to other societies external to itself. Order is a consequence of organization which, however, cannot easily exist without external opposition.[1]

The integration or the disintegration of a political group may either of them endanger the peace. Integration may arouse the anxiety both of neighbors and of minorities. Disintegration may encourage the aggression of neighbors and the revolt of minorities. Maintenance of the *status quo* may, however, be no less dangerous in a dynamic society with changing foreign contacts and domestic interests. Every society is continually on the brink of conflict.[2] It must continually adapt its organization and its policy to changing conditions of internal opinion and external pressure. If changes intended to effect such adaptation are too great or too little, too rapid or too slow, to the right when they should be to the left, to the center when they should be to the periphery, trouble may be expected.

In every society the problem is difficult. In the world-society it is most difficult of all because the guides, the standards, and the necessities, offered to lesser societies by their neighbors, are lacking. Robinson Crusoe is said to have been a sociological impossibility. But in the absence of interplanetary communication a world-society is a Robinson Crusoe.[3]

---

[1] Above, chap. xix, sec. 2a.

[2] Above, Vol. I, chap. xv, sec. 2a.

[3] Albion W. Small, *General Sociology* (Chicago, 1905), p. 495, reprinted in R. E Park and E. W. Burgess, *Introduction to the Science of Sociology* (Chicago, 1930), p. 198. Defoe understated the tendency of the personality of an individual in isolation to disintegrate. Writers like Fichte and Von Thünen, who have attempted to simplify social and economic analysis by conceiving of an isolated state, have ignored the tendency of the culture of such a state to disintegrate. "Whosoever is delighted in solitude is either a wild beast or a god" (Francis Bacon, "Of Friendship," *Essays;* see also Aristotle *Politics* i. 2. 29). "The psychological distinction . . . . between in- and out-groups

The relation to war of the structure and functioning of the present-day family of nations will be analyzed by considering the relation of conflict to society in general, the historic tendencies and forms of families of nations, the concept and the criteria of a world-community, and the problem of world-federation.

I. CONFLICT AND SOCIETY

Sociologists have attempted to understand social life by defining and analyzing such concepts as "society," "co-operation," "opposition," and "conflict."[4] They have treated war as a species of conflict which is itself a species of opposition.[5]

They assume that there is a fundamental resemblance among personalities, societies, associations, communities, and other social entities. It is, therefore, legitimate to use the same word to designate a similar process related to any of them. Conflict may properly designate a duel, a household brawl, a strife between political factions, a fight between street urchins, a suppression of a rebellion, or a war between nations. Observation of any one of these forms of conflict may throw light on the others. The sociologist can understand why nations occasionally go to war by understanding why he himself occasionally feels like fighting. Each of these forms of conflict has, of course, its peculiarities, but the sociologist, by comparison and analysis, distinguishes the universal from the particular aspect of each conflict.[6]

With these assumptions it is also legitimate to use the word "or-

---

corresponds to a real division within the individual himself. As a form of insurance, the existence of the out-group covers the in-group against the risks of internal conflict and aggressiveness. If we could imagine a state of affairs in which such a group did not exist, it would become necessary to invent one, if only to enable members of the in-group to deal with conflicts, internal and external, without wrecking their own group" (I. D. MacCrone, *Race Attitudes in South Africa* [London, 1937], p. 252). See also Park and Burgess, *op. cit.*, pp. 233 ff., 239 ff.; below, nn. 11, 26.

[4] Below, n. 45; Appen. XXXV.

[5] Below, Appen. XXXV, nn. 24 and 27.

[6] This method involves comparison of conflicts of the same group at different times, of different groups, and of interpersonal with intergroup conflicts (Knight Dunlap, "The Causes and the Preventives of War," *Journal of Abnormal and Social Psychology*, XXXV [October, 1940], 479). Park and Burgess give numerous illustrations of the concept "conflict" (*op. cit.*, pp. 574 ff.).

ganization" to describe the process by which a corporation, a club, a city, a state, an empire, or a league of nations is created, developed, and maintained. The sociologist can understand why it is difficult to organize the world for peace by observing the difficulties within such lesser organizations as families, associations, and nations.

By the application of this method sociologists have concluded that opposition is an essential element in the existence of any social entity, just as essential as is co-operation. The role of opposition results not only from the evolutionary hypothesis, which asserts that no concrete form, biological or social, could exist at any given time unless it had been able to survive in the universal struggle for existence,[7] but also from the conception of a social entity as a dynamic equilibrium. Differentiation of the parts and specialization of their functions is the essence of such an equilibrium. Differentiation, however, cannot persist unless the parts exercising specialized functions resist assimilation or elimination. Such resistance means opposition and may mean conflict, though less direct forms of opposition such as rivalry and competition may prove adequate.[8]

The conception of conflict has been applied to physical and biological entities, but it has been developed especially in relation to social entities, whose organization involves a general appreciation of certain values by the members. "Social conflict," writes Lasswell, "results from the conscious pursuit of exclusive values."[9] Whenever two or more personalities or societies in direct or indirect contact with one another recognize goals or values and strive to attain them, opposition is to be expected. If they are in direct contact with and conscious of one another, opposition may become conflict. Even though such entities regard themselves as co-operating to achieve the same values and as acting within the same logical hierarchy of means and ends, yet, in so far as more than one freedom of initiative exists, differences in respect to interpretation, timing, or limits of

[7] See Gumplowicz, Ratzenhoffer, Novicow, and others, in Park and Burgess, *op. cit.*, pp. 212 and 645; below, chap. xxxii, n. 2.

[8] See Georg Simmel, in Park and Burgess, *op. cit.*, p. 348; W. F. Ogburn and M. F. Nimkoff, *Sociology* (Boston, 1940), pp. 344 ff.

[9] "Conflict, Social," *Encyclopaedia of the Social Sciences*.

competence are likely to arise. The only type of society in which internal conflict is unlikely is, therefore, one in which all initiatives emanate from one source, that is, a society in which integration and autonomy have reached a point at which not only freedom but also the desire for it has been eliminated from all members of the society except the leader.[10] If such a society is in contact with outside societies, tendencies toward internal conflict will be transferred to the relations between the groups.[11]

The word "community" refers to the organization of all the social entities, in direct or indirect contact with one another, within an area.[12] As the progress of communication has established some contact among social entities throughout the world, there is in this sense a world-community.[13] Some opposition, however, is inevitable among the many individuals, families, factions, parties, corporations, associations, classes, churches, states, and nations within that community.[14] War, therefore, may be explained by examining the processes of the world-community to ascertain why international oppositions tend to assume the form of military conflict.

If the world's population is divided into many small groups, these oppositions are likely to be moderate, while if there are few large groups they are likely to be intense. In the latter case, while conflicts will be less frequent, they will be more violent.[15]

[10] "All manifestations of power within society are dominated by a common need for autonomy. . . . . In order to be characterized as autonomous, a society must be so constituted that none of its members enjoys social relations with any non-members. . . . . Within an autonomous society, therefore, it is inherently impossible to set aside any separate spheres of completely independent social activity" (F. M. Watkins, *The State as a Concept of Political Science* [New York, 1934], p. 71). When the degree of integration assuring autonomy in this sense is approached, as it probably is in the anthill and the beehive, the society ceases to be an organization and becomes an organism. See Vol. I, Appen. VII, sec. 4d.

[11] Among animals and among both primitive and civilized peoples one function of external conflict has been to preserve internal solidarity. See Vol. I, Appen. VII, n. 85; chap. vi, sec. 3; chap. vii, sec. 4, nn. 74 and 119; chap. xii, sec. 3; chap. xv, sec. 1b; below, nn. 26 and 86.

[12] Below, Appen. XXXV, n. 10.

[13] Park and Burgess, *op. cit.*, p. 281.

[14] *Ibid.*, pp. 506 ff.

[15] Bruno Lasker and W. L. Holland (eds.), *Problems of the Pacific* (Chicago: Institute of Pacific Relations, 1934), pp. 19 ff.

Increases of population and improvements in means of communication tend to augment intergroup contacts within the world-community[16] and to increase the probability of violent conflict, unless accompanied by improvements in means of adjustment and of education.[17] More intense political organization of a nation, region, or other group will not therefore necessarily reduce the amount of conflict in which it will be involved. Such organization may merely divert opposition from its internal to its external relations.[18] This

[16] On the assumption that social opposition originates in the aggressive disposition of individuals and is stimulated by frequency of contacts among members of opposing groups. The first assumption accords with the psychological theory that social oppositions derive from the displacement and projection of hostile impulses toward parents and teachers repressed in infancy. These repressions are a consequence of the system of child training which is usually a phenomenon of the culture (E. F. M. Durbin and John Bowlby, *Personal Aggressiveness and War* [New York, 1939], pp. 15-31). The second assumption accords with the sociological theory that contacts with strangers (members of an out-group) are at first hostile and that improved means of communication increases the number of such contacts (Park and Burgess, *op. cit.*, pp. 283 ff.). From these theories it may be deduced that, in a given culture, the amount of aggressiveness would be proportionate to the population and that the concentration of the displacement or projection of the manifestations of aggressiveness would be proportionate to the efficiency of communications.

[17] Oppositions may be ameliorated by processes of compromise or sublimation, and improved systems of early education may prevent the development of serious aggressiveness in the individual.

[18] Above, n. 11. A method may eventually be found by which the idea of opposition can be transmuted from a process to a force or a relation susceptible of quantitative measurement. With such a development the severity of opposition (s) might prove to be directly proportional to the total amount of opposition within the community (o) and inversely proportional to the number of groups in opposition to one another (n).

(1) $$s = \frac{o}{n}.$$

In a static community with a stable population, technology, culture, and organization there may be a sociological law of conservation of opposition resembling the physical law of conservation of energy, i.e., the product of the components of total opposition— the average severity of each opposition (s) and the frequency of oppositions (f)—may be constant.

(2) $$o^2 = fs = \text{constant}.$$

Combining (1) and (2),

(3) $$f = on.$$

Assuming that the main parameters, changes in which change the total amount of opposition in a dynamic community, are population (P) and systems of communication (C), education (E), and dispute adjustment (A), it appears that as population and com-

may explain why the efforts to avoid the social dangers of conflict by more extensive and intensive political organization have failed to assure peace so long as that organization was less extensive than the whole family of nations. Such efforts, however, may account for the trend of rising civilizations toward a decrease in the number and increase in the size both of states and of wars. As the in-group becomes larger and better organized, opposition to the out-group becomes more intense.[19] Philosophies of efficiency or of struggle tend to prevail over those of reason or of renunciation. The stage is set for militarism and the augmentation of violence in the solution of conflicts.[20] According to Hans Speier: "What may be called the most extreme form of militarism exists when the distribution of power and esteem assumes the form of centralization of control, an attendant state monopoly of raising, controlling and equipping armies, and a universality of military mores."[21]

From this point of view efforts to reduce the burden of war might take alternative directions. The amount of hostility in the family

munications develop and as the efficiency of adjustments and education decline, the quantity of opposition in the community will increase (above, nn. 16 and 17). That is,

$$(4) \qquad\qquad o = \frac{PC}{AE}.$$

From this it is clear that if either population or communications are totally lacking, there will be no oppositions. If either education or a system of adjustment is lacking, oppositions will be maximized—there will be a *bellum omnium contra omnes.* Combining (1) and (4),

$$(5) \qquad\qquad s = \frac{PC}{AEn}.$$

Combining (3) and (4),

$$(6) \qquad\qquad f = \frac{PCn}{AE}.$$

This means that in a family of nations both the severity and the frequency of war increase with increases in population, improvement in communications, and deterioration of agencies of international adjustment and of education (see below, chap. xxxvi, sec. 4). The severity of war will increase and its frequency will decrease with decreases in the number of states. This accords with the proposition previously discussed that the stability of a balance of power declines with decrease in the number of states in equilibrium. Above, chap. xx, sec. 2; Appen. XXIX.

[19] Above, Vol. I, chap. vii, secs. 3c and 4; Vol. II, chap. xx, sec. 4(4).

[20] Below, chap. xxxiii, sec. 4.

[21] "Militarism in the Eighteenth Century," *Social Research*, III (1936), 304. See above, n. 10.

of nations might be reduced by decreasing world-population, by abandoning transportation and communication inventions, or by improving the system of child-training. Oppositions might be diffused by policies of decentralization and liberalism designed to decrease the size of opposing groups and to increase the number of minor competitions and rivalries in business, society, litigation, the arts, and sports. Finally, the adjustment of oppositions might be facilitated by peaceful procedures of consultation, conciliation, arbitration, adjudication, and international legislation.[22]

On the other hand, large-scale war would be favored by rapid increases of population, by rapid advances in the technology of communications and transport, by authoritarian education, by the centralized organization of nations, and by the abandonment of peaceful international procedures. Movements toward totalitarian nationalism and political isolationism tend toward absolute wars, particularly if world-population is increasing, if the technology of communication is advancing, and if cultures are rigidifying.[23]

Sociologists have explained in detail the processes of accommodation and assimilation by which oppositions between individuals, classes, and groups are moderated.[24] These processes have often involved identification of the opposed entities with an inclusive group and transfer of the opposition to an out-group.[25] The more the opposition within the state becomes concentrated into opposition between great classes, parties, or regions, the more necessary it is to develop external oppositions into active conflicts if the identity of the state is to be preserved. This tendency toward international war is combated, on the one hand, by the particularism of individuals, localities, and associations resistant to assimilation by the state, and, on the other hand, by the cosmopolitanism of international conferences, associations, and institutions. Against the influences of liberalism within and humanism without, the state has

[22] Below, chap. xl.

[23] Below, chap. xxxvi.

[24] Ogburn and Nimkoff, *op. cit.*, pp. 370 ff., 383 ff.; Park and Burgess, *op. cit.*, pp. 663 ff., 734 ff.

[25] H. D. Lasswell, *World Politics and Personal Insecurity* (New York, 1935), pp. 239 and 283; below, chap. xxx, sec. 1.

been able to preserve its dominant position only by continuous preparation for war and occasional resort to war itself.[26] In civilized as well as in primitive societies there has tended to be an oscillation in the relative importance of the opposing tendencies, on the one hand, toward state integration and a concentration of all oppositions in interstate war and, on the other hand, toward state disintegration and a diffusion of opposition among numerous associations.[27]

2. TENDENCIES AND FORMS OF FAMILIES OF NATIONS

The nations of today stem from a common ancestry in aboriginal man, and they are in actual contact with one another. They therefore constitute a family of nations. Human populations which are wholly isolated have tended to divide into subpopulations, so that each can have a potential enemy providing opposition against which it can integrate itself. Thus an isolated population tends to become a family of nations rather than a single nation. At the present time there is only one family of nations, comprising the entire human race with its two billion members organized in some seventy sovereign states, most of which are also nations. Formerly, when the natural barriers to human contact were far more significant than they are today, there were a number of civilizations, each one constituting during most of its life a family of nations. Families of nations in the Far East, in India, in the Near East, in Europe, and in America have, throughout most of recorded history, been distinct and relatively isolated.

a) Development of families of nations.—Historic civilizations have

[26] "The relation of comradeship and peace in the we-group and that of hostility and war toward others-groups are correlative to each other. The exigencies of war with outsiders are what make peace inside, lest internal discord should weaken the we-group for war. These exigencies also make government and law in the in-group, in order to prevent quarrels and enforce discipline. Thus war and peace have reacted on each other and developed each other, one within the group, the other in the intergroup relation. The closer the neighbors, and the stronger they are, the intenser is the warfare, and then the intenser is the internal organization and discipline of each" (W. G. Sumner, *Folkways* [Boston, 1906], pp. 12–13, quoted in Park and Burgess, *op. cit.*, p. 294). Above, nn. 3 and 11.

[27] Above, Vol. I, chap. vi, n. 52; chap. xv, sec. 1c. See also Sigismund Cybichowski, "National Sovereignty and International Cooperation," *Annals of American Academy of Political and Social Science*, CLXXXVI (July, 1936), 109.

tended to develop through typical stages.[28] The members of the family of nations which constitute a civilization in its emerging stage have tended to increase in population. As a result there has been an increasing wealth of contact and of communication among them. This has resulted in a diffusion of culture, goods, techniques, and migrants from one to the other, in an increase in the frequency and severity of wars and in an increasing standardization of behavior patterns. Sometimes, under these conditions, each nation has come to recognize the moral equality of the others and further integration of the family of nations has proceeded through a stabilization of the political equilibrium and the development of international institutions. More often further integration has been effected by an increase in moral and physical differentials through the processes of conquest and empire-building.

During the period of classical civilization the tribes and peoples of the Mediterranean were at first relatively isolated from one another. The Greek cities as early as the Homeric period recognized their relationships *inter se* and their distinctiveness from other peoples. Some of them formed federations and eventually established permanent relations with other eastern Mediterranean nations. Colonies had already been established in the western Mediterranean. Classical culture was extended over the Near East and the entire Mediterranean area during the Hellenistic period following the conquests of Alexander, and finally the whole was organized in the Roman Empire.

Such a process of political integration has frequently been followed by a tendency in the reverse direction. Centralization has bred internal oppositions. Movements of revolt have developed in various parts of the integrated civilization. Economic organization has broken down. Poverty and pestilence have spread. Population has decreased. Contact and communication among the parts have diminished. Techniques and behavior patterns have become less uniform throughout the civilization. The process can be observed in the disintegration of the Roman Empire from A.D. 400 to 700.

The cycle may then be repeated. From the time of Charlemagne there was a gradual upbuilding of European institutions centering

[28] Above, Vol. I, chap. vii, secs. 2b and 3c.

around the Catholic church and the idea of universal empire. Wealth, prosperity, and political order increased for four centuries. This was followed by a breakdown in the fourteenth century after the Black Death had decimated the population of Europe, after the prestige of the church had declined through failure of the Crusades, after medieval learning had become stagnant, and after new insight into classical culture had changed the direction of men's thinking.

In the fifteenth century the process of integration began again. Contacts were established with numerous other existing and past civilizations of the world through scholarship and discovery. Contacts were maintained and intensified through inventions and commerce. Modern civilization has come to include the entire world.

In the past, cycles of history and families of nations have been affected in their development by the fact that they were not entirely isolated. Although contacts with outside peoples might be slight, there were always some contacts on the peripheries of the historic civilizations. The Roman Empire at the time of its greatest extent was in contact with the Germanic cultures of the North, the oriental cultures of the East, and the African tribes of the South. The present family of nations, however, will remain isolated, unless, indeed, communication with Mars is established.

What will be the tendencies under these new conditions of a family of nations? Will the integration of the parts steadily increase, forming a more and more perfect community? Will there be fluctuations, as apparently there have been in the past, with periods of integration followed by periods of disintegration? Will a certain level be attained and then maintained for a long period? Or will there be a steady disintegration until perhaps eventually mankind will be divided into numerous small groups engaged in continuous conflict with one another? Such a result might give an opportunity for a superior type of biological organism to come to the front and to exterminate the human race.

History unquestionably suggests the oscillating movement. There is, however, no exact precedent for a family of nations that is entirely isolated on the planet. It may be that, in the matter of world-organization, man has the means of controlling his future more than in any other enterprise which he has undertaken. He can, if he will,

control the development of his population and of his polity. Upon what he does in these two matters depends the future of his culture, technology, economy, language, literature, art, religion, ethics, and law.[29] All these latter, while influencing human organization, are themselves consequences of the fundamental human facts of the population's size, growth, distribution, and quality and of the political processes for assuring stability and change of social structures. Population may be regarded as the substance of humanity and polity as its form. From a combination of these two have developed other institutions and patterns since civilization was achieved, and inventions and commerce began to emancipate societies from the immediate limitations of physical nature. An economy of abundance and leisure to develop the arts is possible if population can be controlled and war prevented.

In the past states have had to regulate their population and their polity in the light of political pressure from outside. The freedom of national statesmanship has thus been limited. The same is true of past civilizations and families of nations. The present family of nations has the freedom to make its population and its polity what it will, governed only by the inertia of its own past and the imagination of its own future.[30]

b) Forms of families of nations.—Historic families of nations have assumed the forms (i) empire, (ii) church, (iii) balance of power, or (iv) federation.

i) World-empire is built by conquest and maintained by force.

---

[29] It is not meant to imply that these patterns which constitute civilization are of lesser importance than, or are determined by. demographic and political conditions (below, chap. xxxi, sec. 5; chap. xxxviii, sec. 1) but only that none of them can exist without population and moderate order. On the other hand, population and moderate order can exist without any of them, as among animals.

[30] Above, Vol. I, chap. xii, sec. 5. "By emancipating individuals and communities from absolute dependence upon purely local circumstances, their potential stability and security have been increased, provided the instruments of control could be extended to coincide with the enlarged sphere of interdependence that has emerged in recent decades" (Louis Wirth, "Localism, Regionalism and Centralization," *American Journal of Sociology*, XLII [January, 1937], 493). Elizabeth Barrett Browning's comment on the potentialities of the nation applies with even greater force to the world:

A land's brotherhood
Is most puissant: men, upon the whole,
Are what they can be,—nations, what they would.

The Roman Empire was maintained by an authoritative law and an efficient army through most of its history, and it continually had some military contacts with outside nations or tribes. It had some success in preventing war among the major groups which composed it during the two centuries of its greatest strength, but it came to an end after a few hundred years of existence. Its fall was approximately one thousand years after the beginning of the conquests of the city of Rome and perhaps twice that period after the origin of classical civilization in the Aegean. Rome, which acquired the idea of empire from the Orient, left the idea in its wake and stimulated numerous conquerors to attempt its rivival. The medieval Hohenstaufen, the Hapsburgs, Louis XIV, Napoleon, the Kaiser, Mussolini, and Hitler have attempted with varying degrees of success to re-establish a universal empire.[31]

ii) The Christian church dominated Western civilization after the Cluniac revival in the tenth century, during the period of the Crusades. The idea of a world-peace maintained by a unified church was given expression in the "Truce of God" and the "Peace of God," sanctioned by excommunication and the interdict. The church was a powerful influence unifying Europe during the twelfth and thirteenth centuries, but it was continually in opposition to another great organized religion, that of Islam. After crusading zeal lagged in the fourteenth century, the power of the church began to decline.[32]

iii) The balance of power may be observed in smaller families of nations, such as that of the Greek city-states of the Periclean period. In the Hellenistic civilization a balance-of-power system described by Polybius extended over the whole of the Mediterranean area. In

[31] "Such then, in its design and in its direct working was the imperial system,—simply a concentration of military force. But since it affected such a vast area, its indirect consequences are not less important than its direct ones. Of these the principal were two: the extinction of liberty, and the increase of material happiness" (J. R. Seeley, *Roman Imperialism* [Boston, 1871], p. 31).

[32] "Let papal Rome, as the law-giver of the Medieval Church, have all the credit of her great achievements: however based, on law or on idea, her position was a standing protest against brutal force, a standing offer of peace and goodwill to those who could pay for it; a great office of incipient diplomacy, a great treasury of legal chicanery, but still a refuge against overbearing violence" (William Stubbs, *Seventeen Lectures on the Study of Medieval and Modern History* [Oxford, 1886], p. 216). See also G. B. Adams, *Civilization during the Middle Ages* (New York, 1903), pp. 244 and 257.

the fourteenth century, while Dante was expounding the theory of world-empire, Boniface VIII the theory of a world-church, and Pierre Dubois the theory of world-federation, the balance of power was being exemplified in the wars and alliances of Edward of England, Philip of France, the emperor Albert of Austria, Pope Boniface of Italy, and their lesser neighbors in Scotland, the Netherlands, Switzerland, and Bohemia. Two centuries later the balance of power was not only practiced in the Renaissance civilization of Italy but was for the first time given detailed literary exposition by Bernardo Ruscellis and Machiavelli.[33] Finally in the European system, which arose out of the ruins of the universal church in the seventeenth century, the balance of power was recognized as the basic principle of European organization. The balance of power has not in the past preserved peace, but it has at times preserved the independence of states and prevented the development of world-empire.[34]

The European balance of power, based upon policies of intervention against the overpowerful, was modified in its application to the New World. America attempted to vote itself out of the European balance of power by the Monroe Doctrine and to establish a balance of power based upon isolation and neutrality. This idea played its part in the nineteenth century not only in respect to the geographically isolated states of America and Asia but also in respect to artificially neutralized buffer states of Europe such as Switzerland, Belgium, and Luxemburg. Closely related have been efforts to maintain the balance of power through disarmament conferences. Each state, instead of trying to build up its armaments to those of others, tries to bring the armaments of others down to its own.[35]

iv) The characteristics of federation can be studied in numerous limited unions. Various plans of European federation provide precedents for the League of Nations. The plan of Dubois in the fourteenth century, the plans of Sully and William Penn in the seventeenth century, and the later plans of Saint-Pierre, Jeremy Bentham, Immanuel Kant, William Ladd, and Clarence Streit looked toward European or world-federation. There were practical attempts to federate Europe after the Napoleonic Wars. Concerts and confer-

[33] Above, chap. xx, n. 21.

[34] Above, chap. xx, sec. 1. [35] Above, chap. xxi, secs. 3 and 4.

ences of the nineteenth century kept the idea in practical politics, and the Hague Conferences looked toward its realization. Finally, the League of Nations was established, the most successful of any of these attempts.[36]

These four types—empire, church, balance of power, and federation—seem to have exhausted the imagination of men on forms of universal organization, though many combinations and variations have developed in practice.[37] These four types differ in structure, in object, and in procedure.

[36] Below, chap. xxix.

[37] Above, chap. xxi, sec. 5. Pitman B. Potter distinguishes empire, cosmopolitanism, and international organization as possible forms of world-order (*An Introduction to the Study of International Organization* [4th ed.; New York, 1935], pp. 24 ff.). While he considers federation the natural end of international organization (*ibid.*, pp. 234 ff.), he appears to exclude the balance of power from the concept of organization (*ibid.*, pp. 238 ff.). Heinrich Triepel (*Die Hegemonie, ein Buch von führenden Staaten* [Stuttgart, 1938]) seems to consider hegemony a different form of organization from any of these. Leadership, less than dominance and more than influence, which he signifies by the term (p. 140), is an aspect of all organization. An empire is characterized by autocratic leadership, a federation by democratic leadership. The participants in a balance of power must have leadership, though leadership of the whole is lacking. A church must also have leadership. Hegemony cannot, therefore, be considered a distinct form of organization, although the recognized leadership by one state of a group may be a phase in the transition from a balance-of-power system to an empire. In the latter the hegemonic state has acquired dominance. In the former no state has more than influence (see Charles Kruszewski, "Hegemony and International Law," *American Political Science Review*, XXXV [December, 1941], 1127 ff.). The fourfold classification of types of families of nations and their relation to types of national governments may be analyzed as indicated in the following table. Actual governments usually combine aspects of all types.

ANALYSIS OF FORMS OF INTERNATIONAL AND
NATIONAL GOVERNMENT

SOURCES OF GOVERNMENT	SANCTIONS OF GOVERNMENT	
	Persuasion and Reason	Compulsion and Violence
Express or tacit consent of governed	Federation Democracy	Balance of power Anarchy
Natural or divine authority of governors	Church Nomocracy	Empire Autocracy

Since in federations the authority of the central government rests on consent of the states, it implies a high degree of decentralization of government as compared with empire (see above, chap. xxii, sec. 4b, but see n. 38 below). Nomocracy exists if a supreme law regarded as of divine or natural origin is the source of governing authority (see Majid Khadduri, *The Law of War and Peace in Islam* [London, 1940], p. 7).

The empire seeks to concentrate military and political power in a single authority with control over individuals enforcible by law. It emphasizes institutional unity.

The church claims divine authority and seeks to rule with moral sanctions alone. It emphasizes spiritual union. Although the papacy sometimes tried to deal with temporal as well as spiritual matters and to employ material sanctions, in theory it ruled by persuasion.

The balance of power, instead of concentrating authority, seeks to distribute it among independent sovereign states which remain in equilibrium because of their separations and oppositions. While permitting considerable material unification, such a system may hamper the development of other aspects of association in the world-community.

The federation seeks to achieve the unity of the empire without sacrificing the autonomy of states which characterizes the balance of power.[38] It does this by insisting on the supremacy of the constitution which limits the central authorities to matters of general concern. Confederations or leagues (*Staatenbunden*) in which the central authority acts only on member-states as units have often developed into true federations or unions (*Bundestaaten*) in which the central authority deals directly with individuals in respect to matters within its competence.[39] While empires are primarily organizations of violence, federations are primarily organizations of consent, because all authority is derived from the constitution accepted by the people and the states. Although both state and central authorities can exercise coercive authority within the limits of their competence, the federation resembles the church in that the constitution itself is maintained by persuasion rather than by compulsion.[40]

[38] Though originally an empire, the British Commonwealth has developed with respect to the dominions into an international union looser than most federations. Because of historic tradition and the geographic separation of its parts, it has been able to accord full sovereignty to the dominions without complete dissolution of the empire (Sir Cecil J. B. Hurst, "The British Empire as a Political Unit," in *Great Britain and the Dominions* [Chicago, 1928]).

[39] Below, sec. 4; chap. xxix.

[40] Federations tend to develop constitutionalism, decentralization, separation of powers, and democracy (above, chap. xxii, sec. 4; chap. xxv, nn. 48–51).

3. CONCEPTS AND CONDITIONS OF A WORLD-SOCIETY

For a concept of the modern world-society one would naturally look to international law, but the international lawyers are undecided whether the family of nations constitutes a society.

Vattel began his treatise on the law of nations with the idea of rendering the abstract Latin treatise by Christian Wolff into elegant French. He found, however, perhaps partly because he was writing during the Seven Years' War, that he did not agree with everything that Wolff had written.

> From the outset it will be seen that I differ entirely from Mr. Wolff in the foundation I lay for that division of the law of nations which we term *voluntary*. Mr. Wolff deduces it from the idea of a sort of great republic (*civitas maxima*) set up by nature herself, of which all the nations of the world are members. To his mind, the *voluntary* law of nations acts as the civil law of this great republic. This does not satisfy me, and I find the fiction of such a republic neither reasonable nor well enough founded to deduce therefrom the rules of a law of nations at once universal in character and necessarily accepted by sovereign states. I recognize no other natural society among nations than that which nature has set up among men in general. It is essential to every civil society (*civitas*) that each member should yield certain of his rights to the general body, and that there should be some authority capable of giving commands, prescribing laws and compelling those who refuse to obey. Such an idea is not to be thought of as between nations. Each independent state claims to be, and actually is, independent of all the others. . . . . Individuals are so constituted that they could accomplish but little by themselves and could scarcely get on without the assistance of civil society and its laws. But as soon as a sufficient number have united under a government, they are able to provide for most of their needs, and they find the help of other political societies not so necessary to them as the state itself is to individuals.[41]

Vattel adhered to the atomistic theory which holds that international law is merely a series of contracts between wholly independent states, that there is no organic society of nations but merely a loose contractual association. He did not explain, however, how contracts can have a legal validity unless there is a society above the contracting parties based on a common law which defines and sanctions valid agreements.[42] A contractual association presupposes that

[41] *Droit des gens*, "Prelim." (Carnegie ed.), p. 9a.

[42] See L. Oppenheim, *International Law* (5th ed.; London, 1937), Vol. I, secs. 11, 18, 493; Percy Corbett, "Conflicting Theories of International Law," *Proceedings of the*

all its members are also members of a society whose standards interpret and apply the terms of the contract. The majority of writers on international law have, therefore, indorsed the thesis of Wolff and his predecessor Grotius that the family of nations constitutes a society.[43]

The family of nations, whatever may be its fundamental character, certainly has not been adequately organized to maintain its principles or to protect the interests of its members. Some writers, such as Oppenheim, take the view that the League of Nations was an initial attempt to give it a more adequate organization.

The conclusion is obvious that the League of Nations is intended to take the place of what hitherto used to be called the Family of Nations, namely, the community of civilized states, for the international conduct of which international law has grown up. The Covenant of the League is an attempt to organize the hitherto unorganized community of states by a written constitution. That this constitution is not complete and perfect matters as little as that for the moment there are still some civilized states outside the League, because this constitution will gradually become more complete and perfect, and the time may not be very distant when all civilized states, without exception, will be members.[44]

The question whether now or at any point in time the family of nations constitutes a society is a question of point of view as much as of fact.[45] A society exists if people so recognize it, even if its organization does not inevitably point to that conclusion. The judgment that a group is a society is a judgment of attitudes as much as of structures; a judgment of the meaning of symbols as well as of the classification of conditions; a judgment of the direction and intensity of a movement as much as of the application of a definition.[46]

American Society of International Law, 1940, pp. 101 ff.; Q. Wright, "Remarks," *Proceedings of the American Society of International Law, 1940*, pp. 156 ff.

[43] C. Van Vollenhoven, *Three Stages of the Evolution of the Law of Nations* (The Hague, 1919), p. 29. See above, chap. xxiv, n. 51; chap. xxv, n. 42.

[44] Oppenheim, *op. cit.* (3d ed.; London, 1920), Vol. I, sec. 167c, p. 269. See above, chap. xx, n. 5.

[45] See below, Appen. XXXV, n. 11. It is not certain that a group must have external opposition as well as internal co-operation in order to be a society. If it were, a universal society would be impossible.

[46] Sociologists imply from the concept society (1) a complex of mutual claims and expectations, (2) an organization capable of collective action, (3) a set of conventional

It cannot be said that a world-society, including all nations, exists merely because some persons have conceived of such a society.[47] It is clear, however, that no such society can exist unless some persons have conceived of it. A society implies consciousness by some persons of their participation in it. When the society is larger than a local group, in which all members are in continual personal contact with one another, such consciousness is hardly possible without a conception of the society[48] or, as the linguists say, without a word for it.[49]

a) Conception of a world-society.—How may the world be conceived as a social unity? Abstract conceptions are formed either through the association of a word or other symbol with concrete experiences or through the inference of one conception from others. The first is the method of suggestion; the second, of definition. Monotheistic religions have tried to conceive God by both methods. They have associated the word God with other signs, such as icons, images, and symbols; with subjective experiences such as truth, goodness, beauty, sympathy, love, religion; with impressive manifestations, such as miracles, rituals, and sacraments; with unique men, such as the king, the emperor, the pope, the prophet, or the saint; with unique groups, such as the state, the church, the nation,

understandings, and (4) a consensus of opinion. Each of these aspects of a society involves both individual attitudes and social structures (comment to the author by Professor Louis Wirth). See below, sec. 3*b*; chap. xxviii, sec. 3*b*; chap. xxx, sec. 2.; Appen. XXXV, n. 11.

[47] Above, chap. xxiv, n. 19. Though Anselm (*Proslogion* [1080]) and Descartes (*Meditations* [1641] iii. v) tried to prove the existence of God by that process.

[48] A conception may correspond closely to common observations such as the concept of tree, bird, or flower. If, however, the condition to be conceived is not accessible to direct, comprehensive observation as a state or world society, the individual must base his concept upon literary descriptions or observation of small samples of the condition. These usually distort or simplify the condition. Consequently, his conception is not of reality but of a fiction or stereotype which may or may not adequately represent the condition for the purpose at hand. See C. K. Ogden, *Bentham's Theory of Fictions* (New York, 1932); Walter Lippmann, *Public Opinion* (New York, 1922), chap. vi: "Stereotypes"; below, n. 59; Appen. XXXVII, par. *e*.

[49] Below, Appen. XXV, nn. 20 and 21. "Each nation has two decisive criteria, one being the national consciousness, the other the name of the nation" (Cybichowski, *op. cit.*, p. 107).

the human race, the symplasm; and with the totality of observations, such as nature, the world, the universe. They have also tried to deduce God from other abstract classes or ideas. There has been a tendency for such religions (i) to create classes of gods of which the god is the superior,[50] (ii) to create an opposing god with whom he may be contrasted,[51] (iii) to develop a concept of evolution or change comparing God with himself at different periods,[52] or (iv) to analyze the attributes of God, comparing each with familiar entities or experiences in which the attributes are assumed to exist in lesser degree.[53]

These methods of conceiving God do so only by making him like something else. They therefore defeat their aim, because they subtract from the uniqueness of God, which is supposed to be the outstanding characteristic of monotheism. They do, however, illustrate the inherent difficulty of conceiving of something wholly unique.

Similar difficulties have been met with in attempts to conceive of a world-society. That society has been associated with such concrete things as the League of Nations Covenant, the World Court Statute, the Pact of Paris, the Peace Palace at the Hague, and the League's building at Geneva. Such a process of association is probably the

[50] As in the Greek and Roman pantheon with Zeus as the ruler, or in the medieval Christian God at the head of a hierarchy of archangels, angels, saints, and men.

[51] As the devil of Zoroastrianism, Judaism, and Christianity.

[52] See C. G. Montefiore, *Origin and Growth of Religion as Illustrated by the Religion of the Ancient Hebrew* ("Hibbert Lectures" [London, 1893]); Kirsopp Lake, *The Religion of Yesterday and To-morrow* (Boston, 1926).

[53] The Trinity, for example, may be a mode of conceiving God as the perfection of such attributes as fatherhood and personality. A perfect and self-sufficient concept of father must include also that of son and of the father-son relation. A perfect and self-sufficient concept of personality must include the concepts of will, intellect, and feeling, each considered as an absolute—omnipotence, omniscience, and divine love (C. J. Shebbeare, "Trinity," *Encyclopaedia Britannica* [14th ed.]). Attempts rationally to demonstrate the existence of God have applied this method in an opposite sense. How can people have ideas of absolutes beyond the realm of human experience unless they are realized in an absolute being? (Ontological argument, n. 47 above.) How can it happen that such ideas as causation, existence, design, and value are at the same time felt as personal experiences and observed in the order of nature unless there is an absolute, comprehensive of all personalities and all nature, which causes, creates, plans, and evaluates? (Cosmological and teleological arguments.) These clearly approach the pragmatic argument that God is a useful assumption for purposes of human living and thinking (W. R. Matthews, "Theism," *Encyclopaedia Britannica;* below, n. 59).

most effective method by which the average man may be led to a conception of the world-society, but knowledge of these things contributes little to an understanding of the nature of that society.

These things are themselves symbols of the world-community rather than indications or evidences of its condition. Even such entities as the corpus of international law, the system of international organization, the process of international commerce, or the practice of world-communication, which the more sophisticated often associate with the world-society, should be regarded as stereotypes or in some respects even as fictions, knowledge of which falls far short of disclosing the actual condition of the world-community.[54] Knowledge of these symbols and stereotypes scarcely justifies a decision whether, or in what degree, a world-society exists in any period of history.

The method of definition by classification and analysis has also been employed to create a conception of the world-society. It has been thought of as a world-state, greater than but comparable to national states,[55] or as a universal civilization greater than but resembling historic civilizations.[56] It has been thought of in contrast to world-anarchy,[57] or as the limit toward which the process of world-history seems to tend.[58]

It is clear that none of these processes can yield a wholly satisfactory conception. Obviously a society in complete isolation, with no other society on its periphery, might differ radically from any of the lesser states or civilizations in history. The analysis of existing limited societies might result in emphasis upon the very characteristics which they share with one another, but which they would not share with a world-society. Organization and anarchy are relative to each other; consequently, it is impossible to determine which term should apply to a given situation of the world. Efforts to explain one by the other are as inconclusive as the problem of good and evil with

[54] Above, n. 48.

[55] See Potter, *op. cit.*, p. 30.

[56] Above, Vol. I, chap. viii.

[57] G. Lowes Dickinson, *International Anarchy, 1904–1914* (New York, 1926); Sir Arthur Salter, *Security: Can We Retrieve It?* (New York, 1939).

[58] H. G. Wells, *The Outline of History* (New York, 1920).

which Job wrestled. In view of the oscillations and transitions of world-history, the process of extrapolation of past trends is hazardous.

Unsatisfactory as they are, however, it is only through such devices of suggestion and definition that a rational conception of a world-society can be approached.[59]

b) Conditions of a world-society.—A society results from the integration of a group and its differentiation from other groups—the more the members of a group feel themselves a unity and the more they feel themselves differentiated from other groups, the more the group becomes a society.

The world-society cannot be contrasted with any out-group; consequently, the degree of its integration can be studied only in the relations of its members with one another. Changes in the feeling of group solidarity are difficult to study directly, but they may be indicated by certain observable phenomena.

Among such phenomena are (i) instruments of communication and transportation and statistics indicating the degree of interdependence among members and of self-sufficiency of the whole; (ii) political organizations and institutions subordinating the members of the group to the whole; (iii) standardized behavior patterns, indicating the degree of uniformity among the members; and (iv) acts and declarations of the members indicating attitudes toward one another and toward values imputed to the whole. The characteristics of a society, respectively, indicated by these four kinds of evi-

---

[59] The philosophical disciplines of rhetoric and logic respectively develop the possibilities of these two methods, as do the "semiotic" disciplines of "pragmatics" and "semantics" (C. W. Morris, *Foundations of the Theory of Signs* ["International Encyclopedia of Unified Science," Vol. I, No. 2 (Chicago, 1938)], pp. 21 ff.). It is possible that a world-society might be realized without need of a clear concept by contemplation, as the mystics realized God, or by bold analogy, as the psychologist G. T. Fechner realized earth-consciousness (William James, *A Pluralistic Universe* [London, 1912], pp. 153 ff.). A world-society might also be realized by enumeration and description of its elements as attempted in Walt Whitman's *Leaves of Grass* (1855) and Carl Sandburg's *The People, Yes* (1936). As it is impossible to enumerate all features of the world-society, this amounts to association with a sample selected by poetic intuition. A world-society may also be realized through conviction that it must exist or human aspirations will fail. Religion has rested more on faith than on reason, and, according to William James (*op. cit.*, p. 176), even "philosophy is more a matter of passionate vision than of logic" (above, n. 53; below, Appen. XXXVII, par. *a*).

dence may be designated material unification, institutional unity, cultural uniformity, and spiritual union.[60] It appears that the world has developed toward the realization of all these characteristics during the last four centuries.

i) Communication and commerce have developed remarkably during this period. Language, writing, printing, general literacy, statistics, the mails, the press, the telegraph, and the radio suggest aspects of this process. Today many persons in every part of the world are continuously aware of and materially and emotionally affected by what is going on in every other part.[61]

The various sections of the world have also become materially interdependent in respect to economy and security with the development of more abundant and rapid means of transportation by sea, land, and air. International trade provides most people with essentials of diet, clothing, and work. With the increasing rapidity of travel, protection from devastating epidemics requires organization of health on a world-scale. Depressions and wars in any area extend their effects rapidly to the most remote areas.[62]

Many individuals are, it is true, still unaware of their relationship to the world as a whole, but the number is decreasing. The fact that communication and transport have been in large measure nationally organized and directed has reduced the natural influence of modern inventions in integrating the world-community.[63]

[60] Above, n. 46.

[61] Park and Burgess, *op. cit.*, pp. 281 and 288; Wirth, *op. cit.;* above, Vol. I, chap. viii, sec. 4b; chap. xiv, sec. 2; below, chap. xxxv, sec. 1.

[62] Eugene Staley, *World Economy in Transition* (New York, 1939), chap. i; above, n. 61.

[63] "Chaos in minds, in material relations, in the drift of history. And yet there is one fact—one that stands above it all: *We see that chaos as a unit, and we call it the world.* . . . . We are all world citizens in fact and by instinct, even though in theory and by intellectual tendency we may be provincial, insular or nationalistic. We may think every foreigner is at best an apology for a man, but while taking our breakfast we want to know all about him" (Salvador de Madariaga, *The World's Design* [London, 1938], p. 8). "Men find themselves working, and thinking and feeling [during the last hundred years] in relation to an environment which, both in its world wide extension and its intimate connection with all sides of human existence, is without precedent in the history of the world" (Graham Wallas, *The Great Society* [New York, 1917], p. 3). See also above, Vol. I, chap. viii, nn. 30–34, 49–53.

ii) Institutional unity arises from habits of leadership and obedience, permitting the group to act as a unit on certain subjects. All societies have some sort of leadership, whether of old men, military heroes, hereditary chiefs, self-chosen tyrants, or democratically elected magistrates. There has been progress toward a world-leadership through international councils, assemblies, and commissions with, however, some periods of recession. Three centuries ago an unorganized diplomatic and consular service was the only regular instrument of official international organization. Before World War II there were fifty public international unions, to some extent integrated through the League of Nations, the Permanent Court of International Justice, the International Labour Organization, and the Pact of Paris. Furthermore, there were hundreds of unofficial and semiofficial international conferences and associations, some of which were meeting almost continuously. These institutions were imperfect. They usually dealt with states rather than with individuals. They created only the rudiments of world public opinion on a limited range of subjects. Consequently, they lacked the efficiency of governmental processes within the state supported by powerful national public opinions. Nevertheless, the trend toward world-unity, in spite of reversals in the Napoleonic and Hitlerian periods, can scarcely be denied.[64]

iii) Cultural uniformity in some degree must characterize the members of a society. The members need not be identical. Variety among its members is a characteristic of societies distinguishing them from organisms in which the cells may approach identity. The members must, however, be in some respects similar. They must have some sentiments in common, or there can be no spiritual union. They must have some standardized responses to language and other means of communication, or there can be no obedience or leadership. They must have some common aims, or there can be no co-operation. In the modern world-community there has been a movement toward greater uniformity both among individuals[65] and among states.[66]

---

[64] Above, Vol. I, chap. viii, sec. 4d; chap. xiv, sec. ic; below, chap. xxxv, sec. 3.

[65] Above, Vol. I, chap. viii, sec. 4a and c; chap. xiv, sec. 3.

[66] Above, Vol. I, chap. viii, sec. 4d (iv). The admission to the family of nations in the nineteenth and twentieth centuries of oriental and African states with traditions

The world-society is an international rather than a cosmopolitan society,[67] but increasing similarity of the institutions and economies of states has tended toward increasing similarity of the national cultures and of individual behavior patterns. Furthermore, the intellectuals of all countries have at times formed the germs of a cosmopolitan society exerting a certain influence toward assimilation of the national cultures and the institutions of government.[68] Penetrations of commerce and economic techniques, of religions and philosophies, and of art forms and literatures have not only broken down many local cultures but have resulted in a general borrowing from the common stock by all local communities, so that all peoples have tended to conform to a common type. This process has, it is true, been combated by national, cultural, and racial propagandas, including insistences on national languages, folkways, and racial purities, and the establishment of artificial barriers to trade, migration, and intermarriage.[69] But these countertendencies have, on the whole, been less influential than the economic efficiencies and con-

and institutions different from those of Christian Europe and the development of new forms of international status (confederations, imperial commonwealths, mandated territories, protectorates) suggest some doubt of this (Q. Wright, *Mandates under the League of Nations* [Chicago, 1930], p. 276), but the states of Europe which emerged from the Thirty Years' War probably displayed even greater variety (G. N. Clark, *The Seventeenth Century* [Oxford, 1924], p. 82).

[67] Herbert Kraus, *Germany in Transition* (Chicago, 1924), pp. 79 ff.; Max H. Boehm, "Cosmopolitanism," and H. N. Brailsford, "Internationalism," *Encyclopaedia of the Social Sciences;* above, Vol. I, chap. xiii, n. 94.

[68] The cosmopolitanism of the Hellenistic period and of the eighteenth-century Enlightenment (Boehm, *op. cit.*) may be compared with Greek Hellenism, medieval Catholicism, Renaissance humanism (Preserved Smith, *Erasmus* [New York, 1923]; Robert P. Adams, "The Pacifist or Antimilitary Idealism of the Oxford Humanist Reformers" [manuscript, University of Chicago Library, 1936]), nineteenth-century pacifism (A. C. F. Beales, *The History of Peace* [New York, 1931]), and the contemporary world-citizenship movement (Madariaga, *op. cit.*). These movements did not all envisage the same cosmos. The ancient Greeks excluded "barbarians," the medieval Catholics and the Renaissance humanists usually excluded non-Christians, and the nineteenth-century pacifists sometimes excluded "primitive peoples." The tendency has been to make the cosmos more comprehensive of all humanity, to approach "universalism," to conceive of a kinship among all members of the human race.

[69] Above, Vol. I, chap. xiv, sec. id; below, chap. xxvii.

veniences of the universal behavior patterns. Science is the same everywhere, and universal languages have made progress.[70]

iv) Spiritual union implies general recognition of the superiority of the values of the society over those of its members, and as a consequence equality of the members in respect to their loyalty to these values. This characteristic is imperfectly developed in the world as a whole. It is more developed in the relations of states than in the relations of individuals of different states. Union of purpose and sentiment constitutes the basis of a general will and is doubtless the most important characteristic of a society. Its imperfect development in the world as a whole manifested in the frequent hostilities of peoples constitutes the most important reason for doubting whether the latter is a society.[71] Yet there has been an increasing acceptance of common values such as human welfare, personal freedom, precision of thought, and tolerance of cultural differences.[72] Acceptance of these values has led to the organization of universal unions and associations to achieve certain concrete purposes derived from them, such as elimination of the slave trade and slavery, amelioration and prevention of war, control of epidemics and the use of narcotics, establishment of scientific standards, facilitation of world communication, and protection of aborigines and minorities.[73]

There has been a tendency toward greater equality in the mutual recognition which the states accord one another. In time of peace sovereign states accord one another equality in diplomatic representation, in theoretic right to the benefits of international law, and to the international procedures for protection of such rights.[74] There

[70] There is an extensive literature on "Unified Science," on "Esperanto," and on "Basic English."

[71] Above, chap. xiv, secs. 4 and 5; below, chap. xxxv, sec. 4.

[72] Above, Vol. I, chap. viii, secs. 2 and 4a.

[73] Paul S. Reinsch, *Public International Unions* (Boston, 1916); J. C. Faries, *The Rise of Internationalism* (New York, 1915); Manley O. Hudson, *International Legislation* (6 vols.; Washington, 1931–37); League of Nations, *Handbook of International Organizations* (6th ed.; Geneva, 1935); D. P. Myers, *Handbook of the League of Nations* (Boston: World Peace Foundation, 1935); L. A. Mander, *Foundations of Modern World Society* (Stanford, 1941); above, Vol. I, chap. viii, sec. 4d (ii).

[74] E. D. Dickinson, *The Equality of States in International Law* (Cambridge, Mass., 1920), chap. v; Oppenheim, *op. cit.* (5th ed.), Vol. I, sec. 115.

are, of course, certain entities which are not fully recognized states, such as states under suzerainty, protectorate, or mandate, and the formalities of international law fail to accord recognition to *de facto* communities which are *de jure* colonies or territories of recognized states. Treaties impose some special limitations upon certain sovereign states, such as extraterritoriality, but these are tending to be removed in legal theory.[75] In practice there has frequently been a failure to recognize equality in dealings between sovereign states, particularly those of markedly different race, civilization, or military power. These conditions, however, were regarded as abnormalities to be eliminated as rapidly as possible[76] prior to the development of Japanese, Fascist, and Nazi theories of the right of "superior" races and nations to *Lebensraum* and "hegemony" at the expense of others.[77]

With respect to individuals there has been less recognition of equality. Peoples of different races, languages, cultures, and religions have been discriminated against in respect to immigration, civil rights, rights of war, and other matters.[78] Numerous conventions have, however, been made dealing with colonial and mandated territories, slavery and the slave trade, minorities and immigration,

[75] E. D. Dickinson, *op. cit.*, chap. vii; Oppenheim, *op. cit.* (5th ed.), Vol. I, secs. 90–103; Q. Wright, *Legal Problems in the Far Eastern Conflict* (New York: Institute of Pacific Relations, 1941), pp. 10 ff., 44 ff., 124.

[76] Q. Wright, *Mandates under the League of Nations*, pp. 8–23, 267–73; "The Mandates in 1938," *American Journal of International Law*, XXXIII (April, 1939), 342 ff.

[77] C. Walter Young, *Japan's Special Position in Manchuria* (Baltimore, 1931), chaps. ix–xi; Charles Kruszewski, "Germany's Lebensraum," *American Political Science Review*, LIV (October, 1940), 544 ff.; "Hegemony and International Law," *op. cit.;* Triepel, *op. cit.*

[78] J. B. Condliffe (ed.), *Problems of the Pacific* (Chicago: Institute of Pacific Relations, 1928), pp. 154 ff.; L. P. Mair, *The Protection of Minorities* (London, 1928); Q. Wright, "The Bombardment of Damascus," *American Journal of International Law*, XX (April, 1926), 265 ff.; Max J. Kohler, *The United States and German Jewish Persecutions* (5th ed.; Cincinnati: B'nai B'rith Executive Committee, 1934). Systems of international law have often placed people considered to be of inferior race, culture, or faith in a special category. See William Ballis, *The Legal Position of War, Changes in Its Practice and Theory from Plato to Vattel* (The Hague, 1937), p. 13; Khadduri, *op. cit.*, pp. 19 ff.; James Lorimer, *The Institutes of the Law of Nations* (Edinburgh, 1883), I, 157 ff.; Oppenheim, *op. cit.* (5th ed.), Vol. I, sec. 103; Q. Wright, *Mandates*, p. 7. See also above, n. 68.

intended to eliminate such discriminations.[79] The democracies have frequently incorporated constitutional provisions assuring equality of civil rights irrespective of race or nationality.[80] Many have accepted the theory that individuals are subjects of international law entitled to the protection of fundamental rights by that law.[81]

This analysis of the world-community indicates certain outstanding peculiarities: (i) The members of this community largely because of nationalistic propaganda have not risen to a full awareness of their actual interdependence. The people of many nations and regions still think, as did Vattel, that "they are able to provide for most of their needs" within their boundaries,[82] although today this is seldom true. (ii) The institutions of world-government have proved inadequate to regulate the conflicts and controversies arising from this interdependence because of the general acceptance of the absolute interpretation of sovereignty.[83] (iii) International law has overemphasized the equality of states and underemphasized the equality of individuals. This has resulted in important disparities between the requirements of international law and the requirements of natural justice as it appeals to individuals unincumbered by technical learning.[84] (iv) These circumstances have had a hampering effect upon the development of a common will to maintain order and justice throughout the world. Since all states are in a high degree dependent for their material and cultural needs upon areas far more extensive than their national boundaries, national interests have suffered no less than the interests of the world-society.

It appears that the world's population has become more integrated in spite of itself, during the last four centuries, that the very rapidity of this progress has stimulated the growth of artificial barriers, such

[79] Above, n. 73.

[80] As Amendment XIV of the United States Constitution.

[81] Above, Vol. I, chap. xiii, n. 92; Vol. II, chap. xxiv, sec. 3a.

[82] Vattel, *op. cit.*

[83] Above, chap. xxiv.

[84] Above, chap. xxiv, sec. 3a. A similar dilemma has been faced in colonial administration. Should colonial governments look toward the civilization and eventual assimilation of the natives as individuals or toward the development and eventual independence of the native group? (see Q. Wright, *Mandates*, pp. 233 ff., 244 ff.).

A STUDY OF WAR

as the sentiment of nationality, the dogma of absolute sovereignty, the concept of the independence of states, and the policy of national self-sufficiency. Consequently, the community of nations has not become an effective society. These latter influences may prevail, and the tendency of the world-community to become such a society may be temporarily or permanently checked. There seems little question, however, that this would result in a diminution of both the world's population and the world's standard of living.

4. FEDERATION OF THE FAMILY OF NATIONS

Modern civilization has sought to solve this problem by developing the family of nations from a balance of power to some form of federation. National federations have experienced difficulties. They have tended to break up or to form unitary states. The Netherlands and Germany passed through the transitional stage of federation and became unitary states. Switzerland and the United States remain at the stage of federation, although each has steadily increased the power of the central government. The historian Freeman entitled his book written during the American Civil War *History of Federal Government from the Foundation of the Achaian League to the Disruption of the United States* and supported the thesis that federations are inherently unstable. Confederations have usually succumbed if unable to develop into true federations. Twice, in 1787 and again in 1865, the United States avoided disruption only by drastic steps toward centralization.[85]

A world-federation has many difficulties which are not faced by smaller federations. It can have no external enemies to compel union. Many of the plans of general federation, as that of Dubois to rescue the Holy Land (1306) and that of Streit to rescue the democracies (1939), have sought to utilize the external enemy, but they have thereby renounced a genuinely world-character. In so far as federations have been successful, their members have been forced together through fear of external states. Without fear of England, it is unlikely that the American federal convention of 1787 would have succeeded. The Netherlands, Switzerland, and Canada were induced

[85] Above, chap. xxi, n. 35; below, chap. xxv.

to strengthen their unions only because they were afraid of their neighbors.[86]

Furthermore, in the family of nations as a whole, there is less uniformity among the parts, a greater diversity of economic and cultural interests than has been true in the case of the lesser federations which have been formed. The American colonies had a common law and a common British culture. The original Swiss cantons had a common Germanic language and culture, though cantons of French and Italian language eventually entered the confederation. The Dutch states had a common culture, although they split in two in 1830 when the Catholic Belgians separated from the dominantly Protestant Netherlands. Thus, to create a world-federation which attempts to unite oriental and occidental states, democracies and autocracies, industrialized and nonindustrialized states, large and small, colonial and noncolonial states, is clearly a task of unparalleled difficulty.

The problem of representation presents further difficulties. By what measure should political influence be apportioned to 400,000,-000 Chinese, 40,000,000 Britishers, and 500,000 Nicaraguans, each claiming to be a state equal to the others. Even more difficult is the problem of sanctions. A federation that is concentrated in a compact geographical area has a better opportunity to apply central military pressure on all the parts than has a federation whose members are distributed over the world. Certain parts of the latter are likely to be inaccessible to military, political, or even economic pressures. The British Empire partly from this reason, instead of forming a federation, has gradually decentralized, according virtual independence to the dominions. More difficult still is the problem of distributing central and local powers and of changing this distribution as new conditions require. The problem of changing boundaries and combining or breaking up member-states in response to population, economic, and cultural changes is one which even lesser federations have seldom achieved peacefully. The Soviet Union, with a high degree of centralization assured through the dominant control of the Communist party, has made modifications of this type. It should

[86] Above, n. 11; Vol. I, chap. x, n. 12; below, chap. xxviii, sec. 1a (i).

perhaps be regarded as a unitary state rather than as a federation, through it has permitted considerable cultural autonomy to the member states and the autonomous regions. In other instances, when needs of this type have become great, the union has usually broken up, as did the Germanic Confederation, 1867, or has changed itself into a unified state, as did Germany in 1933.[87]

The League of Nations has experienced these difficulties. It failed to include Germany, the United States, and Soviet Russia among the great countries at its inauguration. It witnessed the secession of Brazil, Japan, Germany, and Italy, as well as of several smaller states, during its history. The failure to solve the problems of representation, of sanctions, and of peaceful change was in considerable measure responsible for these abstentions and secessions.[88]

A world-federation, in view of these great difficulties, probably cannot be constructed by analogy to any existing smaller federation. It may have to have more the character of a *Staatenbund* than of a *Bundestaat*, though some relationship must be established between the individual and the world-community. It may have to be more flexible, with more opportunity for regional adjustments, than the lesser federations. Its objects may have to be more limited. The scope of the central government may have to be somewhat less, and the autonomy of the members both greater and better secured, than in most federations. There appears, however, to be a conflict between these two apparent necessities of greater flexibility and stricter constitutional limitations.[89]

The first suggests that the federation of nations should be primarily political; that the central authorities should adjust their exercises of authority at any moment to the particular circumstances. On the other hand, if the federation is to assure respect for the inde-

[87] For discussion of practical problems of federalism see "The Federalist," *op. cit.;* E. A. Freeman, *History of Federal Government* (London, 1893); H. L. McBain and Lindsay Rogers, *The New Constitutions of Europe* (New York, 1922), pp. 55 ff., and H. A. Smith, *Federalism in North America* (Boston, 1923), pp. 202 ff. For theories of federalism see Sobei Mogi, *The Problem of Federalism* (London, 1931); Frank M. Russell, *Theories of International Relations* (New York, 1936), pp. 464 ff.; above, chap. xxiii, sec. 4b.

[88] Below, chap. xxix, sec. 4.

[89] Below, chap. xl.

pendence of the member-states, it should be even more legalistic than most lesser federations. The United States at times appeared to desire a more legalistic League, a League based on a conference to codify international law and a court to apply that code.[90] The Senate objected particularly to the political powers of the League of Nations.[91] On the other hand, Japan, Italy, and Germany sought to make the League of Nations more flexible and more political. Statesmen from these countries sometimes implied that the League should be little more than a meeting of the leading statesmen from the great powers to reach the most appropriate adjustment in every circumstance which might arise. Such a theory would facilitate rapid decision rather than careful deliberation on what justice required and would favor dictatorships rather than democracies.[92] The League

[90] This was the tendency of some friendly critics like Elihu Root and also of some unfriendly critics like Philander C. Knox and G. W. Pepper. See D. F. Fleming, *The United States and the League of Nations, 1918–1920* (New York, 1932), pp. 182 and 245; see also William Ladd, *An Essay on a Congress of Nations* (1840) (New York, 1916); J. B. Scott, *Judicial Settlement of Controversies between States of the American Union* (Oxford, 1919), p. 543; D. J. Hill, *World Organization as Affected by the Nature of the Modern States* (New York, 1917), pp. 199 ff.; *American World Policies* (New York, 1920), pp. 145 ff. The Levinson-Knox-Borah plan for outlawing war proposed such an organization (67th Cong., 4th sess.; Sen. Res. 441, February 13, 1923); Salmon O. Levinson, *Outlawry of War* (67th Cong., 2d sess.; Sen. Doc. 115); Charles Clayton Morrison, *The Outlawry of War* (Chicago, 1927).

[91] Fleming, *op. cit.* The opposition, however, wanted the United States to be subjected to neither political, jural, nor moral power (*ibid.*, pp. 184 and 419 ff.; *Hearings before the Committee on Foreign Relations* [United States Senate, 66th Cong., 1st sess.; Sen. Doc. 106], pp. 510, 515, 517, 534, 537). The friends of the Covenant considered political sanctions essential. See President Wilson in *Hearings*, p. 502; W. H. Taft, G. W. Wickersham, A. L. Lowell, and H. W. Taft, *The Covenanter* (New York, 1919); Theodore Marburg, *Taft Papers on the League of Nations* (New York, 1920), p. 235; *Development of the League of Nations Idea* (New York, 1932), II, 847 ff.; D. H. Miller, *The Drafting of the Covenant* (New York, 1928), I, 551; *The Geneva Protocol* (New York, 1925), p. 109; J. T. Shotwell, *War as an Instrument of National Policy* (New York, 1929), pp. 220 ff. The French and the Russians wanted, in general, reliable sanctions within a jural framework.

[92] Mussolini's plan for a four-power pact (1933) (Maurice Bourquin, *Dynamism and the Machinery of International Institutions* ["Geneva Studies," Vol. XI, No. 5 (September, 1940)], p. 58; S. Engel, *League Reform: An Analysis of Official Proposals and Discussion, 1936–1939* ["Geneva Studies," Vol. XI, Nos. 3–4 (August, 1940)], p. 29). The British also usually wanted a more flexible League (A. Zimmern, *The League of Nations and the Rule of Law, 1918–1935* [London, 1936], pp. 189 ff.).

organs in practice sought to compromise between the two ideas, sometimes leaning to one, sometimes to the other, but never finally committing themselves to either.[93]

[93] The rejected Geneva Protocol, 1924, would have promoted legalism (Q. Wright, *The Significance to America of the Geneva Protocol* ["Chicago Council on Foreign Relations Pamphlet," No. 7 (Chicago, 1925)]; D. H. Miller, *The Geneva Protocol,* pp. 107 ff.), but the Locarno arrangements (1925) promoted politicism. The Pact of Paris (1928), the General Act (1928), and the general ratification of the Optional Clause of the Statute of the Permanent Court of International Justice (1929) moved in the direction of legalism, but the Four-Power Agreement again moved toward politicism (above, n. 92). For distinction between "legal" and "diplomatic" schools of international jurists see Oppenheim, *op. cit.* (5th ed.), Vol. I, sec. 51(6). See below, chap. xxix; Appen. XXXVI.

CHAPTER XXVII

NATIONALISM AND WAR

CERTAIN interpretations of sovereignty have been a leading obstacle to the adequate development of international law.[1] In the same way certain interpretations of nationalism have been a formidable obstacle to the strengthening of the community of nations.

The two ideas, sovereignty and nationality, have functioned at times to support each other and at other times to oppose each other. Both have at times tended to build up larger political structures and at other times to disintegrate existing political structures. Both in their modern form originated in the liberal and humanitarian tendencies of the Renaissance, in opposition to authoritarian Christian feudalism, and both have at times presented the main opposition to humanitarian and liberal tendencies, never more than today. Both have been causes of peace and also causes of war.

1. WARS ARISING FROM NATIONALISM

Nationalism has contributed to peace by creating loyalties, throughout the population of a considerable area, above local community, feudal lord, or economic class, even, in some cases, above race, language, and religion. This larger loyalty has permitted political organization within the area capable of maintaining peace. With the rise of nationalism private feuds, duels, banditry, and feudal, religious, and class hostilities have tended to decline. The feudal and religious hostilities of the type which harassed England, France, Spain, Germany, and Italy in the fifteenth, sixteenth, and seventeenth centuries have hardly existed in these countries since the Thirty Years' War. Similar types of hostilities in the Balkan and Arab countries, and in India, Japan, and China, and class conflicts such as were manifested in the American, French, Mexican, Russian, Chinese, and Spanish revolutions may be in process of subjection to

[1] Above, chap. xxiv.

nationalism. On the other hand, nationalism has been a cause of wars of a different type and of even more disastrous consequences.[2] Several varieties of such wars may be distinguished.

a) *Self-determination and irredentism.*—Wars have arisen from demands of "nationalities" to be organized in nation-states. Nationalities within a state have fought for independence, as Switzerland, the Netherlands, and Portugal in the sixteenth and seventeenth centuries; the United States in the eighteenth century; the Latin-American countries, the Confederate States of America, the Balkans, and Belgium in the nineteenth century; Poland, Czechoslovakia, Finland, Baltic and Arab states, Ireland, and India in the twentieth century. So also existing states have fought to incorporate irredentas, or foreign areas deemed to have their nationality, as did France after the period of Joan of Arc; Aragon and Castile in hostilities against the Moors in the fifteenth century; Sardinia, Prussia, Serbia, and Hungary in the wars of Italian, German, Yugoslav, and Hungarian unification in the nineteenth and twentieth centuries.[3]

b) *Solidarity and prestige.*—Wars have arisen because of the utilization by governments of military preparedness, fear of invasion, pride in national prestige, and expansionism as instruments of national solidarity. Imperial wars of Portugal, Spain, the Netherlands, France, Great Britain, the United States, Germany, Italy, Japan, and Russia in the East and West Indies, the Americas, Africa, Asia,

---

[2] "The new born patriotism was Janus-faced, now good, now evil. When it is good, Dr. Rose terms it 'nationality,' when it is evil, he styles it 'nationalism' " (Carlton J. H. Hayes, review of J. Holland Rose, *Nationality in Modern History* [New York, 1916], in *Political Science Quarterly*, XXXI [December, 1916], 633).

[3] The idea that "nationality" constitutes the "natural" political grouping, that the boundaries of the nationalities can be determined, and that existing political frontiers which do not correspond with national boundaries are "unnatural" and may properly be changed by war are the ideas generally considered to motivate "wars of nationality." According to Mancini (*Lecture on Nationality* [1851]): "Family and nation are children of nature and not of art; they are inseparable fellows of the social man, even where the domestic and patriarchal community does not possess the marks of a political society. Family and nation are of sacred origin because they are a revelation of the Creator, of the natural constitution and of human necessity." Quoted by S. Cybichowski, "National Sovereignty and International Cooperation," *Annals of American Academy of Political and Social Science*, CLXXXVI (July, 1936), 105. While the idea of nationality was not consciously developed before the French Revolution, an unformulated idea of nationalism played a part in the earlier wars referred to.

and the Pacific Islands since the fifteenth century may be attributed in part to this motive. Balance-of-power wars have often originated from an exaltation of national honor, prestige, and power above all values, as did the wars of Edward III and Henry V of England in the fourteenth and fifteenth centuries, the wars of Charles V and Philip II of Spain in the sixteenth century, the wars of Louis XIV of France and Charles X of Sweden in the seventeenth century, the wars of Charles XII of Sweden, Peter the Great of Russia, and Frederick the Great of Prussia in the eighteenth century, the wars of Napoleon and Louis Napoleon of France in the nineteenth century, and the wars of the Kaiser, Mussolini, Hitler, and Japan in the twentieth century.[4]

c) *Self-sufficiency and isolation.*—Wars have arisen because of the tendency of states seriously afflicted by nationalism to seek security from attack, stability of the economic life, and development of a distinctive character by economic isolation and self-sufficiency. Such policies stimulate each country to attempt to expand its territory in order to include essential raw materials and markets and a defensible frontier. This motive has contributed to the imperial wars of the period since 1870 and to the expansiveness of the totalitarian states since World War I. Policies toward self-sufficiency on the part of states whose territorial domains make such policies reasonable may contribute to wars among other states whose interests are adversely affected. Thus the extreme protectionism of the United States and the increasing protectionism of the British and French empires after World War I contributed indirectly to the aggressiveness of the totalitarian states, which, because of their lack of domestic sources of raw materials compared with other great powers, denominated themselves "have-not" or "proletarian" powers.[5]

[4] "Nationalism . . . . represents the tendency of the subject national group to achieve independence or, in the case of an already existing state, to increase as far as possible the prestige and consciousness of power of the dominant nationality" (M. H. Boehm, "Nationalism, Theoretical Aspects," *Encyclopaedia of the Social Sciences*, XI, 231). While war could not be used consciously to increase national solidarity until governments were conscious of the idea of nationality, governments much earlier recognized the value of maintaining the solidarity and loyalty of their subjects and the usefulness of war for that purpose. In a few instances the different policy of "divide and rule" was followed (below, nn. 50 and 51).

[5] It has been common to refer many modern wars to economic causes (see John Bakeless, *The Economic Cause of Modern War* [New York, 1921]), but the important

d) Mission and expansion.—Wars have also arisen because of the
tendency of a people affected by nationalism, especially when pur-
suing economic policies of the type just suggested, to acquire an at-
titude of superiority to some or all other peoples, to seek to extend its
cultural characteristics throughout the world, and to ignore the
claims of other states and of the world-community. In this char-
acteristic, nationalism tends to resemble the missionary and crusad-
ing religions, such as Islam and Christianity. Such motivations
played a part in the imperial wars of Portugal, Spain, and France,
whose nationalisms were linked with an intense Catholicism, in the
fifteenth, sixteenth, and seventeenth centuries. The French "Mis-
sion Civilatrice," the American "Manifest Destiny," and the Ger-
man "Place in the Sun" slogans contributed to the imperial wars of
these countries in the nineteenth century. The aggressions of the
totalitarian states in the twentieth century have owed much to atti-
tudes of this type.[6]

Nationalism, affecting opinions and policies,[7] has been an impor-

---

fact has been that the nation has been assumed to be the economic unity, thus national-
ism has been the underlying cause (see below, chap. xxxii, sec. 1*b*). The same attitude
characterized seventeenth- and eighteenth-century mercantilism.

[6] While all peoples, including primitive tribes, have usually manifested a belief in
their own superiority (Ellsworth Faris, *The Superiority of Race* [Honolulu: Institute
of Pacific Relations, 1927]), this attitude has particularly characterized nation-states.
Nazi nationalism has considered *Blut und Boden* the fundamental bases of the state. A
system of anthropology has sought to demonstrate scientifically the superiority of
"Aryan blood," and a system of *Geopolitik* has sought to demonstrate the "naturalness"
of an ever expanding *Lebensraum* for the people with that blood. The conviction of
racial superiority and economic needs, thus buttressed by "science," has given the most
exaggerated development to the latter two varieties of nationalism (see Charles Krus-
zewski, "Germany's Lebensraum," *American Political Science Review*, XXXIV [Octo-
ber, 1940], 964 ff.). Herbert Kraus has characterized nationalism as the "prinzip des
für-sich-Seins. . . . . Its life-principle is state-egoism. . . . . War is the most emphatic
form of its operation" (*Germany in Transition* [Chicago, 1924], p. 77).

[7] These distinctions between national self-determination, national solidarity, na-
tional self-sufficiency, and national mission are based upon the objectives for which na-
tional groups have fought, but they have some resemblance to the typologies of national
attitudes based upon the character of the conflict behind the nationality movement.
Louis Wirth distinguishes particularistic, minority, marginal, and hegemonic national-
ism ("Types of Nationalism," *American Journal of Sociology*, XL [May, 1936], 223 ff.).
Max Handman distinguishes irredentist, oppression, precautionary, and prestige na-
tionalism ("The Sentiment of Nationalism," *Political Science Quarterly*, XXXVI
[March, 1928], 104 ff.).

tant factor in a considerable proportion of the wars of the last five centuries and in most of the wars of the last two centuries. In the modern period nationalism has progressively reduced the importance of feudal, religious, and dynastic demands and has become itself a major cause of war, although in most wars it has been linked with other factors.[8]

2. DEFINITION OF NATIONALISM

Nationalism must be more precisely defined before a generalization, such as that just ventured, has great significance. It is a term which has a variety of meanings today and which has greatly varied in emphasis in different historic periods. Can any common significance be detected through all these varied usages?

"Nationalism in its broadest meaning refers to the attitude which ascribes to national individuality a high place in the hierarchy of values."[9] "There are few ideas so powerful in human affairs as those connected with the phrase national defense."[10] Assertions that "national individuality," "national honor," "national defense," or "national interests"[11] are important in the present stage of history

[8] It figures as the idealistic factor in wars and has usually been accompanied by psychological, political, and juridical factors (see chap. xix, sec. 1). Of the six major wars since the fall of Rome (*ibid.*), nationalism figured not at all in the first two (Moslem conquests and the Crusades), slightly in the next two (Hundred Years' War and Thirty Years' War), and primarily in the last two (French Revolutionary–Napoleonic War and World War I). Historians have traced French, English, German, and Dutch nationalism to the Middle Ages (Kraus, *op. cit.*, p. 140). C. A. Beard traces the gradual supercession of "dynastic interest" and "reason of state" by "national honor" and "national interest" as "a formula of diplomacy and international morality" (*The Idea of National Interest* [New York, 1934], chap. i). "The idea of nationality was strong in the Spanish provinces of the Hapsburg inheritance and in the Bohemia of the Thirty Years' War. But they never became ruling principles. . . . . The partition of Poland . . . . was the event that forced the idea of nationality upon the world, and the revolt of the American provinces of the British Empire forced the idea of self-government. . . . . The French Revolution initiated the first attempts at a propaganda of liberty and . . . . of nationality. . . . . Out of the crucible, out of the fiery furnace, against the will of the potent actors, as if by a law that may not be broken, the victory of the idea [of nationality] is rapidly being realized" (William Stubbs, *Seventeen Lectures on the Study of Medieval and Modern History* [Oxford, 1886], pp. 235–39).

[9] Boehm, *op. cit.*, p. 231.

[10] Philip N. Baker, "National Defense," *Encyclopaedia of the Social Sciences*, XI, p. 189.

[11] Beard, *op. cit.*

contribute little to a definition of "nationalism," unless it is clear what the nation is. How does a nation differ from a tribe, a city-state, an empire, a religion, a civilization? "The state," said Edmund Burke, "is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature" but "a partnership in all science, a partnership in all art, a partnership in every virtue and in all perfection."[12] In this spirit the nation may be defined as a perfect community.[13]

A community differs from other forms of association in including the entire population of an area. A perfect community is objectively one which manifests cultural uniformity, spiritual union, institutional unity, and material unification in the highest possible degree[14] and subjectively one with which the members consciously identify themselves.[15] Its members resemble one another closely in evaluations, purposes, understandings, appreciations, prejudices, appearances, and other characteristics which any of them consider important. They are all in continuous contact with group sentiment, contributing to group policy and accepting group decisions. The government of such a community is capable of preserving peace and justice within it and of assuring co-operation of the members in its constitutionally accepted policies. Such a community supplies all the needs of its members and is self-sufficient and isolated.[16]

[12] J. W. Garner, *Political Science and Government* (New York, 1928), p. 494.

[13] Accepting a theory which combines the objective and subjective aspects of nationality, Herbert Kraus defines the nation as "a social-psychological unity, composed of a number of individuals, who are distinguished from other social groups by an individual and characteristic consciousness of belonging together, resting upon peculiarities of race, descent, language, political history, culture and finally of faith" (*op. cit.*, p. 132). Vattel emphasizes the high degree of self-sufficiency of nations as compared with individuals (above, chap. xxvi, n. 41). See also Wirth, *op. cit.*, p. 723.

[14] Above, chap. xxvi, sec. 3b.

[15] *Ibid.*, sec. 3a.

[16] The requirements of political power induce all groups to strive for "autonomy" in the sense of "complete independence of all external and uncontrolled human forces" (F. M. Watkins, *The State as a Concept of Political Science* [New York, 1934], p. 71). "Power controlled or abridged is almost always the rival and enemy of that power by which it is controlled or abridged" (Alexander Hamilton, *The Federalist*, P. L. Ford [ed.], No. 15 [New York, 1898], p. 94). See above, chap. xx, n. 4; sec. 2; chap. xxiv, sec. 2. The preachers of nationalism during the eighteenth and nineteenth centuries usually combined nationalism with internationalism. See Cybichowski, *op. cit.*, and

These various characteristics of the perfect society are to some extent inconsistent with one another. If a society is to be culturally uniform it must be very small, but if it is to be materially unified it must, under present economic conditions, be very large. Of all communities the family has the greatest degree of similarity among its members but the least degree of self-sufficiency. The human race, on the other hand, has the greatest self-sufficiency but the least uniformity. The characteristic of spiritual union limits the size of the community to an area within which continuous communication is possible. No one can feel himself a member of a community of which he is not continually aware. The area of union has therefore widened with the progress of communication and invention. The characteristic of institutional unity limits the size of the community to that which has actually been effectively organized. Even though people feel themselves members of a group, that group is not an effective society unless it has the unity which flows from an organization and a procedure for manifesting the common will and giving it effect both internally and externally. Clearly any realizable society must compromise among these desiderata. The population embraced by the most perfect society will vary with historic and geographic conditions and with technical and social inventions. It may, under certain conditions, be a village; under others, a continent.[17]

extracts from Herder, Fichte, Mazzini, Renan, and Mill in Sir Alfred Zimmern, *Modern Political Doctrines* (London, 1939), pp. 164 ff. Fascist and National Socialist concepts have been more absolute. See extracts from Mussolini and Hitler, in *ibid.*, pp. 36 ff., 40 ff., and below, sec. 5.

[17] Plato thought 5,040 "houses" the ideal number for a perfect community (*Laws* v. 2). Rousseau suggested 10,000 citizens (*Social Contract*, Book III, chap. 1; see also Book II, chaps. viii–x). Aristotle thought the πόλις should not be too large to be governable nor too small to be self-sufficient (*Politics* vii. 4). Montesquieu (*Spirit of the Laws*, Book VIII, chap. xvi) and De Tocqueville (*Democracy in America* [New York, 1862], I, 171) preferred small states. Treitschke (*Politics* [New York, 1916], I, 32–40) and Acton (*History of Freedom and Other Essays*, p. 295) preferred large states. See Garner, *op. cit.*, pp. 76, 94–99. G. K. Zipf (*National Unity and Disunity: The Nation as a Bio-social Organism* [Bloomington, Ind., 1941], pp. 179 ff., 355) has attempted to prove that the nation is a unit not only in the psychological sense manifested by a common culture and consciousness but also in a socioeconomic sense manifested by an organization of a population into cities, towns, villages, and farms, the order of whose size measured by population constitutes a harmonic series $(1, \frac{1}{2}, \frac{1}{3}, \frac{1}{4} \ldots . 1/n)$. While the order of cities in some countries like the United States approximates this series,

The concept "nation" implies that the identification of the member with the community shall be conscious. According to Renan, a nation is a "soul," a "moral consciousness" resulting from a "common heritage of memories" and "actual agreement, the desire to live together."[18] A community is not a nation if different individuals within it identify themselves primarily with different groups, some with a church, some with a class, others with a family or a village. Furthermore, people may actually identify themselves with the community but lack consciousness of that identification. The nation has sometimes been differentiated from the state by the fact that it is "natural" rather than "artificial," in that respect resembling the tribe. This assumption, however, is not supported by history if naturalness is interpreted in the technical sense of unplanned creation. Nations have been made by continuous civic education and other devices.[19] "Naturalness" in a psychological sense may imply that spontaneous feelings as well as calculated interests motivate the individual's attachment to the group. The idea of nation undoubtedly implies such a bond between the nation and the individual, but it seems also to require that the individual be conscious of his feelings. A tribesman who is loyal to his tribe because no alternative has ever entered his mind, or a Chinese scholar who feels the antiquity and perfection of his civilization because he has known no other, cannot be nationalists until they have consciously compared their own tribe or civilization to a different one. When this is done widely, tribes and civilizations tend to become nations, a development often stimulated by the comparison compelled by hostile invasion.[20] Contact with an out-group is no less necessary than cohesion of the in-group to create a nation.[21]

that in others like France and Great Britain hardly does so. The world as a whole approximates this series more nearly than does the British Empire or Europe. No convincing reasons are given why this ordering of the size of cities should make for economic efficiency.

[18] "What Is a Nation?" (1882), printed in Zimmern, *op. cit.*, pp. 202 ff.

[19] Charles E. Merriam, *The Making of Citizens* (Chicago, 1931); see sec. 4 below.

[20] The British stimulated French nationalism by the Hundred Years' War, as Napoleon stimulated German nationalism in the nineteenth century and the Japanese are stimulating Chinese nationalism in the twentieth century.

[21] R. E. Park and E. W. Burgess, *Introduction to the Science of Sociology* (Chicago, 1924), pp. 632 ff. Though isolation has been considered an element in a perfect society, its achievement makes any society almost impossible (above, chap. xxvi, n. 3).

The nation is therefore a consequence of technical conditions which makes possible a community of a high degree of solidarity and self-sufficiency, and of social conditions which bring about conscious identification of all or most of the members of that community with its symbols. It is a phenomena of internal communication and economy stimulated by external contact and conflict.[22] "National feeling arises and becomes intensified as a result of a twofold process of isolation and contrast with respect to the outside world and of cohesion and drawing together within."[23]

The nation is distinguished from other communities in that it strives for perfection in all the characteristics of a community. A family may have more cultural uniformity, a state more institutional unity, a religion more spiritual union, a region more material unification. A nation, however, in striving for perfection in all, tends to dominate other communities and to fit them into its pattern. Once accepted, it becomes the social a priori by which cultural, political, spiritual, and economic activities and institutions are shaped.[24]

This definition of a nation is clearly self-contradictory. No nation can precisely correspond to it, because efforts to achieve a correspondence in one characteristic will deprive it of correspondence in others. Efforts to make the nation self-sufficient militate against its uniformity, union, and unity. Efforts to make its members conscious of their identity with the nation may, in fact, emphasize local differences. Nationalization propaganda may develop self-consciousness among minorities, which militates against unity. The suppression or expulsion of such minorities or the cession of geographical sections will usually militate against self-sufficiency. For this reason Lord Acton, distinguishing the nation from the state, characterized the theory that they should be coterminus as "criminal."

The combination of different nations in one state is as necessary a condition of civilized life as the combination of men in society. Inferior races are raised

[22] J. S. Huxley and A. C. Haddon define a nation as "a society united by a common bias as to its origin and a common aversion to its neighbors" (*We Europeans* [New York, 1936], p. 16).

[23] Boehm, *op. cit.*, p. 232; see also Wirth, *op. cit.*

[24] Walter Sulzbach, "National Consciousness: An Interpretation of World Affairs" (manuscript, 1940).

by living in political union with races intellectually superior. Exhausted and decaying nations are revived by the contact of a younger vitality. Nations in which the elements of organization and the capacity for government have been lost, either through the demoralizing influence of despotism, or the disintegrating action of democracy, are restored and educated anew under the discipline of a stronger and less corrupted race. This fertilizing and regenerating process can only be obtained by living under one government. It is in the cauldron of the state that the fusion takes place by which the vigor, the knowledge, and the capacity of one portion of mankind may be communicated to another. Where political and national boundaries coincide society ceases to advance, and nations relapse into a condition corresponding to that of men who renounce intercourse with their fellow men.[25]

3. CHARACTERISTICS OF NATIONALISM

The self-contradictory characteristics of nationalism account for its dynamic influence in history, for its war-producing tendency, and also for the more limited character of most of the definitions which appear in analytical discussions. Writers have distinguished (a) legal nationality, (b) ethnic or cultural nationality,- (c) nations or nation-states, and (d) nationalism. These are said to refer, respectively, to the legal relation between a state and its members or between states with respect to their members; to a group whose members have many cultural characteristics and sentiments in common; to a cultural nationality which is organized as a state; and to the sentiments or attitudes which give high value to membership in a nationality or nation-state and which give force to policies which aim to secure the nation's independence and to increase its powers.[26]

a) *Legal nationality* may be a concept of municipal law related to, but different from, citizenship, indicating the reciprocal relationship of protection and allegiance between the state and its member. It may also be a concept of international law related to, but different from, domicile, indicating a relation between states with respect to an individual whereby . a state is entitled to protect and legislate for him wherever he may be. The tendency of states to claim as nationals all persons born in the territory (*jus soli*) in addition to all persons born of parents who are nationals (*jus sanguinis*) indicates the

[25] *Essay on Nationality* (1862), quoted in Zimmern, *op. cit.*, p. 183; Garner, *op. cit.*, p. 138.

[26] Kraus, *op. cit.*, pp. 77 and 133 ff.

close relationship of nationalism at present both to the homeland (patriotism) and to the race (racialism). In the early Middle Ages political allegiance tended to be exclusively tribal or racial, but the monarchs began to consider themselves territorial rulers in the eleventh and twelfth centuries. John of England changed his title from *rex Anglorum* to *rex Angliae*.[27] The tendency to drop the claim of perpetual allegiance, to acknowledge voluntary expatriation by naturalization in another country, and to recognize dual or multiple nationality in case of conflict between the *jus soli* and the *jus sanguinis* indicates the liberal characteristics of nationalism in the nineteenth century in contrast to the situation before and since. The frequent changes in nationality laws of most countries indicates that even in a legal sense the concept of nationality is very unstable.[28]

b) Cultural nationality has proved difficult to define. There has been much controversy as to whether race, culture, language, habitat, history, political sentiment, or other characteristics are its most important indices.[29] The geographical boundaries of nationalities have proved to be very different according to the index selected. The results of plebiscites are influenced by the selection of the voting area, by the policing of the area, and by efficiency in propaganda.[30] In some parts of the world any index used will produce enclaves of minorities surrounded by people of a different nationality. Thus efforts toward a "scientific" determination of national boundaries have often provided materials for strife rather than for agreement.

[27] T. P. Taswell-Langmead, *English Constitutional History* (5th ed.; London, 1896), pp. 36 and 162. This change was partly to emphasize that the king's title was hereditary rather than elective (D. J. Medley, *English Constitutional History* [2d ed.; Oxford, 1898], p. 75).

[28] Harvard Research in International Law, "Draft Code on Nationality," *American Journal of International Law*, XXIII (spec. suppl., 1929), 3 ff.

[29] Above, n. 13.

[30] See Sarah Wambaugh's monumental treatises, *A Monograph on Plebiscites* (Washington, 1920), *Plebiscites since the World War* (Washington, 1933), and *The Saar Plebiscite* (London, 1940). She believes the plebiscite may be a useful instrument if subject to adequate international control. "Better any form of paternalistic determination, however undemocratic, than a plebiscite lacking the measures necessary for the protection of both parties. A plebiscite not effectively neutralized is a crime against the inhabitants of the area as well as against political science itself" (*Plebiscites since the World War*, I, 507).

Cultural nationality, even more than legal nationality, is subject to continuous change. Count Teleki described nationality in this sense as a consequence of agitation and poor administration.[31]

c) Nation-states have been artificial constructions. Sometimes a state, in the sense of an area whose population is administered by an independent government and system of law, has made the population into a nation by developing civic loyalty and a consciousness of their difference from others, utilizing education, military service, historic heroes, fear of invasion, religious and patriotic symbols, social prestige, etc., to this end.[32] At other times a cultural nationality within a state or including areas of several states has succeeded by propaganda and arms in achieving independent statehood.[33] The first method was characteristic of nation-building in Britain, France, and Spain in the early modern period; the second, of nation-building among the Balkan, Baltic, and Slavic peoples of Eastern Europe in the nineteenth and twentieth centuries. Nation-builders in the Netherlands, Switzerland, Germany, and Italy have utilized both methods. The effort to make nation-states has led to a variety of opinions providing the dynamics of modern history, and to a variety of procedures including frequent wars. The results of this effort have, in varying degrees, corresponded to the conception of a nation.[34]

d) Nationalism suggests a condition of public opinion within a group which constitutes it a nation-state, which motivates its definition of legal nationality, and which accounts for its maintenance of cultural nationality.[35] It is a socio-psychological force which varies in intensity and which may be measured.[36]

In any group, whether it be a family or a tribe, a nationality or a state, a despotism or a democracy, a religious, business, social, or political association, there must be a condition of opinion which pre-

[31] Paul Teleki, *The Evolution of Hungary and Its Place in European History* (New York, 1923), pp. 155 ff. "Nationalities," as culturally defined groups struggling for political independence, have been distinguished from "Nations" or "Nation-states" which have achieved that status.

[32] Above, n. 19. [33] Above, sec. 1a.

[34] James C. King, "Some Elements of National Solidarity" (manuscript, University of Chicago Library, 1933), pp. 225 ff.

[35] Above, nn. 9 and 13. [36] King, *op. cit.*, p. 7.

serves the group from disruption. That opinion may be defined in terms of (1) the symbols toward which it is directed, (2) its intensity, (3) its homogeneity, and (4) its continuity.[37] Nationalism differs from tribalism, patriotism, pietism, commercialism, localism, communism, socialism, and other opinions supporting the solidarity of groups only in respect to the symbols toward which it is directed. If all publics should acquire a very homogeneous, intense, and continuous opinion favorable to the symbols of religion, the age of nationalism would have passed into an age of religion. In fact, during the modern period, first in Western Europe, then in America, eastern Europe, the Near East, and Asia populations have become more intensely, homogeneously, and continuously favorable to the symbols of some nation-state than to other symbols.[38] This is not to deny that other symbols, relating to religions, races, classes, and parties have been more important in certain times and places.[39] It has often been the effort of nationalists to associate other symbols, commanding a certain following, with their own symbols. Thus Irish nationalism has utilized the symbols of Catholicism; American nationalism has utilized those of democracy and liberty; German nationalism, those of the Nordic race; Japanese nationalism, those of the Shinto religion and the Yamata race; and recent Russian nationalism, those of proletarian communism.[40]

[37] See below, chap. xxx, sec. 3e; chap. xxxiii, sec. 2.

[38] "The religion of nationalism has been slowly replacing Christianity" (King, op. cit., p. 170, citing J. T. Shotwell, The Religious Revolution Today [Boston, 1913]; H. E. Barnes, The Twilight of Christianity [New York, 1929]; Walter Lippmann, A Preface to Morals [New York, 1929]; and Carlton Hayes, Essays on Nationalism [New York, 1926]). Peoples atomized by the disintegration of a universal empire or church tend to form political groups which retain the universal idea though faced by the fact of group consciousness more limited than that of the decaying institution.

[39] In Palestine since World War I symbols of Zionism, Christianity, and Islam have been more important than those of Palestinian nationalism (see Q. Wright, "The Palestine Problem," Political Science Quarterly, XLI [September, 1926], 381 ff.). In the early stages of the Soviet Revolution symbols of proletarian class consciousness and Marxism were of major importance. Class symbols were also important in Spain, France, Britain, and other countries at the time of the Spanish civil war (1936–39). In the early stages of the Nazi Revolution in Germany symbols of German racialism were significant.

[40] Hayes, op. cit., p. 8; King, op. cit., pp. 164 ff., 214 ff.; Merriam, op. cit., chaps. ii and iii.

4. MEASUREMENT AND BUILDING OF NATIONALISM

The intensity of nationalism within a given state may be defined as the degree of resistance which the population offers to disruption of that nation-state. Dr. James C. King attempted to measure and compare this intensity in a number of states in 1933.[41] For this purpose he analyzed the opinions obtained from two hundred experts in several countries. France and Japan were found at that time to have the most intense nationalism, and Yugoslavia and Spain, the least intense nationalism of the dozen states compared.[42]

This method did not measure the homogeneity or continuity of national attitudes. Presumably the more intense the attitude, the

[41] This study dealt not only with "defensive nationalism" (national solidarity) defined as above but also with "aggressive nationalism" (national aggressiveness) defined as "the tendency of the population to support active movements for expansion or other changes of the status quo designed to increase the power or prestige of the nation state" (*op. cit.*, p. 233; cf. sec. 1 above). The ratings indicated little correlation between these two conditions (see n. 42 below). Some countries rated low or medium in defensive nationalism such as Yugoslavia, Germany, Italy, and Hungary were rated high in aggressive nationalism. This suggests that aggressive attitudes may be stimulated by governments as a method of dealing with internal disunity. Other states such as France and Japan were rated relatively high in both. Switzerland, Belgium, Argentina, and Spain were rated relatively low in both. The United States and Great Britain were rated high in defensive nationalism and low in aggressive nationalism. The fact that a large proportion of the raters were British or American may have influenced this result. Aggressive nationalism appears to be more subject to change with shifts in the balance of power than is defensive nationalism. The latter changes, but more slowly (King, *op. cit.*, p. 240).

[42] The rank order, mean average, and standard deviation of the states rated were as follows (*ibid.*, p. 237):

ANALYSIS OF RATING BY EXPERTS OF THE NATIONAL SOLIDARITY
AND NATIONAL AGGRESSIVENESS OF TWELVE STATES

STATE	NATIONAL SOLIDARITY			NATIONAL AGGRESSIVENESS		
	Rank Order	Mean Average	Standard Deviation	Rank Order	Mean Average	Standard Deviation
France	1	2.13	2.01	5	4.35	2.58
Japan	2	4.38	2.45	2	3.76	1.78
United States	3	4.65	2.87	7	6.49	2.44
Great Britain	4	5.02	2.49	8	7.08	2.12
Hungary	5	6.03	2.69	3	3.83	2.75
Italy	6	6.05	2.37	1	2.29	.91
Germany	7	6.07	2.59	4	4.33	2.53
Switzerland	8	7.15	4.52	12	11.43	.89
Belgium	9	7.74	3.25	10	9.30	1.55
Argentina	10	9.34	1.89	9	9.03	1.76
Yugoslavia	11	9.85	2.38	6	5.74	2.19
Spain	12	10.08	1.89	11	10.03	1.32

greater the homogeneity, although in certain circumstances intense attitudes may tend to provoke dissident minorities. It is not impossible that important changes would have taken place in these ratings since 1933 as a result of the intensive nationalizing efforts of most states, particularly the totalitarian states. In 1933 Italy and Germany appeared to be in the middle ranks with respect to intensity of national solidarity in the opinion of these judges.

Dr. King attempted to evaluate the influence of various factors upon the intensity of nationalism, with the result that length of literary tradition, uniformity of language and religion, and centralizing influence of geography correlated most closely with intensity of nationalism. The length of historic tradition and intensity of internal communications showed no correlation. This unexpected result may have arisen from the difficulty of measuring these phenomena. On the other hand, the degree of central nucleation in the systems of communication and travel seemed to have considerable influence upon the intensity of nationalism.[43]

In view of the apparently great influence which nationalism has had upon war and peace in modern history, studies of this type might throw light upon the danger spots in the world and the factors which should be controlled to prevent nationalism from becoming dangerously intense or dangerously reduced.

A historical survey suggests that the intensity of nationalism has had a relation to international tensions. In periods of war or danger of war the individual has emphasized his identification with the dominant group which, in the modern world, has been the nation; has sought its protection; and has yielded it willing obedience even at the expense of his individual liberty. In long periods of peace, on the other hand, demands for increases of individual liberty and in-

[43] The correlations and probable errors were as follows (King, *op. cit.*, pp. 247 ff., whose study deals at length with methods of measuring these phenomena):

CORRELATION BETWEEN EXPERT RATINGS
OF NATIONAL SOLIDARITY AND
VARIOUS FACTORS

1. Literary tradition.................	+.89	± .06
2. Language........................	+.86	± .07
3. Religion.........................	+.86	± .07
4. Geography.......................	+.83	± .08
5. Historical tradition..............	+.26	± .27
6. Communications..................	−.21	± .28

sistence upon constitutional guaranties, assuring respect for private rights, have developed. In such periods men have been reluctant or unwilling to yield to the state on many matters. Since in a balance-of-power system either too much or too little nationalism in important states disturbs the equilibrium and causes international tensions, modern history has alternated between spirals of rising nationalism and rising international tensions culminating in general war, and spirals of increasing internationalism and increasing liberalism in most states encouraging a few states to commit aggressions, thus reversing the spiral.[44]

The warlikeness of a state is probably more influenced by the methods used to build nationalism and by the rate at which nationalism is intensifying than by the intensity or homogeneity of nationalism actually achieved. Though Italy and Germany probably had a less intense or homogeneous nationalism than France or England in the early 1930's, the governments of these countries employed methods calculated to intensify nationalism and to increase warlikeness. Factors such as common race, culture, language, geography, history, association, and the *Volksgeist*[45] which develop apart from human design have had an influence upon the development of nationalism, but, with the progress of social consciousness in modern civilization, the effort of leaders, organizations, and governments have contributed more and more to supplement these natural conditions or even to create nationalism in opposition to the natural trend.[46]

Governments have unified nations by advertising the national heroes and symbols, the national language and literature, and the national customs and institutions. Such methods may be contrasted with methods which emphasize the independence and power of the nation, its differentiation from and opposition to its neighbors, and its need of economic self-sufficiency and military preparedness against an enemy whose invasion is anticipated and feared. Methods of the latter type draw attention to fortifications, customs barriers, population differences, and conflicts in border regions which may become

[44] Above, Vol. I, chap. ix, sec. 2d; Vol. II, chap. xx, sec. 4; chap. xxii, sec. 2; below, chap. xxx, sec. 3b.

[45] Boehm, *op. cit.*, pp. 233-34; above, sec. 3b.

[46] Above, n. 19; sec. 3c.

the seat of war. Nation-building proceeds more peacefully if it emphasizes internal solidarity than if it emphasizes external opposition,[47] though national introspection, if not qualified by awareness of conditions at the frontier and beyond, may lead to national complacency oblivious to foreign opinion and prepared to attribute ills to a foreign scapegoat.[48]

The methods of nation-building actually used depend in large degree on the type of leadership at a given time. Despotisms have tended to utilize preparedness and fear of an enemy, pride in diplomatic triumphs, and centralized propagandas, while democracies have utilized numerous private associations, electoral procedures, public education, and the granting of political and economic privileges and rewards. Leadership in either case may come from different types of élite—politicians, businessmen, military men, lawyers, and literary men—each of which tends to employ characteristic methods. Political scientists have paid attention to the methods of leadership characteristic of different élites.[49]

It should be noted that the process of nation-building is not the only process of state-building. Instead of assuring the unity of the state by making it a nation, states may be held together by the opposite process of divide and rule. This process was characteristic of the medieval monarchs, who set one feudal lord against another.[50] Divide and rule was the method characteristic of the Hapsburg and Ottoman empires before World War I. It has been thought that the dissolution of these empires indicated the inferiority of this method to

[47] Boehm, *op. cit.*, p. 234; Wirth, *op. cit.*, pp. 223 ff.

[48] Below, chap. xxviii, sec. 1; Q. Wright, "Academic Freedom and World Politics," *Bulletin of American Association of University Professors*, XXVII (February, 1941), 16; World Citizens Association, Henri Bonnet (ed.), *The World's Destiny and the United States* (Chicago, 1941) p. 103.

[49] Aristotle (*Politics* v) and Machiavelli (*The Prince*, chaps. ii, iii, and vi) compared the methods employed by kings who acquire power by law with those employed by tyrants who gain power by usurpation. See also Vilfredo Pareto, *The Mind and Society* (New York, 1935); Gaetano Mosca, *The Ruling Class* (New York, 1939); H. D. Lasswell, *Politics: Who Gets What, When, How* (New York, 1936); C. E. Merriam, *Political Power* (New York, 1934).

[50] This method broke down in fifteenth-century England with the Wars of the Roses. At the same time Louis XI was employing the method successfully in France to tame the nobles while he built a national spirit among the bourgeois.

that of nation-building.[51] In both cases the truncated remnant of these empires sought to develop nationalism after the war, with more success in Mustafa Kemal's Turkey than in Dollfuss' Austria.

An intense and homogeneous nationalism is doubtless a stronger guaranty of unity within a state than is an equilibrium between hostile groups, and the latter has only been resorted to when the existing differences of language, culture, religion, and opinion and the inefficiency of administration were so great as to render attempts at nation-building of very doubtful success. Even when minorities have been small and administration efficient, measures to incorporate them as an integral part of the nation have usually failed.[52] Liberal measures, permitting the minorities full enjoyment of their cultural distinctiveness, have usually been more successful than oppressive measures attempting to coerce them into the acceptance of the majority culture.[53] Practice as well as theory therefore indicates that conditions set limits to the effectiveness of the nation-building process. The United States has gradually molded forty-eight states and numerous migrant groups into a nation, and the Soviet Union has made progress toward creating a nation of 143 nationalities. It seems unlikely, however, that any of the continents other than Australia, much less the world, can be developed into a single nation.

5. EVOLUTION OF NATIONALISM

Nationalism has been developing in the milieu of the humanism and liberalism of the Renaissance and the Enlightenment and has progressed with the rise of tolerance and science, in spite of the fact

[51] Merriam, *The Making of Citizens*, pp. 243 ff.; Oscar Jászi, *The Dissolution of the Hapsburg Monarchy* (Chicago, 1929); above, n. 38.

[52] Voluntary migrants of alien culture even when settled in compact groups have proved easier to assimilate than involuntary minorities of long standing resulting from historical migrations or changes of frontiers (M. H. Boehm, "Minorities, National," *Encyclopaedia of the Social Sciences;* W. E. Rappard, *International Relations as Viewed from Geneva* [New Haven, 1925], p. 48).

[53] Extreme coercion resulting in extermination, expulsion, or exchange of the minority may solve the problem by eliminating rather than assimilating the minority. Since World War I, Turkey has rid itself of Armenians and Greeks; Germany has rid itself of a large proportion of its Poles and Jews; and Italy has rid itself of many Tyrolean Germans by these methods which are, however, hardly compatible with the standards of modern civilization.

that it seems to conflict with these tendencies.[54] What is likely to be the next stage in the development of these conflicting trends? Five stages of development may be discerned.[55]

a) *Medieval nationalism.*—Modern nationalism superseded the medieval hierarchical organization of society with the village and manor at the bottom and the ecclesiastical and imperial governments of Christendom at the top. Nationalism was the ally of kings in their struggle with barons and towns below and with pope and emperor above. Parliaments with a "third estate," summoned as an aid to the monarchial power, broadened the participation of the population in the life of the kingdom. Kings were motivated by the urge for political power, and the bourgeois were motivated by the economic expediency of including larger areas in "the king's peace" as commerce developed. The towns and the bourgeois often sided with the kings against the landed nobility. The beginning of a more general national sentiment had been stimulated as a result of hostile invasion. This was particularly true in France, where British occupation during the Hundred Years' War developed a national symbol in Joan of Arc. In England the centralization of the monarchy and of the common law had had a nationalizing influence centuries earlier.

b) *Monarchical nationalism.*—After the Renaissance the monarchs in England, France, and Spain had so increased their power, especially through the development of efficient armies using firearms, that they could dispense with parliament in some cases and reduce them to unimportance in others. Vernacular literatures often recalling heroes and victories of the state were widely distributed after the invention of printing. Royal and public architecture rendered the state as visible and dignified as the church. The general population thus became aware of the national language and the national government. Commerce developed under national stimulus and protection, giving the bourgeois a sense of the difference between their own and foreign cultures and of the economic value of the na-

[54] Above, Vol. I, chap. xiv, sec. 1*d*; chap. xxvi, n. 68.

[55] See Carlton J. H. Hayes, "Nationalism, Historical Development," *Encyclopaedia of the Social Sciences,* XI, 240 ff.; *The Historical Evolution of Modern Nationalism* (New York, 1931); King, *op. cit.,* pp. 221 ff.; W. Mitscherlich, *Der Nationalismus Westeuropas* (Leipzig, 1920); above, n. 16.

tional government. The centralized administration of law and the propaganda of the royal prestige extended a sense of the nation even to the masses in the capitals. The development of the Polish and Scandinavian kingdoms increased the membership of the family of nations. The struggle of the Swiss and Dutch republics for independence, recognized in the Peace of Westphalia, suggested the nation as something distinct from the person of the monarch. The concept of sovereignty and the development of international law gave form to the idea of the developing nation-state.

c) Revolutionary nationalism.—The Puritan and American revolutions formulated the theory of limited government responsible to the people and augmented popular participation in government. The French revolution spread these ideas throughout Western Europe, created the concept of the nation in arms, and increased popular participation in war. The partition of Poland, characterized by Lord Acton as the "most revolutionary act of the old absolutism," awakened the theory of nationality in Europe.[56] The invasions of Napoleon's armies carried the concept of democratic nationalism into Germany, Italy, and Spain. These countries developed a sense of their own nationalism in the struggle to rid themselves of the invaders. The union of democracy and constitutionalism with nationalism increased the intensity of the latter.

d) Liberal nationalism was greatly strengthened by the industrial revolution, the rise of general literacy, the development of conscript armies, and the great increase in trade, travel, and communication within the nation after laissez faire economics began to be practiced in the post-Napoleonic period. Opposed by Metternich, nationalism was rationalized during this period by Mazzini,[57] and it stimulated revolutionary and irredentist movements in Spain, Latin America, Italy, Germany, Hungary, and the Balkans. A school of international lawyers even proposed that nationalities rather than states should be regarded as the subjects of international law.[58] The doc-

[56] Garner, *op. cit.*, p. 125; see also above, n. 8.

[57] G. Mazzini, *To the Young Men of Italy* (1859), reprinted in Zimmern, *op. cit.*, pp. 176 ff.

[58] Count Mamiani, *Rights of Nations or the New Law of European States Applied to the Affairs of Italy* (London, 1860), pp. 47, 344; Mancini, *Lecture on Nationality* (June

trine of self-determination by plebiscite was discussed in theory and emphasized in practice during the period of Italian unification.[59] Nationalism was linked with the consent of the governed. A harmonious family of perfect nations, conserving peace without and liberty within, for the advancement of humanity was envisaged as the inevitable trend.

e) Totalitarian nationalism.—Liberal nationalism had within it the seeds of its own destruction. Economic interests tended to become organized on national lines, and presently the more powerful of these interests sought to utilize the national legislative power for protective tariffs, agricultural subsidies, or higher labor standards. Labor, in many countries influenced by Marxian ideology, sought to substitute class for nation as the rallying symbol, but in fact socialist efforts tended toward increased intervention of the state in economic affairs and more intense nationalism. Geographic differentials and historic priorities created wide differences in the degree of industrialization of different countries, with the result that legislation intended for the benefit of domestic interests in one usually affected the markets and access to raw materials of others, thus adding national economic rivalries to historic and political antagonisms.[60]

In the meantime war had become so capitalized that it required an extensive economic organization for its support.[61] Thus the danger of war, augmented by economic conflicts and the propaganda of nationalism, was further augmented by the national direction of the economy toward military defense. The struggle for colonies, markets, and raw materials, precipitated in the 1870's, contributed to national rivalries, which, in accord with balance-of-power principles, organized the world into two great hostile groups and culminated in World War I.[62]

The experience of both belligerents and neutrals with war blockades stimulated the trend toward self-sufficient national economies.

22, 1851); see Cybichowski, *op. cit.*, pp. 105 ff.; Q. Wright, *Mandates under the League of Nations* (Chicago, 1930), p. 460.

[59] Wambaugh, *A Monograph on Plebiscites.*

[60] Above, chap. xxii, sec. 3e.

[61] Above, Vol. I, chap. xii, sec. 2a.   [62] Above, chap. xix, sec. 1f.

Increased legislative intervention in economic life created rigidities and monopolies which hampered free adjustment of prices and prevented natural recovery from depression. Prolonged depression, following in many countries upon military defeat, developed a widespread sense of social disintegration.[63] Governments made vigorous efforts to meet the situation by organizing national economies to provide instruments of defense, to assure invulnerability to blockade, to relieve unemployment, to protect all organized national interests, and to revive the sense of social solidarity throughout the population. These efforts exceeded the planning and managerial capacities of bi- or multi-party governments, and one-party totalitarian dictatorships were set up in Russia, Italy, Germany, and Japan. Free economy and freedom of criticism were suppressed. Other governments followed in less degree the trend toward centralization, government management of economy, economic military preparation, and intensive nationalistic propaganda. Thus nationalism increased in intensity and aggressiveness and tended to abandon its earlier association with liberty and humanity. Democratic nationalism had failed to prevent the disintegrating tendencies of impersonal urbanism, imperialism, and prolonged depression. Totalitarian national-ism precipitated general war.[64]

Nationalism, which had emphasized individual no less than national freedom in the writings of Mazzini, Mill, Comte, and Spencer, became more intense and exclusive in the writings of Gierke, Durkheim, and Treitschke, who emphasized the reality of the group, respectively, from juristic, social, and political points of view. In the writings of Mussolini and Hitler, nationalism assumed absolutistic, chauvinistic, and totalitarian characteristics. Nationalism became an enemy not only of humanism and liberalism but of tolerance and

[63] Nationalism has been an antidote to the tendency of cosmopolitanism and individualism to develop a sense of social disintegration. People become discontented if they lack a sense of belonging to a comprehensible group. The individualizing and universalizing tendency of modernism undermines the vitality of local personal groups and develops impersonal urban relations. Many persons lose the sense of belonging to society. In times of depression and unemployment this number may be so increased as to threaten social cohesion (see George B. Huszar and John H. Millar, "Democracy in Action" [manuscript, Chicago, 1941]).

[64] Above, Vol. I, chap. xi, sec. 4.

science. It deprived the individual of religious, economic, and civil liberty, it abandoned all sentiments of humanity in a general propaganda of hatred for minorities within and of aliens without, of contempt for law and science, and of enthusiasm for the national greatness.

Totalitarian nationalism, however, utilized the old verbiage. It interpreted "liberty" as the freedom not of the individual but of the state. If defined "humanity" not as the opportunity of all mankind to achieve self-determined ends not incompatible with a like opportunity for others, but as the opportunity of the "superior" nation to impose its standards upon all. Liberty thus became identified with sovereignty, and humanity with world-empire. The ideology of the totalitarian states required new concepts of international law which would justify the repudiation of obligations considered incompatible with national ends, would exalt the role of war in international relations, and would oppose the tendencies toward international organization.[65]

6. THE FUTURE OF NATIONALISM

Nationalism in the period of its most intense development has seemed least able to function for the benefit of the people. The nations, with all their efforts, have not been able to create the "perfect community," harmonious, prosperous, self-sufficient, and isolated. With a few exceptions they have lacked the resources to realize the maximum prosperity possible with contemporary economic techniques. They have become as economically obsolete as the feudal principalities in the late Middle Ages. Thus regional or continental economic blocs were proposed,[66] and efforts were made to achieve them by persuasion in the British commonwealth, the Americas, and the neutral states of northern Europe[67] and by force in the Mediterranean, Central Europe, and the Far East.[68] World War II was con-

---

[65] Above, Vol. I, chap. xiii, nn. 112 and 113.

[66] Richard N. Coudenhove-Kalergi, *Pan-Europe* (New York, 1926).

[67] For economic aspects of the Oslo agreements after 1930, the Ottawa agreements after 1932, and the Pan-American agreements after 1933, see J. B. Condliffe, *The Reconstruction of World Trade* (New York, 1940).

[68] By Mussolini's campaign in Ethiopia after 1935, Hitler's in Czechoslovakia and Poland after 1938, and Japan's in Manchuria and China after 1931.

cerned with the issue of whether the subordination of nations to larger groups should proceed by the method of federation or by that of conquest.

Nationalism, which for a century functioned, in the main, successfully and supplemented the Renaissance ideas of liberalism, humanism, tolerance, and science, has reached a stage of political intensity and economic inadequacy such that, unless reinterpreted, it may destroy civilization. Its continuance in its most recent form appears to be incompatible with a world-economy and might diminish population and standards of living to a degree comparable to that consequent upon the dissolution of the Roman Empire in the fifth century.[69]

Nationalism, however, is not necessarily linked to the idea of the perfect community. It may mean the opportunity for cultural self-determination of reasonably homogeneous groups, not as absolute sovereigns, but as claimants to legal autonomy in regional and universal organizations. Thus interpreted, all nationalities might develop their talents and supplement one another's contributions to the cause of human progress. Such a concept of liberal nationalism, still held by the democracies, though their practices have sometimes gone beyond it, is not incompatible with peace and human welfare and would assure the variety so essential for human progress.[70] With such a concept, nationalism could be maintained by a system of civic education which creates pride in the national culture and achievements and appreciation of the national character and distinctiveness rather than by organized propaganda designed to develop fear of, contempt for, hostility to, and isolation from, other nations. Attitudes of the latter type have, however, proved a stronger stimulant to nationalism than have those of the former.[71] Lacking the sense of necessity, which opposition to other nations appears to present, people will not submit to the intense forms of nationalism which enable

[69] Commission To Study the Organization of Peace, "Report," *International Conciliation*, April, 1941, pp. 199 ff.

[70] Above, chap. xxiv, n. 47.

[71] Wirth (*op. cit.*, p. 237) suggests, after examining the history of minorities, that "nationality is not complete unless it has some minority within its territory to oppress." See also above, chap. xxvi, n. 3.

a government to suppress liberty, to control opinion, and to administer economic life.[72]

If the latter methods were abandoned, the worst forms of nationalism might disappear; but there seems little prospect that national governments acting individually will be able to abandon them. The opportunity can arise only if international organization is so developed as to assure national security by law and to divert some of the individual's loyalty from the nation to humanity. Loyalties divided among many groups are essential if the world is to have both unity and diversity. These divisions of loyalty must, however, be reconciled by the consciences of many individuals who are citizens both of the nation and of the world. It is not to be expected that national governments will effect a just reconciliation of national and international claims. Though divided in their duties as subjects of international law and as trustees of the nation, they owe their power exclusively to the nation. The nation will insist that national power be placed ahead of international justice so long as national existence depends upon the power equilibrium.[73]

[72] See below, chap. xxxii, sec. 3.

[73] Above, chap. xx, n. 4; chap. xxiv, sec. 3.

CHAPTER XXVIII

SOCIAL INTEGRATION AND WAR

THE sentiment of nationalism has so increased in the modern world that the nations are usually considered more important than the family of nations.[1] The parts claim to be, and sometimes prove to be, greater than the whole. The nations claim great power and acknowledge little responsibility.[2] Yet with all their powers they have not been able to meet the economic, cultural, and political demands of their people within their own jurisdictions. Because of their irresponsibility, they have often attempted to exercise power in jural areas claimed by others. Jural conflicts may degenerate into war unless dealt with by a superior, regulative authority. The family of nations has lacked the power to exercise such a regulative authority.

This situation accounts for most modern wars. Does it arise from sociological laws or from historical contingencies? Are there sociological laws that make recurrent violence among the members of the world-community inevitable, that prevent a more adequate adjustment of the powers and responsibilities of the nations, that halt the process of society-building short of an effective universal society?

The writer does not believe that a categorical affirmative can be answered to any of these questions. While the evidence does not permit a categorical negative to be answered, it does permit a tentative negative. The recurrence of war in modern civilization has probably arisen from historical conditions that might be changed.

The reason for doubting whether large-scale violence is inevitable in the community of nations will be developed in the following sections analyzing the process of social organization in history and theory with especial reference to the roles of symbols and of violence. The reasons for belief in the possibility of improved world-organiza-

[1] Above, chaps. xxvi and xxvii. For definition of sociological terms used in this chapter see below, Appen. XXXV.

[2] Q. Wright, *Control of American Foreign Relations* (New York, 1922), chap. i.

tion will be developed in the next chapter, dealing with the relations of power and responsibility, the factors influencing their geographical limits, and the conclusions to be drawn from the experience of the League of Nations.

I. COMMUNITY-BUILDING IN HISTORY

A study of the methods used in the past to develop small and large communities into organized societies cannot be expected to solve the problem of world-organization in the future. A review of these methods may, however, be suggestive.

a) Small communities.—The political form of primitive communities has been dominated by the economic system or the material culture. With cultural progress, communities tend to increase in size and complexity, and the influence of ideas and ideals tends to increase.[3] Hunting peoples have been organized as hordes, clans, villages, tribes, or even tribal federations. Pastoral peoples have been organized into tribes, federations of tribes, and even federations of tribal federations bound by a common religion. This was illustrated by Islam, which developed out of pastoral-nomadic conditions, although it was later applied to agricultural communities. Agricultural peoples have been organized in villages, many of which were often united or combined in feudal principalities. The latter were occasionally united into empires and churches embracing the whole

---

[3] Below, nn. 10 and 74; above, Vol. I, chap. vi, secs. 1 and 2; chap. vii, sec. 1; L. T. Hobhouse, G. C. Wheeler, and M. Ginsburg, *The Material Culture and Social Institutions of the Simpler Peoples* (London, 1915), pp. 49 ff. Marxian historical materialism holds that "the causes of all social changes and political revolutions are to be sought, not in men's brains, not in man's better insight into eternal truth and justice but in changes in the modes of production and exchange" (Friedrich Engels, quoted by Sidney Hook, "Materialism," *Encyclopaedia of the Social Sciences*, X, 215). See also W. F. Ogburn and M. F. Nimkoff, *Sociology* (Boston, 1940), pp. 539 and 569 ff., and below, nn. 63 and 64. Even among primitive peoples, however, culture once established may long survive profound technological and economic changes (see Edward H. Spicer, *Pascua: A Yaqui Village in Arizona* [Chicago, 1940], Introd. [by Robert Redfield]). There appears to be little correlation between the technological system and the competitive, individualistic, or co-operative character of the culture (see Margaret Mead, *Cooperation and Competition among Primitive People* [New York, 1937], p. 463). Among civilized peoples the continuous interaction of material culture and ideas is recognized by most historians, even by the Marxists in some of their writings (see above, Vol. I, Appen. IV, n. 12).

civilization. Peoples both with the pastoral and with the agricultural type of economy have thus attempted, sometimes with success, to organize universal societies.[4]

The commercial economy began in the towns. These provided the nuclei of nation-states which have sometimes been organized into alliances and leagues of nations. Industrial and financial economy originated in the great cities which expanded their influence beyond national boundaries and provided the nuclei for colonial empires striving to become world-wide.[5]

In each of these types of organization the basic cell, whose proliferation or dominance has created a larger society, has been a local community the leading members of which were in continuous personal contact with one another. This was true of all the members of the hunting clan, the pastoral tribe, and the agricultural village. In the commercial town and the financial metropolis the business élite have usually been in personal contact with one another, though the population as a whole has not.

These communities have been defined mainly by kinship and territory. The horde, the clan, the tribe, and the nation have each, in theory, if not in fact, been united by descent from a common ancestor. In settled agriculture, however, the basic communities have tended to be distinguished less by blood relationship than by territory. In the modern nation-states both concepts have been recognized. Legal nationality has ordinarily been determined both by the place of birth (*jus soli*) and by parentage (*jus sanguinis*).[6]

In addition to these two methods of community grouping, societies based on age, sex, occupation, wealth, or other characteristics have been important among both primitive and civilized peoples and

[4] Ogburn and Nimkoff, *op. cit.*, pp. 399 ff.; N. S. B. Gras, *An Introduction to Economic History* (New York, 1922), chaps. i and ii.

[5] Gras, *op. cit.*, chaps. iii, iv, and v. Ferdinand Tönnies' distinction between *Gemeinschaft* (natural social community) and *Gesellschaft* (artificial association for particular purposes) appears to be based on social forms typical of agricultural and industrial economies. See Paul A. Palmer, "Ferdinand Tönnies' Theory of Public Opinion," *Public Opinion Quarterly*, II (October, 1931), 584 ff.; C. Thurnwald and E. Eubank, "Ferdinand Tönnies," *American Sociological Review*, I (June, 1939), 430 ff.

[6] Robert H. Lowie, *The Origin of the State* (New York, 1927), p. 73; above, chap. xxvii, sec. 3a.

in the organization of both local and universal groups. There have been age, sex, occupational, property, literacy, religious, and other qualifications for the franchise. There have been universal organizations of youth, of women, of labor, of religion, of commerce, of scientific workers, of artists, and of sportsmen.[7] It has never been inevitable that either consanguinity or propinquity should overshadow all other modes of human association. The progress of invention in transport and communication has reduced their significance.[8] Emphasis upon the determining influence of blood and land in social organization is a reversion to primitivism.[9] Modern conditions permit and encourage social organization of many types, bringing together people belonging to different races and dwelling in widely separated countries. These possibilities, however, have not been fully realized, and the dominant societies have remained the geographical limited and consanguinously related communities. How has their solidarity been created and maintained? The conscious processes by which local communities have been integrated when social dynamism has shaken the power of unconscious custom and habit[10] may be classified into four types, relying, respectively, on (i) opposition, (ii) co-operation, (iii) authority, and (iv) opinion.

[7] See League of Nations, *Handbook of International Organizations* (6th ed.; Geneva, 1935).

[8] Q. Wright, *Mandates under the League of Nations* (Chicago, 1930), pp. 268–73; above, Vol. I, chap. iv, n. 23. The continuity of groups may be maintained by the overlapping replacement of membership, by personal or hereditary leadership, by material or ideal symbols, and by the specialization of organs as well as by the localization of the group or the kinship of its membership (Georg Simmel, *Soziologie* [Leipzig, 1908], quoted in Robert Park and E. W. Burgess, *Introduction to the Science of Sociology* [Chicago, 1924], pp. 348–56).

[9] As in Adolf Hitler's *Mein Kampf* (New York, 1939), pp. 935 and 944; see also Adolf Hitler, *My New Order*, ed. R. de Roussy de Sales (New York, 1941), pp. 9, 494, 719, 751.

[10] Custom is doubtless the major control in primitive societies. Civilization may be regarded as a process of reducing the relative importance of custom in social control and of increasing that of conscious adaptative control, as a "movement from status to contract" (Henry Sumner Maine, *Ancient Law* [London, 1870], p. 170; above, Vol. I, chap. vii, sec. 1). Suggesting that "a nation which has just gained variability without losing legality has a singular likelihood to be a prevalent nation" (p. 61), Walter Bagehot (*Physics and Politics* [London, 1903]) discusses "the mode in which national characters can be emancipated from the rule of custom and can be prepared for the use of choice" (p. 155). "The great benefit of government by discussion," he writes, was "the de-

i) Integration has often been effected through the organization of opposition. By creating and perpetuating in the community both a fear of invasion and a hope of expansion, obedience to a leader may be assured. The method of opposition—competition, rivalry, or conflict with an outside community—has been used to consolidate every type of community, particularly those which have claimed to be independent, such as clans, tribes, city-states, nation-states, and federations.[11] Even churches have united the faithful in a common cause against infidelity, heresy, and sin. A system of world-politics resting upon a balance of power contributes to the integration of each power by maintaining among its people both fear of war and hope of dominance.[12] Mutual fears and jealousies among factions within a state have sometimes split the state in two, but they have sometimes perpetuated the rule of an unpopular government by preventing united opposition to it.[13] Fear and ambition have been the great integrating forces in the conscious building of political communities.[14] Com-

liverance of mankind from the superannuated yoke of customary law by the gradual development of an inquisitive originality" (p. 203). "The scientific attitude itself is the most revolutionary of human forces, for it respects neither law nor morality. It involves the substitution for the older traditions of the modern types of adjustment to changing conditions, an open-eyed rather than a blind adaptation" (C. E. Merriam, *Political Power* [New York, 1934], p. 279).

[11] Above, Vol. I, chap. vii, n. 119; Vol. II, chap. xxvi, sec. 4, n. 85.

[12] Above, Vol. I, chap. x, n. 12; Vol. II, chap. xx, sec. 1.

[13] This was the traditional method of the Hapsburg Empire (see above, chap. xxvii, n. 51).

[14] "The chances for planning and for successful planning increase when the social structure as a unit is endangered by external forces. These forces may be political, resulting from a conflict with other structures, or natural like famine, earthquake, or drought. . . . . Whatever social group we analyze we find that its cohesion varies with the degree of external pressure to which it is exposed. To be sure, if this pressure is too great, the group disintegrates" (Hans Speier, "Freedom and Social Planning," *American Journal of Sociology*, XLII [January, 1937], 470). According to Thomas Hobbes (*Leviathan*), "the passions that incline men to peace are fear of death" and "desire of such things as are necessary to commodious living" (chap. xiii), and the only way to achieve peace is to unite under a "common power able to defend them from the invasion of foreigners and the injuries of one another" (chap. xvii). Even so optimistic a believer in the co-operative possibilities of nationality as D. G. Ritchie admitted that "the several nations have had to become conscious of themselves by antagonism" (*The Principles of State Interference* [London, 1891], p. 160). Walter Bagehot emphasizes "the

munities so integrated have tended to relapse into reliance upon custom and habit in normal times and to tolerate the expression by individuals of primitive behavior patterns in times of emergency.[15]

ii) Voluntary co-operation, because of rational appreciation of its advantages to each member of a group, has been more important in advanced than in primitive societies. This method of integration has been especially employed by associations with limited purposes.[16] Pressure groups are held together by the common business, political, religious, humanitarian, or other interest of the members. Political parties are in part held together by the common interest in sharing the spoils of office. Industrial organizations are maintained by the expectation of the officers, capitalists, salesmen, laborers, landowners, and technicians that all will share in the prosperity of the enterprise. Local and national communities gain solidarity through the realization by the members that the group as a whole contributes to the security and welfare of each. The probability that the membership will envisage a community as a co-operative enterprise increases with the generality of participation in its policy-making. The notion of the social contract and the practice of democracy tend to augment the sense of participation and the co-operative character of communities.[17]

uses of conflict" in instituting civilized communities (*op. cit.*, chap. ii). Too severe conflict, however, is disintegrating. Above, Vol. I, chap. x, sec. 3; see also below, n. 80.

[15] It has often been pointed out that integration resulting from external pressure is less effective than that arising from other methods (Ogburn and Nimkoff, *op. cit.*, p. 266; Merriam, *op. cit.*, p. 305). Freud has emphasized the difference between the observance of commands and prohibitions because of external force and because of internal conviction, and the tendency of conduct dominated by the former to "regress" to the expression of primitive patterns normally suppressed by civilization (Robert Waelder, "Psychological Aspects of War and Peace," *Geneva Studies*, X, No. 2 [May, 1939], 20 and 24). "Despotism is unfavorable to the principle of variability. . . . . It tends to keep men in the customary stage of civilization; its very fitness for that age unfits it for the next" (Bagehot, *op. cit.*, p. 65). See also above, Vol. I, chap. x, sec. 5.

[16] "The only subjects . . . . which till a very late age of civilization can be submitted to discussion in the community, are the questions involving the visible and pressing interests of the community" (Bagehot, *op. cit.*, p. 162).

[17] Discussion, according to Bagehot, "gives a premium to intelligence" and teaches "tolerance" (*ibid.*, pp. 162 and 163), though participation merely in discussion may give an inadequate sense of participation in the community (George Huszar and John H. Millar, "Democracy in Action" [manuscript, Chicago, 1941]). The consequence of a

iii) In all independent communities authority has been organized through leadership of a hierarchy which can reach all members of the community. Habituation to authority develops a belief that the leader has customary or divine sanction to rule. This method of integration is based on the feeling of awe and reverence, the sentiment of loyalty, the disposition to follow leadership, and the reluctance to think originally. Fear and greed also play a part because usually the authority supports itself by threats of punishment for treason and sedition and by the giving of special advantages to potential dissenters who are influential. Custom and superstition have also fostered the prestige of the established authority. The method of authority has manifested itself most clearly in armies but is also important in the government of tribes and states. A ruler always insists that adjudications and legislative enactments in his name are authoritative and must be obeyed by his subjects.[18]

iv) The organization of opinion has in reality been fundamental to all other methods of political integration. Opinion has been the source of fear, of authority, and of the spirit of co-operation. It has, however, been pursued less consciously in building political communities in the past than the methods mentioned.[19] In primitive communities opinion has been the product of custom and has not often been consciously manufactured. In the modern nation, however, common customs, languages, symbols, and sentiments have been consciously created both by governments and by minorities.[20] Common attitudes have been developed by education, and common opinions have been propagandized by oratory and the press. Behavior patterns thus established will be repeated on the presentation

declining sense of participation in the community is discussed by Gerhart Niemeyer, *Law without Force* (Princeton, 1941), p. 90.

[18] Machiavelli deals with the devices by which a prince may establish his authority under varying conditions (*The Prince*); see also Merriam, *op. cit.*, chaps. iv and x; and Max Weber, *Wirtschaft und Gesellschaft* (2d ed.; Tübingen, 1925), pp. 122 ff.

[19] It has always been the major conscious device for expanding religious communities.

[20] C. E. Merriam, *The Making of Citizens* (Chicago, 1931). For importance of propaganda in creating the United States see Philip Davidson, *Propaganda in the American Revolution* (Chapel Hill, 1941). "Propaganda has become the price we pay for our literacy and our suffrage" (Louis Wirth, "Ideological Aspects of Social Disorganization," *American Sociological Review*, V [August, 1940], 481). Above, chap. xxvi, secs. 3c and 4.

of similar stimuli. Consequently, characteristic group responses to established symbols can be relied upon in most circumstances.[21] Common opinion holds together social groups such as fraternities, clubs, lodges, and polite society. It has been relied on in political groups more consciously as the size of the group has increased and its means of communication have become more perfect. Propaganda and opinion control have become the most important methods for integrating social and political groups.[22]

[21] The "conditioned reflexes" of the biologists, the "behavior patterns" of the psychologists, the "meanings" of the semanticists, and the "folkways" of the sociologists all rest on habits established in varying degrees of rigidity and generality among the members of a group. "The laws of nature are nothing but the immutable habits which the different elementary sorts of matter follow in their actions and reactions upon each other. In the organic world, however, the habits are more variable than this. Even instincts vary from one individual to another of a kind; and are modified in the same individual . . . . to suit the exigencies of the case" (William James, *Psychology* [New York, 1893], p. 134). Opinions to which the members of a group are generally habituated are called customs. Opinions which no one doubts are called truths. Postulates which no one questions are called axioms. The probability that any "axiom" will eventually be questioned is suggested by the rise of non-Euclidean geometry (Lobachevski), non-Newtonian physics (Einstein), and non-Aristotelian logic (Korzybski). See below, chap. xxx, n. 31.

[22] Merriam, *Political Power*, p. 131: *The Making of Citizens*, pp. 350 ff.; above, chap. xx, nn. 7-10. Semanticists, who condemn the "signal reactions" of men, as well as of rats, to words and other signs, sometimes overlook the social necessity of such reactions in many situations. Reaction in the expected manner to the "affective meaning" of language without considering the effect of such reaction in the particular circumstances may often lead to failures, frustrations, and neuroses (Alfred Korzybski, *Science and Sanity: An Introduction to Non-Aristotelian Systems and General Semantics* [New York, 1933], pp. 187, 333, 500; S. I. Hayakawa, *Language in Action* [New York, 1941], chap. xiv, and below, chap. xxxvi, n. 25), but if the most significant contingency in the situation is the expectation of common reaction by all other members of a group, individual judgments with respect to this contingency and diversity of reaction in accordance with such judgments would frustrate the success of the enterprise and tend to disorganize the group. The maintenance of social solidarity depends on general confidence that all members of the group will react in a common manner to the "affective meaning" of language, defining situations of general interest (below, sec. 3). While the "extensional meaning" of language should be such as to produce common judgment by the members of the group, no society can wholly dispense with "intentional meanings" conveyed by "affective language" inducing common and spontaneous reactions. Law is an organization of "signal reactions" to such meanings (see above, chap. xxiii, sec. 2c, and below, chap. xxix, n. 77; chap. xxx, n. 29). The distinction between government by custom and government by opinion is, therefore, relative. Both are rooted in habit (above, nn. 10 and 21).

All four of these methods have been utilized in the formation and maintenance of nearly all societies. Independent local communities have relied mainly on organizing opposition and authority, the latter dependent in considerable measure upon custom. As groups have become larger, it has become more and more necessary consciously to organize co-operation and opinion.[23]

b) Large communities. —Communities and associations so large that continuous personal contact of the members is impossible have faced difficulties in organizing opposition and authority.

Their leaders have sought to promote a common belief or a common objective by symbolizing them in frequently seen emblems and frequently experienced rituals. Sometimes such organizations have been based on the assumed similarity and like-mindedness among people of common culture, race, age, sex, occupation, or technical ability.[24] Such groupings have, however, been usually fostered by convictions of common interests and objectives. Some groups, like the Universal Postal Union and the League of Nations, have been potentially universal, while others, such as the Pan-American organizations, have been geographically limited. The dominance of the nation-state has manifested itself in these large societies. They have usually been international rather than cosmopolitan in that they have been composed of states or national groups. Even the Catholic church has organized its hierarchy on national lines.

The four methods of integration referred to in connection with smaller communities have been employed in building these larger communities and associations. The empires have attempted to use the danger of external conflict as an integrating agency and have also used authority. But they have endured only when they have succeeded in establishing law generally believed to embody justice. Blood and iron have played a major part in empire-building, but law and justice have played a more important part in empire mainte-

[23] Subordinate and nonindependent groups, in so far as they have dealt consciously with the problem of social control, have had to rely primarily upon the organization of opinion and co-operation because the political group upon which they are dependent has claimed a monopoly of violence and authority. Nonviolent forms of opposition and prestige-building may be used by such groups with moderation.

[24] Above, n. 7.

nance. Rome and Britain both emphasized the superior quality of the justice they administered. Churches have been built primarily through the organization of opinion and secondarily through the organization of authority. Conflict with outside religions has also played a part, notably in the development of the medieval church through the Crusades. World-wide business corporations have been built primarily through co-operation and the conferring of benefits upon the members, though competition with rivals has also played a part. International unions which have multiplied in the last fifty years have been based primarily upon self-interest by the member-states and to a lesser extent on the propagandizing of humanitarian and world benefits. The League of Nations was based primarily on co-operation and secondarily on opinion. It emphasized the self-interest of the members in its activities, but it also sought to create a favorable world-opinion by education, especially of youth.[25] Empires, churches, and large business corporations have used the methods of conflict, rivalry, and competition, but they have had to rely in the long run on other methods. In large organizations co-operation and opinion formation have been of primary importance.

2. THE PROCESS OF COMMUNITY-BUILDING

The processes of organizing opposition, co-operation, authority, and opinion, respectively, emphasize the methods of politics, law, administration, and propaganda. Are these methods adequate, if applied, to build the world as a whole into a society? The tendencies, forms, concepts, conditions, and problems of families of nations have been considered.[26] Attention will here be given to the methods by which the problem might be solved.

a) The *political method* consists in a realistic analysis of the subgroups within a given community and continuous negotiation to minimize some of their oppositions by exaggerating others. The controversies within the Democratic party can be for a time subordinated by emphasis upon the opposition of the party as a whole to the

---

[25] Below, chap. xxix, sec. 5a. A balance of power may be considered a rudimentary form of organization based mainly on the method of opposition (above, chap. xx, n. 17; chap. xxi, sec. 5b; chap. xxvi, sec. 2b).

[26] Above, chap. xxvi.

Republican party. Party conflicts can be kept within bounds by emphasis upon the opposition of the United States as a whole to foreign nations.

Skilful maneuvering of the in- and out-group sentiment and continuous redefinition of each, as circumstances change, are necessary elements in maintaining solidarity in a group large enough and free enough to have subgroups within it. This method alone, however, cannot build the world as a whole into a society, because the world-community lacks an out-group of its own kind. Politics applied in the world-community leads to a shifting balance of power in which the development of the sense of the whole is thwarted by the kaleidoscopic changes of groupings against the momentarily most powerful. This method cannot prevent occasional wars.[27]

b) The *juridical method* consists in the continuous comparison of social relations established by law with social conditions discovered by observation, and the continuous adaptation of each to the other by legal procedures. It exalts procedural above substantive law in the sense that, on the one hand, the enforcement of law and social policy is subject to judicial procedure and, on the other hand, all social policies and principles can be changed by the appropriate legislative and constitution-amending procedures. Thus stability and change are reconciled.

It has proved difficult to utilize this method to unify the world as a whole because of the practical difficulties of developing an effective sanctioning and legislative system.[28]

A legal system depends upon political power able to sanction law and to legislate necessary changes, and that power must depend on a source outside the law itself. A functioning legal order can exist only within a society. It cannot in itself create such a society. In a community lacking social organization a legislative system can be only a system of voluntary co-operation in which law can be sanctioned only by good faith and changed only by unanimous consent. In such a system law is subordinate to the operation of the balance of power, and peace is precarious.[29]

c) The *administrative method* consists in the analysis of means and

---

[27] Above, n. 25.   [28] Above, chap. xxv.   [29] Above, chap. xxv, sec. 2.

ends within the community and in the subordination of the former to the latter, striving for efficiency in all activities. Unqualified acceptance of the ends of policy, planning to foresee the stages of achievement in time sequences and to prevent interferences among independent activities, and efficiency in minimizing the costs of achieving a given objective are the guides to good administration.[30]

In times of great emergency such as war, when the objectives of a society's policy—defeat of the enemy—are clear and unquestioned, the integrating influence of administration reaches a maximum. An army in time of war is unified primarily by administration, but even in an army politics and propaganda are also utilized.

Administration as a method of community-building has, however, the serious handicap that it tends to rigidify the ends of policy. Concentration of attention upon the achievement of accepted ends and development of institutions which assume without question the desirability of those ends militate against easy adaptation of policy to changed conditions.[31]

It is a paradox, probably accounting in part for the oscillating character of human history, that while increase in the spatial and temporal scale of planning is a sign of higher civilization, planning on too large a scale destroys civilization. Such planning ossifies faith into dogma and thwarts utilization of the opportunities for human betterment which increasing knowledge makes possible. Religion which fixes the ends of a society tends to come into conflict with science which, with the expansion of human mastery of nature, suggests new ends.[32] The essence of planning is the organization of a hierarchy of values for the longest possible time and the largest possible space. As knowledge augments the duration of this time and the size of this space, the upper ranges of the hierarchy become fixed, only ways and means remain flexible. The liberty of individuals and

[30] "The objective of public administration is the efficient conduct of public business" (L. D. White, *Introduction to the Study of Public Administration* [New York, 1926], p. 5).

[31] It is for this reason that students of public administration have usually recognized the necessity of an administrative law which will qualify efficiency in carrying out public policy by adequate protection of private rights (*ibid.*).

[32] Above, n. 14; Vol. I, chap. xv, sec. 4*f*.

of lesser groups to experiment with new values, perhaps better adapted to changing conditions, is prohibited by the plan because such liberty would interfere with efficiency in carrying out the set objective. Planning on too large a scale becomes despotism. Democracy in one aspect is a system of barriers to planning on too large a scale and insistence that efficiency in achieving any policy shall be subordinated to certain individual liberties; to certain local, national, and regional autonomies; to certain functional oppositions; and to certain procedural and temporal requirements.[33]

Application of the administrative method to unite the world would envisage universal acceptance of certain values of at least relative permanence. Believers in absolutistic philosophies assume that the axioms on which their systems are founded will eventually be so accepted and that social organization will be reduced to administering these truths. The administration of dogmas, however, has always led to disputes over interpretation and the problem of heresy. The system has either collapsed because it could not adapt itself to changing conditions or else procedures of interpretation of a legislative character have been developed. Furthermore, in comprehensive administrative systems it has usually been found necessary to state basic ends in general terms such as social justice and social welfare. This offers such a generous opportunity for interpretation that the method becomes less administrative than juridical. Administrative systems have usually found it necessary to utilize methods of propaganda as well as of logic in applying their interpretation of such general objectives.[34]

Experience, therefore, supports the hypothesis that truth, in matters of social significance at least, is relative rather than absolute.[35] This hypothesis precludes a unification of the world as a whole by the administrative method alone.

d) The *propaganda method.*—The political, legal, and administrative methods of community-building may all contribute to organizing the world as a whole, but none can be adequate alone. The effectiveness of each is dependent upon the existence of a world-opinion which places the world-community above lesser communities.

[33] White, *op. cit.*, pp. 5 and 135 ff.

[34] *Ibid.*, pp. 399 and 442 ff.   [35] Vol. I, chap. viii, sec. 2*d*.

With this opinion the world-community may become an organized world-society. How can such an opinion be propagandized? This has always been the basic problem of community-building.

3. THE ROLE OF SYMBOLS IN SOCIAL ORGANIZATION

An organization, especially a large one, rests in part upon the general acceptance of a symbolic construction or simplified picture of the organization as a whole.[36] The simplest picture is the name, seal, flag, or other symbol to which are linked vague suggestions of the attributes of the organization. Somewhat more complicated is the declaration of independence, the constitution, or other document stating the general purposes and principles of the organization. Even more complicated are idealized histories and descriptions of the organization and of the characteristics of its leaders. Organizations have sometimes been symbolized by the personality of the leader, and the face of the titular sovereign still plays a part in political symbolization. Modern organizations are, however, characteristically united by symbols which represent ideas rather than persons. Such dominant personalities as Hitler and Mussolini have interpreted themselves as embodiments of the idea of national socialism or fascism. The founders of religions have been regarded as incarnations of an eternal God or an eternal idea. Clearly an organization which expects to outlive many human lives must be symbolized and guided by something more permanent than a human individual.[37]

If a symbol is to contribute to a society's solidarity, the attributes which it suggests or asserts must be regarded as valuable by the members of the society. The symbol must therefore assume that the members have or can be brought to have values in common.[38]

[36] Above, chap. xxvi, nn. 48 and 49; Appen. XXXVII below.

[37] Waelder divides "masses" (distinguished from "associations" as resting on external rather than on internal sanctions and characterized by a cleavage of the consciences of the members as a result of the group situation [above, n. 15; *op. cit.*, p. 31]) into those guided by a personal leader and those guided by an idea (*op. cit.*, pp. 18 ff.). See Karl Loewenstein, "The Influence of Symbols on Politics," in R. V. Peel and J. S. Roucek (eds.), *Introduction to Politics* (New York, 1941), pp. 62 ff.; above, n. 8.

[38] These values may be "internalized," i.e., incorporated in the individual's conscience or they may be merely external, i.e., attributes of the group situation. The group conscience may be in opposition to the individual consciences of the members (Waelder, *op. cit.*, pp. 20 ff.; above, n. 15).

Theories of value have been based on a variety of metaphysical postulates,[39] but those most commonly supporting the symbols of a society have been the theory that the society is valuable to its members because it permits them to work out their destiny with their own kind and that it is valuable to the world because its distinctiveness contributes to the betterment of humanity. The postulates of liberalism and humanism have, thus, been utilized to justify nationalism. The latter asserts, on the one hand, that the members of a nation are alike in race, culture, and tradition and should be permitted to organize themselves in their own interest[40] and, on the other hand, that the unique characteristics of the nation will contribute to human progress and should be protected from outside influences by a self-determined organization.[41]

While these arguments have usually been sufficient for political propagandists, social scientists and metaphysicians, in seeking justifications for the state, nation, or other community organization, have often attempted a further analysis of the meaning of the phrases "own kind" and "betterment of human society." What resemblances or differences among human beings are most important? What is the goal, approach to which makes human society better? In seeking an answer to these questions, philosophers have assumed that a particular political organization is justified if it conforms to human nature or if it contributes to the perfection of society.[42]

Those interested in human nature may be divided into those who

[39] The conception of the whole or God supported by the prevailing religion has been the basis in most civilizations. On the difficulty of rationalizing this conception see above, chap. xxvi, sec. 3a.

[40] F. H. Giddings attributes society to reciprocal "consciousness of kind" defined as "that pleasurable state of mind which includes organic sympathy, the perception of resemblance, conscious or reflective sympathy, affection and the desire for recognition" (*The Elements of Sociology* [New York, 1911], p. 66). See also *ibid.*, p. 122; Park and Burgess, *op. cit.*, pp. 40 ff.; above, chap. xxvii, n. 13.

[41] "If you should perish with your peculiar qualities, the whole human race loses its prospect of being saved from the terrible evils from which it suffers" (Fichte, *Address to the German Nations* [1800]). See also Hitler, *Mein Kampf*, pp. 595-600; above, chap. xxvii, n. 9.

[42] "Natural law" used with a social connotation has referred to standards either in conformity with "human nature" or in conformity with "social necessities" (Georges Gurvitch, "Natural Law," *Encyclopaedia of the Social Sciences*).

look upon man as essentially irrational, governed by such passions as ambition, pride, fear, greed, affection;[43] and those who look upon man as essentially rational, prepared to subordinate desires of the moment to long-run considerations.[44]

Those interested in the perfection of society may be divided into individualists, who measure society by the individual,[45] and socialists, who measure the individual by society.[46] The best society, say the ethical individualists, is that which produces and serves the best men. Thus, before evaluating a society, it is necessary to gain a conception of the perfect man.[47] The ethical socialists, on the other hand, say the best men are those who maintain the best society. Thus, the ethical evaluation of actual societies implies a picture of the perfect society.[48]

[43] Such as Hobbes (see n. 14 above).

[44] Such as Grotius (*De jure belli ac pacis*, Proleg., sec. 9) and Aristotle (see n. 48 below).

[45] Such as liberal Christians who emphasize the personality of Jesus (see n. 47 below).

[46] Such as Plato (see n. 48 below). Modern psychologists and sociologists, though proceeding respectively from the individual and the group, recognize that each is the result of their interaction (Louis Wirth, "Social Interaction: The Problem of the Individual and the Group," *American Journal of Sociology*, XLIV [May, 1939], 965 ff.).

[47] "Christianity, centring upon an ideally perfect personality, has to shape men towards an increasingly fuller consciousness of the ultimate truths of God, man and the universe" (Stanley A. Cook, "Jesus Christ," *Encyclopaedia Britannica* [14th ed.], XIII, 28).

[48] "Is not a state a greater object than one man? . . . . It is likely, then, that justice should be greater in what is greater, and be more easy to be understood? We shall first, then . . . . inquire what it is in states, and then, after the same manner, we shall consider it in each individual, contemplating the similitude of the great in the idea of the lesser" (Plato *Republic* ii [Everyman's ed.], p. 49). Aristotle interprets the whole by the part, but he considers the essence of both whole and part as relations rather than as entities; thus he synthesizes both points of view. "When several villages are united in a single complete community, large enough to be nearly or quite self-sufficing, the state comes into existence, originating in the bare needs of life, and continuing in existence for the sake of a good life. . . . . Hence it is evident that the state is a creation of nature, and that man is by nature a political animal. . . . . And it is a characteristic of man that he alone has any sense of good and evil, of just and unjust, and the like, and the association of living beings who have this sense makes a family and a state. Further, the state is by nature clearly prior to the family and to the individual, since the whole is of necessity prior to the part. . . . . The proof that the state is a creation of nature and prior to the individual is that the individual, when isolated, is not self-sufficing; and there-

The latter point of view has usually been implicit in the use of social symbols. It has usually been assumed, in propagandizing the symbols of a particular society among its own members and in administering its basic principles, that it is a better society than others, that it more nearly approaches the perfect society. By associating a particular society with such general symbolic structures as nationalism, socialism, individualism, fascism, or communism, it is assumed not only that the particular society is superior but also that it exemplifies either a universal society or a type, general acceptance of which would benefit humanity.

To evaluate the warlike implications of social propagandas, it is necessary to analyze the process by which symbols are manipulated in social construction. For this purpose it is useful to distinguish (a) myths from analyses, (b) symbols from conditions, (c) integration from differentiation, and (d) a world-myth from other myths.

a) *Myths and analyses.*—Some have pictured the perfect society by the myth of a golden age or Garden of Eden, which man lost by disobedience but which he may recover in time. Communists and socialists have pictured a classless society of the future which might be approached by evolution or by revolution. The perfect society has been pictured as a paradise for the elect beyond the grave or as the end of a long evolutionary process by which human souls, after many transmigrations, will be perfected. Concrete pictures of such a society have been presented with more or less detail—the warlike paradise of Teutonic mythology where the heroes drank, fought, and killed each other every night but were revived and ready to do the same thing the next day; the Moslem paradise with shade trees and

---

fore he is like a part in relation to the whole. But he who is unable to live in society, or who has no need because he is sufficient for himself, must be either a beast or a god: he is no part of a state. . . : . Seeing then that the state is made up of households, before· speaking of the state we must speak of the management of the household. . . . . Now we should begin by examining everything in its fewest possible elements; and the first and fewest possible parts of a family are master and slave, husband and wife, father and children. We have therefore to consider what each of these three relations is and ought to be:—I mean the relation of master and servant, the marriage relation, ... and thirdly, the procreative relation. . . . . And there is another element of a household, the so-called art of getting wealth, which, according to some, is identical with household management, according to others, a principal part of it" (*Politics* i. 2, 3, in *The Basic Works of Aristotle,* ed. Richard McKeon [New York, 1941], pp. 1129–30).

water to quench the thirst and an abundance of leisure and women; Plato's *Republic;* Augustine's *Civitate Dei;* Dante's *Paradiso;* Rabelais's *Abbey of Thelema* with its "Pantagruelism" or carefree acceptance of conditions; More's *Utopia,* whose people considered it more convenient and in accord with human rationality to advise the enemy people to kill their prince than to fight by the traditional methods; Bacon's *New Atlantis,* centering around a system of centralized education and research; Campanella's *City of the Sun;* Harrington's *Oceana;* Swift's *Land of the Houyhnhnms,* in which the horses showed their superiority to the human Yahoos; William Morris' *News from Nowhere;* and H. G. Wells's *Shape of Things To Come.*[49]

A comparison of these utopias[50] justifies a few conclusions. First, they have been of very varied character. Perhaps if human beings had been more nearly agreed as to what a perfect society would be, they would have come nearer to achieving it. Second, these utopias have seldom attempted to picture the situation of the human race as a whole, but only of a very small part of it, a city or a nation. In the third place, war has usually figured in these perfect societies. In the primitive Teutonic mythology war was a good in itself. In the ancient Greek and Renaissance utopias war was a condition apparently

[49] See Lewis Mumford, *The Story of Utopias* (New York, 1922).

[50] The word "utopia" is here used to refer to all accounts of a society recognized by the author to differ from what exists or ever has existed, whether the object is to support the *status quo,* to urge reform, or to precipitate revolution. The word "myth" is used in the same sense except that it carries the suggestion that the condition pictured existed in past history and that its development cannot be attributed to a definite author. In either case, however, the condition described, while it may exist in *potentia,* does not exist in *esse.* The word "ideology" may be used in a general sense to refer to any system of ideas, whether representing a real society, an imaginary society, or something else such as a mathematical or philosophical system. The word may also be used more concretely to refer to a representation of an actual society, through the systematic relating of ideas, thus corresponding to the concept of a "social analysis." Such a representation tends to make existing society appear rational and so commendable. Karl Mannheim has therefore used the word "ideology" to designate "complexes of ideas which direct activity toward the maintenance of the existing order" in contrast to the word "utopia," by which he means "complexes of ideas which tend to generate activity toward changes of the prevailing order." Both words he uses to apply to expositions with a manipulative rather than with a contemplative intention. The word "analysis" suggests the latter intention, but in the social field the distinction is never clear cut (see Louis Wirth, Preface to Karl Mannheim, *Ideology and Utopia* [New York, 1936], p. xxiii; see below, Appen. XXV, sec. 2; Appen. XXXVII).

thought to be unavoidable. Only in the nineteenth and twentieth centuries have mundane utopias been presented in which war did not exist, paralleling in this respect the Christian picture of paradise. Finally, utopias have been to a large extent conditioned by the actual state of the society in which they were written. This accounts for the tendency of utopias to increase in size. Only recently has it been possible to envisage a world-wide utopia.

In earlier centuries efforts were made to represent universal and peaceful societies, as in the books by Dante, Dubois, Crucé, Sully, Saint-Pierre, Penn, and Kant.[51] These expositions, however, have been analyses rather than utopias. They have attempted to describe relations rather than to draw pictures.[52] They have appealed to reason and to historical trends rather than to emotions and to aspirations. They have done little to arouse the sympathetic enthusiasm of masses of the population. Because he deals with general ideas rather than with concrete events and things, it is easier for the scientific analyst to transcend his generation[53] than it is for the artistic utopian to do so. For this reason, however, his sociological influence is likely to be less immediate.[54] The problem, as Rousseau pointed out, is to transform hearts rather than to convince minds.[55]

b) Symbols and conditions.—Utopias, myths, ideologies, social analyses, histories, and other social expositions[56] are of significance in community-building as propaganda symbols.[57] They are to be distinguished from societies, groups, cultures, governments, businesses, associations, and other social conditions, which constitute history in the sense of what happens in a given time and place. Social conditions are the subject matter of social expositions. While the latter may give knowledge about and attitudes toward social conditions, their descriptions always need to be verified by direct acquaintance

[51] Above, Vol. I, Appen. III, sec. 4.

[52] Thus following Aristotle (above, n. 48).

[53] In spite of the fact that he appears to be more tied down to actual conditions.

[54] Below, chap. xxxviii. He may have an important long-run effect by initiating movements to be developed by artistic utopia builders.

[55] Below, chap. xxxviii, sec. 1.

[56] See above, Vol. I, chap. iii, sec. 1.

[57] See above, chap. xxvi, sec. 2; below, chap. xxx, sec. 2.

with society in action. The exposition is a complex of symbols which may or may not correctly represent or suggest the conditions.[58]

An organized human group is both a symbol and a condition.[59] It has a name and is referred to by words which suggest sentiments, purposes, methods, achievements, advantages, etc. It is also a grouping of persons according to their behavior patterns and a nucleation of stimuli activating these patterns and conditioning the lives of individuals. An organized group is different from the sum of its members in that it contributes to each member status and relationships and the power which comes from co-operation.[60] Organization of a group also implies that opposition to out-groups will normally dominate over internal oppositions. The group is not organized unless it normally functions as a unit in external affairs pertaining to its purposes.[61]

The symbolic character of an organized group ordinarily has some relation to its condition, especially in the minds of those in daily contact with the group's activities. But in the case of an organization functioning over a vast area, the average member may be quite ig-

[58] H. D. Lasswell, *World Politics and Personal Insecurity* (New York, 1935), p. 16; below, n. 63; Appen. XXXVII. According to Charles Morris' theory of signs (semiotic), words are useful as social symbols in proportion as they emphasize the relation between the word and the user (pragmatic relation), while they are useful in designating conditions in proportion as they emphasize the relation between the word and the thing designated (semantic relation) (*Foundations of the Theory of Signs* ["International Encyclopedia of Unified Science," Vol. I, No. 2 (Chicago, 1938)], pp. 6 and 57–58). Utopias are rich in words of the first type, analyses in words of the second. The term "symbolic distance" has been used to indicate the closeness of relationship between the symbol and the thing symbolized (Scott Buchanan, *Symbolic Distance* [London: Orthological Institute, 1932]).

[59] Edward Sapir, "Group," *Encyclopaedia of the Social Sciences;* above, chap. xxvi, nn. 46 and 49.

[60] F. Stuart Chapin, *Cultural Change* (New York, 1928), p. 426; Ogburn and Nimkoff, *op. cit.*, pp. 306 ff.; Wirth, "Social Interaction," *op. cit.*, pp. 966 ff.; above, chap. xxvi, n. 46.

[61] Party politics, it is often said, should end at the national frontier. John Locke pointed out that "though in a commonwealth the members of it are distinct persons still in reference to one another, and as such are governed by the laws of the society; yet in reference to the rest of mankind, they make one body," and consequently "it is almost impracticable to place the force of the commonwealth in distinct, and not subordinate hands" (*Treatise of Civil Government,* secs. 145 and 148). See above, chap. xxvii,

norant of its institutions, activities, and personnel. In his mind the group may have a symbolic character which springs from sources unrelated to its actual structure and functions. Delaisi's study of the contradictions of the modern world emphasized the probability that the voluntary obedience necessary for social order should be sustained by general beliefs about the society more permanent and less complicated than the actual conditions of the society[62] and the equal probability that periodically the divergence should become so great as to shatter either the beliefs or the conditions.[63]

There can be no doubt but that in the modern world a wide gap has developed between the dominant symbols of "sovereign nations" and the actual condition of states economically, technically, and politically dependent upon one another. This gap has created a revolutionary situation in which activities to realize the nationalistic myth and to destroy world-economy are contending with activities, often by the same government, to destroy the myth and to perfect the conditions of world-economy.[64]

[62] Francis Delaisi (*Political Myths and Economic Realities* [New York, 1927], pp. 24 ff.) distinguishes seven great myths upon which European civilization has rested in successive periods during the last twenty centuries, characterized by the symbols, respectively: fate, mysteries, salvation, feudal honor, the papacy and Christendom, absolute monarchy, and democratic national state.

[63] See above, Vol. I, chap. xv, sec. 4f. The difficulties which arise because of the lack of congruity between social symbols and social conditions (above, n. 58) have been expressed in a variety of terminologies by Bentham (fictions *vs.* realities), Sorel (myths *vs.* realities), Bagehot (dignified *vs.* efficient parts of government), Mannheim (ideologies and utopias *vs.* conditions), Lippmann (stereotypes *vs.* realities), Staley (politics *vs.* technology), and Stalin (ideological *vs.* organizational leadership). See Joseph Stalin, 'Report of the Work of the Central Committee of the Communist Party of the Soviet Union," *International Conciliation*, No. 305, December, 1934, pp. 430 and 441; L. D. White and T. V. Smith, *Politics and Public Service* (New York, 1939). W. F. Ogburn (*Social Change with Respect to Culture and Original Nature* [New York, 1922], p. 280, and above, n. 3) points out that changes in "adaptive culture" (beliefs) usually lag behind changes in "material culture" (conditions). Pitirim A. Sorokin (*Social and Cultural Dynamics*, IV [New York, 1941], 155 ff.) criticizes all "dichotomic theories" of social change.

[64] Delaisi, *op. cit.;* Ogburn, *op. cit.*, p. 247; Eugene Staley, *World Economy in Transition* (New York, 1939), chap. iii. Gerhart Niemeyer (*op. cit.*, pp. 97 ff. and 380 ff.) emphasizes the incompatibility between the assumptions of international law and of the totalitarian state, but he regards the latter (nationalism) as the "reality" and the former (world-community) as the "myth" which must be abandoned. The same attitude has been expressed by Charles A. Beard (*A Foreign Policy for America* [New York, 1940], p. 129) and by Adolf Hitler (*Mein Kampf*, p. 927). Above, Vol. I, chap. xiv.

It is difficult to adjust symbols and conditions in social analysis, because neither can be taken as fixed, nor can either be changed at will. The natural scientist uses symbols as tools to designate concepts which fit his observations. He can abandon them at will and make new ones as the science develops. In science conditions dominate over symbols. The sociologists' symbols, however, have a meaning, life, and reality in the society quite apart from the conditions which they are supposed to designate. In fact, they often designate not conditions of the present but conditions hoped for in the future. The flag may suggest glory, honor, and protection to millions of citizens, even though at the moment it designates a defeated nation with a corrupt government administering unjust laws. The generally accepted meaning of symbols, no less than the actual social conditions, must enter into all judgments concerning social groups and their activities.[65]

c) Integration and differentiation.—The independence of social symbols and of social conditions makes it difficult to analyze the processes of social differentiation and social integration. A society may be becoming more integrated symbolically while it is disintegrating in fact.[66] A group may be one symbolically and a dozen in fact.[67] As a consequence, sociologists have come to think of groups

[65] See Wirth, "Ideological Aspects of Social Disorganization," *op. cit.*, p. 477, and above, Vol. I, chap. vii, sec. 7*b*. Recognition of a political group as a state by the members of the family of nations makes the group a state in law even though it does not conform to the conditions implied by the definition of a state. Similarly, general nonrecognition of an entity conforming to these conditions prevents it from being a state. A state may, therefore, exist *de facto*, though it does not *de jure*, and vice versa. This "constitutive" theory of recognition is not accepted by adherents of the "declaratory" theory (see Julius Goebel, Jr., *The Recognition Policy of the United States* [New York, 1915], pp. 45 ff.; Q. Wright, *Legal Problems in the Far Eastern Conflict* [New York: Institute of Pacific Relations, 1941], pp. 16, 25–29, 115 ff.). The two theories have not differed greatly in practice because states have usually guided their recognition policy by practical criteria closely related to the objective and subjective conditions of statehood (see W. H. Ritsher, *Criteria of Capacity for Independence* [Jerusalem, 1934], especially criteria accepted by the League of Nations before recognition of Iraq in 1932, pp. 5 ff.).

[66] This happened to the Holy Roman Empire in the later Middle Ages and may be happening to the community of nations today, though some writers believe the situation is reversed—the family of nations is more integrated in fact than in symbols. See above, n. 64 and chap. xxvi, n. 63.

[67] Such a problem concerned states when they dealt with the United States under the Articles of Confederation and with the British Commonwealth of Nations since the ac-

not as entities but as continuous processes of becoming and disappearing.[68] Portions of the world's population are continually differentiating from the rest because of such internal influences as proximity and communication; common descent and physical resemblance; subordination to common authority; similar occupations, behavior patterns, or customs. Each of these differentiated bits of population becomes more closely knit or integrated by operation of many of the same influences which differentiate them from others. But since the differentiating groups fade into one another and overlap, one individual perhaps being the member of half a dozen, it is impossible to make rigid definitions and classifications of groups. Political judgment is necessary to determine what groups exist at a given moment and what are important. Such judgment involves consideration of the future as well as of the past. Symbols may be in process of realization and realities may be in process of desymbolization. The group symbols may constitute a social a priori which the future may justify.[69]

quisition of virtual independence by the dominions. A biologist can differentiate the organisms with which he deals from one another much more easily than a sociologist can differentiate the organizations with which he deals.

[68] Ogburn and Nimkoff (*op. cit.*, pp. 10 ff. and 250 ff.) avoid the effort to distinguish groups as definite entities by referring to "group life" as a process (see also Wirth, "Social Interaction," *op. cit.*, p. 966). Social entities, such as groups, societies, and organizations, appear to be halfway between organisms and cultures. They approach the objectivity and concreteness of the former without entirely losing the subjectivity and discreteness of the latter. Some tend in one direction, some in the other (below, n. 74; Appen. XXXV). From the point of view of the individual personality, however, the influence of group life is less concrete and specific than is that of the culture but more concrete and specific than that of the biological heredity (*ibid.*, p. 193). International lawyers regard certain groups as jural persons (states) and so think of them as entities with a certain permanence. Their problem of determining precisely when such groups begin to exist and cease to exist is much more difficult than the private-law lawyer's task of determining when a natural person is born and dies. Because of the indefiniteness of the process of recognition (above, n. 65), the task is more difficult than that of determining when a group becomes and ceases to be a jural person (corporation) in municipal law.

[69] Thus, even though no biological concept of race justifies application of the term to the population which Hitler calls "Aryan," it is conceivable that a policy based upon the assumption that this population is a "race" might result in such continuous selection and inbreeding that in the course of generations it would become a distinct race with the physical characteristics accepted as the racial ideal at the time the policy was inaugurated. As cattle breeders work toward an ideal type, so a despotic government, by con-

The sociologist's judgment of the existence of a society cannot, therefore, be easily divorced from his views of the good society. He may affirm the existence of a society which he likes and deny the existence of one that he despises because he realizes that the assertion of such a judgment may contribute to making it come true.[70]

Social differentiation or group formation may therefore be defined as a process of change both in the observer and in the conditions observed, whereby a group becomes more distinguished from its social surroundings.[71] Group integration or society formation may similarly be defined as a process of change, both in the observer and in the group observed, whereby the position, the relations, and the activities of the parts become more efficiently adapted to group ends.[72]

If the group itself is considered to be the observer, its attitude may be identified with the meaning of the symbols with which its members communicate, and group differentiation and integration will mean the realization of whatever distinctive symbolic structures or social ideologies prevail in the group—that is, the realization of group aspirations or self-determination.[73]

d) A world-myth.—The larger the social group considered, the greater is the relative importance of the subjective or symbolic element in the process of differentiation and integration. Primitive societies resemble organisms. A man has a place in society almost as definite as the place of a cell in the organism. In the city-states of antiquity this was true to a less degree. Even in modern societies sociologists find it most easy to study the family or the local community objectively. These have structures and processes which are relatively persistent and which are represented by symbols which closely conform to actual conditions. On the other hand, the state, the nation, the empire, the federation, and the league of nations are in larger measure governed by opinion. With them the symbolic meaning differs from actual conditions. Policy derived from symbols

trolling the lives and loves of its subjects, might create a race (above, Vol. I, Appen. XI, sec. 3).

[70] Below, Appen. XXV, sec. 2.   [71] Below, Appen. XXXV, n. 20.   [72] *Ibid.*, n. 19.

[73] The Hegelian process of the will, realizing itself, encounters practical limitations in the actual conditions of existence (see above, chap. xxvi, n. 30).

tends, however, to shape conditions, institutions, and ideas. Policy, therefore, tends to determine the limits of such groups and the forms of their internal organization.[74] Policy, however, is founded on opinions which usually differ among members of the group. The larger the group, therefore, the more likely is internal conflict.[75]

It is true that in the seventeenth and eighteenth centuries state policy in Europe welded different cultures into nations, and in the nineteenth century nationalities shattered states and established new states from the fragments. This, however, does not mean that policy is less powerful today than it was in the eighteenth century but that, with the rise of communications and the press, unofficial propagandas have sometimes been able to outstrip governments in the achievement of policy. Propaganda has risen, relative to coercion, as an efficient instrument of policy, and during the nineteenth century propaganda was still far from being a state monopoly.[76]

The effort to integrate the human race as a whole can, therefore, expect relatively little assistance from study of the methods of integrating primitive peoples or even civilized states and nations. In the latter, customary structures and procedures have played a larger part than can be expected in the world as a whole. The great society is unique. The human race is a social unit which cannot be differentiated from external societies however much, at any moment, it may be differentiated from its physical environment, from its parts, from its past, from its potential future, and from its ideal representations.

Herein lies a paradox. The great society can be integrated only by general acceptance of common ideals, myths, or symbols. These symbols must represent the world-society as a whole, but conception is an analytic and comparative process which balks at uniqueness.[77] Persons or groups attempting to achieve practical ideals have usually proceeded by analyzing persons into those favorable and those unfavorable to the achievement. The latter tend to become symbolized as an opponent, enemy, or devil to be struggled against. An enemy

[74] The larger the group, the more politics dominates over administration. Administration dominates in the city; politics in the nation and even more in the world-community. See above, chap. xxvi, sec. 2.

[75] Above, chap. xxvi, sec. 4.

[76] Above, chap. xxvii, nn. 31 and 34.   [77] Above, chap. xxvi, sec. 3a.

or antithesis thus appears to develop from the very nature of an ideal amid imperfect conditions. Such an opposition has usually been an essential factor in integrating those holding the ideal into a society, but at the same time it has made that community less than universal.[78]

To avoid this paradox, if peace is to be achieved, the ideal should be concerned not as a grouping of favorable persons from which the unfavorable should be expelled but as a reorganization of all persons and groups. Unfavorable persons should be treated not as evil but as a consequence of an inadequate organization of all. Thus the community of nations must be built by a continuous development of the principles, institutions, and laws of the world as a whole, not by an organization of the angels, with the hope of ignoring, excluding, converting, or destroying the devils. Such a continuous development presupposes that the symbols of the world as a whole dominate over those of lesser groups in world public opinion.

Is this possible? A group is strong in proportion as the distinction between the in-group and the out-group is evident.[79] Powerful social symbols usually manifest that distinction. The world as a whole cannot create a human out-group. Can it make out-groups of impersonal ideas or conditions such as war, disease, unemployment, and poverty? Can the preparation for and conduct of a campaign against such an out-group stimulate the discipline, cohesiveness, and enthusiasm which war has provided in the past?[80]

[78] Theses develop antitheses which may result in syntheses developing in turn new antitheses. Many projects of world-federation have been designed only for ideologically or culturally similar peoples. Such projects would tend to organize the world for larger wars.

[79] W. G. Sumner, *Folkways* (Boston, 1906), p. 12; Park and Burgess, *op. cit.*, p. 293; Ogburn and Nimkoff, *op. cit.*, pp. 252 ff.; above, chap. xxvi, sec. 1.

[80] "War, according to S. R. Steinmetz (*Philosophie des Krieges*), is an ordeal instituted by God, who weighs the nations in its balance. . . . . Its dread hammer is the welder of men into cohesive states, and nowhere but in such states can human nature adequately develop its capacity. The only alternative is 'degeneration.' . . . . If we speak of the *fear of emancipation from the fear regime*, we put the whole situation into a single phrase; fear regarding ourselves now taking the place of the ancient fear of the enemy. . . . . The war-party is assuredly right in affirming and reaffirming that the martial virtues, although originally gained by the race through war, are absolute and permanent human goods. . . . . What the whole community comes to believe in grasps the individual as in a vise. The war-function has graspt us so far; but constructive interests may some day

4. THE ROLE OF VIOLENCE IN SOCIAL ORGANIZATION

The process of social integration has been an important cause of war and also an important cause of peace.

Human communities larger than the primary group have usually been organized by conquest, enlarged by more conquest,[81] and integrated internally through the fear of foreign invasion. Within the communities thus organized, enlarged, and integrated, private war and civil war have become less frequent. Only within organized communities have peoples and groups been able to accept procedures assuring a peaceful settlement of all their disputes. War has thus tended to become less frequent but more severe as social organization has proceeded. The organization of greater communities has enlarged the areas and the periods of peace, but at the expense of bigger and worse wars when they have come.[82]

Why has war been so important in the process of community formation? While the political importance of war has varied under different conditions,[83] it seems probable that war will continue to be of

seem no less imperative, and impose on the individual a hardly lighter burden. . . . . If there were, instead of military conscription, a conscription of the whole youthful population to form for a certain number of years a part of the army enlisted against *Nature*, the injustice would tend to be evened out, and numerous other goods to the commonwealth would follow. The military ideals of hardihood and discipline would be wrought into the growing fibre of the people. . . . . So far, war has been the only force that can discipline a whole community, and until an equivalent discipline is organized, I believe that war must have its way. But I have no serious doubt that the ordinary prides and shames of social man, once developed to a certain intensity, are capable of organizing such a moral equivalent as I have sketched, or some other just as effective for preserving manliness of type. It is but a question of time, of skillful propagandism, and of opinion-making men seizing historic opportunities" (William James, "The Moral Equivalent of War," *International Conciliation*, No. 27, February, 1910, pp. 11–18).

[81] "Patriotism conventionally defined as love of country, now turns out rather obviously to stand for love of more country" (René Johannet, *Le Principe des nationalités* [Paris, 1923], p. 138).

[82] Historians and political scientists have usually emphasized the influence of larger political structures in eliminating internal war (see John Fiske, "Manifest Destiny," in *American Political Ideas* [New York, 1885], pp. 101 ff.; Clarence Streit, *Union Now* [New York, 1939]) but have ignored their influence in increasing the gravity of external war. The latter influence, though less obvious, appears to be demonstrable (above, Vol. I, chap. vii, sec. 3c; chap. ix, sec. 3).

[83] The conditions influencing the political utility of war have been discussed above (chap. xxii, sec. 6).

dominant political importance so long as the process of community formation and development remains a process of persuading people to accept symbols rather than a process of enlightening people on how unwanted conditions can be dealt with.

Statesmen feel obliged to take immediate advantage of favorable historical conjunctions to increase the acceptance of their own symbols and to diminish that of rival symbols. Effort rapidly to persuade a large group is likely to involve violence. This argument rests on three assumptions which concern, respectively, opinion, historic contingency, and violence.

a) Group integration and opinion.—The boundaries of membership and even the existence of human groups are not entirely determined by objective conditions, and the larger the group, the less are they so determined.[84] Consequently, judgment as to whether a large group exists is more a matter of persuasion and faith than of fact and reason. Nature sets few limits to the scope of empire. A nationality might expand or disappear within a generation by the application of a proper system of civic education, provided the children were taken young enough and parental influence were eliminated. Such a process is to be observed in the creation of Soviet, Fascist, and Nazi nationalities. Furthermore, the internal organization of groups is not wholly determined by past conditions. Types of organization as different as socialism, communism, fascism, and liberalism have developed in a Europe all parts of which had experienced similar technological and economic conditions in the nineteenth century. Which type will prevail is a matter of opinion and depends in large degree on the relative intensity of the faith, belief, and loyalty of the adherents to the respective symbols.

The dependence of the conditions of human groups upon attitudes becomes progressively greater as civilization and means of communication and invention advance. Primitive peoples are limited by material conditions, especially the state of communication, in their capacity to bring new people into the group or to change their organization. On the other hand, advanced peoples have extensive capacities of assimilation and change. Consequently, as science and law widen their capacities to control nature and the processes of

[84] Above, sec. 3.

civilization, the number of possible population groupings and organizational forms increases and the process of selecting from among these possibilities becomes more political, more a matter of opinion.[85] A study of past or present conditions is of exceptionally small importance in judging the future of the modern world. That future depends in large degree on present and future opinions and faiths.

b) Persuasion and historic contingency.—The process of molding group opinions is a historic process. Every step is dependent upon a particular conjuncture. Consequently, time is important. States rest upon opinion, and at moments, particularly after a devastating war, opinion may be malleable and revolution may be possible; but, unless the opportunity is seized, the rigidities of vested interest will again develop. Furthermore, states are surrounded by other states, and the relations within the entire group at a moment in time may create the opportunity for radical change whether by conquest or by federation. But custom is always important in human relations. Consequently, an opportunity lost may be lost for an indefinite future. Statesmen must strike while the iron is hot. Time and tide wait for no man, particularly in world-politics. Consequently, processes of persuasion, if they are to be effective, must be rapidly achieved when historic circumstances are favorable.

In world-politics, particularly, the course taken by opinion—its symbolic fixations, direction, and intensity—during a historic moment of a few months may fix the structure of the world-society for decades or centuries.[86]

c) The historic moment and violence.—These two circumstances—that community formation tends to depend upon opinion and that the opinion which dominates at a historic moment may set the course of development for a long time—account for many wars, because war is the most effective instrument of rapid persuasion. Education is an instrument of persuasion. So also are propaganda, economic inducement, and invocation of traditions, laws, and beliefs.

[85] Policy has always been more determining in large than in small groups (above, n. 74), and modern conditions have augmented the importance of large groups.

[86] Such historic events as the rejection of the League of Nations Covenant by the United States Senate in 1920 and President Hindenburg's invitation to Adolf Hitler to form a cabinet in 1933 are illustrations.

These methods, however, have frequently seemed inadequate to bring masses to an enthusiastic concurrence with political proposals while the historic moment is at hand. Consequently, people have been told that they must concur to defend themselves from invasion, to protect threatened interests, or to prevent the success of destructive ideas. The argument may often be true, but, whether it is or not, its validation may require war.

Federations have sometimes been achieved by peaceful negotiation, but not often. Most of the great political blocs designated as sovereign states and most of the great changes in forms of organization have been effected through utilization of such rapid processes of persuasion as war or insurrection at the critical historic moment.[87]

d) Violence and world-organization.—Is there any solution to this problem? Is violence an inherent condition of large-scale political integration?[88] It has been suggested that war itself might be so organized as to be ineffective as a means of persuasion. If statesmen were certain that force would result in a stalemate and such serious attrition as to threaten anarchy, force might cease to be of value, and other methods would have to be used.[89] It has also been suggested that force might be so regulated as to be relatively harmless. War might become a duel of champions,[90] a competition in building military machines, or even a game played on a chessboard. Difficulties in these solutions have been discussed.

An alternative would be to further integrate the human race as a single organization.[91] This might make possible universal acceptance of pacific settlement for all differences. The problem of determining what is the supreme group would be eliminated, because the human race distinguishable by objective evidence would be the only group. Furthermore, the element of time would be less significant because the danger of external pressure would not exist. A universal society

[87] Above, Vol. I, chap. x, sec. 1.

[88] An affirmative answer is not implied by the sociological assumption that opposition is inherent in any society. See above, chap. xxvi, sec. 1.

[89] Above, Vol. I, chap. xii, sec. 4b; Vol. II, chap. xxi, sec. 4e.

[90] Above, Vol. I, chap. xii, sec. 4a; Vol. II, chap. xxi, sec. 4f; J. F. C. Fuller, *The Reformation of War* (New York, 1923), pp. 170 and 278.

[91] Above, Vol. I, chap. xii, sec. 4d.

would have all time before it to educate its people to accept solutions. The dangers would remain that a universal organization might breed conservatism and unadaptiveness to climatic, geologic, and organic changes or that the impatient might seek to accelerate solutions beyond the potentialities of peaceful persuasion. Civil war might still occur unless the integrating symbols—the world-myth—were accepted with a sufficiently vigorous faith. Such a faith might stifle social inventiveness and adaptiveness and might flag without the stimulus of external pressure. Communities without an enemy have tended to divide.[92]

The question whether progress is compatible with the elimination of violence has divided different branches of communists, socialists, anarchists, and other advocates of new forms of society. The answer to this question may lie in the details of world-organization, maintaining oppositions among whole and parts, among functional and regional groups, and among individuals, with a sufficient general solidarity to prevent the expression of these oppositions by violence.

[92] Above, chap. xxvi.

CHAPTER XXIX

INTERNATIONAL ORGANIZATION AND WAR

AT MILLENNIAL intervals Western civilization has made an attempt to organize itself as a world-empire, as a world-church, or as a world-federation, always relapsing to a balance-of-power system in the intervals.[1] None of these efforts has been successful in wholly eliminating war, though some have reduced its frequency or changed its character for a time. The modern family of nations has been a balance-of-power system, and attempts to organize it as an empire or as a federation have not been successful. It differs from earlier families of nations in that it has become world-wide. From the standpoint of effective political organization this novel situation has both disadvantages and advantages.[2]

External opposition and internal uniformity have been among the most important inducements to intense political organization. Clearly a universal community minimizes both of these conditions. There can be no external aggression against the world as a whole. The world's diversity of cultures militates against a general consciousness of kind.[3]

A universal community of nations, however, has the advantage that, because of its freedom from external pressure, its members have less need for an intensive organization than do the members of the communities whose prime problem must be defense.[4] The very diversity of cultural patterns assures a cross-fertilization of ideas and capacity for continuous adaptation to new conditions.[5] Furthermore, in spite of the size and diversity of the world-community, inventions facilitating rapid communication and transport provide technical means for universal political organization, even more ade-

[1] Above, chap. xxvi, sec. 2b.

[2] Above, Vol. I, chap. viii, sec. 4d.

[3] Above, chap. xxvi, sec. 3b; chap. xxviii, sec. 1a (i).

[4] Above, chap. xxvi, sec. 2a.

[5] Above, chap. xxiv, sec. 2c; chap. xxvii, sec. 6.

quate than those upon which states and empires have rested in the past.[6] Finally, the human will may be stimulated by appreciation of the possibilities for the rapid advance of general welfare within a universal society. Such a society would be emancipated from the problem of external security which has absorbed much of the attention and energy of national societies claiming to be sovereign.[7]

The ideal of a universal federation of states to preserve peace and to promote progress has been perennial in the modern world.[8] This ideal, however, did not enter the realm of practical statesmanship until the late nineteenth century, when communication and transportation inventions had created a high degree of economic interdependence throughout the world, a general awareness among the élite everywhere of important developments in any part of the world, and a possibility of a universal centralization of current information and of administration.[9]

The postal, telegraphic, and cable unions of the 1870's and 1880's emphasized the possibilities of broader world-organization. The Hague Conferences of 1899 and 1907 were a preliminary attempt to realize such an organization through periodic lawmaking conferences and an arbitral tribunal. The post–World War I institutions, especially the League of Nations, the Permanent Court of International Justice, the International Labour Organization, and the Pact of Paris carried the movement much further.[10]

[6] Above, Vol. I, chap. viii, sec. 4; Vol. II, chap. xxvi, sec. 3b.

[7] Above, chap. xxvi, sec. 4. National sovereignty has been as important in the life of the modern world as has been the cow in the life of pastoral peoples. It is not surprising that the cow should have become sacred in India or that the leviathan should have become sacred in the modern world. It is not, however, inevitable that people should insist on feeding and caring for "sacred cows" beyond a point where their costs exceed their value, as they do in some Indian villages and in the community of nations. Both cows and states should be servants, not masters, of men.

[8] Above, Vol. I, Appen. III, sec. 4.

[9] Above, chap. xxvi, sec. 3b.

[10] See P. B. Potter, *An Introduction to the Study of International Organization* (4th ed.; New York, 1935), Part III; Clyde Eagleton, *International Government* (New York, 1932), pp. 16 ff., Part III; Linden A. Mander, *Foundations of Modern World Society* (Stanford University, 1941). It has been suggested that international communities develop from "states of nature" in which states, if not isolated, are actually or potentially at war with one another through three stages: (1) living together, (2) co-opera-

This chapter will seek to formulate the problem raised by the limited success of these efforts to organize the family of nations by considering (1) the diverse sources of political power and responsibility, (2) the responsibilities of statesmen, (3) the powers of the community of nations, and (4) the experience of the League of Nations.[11]

1. POWER AND RESPONSIBILITY

Great organizations have never been maintained for any length of time unless they could rely upon a favorable opinion and a spirit of co-operation among their influential members.[12] Favorable opinion is the source of power, and a spirit of co-operation developing a superior power is the source of responsibility. The modern nation-state, admitting no superior, has claimed power without responsibility. The family of nations, consisting in the co-operative spirit of the states, has assumed that states were responsible under international law, but it has not developed sufficient power to enforce that responsibility.[13]

Political power depends upon the opinion toward and the interpretation of symbols by the influential members of the group. If the opinion of numerous influential individuals is continuously and intensely favorable to a given symbol, that symbol has power; and, if

tion, and (3) organization. "Our [the Latin American] great ideal (not only a romantic dream but a practical necessity) was to find the formulas first for *convivencia*, that is, coexistence; then for economic and cultural co-operation; finally for the formation of a permanent international organism. While you [the United States] have achieved your ideal of national unity during the nineteenth century, we [Latin America] have hardly passed through the first stage of our evolution. We are still far away from the ideal of international organization formulated by Bolivar" (Victor A. Belaunde, "Latin America and the United States," in Q. Wright [ed.], *Interpretations of American Foreign Policy* [Chicago, 1930], p. 130). These stages would all occur in the political and economic stages in the history of a civilization (above, Vol. I, chap. viii, sec. 2; see Potter, *op. cit.*, p. 9). "Co-operation" may be hegemonic, resulting from the leadership of one power, or equalitarian, resulting from a balance of power, and "organization" may be imperial or federal (above, chap. xxvi, sec. 2b; Q. Wright, "Peace and Political Organization," and "Fundamental Problems of International Organization," *International Conciliation*, No. 369, April, 1941, pp. 461, 469 ff., 489 ff.). See also below, chap. xxxv, sec. 5b.

[11] See Q. Wright, "Fundamental Problems of International Organization," *op. cit.;* "Dilemmas for a Post-war World," *Free World*, I (October, 1941), 14 ff.

[12] Above, chap. xxviii, sec. 1b.

[13] Above, chap. xxviii, nn. 1 and 2.

they interpret that symbol as the possession of a given individual, class, or élite, those persons have power. The problem of achieving power is therefore the twofold one of developing opinion favorable to symbols and of interpreting those symbols as calling for particular deferences, abstentions, or acts when invoked by particular persons.[14]

Power, it is true, may be developed by the use of physical coercion, violent terrorization, and imprisonment; by the giving of benefits, services, privileges, rewards, honors, and bribes; by respect, customs, habits, traditions, laws, mores, folkways. But these are significant only as they influence opinions.[15] If vigorous repression in the name of law creates rebellion instead of obedience, it reduces the power of the law as a symbol. If the granting of privileges and rewards for services to the state to a few creates resentment among many, the power of the symbol of the state may be reduced. If identification of the government with ancient laws and customs creates an opinion that the government is neglecting present problems, the law and government may be weakened. Courts, police, and armies may be used to make power or to break power, but only in so far as they are agencies of propaganda in the large sense. Such instruments are not primarily masters of power but agencies of power. They can be used because they have become identified with symbols of power. As Walter Bagehot pointed out, the parades, ceremonials, palaces, and dignified appearance of royalty are as important in creating and preserving power as the efficient agencies of government.[16]

[14] Above, chap. xx, nn. 7 and 8; chap. xxviii, sec. 3. An opinion or the overt expression of a preference on a controversial issue is socially significant even if it does not correctly reflect the genuine attitude of the individual. See above, chap. xxxiii, sec. 2.

[15] The development of political power is the same thing as the building of a society. Compare the political, legal, administrative, and propaganda methods for achieving the latter (àbove, chap. xxviii, sec. 2). "Power is not necessarily brute force or intimidation. It can assume many other guises: political influence, wealth, propaganda, flattery" (Jan Hostie, "International Law and Equity," Address to Peace and Disarmament Committee of the Women's International Organizations [Geneva, December, 1939], II, 3).

[16] The English Constitution (New York, 1893), p. 72; above, chap. xxviii, n. 63. The "efficient parts" of government normally control the "dignified parts." In England the cabinet's advice to the king must be followed. In the later Merovingian monarchy in France the king's acts were controlled by the mayors of the palace. Throughout most of Japanese history the emperor has been controlled by the shoguns.

Political power, or actual control of the symbols which dominate a population, is not necessarily congruent with legal power (competence to change or interpret the law) or with administrative power (authority to command civil and military officials). Constitutional law and constitutional understandings are crystallizations of past opinion,[17] but in the modern world they are uncertain indices of actual political power because opinion may have advanced ahead of them.[18] Opinion has superseded custom and law as the unifying force in modern civilization and as the life-blood of the symbols whose possession and use constitutes political power.[19]

Political responsibility depends upon the relation among those who have political power—upon the equilibrium of power or the spirit of co-operation limiting the capacity of each.[20] It therefore depends upon the interpretation given at any moment by the public opinion of the inclusive group to the powers of the various political authorities and to the co-operation expected among them. While a group's political power comes from opinion within it, its political responsibility usually comes from opinion in a larger group of which it is a part.

Political responsibility is continually changing with the success of one or another of the holders of political power in increasing the value in the public opinion of the inclusive group of the symbols upon which it relies. While the law defining the responsibilities of legal and administrative authorities is interpreted by procedures assuring a certain continuity of meaning,[21] this is not true of the principles de-

[17] A. V. Dicey, *The Law of the Constitution* (8th ed.; London, 1915), p. 23; Q. Wright, *Control of American Foreign Relations* (New York, 1922), pp. 7, 339 ff., 369 ff.; "The Understandings of International Law," *American Journal of International Law*, XIV (October, 1920), 564 ff.

[18] Political power may be vested in a party leader like Stalin, who does not necessarily hold any legal or administrative office at all. Hitler came into power under the forms of the Weimar constitution, but very soon he subverted it.

[19] Above, chap. xxviii, n. 10.

[20] Above, chap. xx, n. 11. A physical equilibrium may create a necessity to co-operate. A spirit of co-operation may maintain an equilibrium. Equilibrium and co-operation are the objective and subjective aspects of the same type of situation. See above, chap. xx, nn. 16 and 17.

[21] Administrative responsibility depends upon the hierarchical organization of a group. Every officer is responsible to and instructed by his superior up to the highest

termining political responsibility. While in a constitutional state these principles may have a certain stability, in a state of nature the struggle for power may proceed without benefit of juristic or ethical principles.[22] In any group a person is not held politically responsible for acts which, though in derogation of existing symbols of the group, have become justified by the general acceptance of new symbols and interpretations. The revolutionist or the intervener usually avoids responsibility for his acts by the success of his cause, manifested by acceptance of a new constitution or general recognition of a new international situation. While political power is a function of the *accepted* symbols of the group, political responsibility may be a function of *potential* symbols. The two are ordinarily united because the holders of power are in a strong position to maintain the existing symbols or to identify themselves with new symbols as soon as they gain acceptance. The recurrence of revolutions, establishing new symbols and identifying them with new persons, indicates, however, that this is not always true.[23]

administrative authority, usually the chief executive, who, while perhaps subject to legal or political responsibility, is subject to no administrative responsibility. In all lesser officers power and responsibility are normally about equal, since both originate in the administrative superior. Within a state this is also usually true of legal powers and responsibilities, since both arise from a consistent system of law enforced by a unified judiciary. In the international field, however, a division of power and responsibility may result because of the dualism of municipal and international law. Under municipal law the legal power and responsibility of officers flow from the state's constitution, but under international law the power and responsibility of the state flow from international law. The authority handling the foreign affairs of a state has to consider his powers under the state's constitution, but he must consider the state's responsibilities under international law. His official powers, especially in democratic states, are often inadequate to meet the international responsibilities of the state, with the result that he may face the dilemma of usurping powers or of rendering the state liable to international reclamations. For this reason there has been a tendency, even for democratic constitutions, to impose less drastic constitutional limitations upon the executive in handling foreign than in handling domestic affairs. See *United States* v. *Curtiss-Wright Export Corporation*, 299 U.S. 304 (1936); Q. Wright, *Control of American Foreign Relations*, chap. 1; above, chap. xxii, sec. 1.

[22] Above, chap. xxii, sec. 4a. "Intervention is a high and summary procedure which may sometimes snatch a remedy beyond the reach of law. Nevertheless, it must be admitted that in the case of intervention, as in that of revolution, its essence is illegality, and its justification is its success" ("Historicus," *Letters on Some Questions of International Law* [London, 1863], p. 41).

[23] H. D. Lasswell, "The Strategy of Revolutionary and War Propaganda," in Q. Wright (ed.), *Public Opinion and World Politics* (Chicago, 1933), pp. 139 ff.

The potential symbols measuring responsibility may differ not only in character but in extensity from the existing symbols of power. Robert E. Lee drew his power from opinion in the state of Virginia and in the Confederacy, but events proved that his responsibility was to the United States. Napoleon drew his power from opinion in France, but events proved that his responsibility was to Europe. The difference in the sources of the power and responsibility of statesmen, most notable in periods of rapid change, seriously hampers effective political organization to prevent war. If the interdependence of the various nations and the actual co-operation among their nationals, in economic, humanitarian, social, and other lines, have created a potential world-community, then the political, as well as the legal, responsibility of statesmen may be to the symbols of that international order, although their power still rests on the symbols of national sovereignty. They lack the power to organize the world, but the world will condemn them if their activities are confined to organizing the nations.[24]

2. THE RESPONSIBILITIES OF STATESMEN

What are the factors determining the area of the political responsibility of statesmen? The answer is: "The factors which at that stage of history determine the area of practicable human co-operation." The invention and widening use of mechanical means of transport and communication—the power boat, vehicle, and plane; the press, cable, radio, and motion picture; and the practices of travel, trade, propaganda, and invasion across frontiers—have greatly widened this area.[25]

People are no longer ignorant of conditions in other parts of the world. If wages are higher elsewhere, labor knows it, and there is pressure for migration. If certain raw materials are produced at a

[24] Above, chap. xxii, sec. 2. On the other hand, though the political power of a League of Nations official flowed from world public opinion as recorded in the Covenant, yet events proved in many cases that his responsibility was to his national state whose public opinion prevailed over that of the world after the spirit of international co-operation had degenerated in the 1930's.

[25] Above, chap. xxvi, sec. 3b (i). The remainder of this section is taken largely from the writer's article on "The Limits of Economic Nationalism," *Christian Register*, CXII (October 12, 1933), 659 ff.; *Christian Leader*, XXXVI (October 14, 1933), 1293 ff.

lower price abroad or if they exist only in particular foreign areas, manufacturers know it, and there is pressure for importation. If profits of investment or organizing skill are higher abroad, investors and entrepreneurs know it, and there is pressure for the export of capital and industrial enterprise. If commodity prices are higher abroad, the manufacturers know it, and there is pressure for foreign markets. If scenery, atmosphere, and climate are better and people with leisure know it, there is pressure for foreign travel. If education is better in foreign institutions, students know it, and there is pressure for foreign scholarships. If social conditions are bad in foreign countries, it becomes known, and there is pressure for relief and social and missionary work abroad. If contagious diseases are rampant in foreign countries, people are aware of it and also aware that it may spread, and there is pressure for epidemiological intelligence and medical aid abroad. If better scientific work is being done abroad, scientists know it, and there is pressure for international associations and academies. Thus, out of new means of transport and communication, have developed pressures from interests in all countries for an expansion of international contact. There are demands for international finance, international trade, international education, international travel, international science, and international humanitarianism not from any vague love for internationalism but from the pursuit of their most normal interests by average men and women.

If the satisfaction of such interests is thwarted by artificial means, there will be resentment. People do not greatly resent obstacles to the satisfaction of their desires when such obstacles are imposed by nature or result from their own ignorance, but they do resent such obstacles imposed by legislation, whether that legislation is foreign or domestic. If the legislator is foreign, whatever may have been his intentions, those whose desires are thwarted will interpret the act as springing from malevolence against themselves. This may even happen when legislation is domestic. Certain groups are only too ready to impute malevolent class interest to legislation which thwarts their ambitions.

In the most thoroughgoing reorganization of the world into economically self-sufficient nations, the human interests, adversely affected by the artificial barriers to international intercourse, would

not be equally distributed among the states. In certain countries of large area and diverse resources the interests resenting such barriers would be relatively unimportant. In other countries of small area, inadequate resources, highly developed manufactures, and surplus investment funds, the interests resenting such barriers might be a dominant part of the population controlling the government. They would tend to demand that the most adverse barriers be removed and would back their demand by the enlargement of their armies and navies. The country which was prospering most under such attempts at national economic independence would soon become the center of hostile opinions in all the countries in which dominant interests were adversely affected by such barriers. In other words, a world of nations striving to be economically independent would not mean a world of actually independent nations but a world in which some of the nations were fairly independent and satisfied and others very much dissatisfied, convinced that their inferior positions were due to malevolence by the more fortunate, and continually stimulated by domestic propaganda to rectify the situation by the sword.

In a world where conditions in all countries are known to the leaders in all others (and this cannot be avoided unless impossible restrictions are imposed on modern means of communication), economic self-sufficiency in a thoroughgoing sense can be maintained only by arms. There would be no peace in such a world.[26]

The Pact of Paris proposed to prevent territorial invasion and conquests. This might be achieved if the less fortunately endowed nations felt a certain security in established sources of raw materials, in established markets abroad, in established opportunities for cultural contact. Under such conditions there would be no material gain in conquest. From the economic point of view, it is probably true, as Norman Angell pointed out,[27] that war and conquest are a great illusion, provided there is reasonable freedom in international economic intercourse. But if there is no security for established economic relations in foreign territory, a premium is placed upon conquest. Under such conditions it is reasonable to expect a mad scramble for the extension of sovereignty over areas with oil, essential min-

[26] Above, chap. xxii, sec. 2c.

[27] *The Great Illusion* (New York, 1911).

erals, essential tropical agricultural products, essential markets, etc. It seems improbable that territorial frontiers can be secured in the modern world unless economic interests and opportunities in foreign territory are also secured.[28]

The aggressions after 1931 were stimulated, though they were not justified, by the increasing barriers to world-trade in the preceding years. Without such barriers the distinction between "have" and "have-not" nations would not have acquired importance.[29]

Policies based upon a sense of international responsibility differ radically from policies based upon national expansionism. There is a difference between insisting that international factors must be considered in framing national policy and insisting upon a policy which gives a national advantage at the expense of other nations. The United States pursued the policy, after World War I, of stimulating exports and foreign investments while raising steadily higher barriers against imports and at the same time trying to collect European debts. It would have been difficult to devise an economic policy more certain to produce economic collapse and international ill will than that by which the United States built up a façade of prosperity from 1923 to 1929.[30]

It is unlikely that existing world communication and information can be very greatly reduced without such a diminution of the world's economic efficiency that populations and standards of living would everywhere decline. Each nation must, therefore, estimate the

[28] P. G. Wright, "Tariff Legislation and International Relations," *American Economic Review*, XXIII (March, 1933), 16 ff.; "Report of the Commission of Inquiry into National Policy in International Economic Relations," *International Economic Relations* (Minneapolis, 1934), pp. 5 ff., 13 ff.; Carnegie Endowment for International Peace, *Report of Chatham House Conference* (London, March, 1935), p. 10; National Peace Conference, *Report of the Committee on Economics and Peace* (January 15, 1937), pp. 27 ff.; *Report of the Committee of Experts to the Conference on World Economic Cooperation* (New York, March, 1938), pp. 22 ff.; Eugene Staley, "Economic Organization of Peace," *International Conciliation*, April, 1941, pp. 396 ff.

[29] J. B. Condliffe, *The Reconstruction of World Trade* (New York, 1940). The higher tariff of the United States and China against Japanese manufactures in 1930 may have influenced the movement of opinion in Japan away from the liberal party to the military party in 1931 (Norman Wait Harris Memorial Foundation, *An American Foreign Policy toward International Stability* ["Public Policy Pamphlet," No. 14 (Chicago, 1934)], pp. 46 and 62).

[30] "Report of the Director of Research," *International Economic Relations*, pp. 121 ff.

strength of opposition in other nations to the erection of artificial barriers to world-intercourse, and where the strength of this opposition approaches a dangerous threshold, the world political organization should, after appropriate procedure, exercise a veto. It is idle to suppose that in the present state of communication any nation can be secure if it becomes the object of general world-resentment. If the nation does not have the intelligence to be a good neighbor and voluntarily to avoid such resentment, then the world-order should step in.

It might even be generally recognized as a principle of international law that certain changes in commercial regulations by a nation of a character to bring measurable damage to the nationals of another state should give rise to a cause for action by that state, either for pecuniary compensation or for injunction against the regulation. In the absence of such a legal procedure a more flexible, political arena might well be provided in which states might reach agreement whenever the exercise of national sovereignty is alleged to be bringing irreparable injury to another state.[31]

Where traffic at a city corner is limited to one horse vehicle every ten minutes, no traffic regulation is necessary; when it develops to a dozen motor vehicles a minute, regulation is necessary. It is idle to talk in terms of the horse vehicle. The alternative of traffic regulation must be accepted. There may be objection, but city ordinances, stoplights, and policemen have to be accepted. National regulation can never meet the problem arising from international responsibility any more than can regulations concerning traffic independently enacted by each automobilist.

In the present-day world it is idle to talk in terms of the problems of the eighteenth or nineteenth century. Statesmen must recognize that a large amount of international contact, and consequently political responsibility to the international order on many matters, is a fact of the twentieth century. They must develop their policies in the light of this condition.

[31] Harris Foundation, *op. cit.*, p. 46; Eugene Staley, *World Economy in Transition* (New York, 1939), pp. 246 ff.; "The Economic Organization of Peace," pp. 416 ff.; Q. Wright, "International Law and Commercial Relations," *Proceedings of the American Society of International Law, 1941.*

Consideration for the rights and interests of other states should not be considered beneath the dignity of a state but rather a recognition by the state that it is a member of the family of nations. A good neighbor does not pursue his interest without regard to the offensiveness of his action to his neighbor, even when within his legal rights. All nations, especially those better endowed with natural resources, must realize that steps in a program of national or regional self-sufficiency have brought and will continue to bring serious distress and bitter resentment in other nations. To give no heed to the evidences of such conditions would certainly be a neglect of the political responsibility of statesmen and a failure of world-institutions to meet their political responsibilities.

Foreign policies considerate of international responsibility do not necessarily mean the promotion of more intense economic contact between nations. A reduction of such contacts would make the observance of those responsibilities easier, if such reduction were not accompanied by serious hardships to other countries. This, however, should not be confused with the proposition that the observance of international responsibility is compatible with a policy which ignores the international repercussion of domestic policies. On the contrary, if peace is to be preserved, efforts at economic nationalism by any nation should not be allowed to go so far as to arouse serious resentment abroad, and if not supervised by adequate world political organization they are almost certain to do so.

An important aspect of the problem of peace is that of developing international organization to a degree capable of regulating the amount of international contact which is inevitable in a given state of world technological development, especially in the field of communication.[32] This is another way of saying that the political power of international institutions must be made commensurate with the international responsibilities of statesmen.

[32] Below, chap. xxxv, sec. 5. Though he normally distinguishes policies of "imperialism" and "internationalism," which he does not like, from "continentalism," which he approves, Charles A. Beard seems not to have grasped the basic differences, since he classifies the policies pursued by the United States in the 1920's as "internationalist" (*A Foreign Policy for America* [New York, 1940], pp. 128 ff.). The policies followed during this period were in the main "continental" with a considerable mixture of "imperialism" and an extremely low sense of international responsibility (R. L. Buell, *Isolated America* [New York, 1940]).

3. THE POWERS OF THE COMMUNITY OF NATIONS

What methods of international control can be adopted to assure ulfilment by national statesmen of their international responsibilities? Some believe that the problem can be eased by isolationist policies which will reduce these responsibilities by decreasing the degree of interdependence of states.[33] Others believe internal reforms in systems of economy,[34] forms of government,[35] or controls of foreign policy[36] can meet the problem. Still others expect results from moral instruction and improved legal concepts more clearly defining international respons'bilities.[37]

It is true, isolationist policies might break down the existing interdependencies, but only at a military and economic expense which the people of no country is likely long to tolerate. If it is assumed that the present inventions in the field of communication and transport will be increasingly utilized with the object of employing the world's resources more efficiently, there is no hope of meeting the world's problem by isolationist measures.[38] Reforms are useless to meet regulatory problems of international scope, unless the legislation itself is of international scope. Parallel reforms are not likely to take place in all states at the same time, and, if they did, they would not create confidence in continued co-operative action. International regulation is only effective if supported by a world organization.[39]

[33] Beard, *op. cit.*

[34] Institute of Pacific Relations, *Problems of the Pacific, 1933* (Chicago, 1934), pp. 35 ff.; *ibid., 1936,* pp. 181 ff.

[35] Above, chap. xxii, n. 73.

[36] See A. Ponsonby, *Democracy and Diplomacy* (London, 1915); D. C. Poole, *The Conduct of Foreign Relations under Modern Democratic Conditions* (New Haven, 1924), pp. 88 ff., 190 ff.

[37] Though L. Oppenheim (*The Future of International Law* [1st ed., 1911; Oxford, 1921]) recognized the need for improvement in international organization, international legislation, and international administration of justice (pp. 11 ff.), he did not contemplate any encroachment on national sovereignty in these processes (pp. 11, 16, 27) and emphasized the value of a "clear enunciation of legal rules for all international relations" (p. 14), a development of the "science of international law" (pp. 56 ff.), and reliance upon "the power of goodness" (p. 68). See, however, above, chap. xx, n. 5; chap. xxvi, n. 44.

[38] Above, n. 26.

[39] Staley ("The Economic Organization of Peace," *op. cit.*, pp. 416 ff.) discusses methods of parallel action, co-ordinated action using conference and consultation, and

To understand the difficulties of developing sufficient power in such an organization, it is necessary to realize the differences between world-politics and national politics in recent times.[40]

National politics proceeds on the hypothesis that there are citizens owing primary loyalty to the nation; that there are national interests, such as national security, prosperity, and prestige; that there are special interests of parties, sections, factions, groups, and classes; that there are established institutions of legislative, judicial, administrative, executive, and military action; and that there is a state with a constitution and laws which may be expected to resist impairment except in the gravest emergencies of rebellion, insurrection, revolution, or invasion.

How different are the assumptions of world-politics? There are

united action through agencies to which authority to act has been delegated. "The method of cooperation by parallel action would conceivably be workable enough for communities made up of far-sighted angels. Even they, I think, would prefer to use easier and more efficient ways of handling their economic problems. Ordinary mortals, however, despite the writings of some philosophical anarchists to the contrary, are not far-sighed and stable enough in their actions on community problems to do without some organized means of achieving a common will and a common execution of that will. Hence the need for governmental mechanisms. . . . . The view is frequently expressed with regard to international problems (though significantly enough, not often in regard to national problems, where the necessity of government has long been accepted) that 'machinery makes little difference; if peoples are ready to cooperate they will do so.' This is false. To be sure, no amount of perfect machinery will accomplish anything by itself, in the absence of the will to cooperate, but once there is a considerable amount of potential cooperative will floating about in the community—and there certainly is in the world community today—the type of organizational set-up provided for harnessing it to action is very important. . . . . A reliance on parallel action of national governments would fall far short of the needs of positive economic cooperation in the world we shall face in the future. Coordinated action of national governments, as fostered in the past by the League of Nations and the International Labour Organization and other international institutions, is a considerable step in advance. . . . . United action, through supranational agencies exercising delegated powers, is the method of cooperation which should be applied increasingly in the future to those economic problems that cannot be handled within national boundaries. This is, in fact, the federal principle of cooperation, but it can be applied in many areas of economic life without setting up anything like a complete federation of the world. . . . . However, unless 'law and order' are reasonably well assured, extensive international economic cooperation is impossible—except among allies preparing for war."

[40] The remainder of this chapter is mainly from an article by the writer on "The Political Activity of the League of Nations," *Politica*, IV (September, 1939), 197.

very few citizens of the world who can be relied on in emergency to be loyal to the human race as a whole rather than to the particular segment of it with which they are associated. The entities whose activities comprise world-politics are not individuals but states represented by statesmen immediately responsible, not to the human race as a whole, but to a relatively small portion of that race organized as a state.

This implies that few world-interests have been recognized. It is true that the ideals of peace, justice, humanitarianism, science, and economy had begun to be generalized even before the League of Nations was formed and had been given concrete expression in a half-hundred international unions for promoting arbitration and the codification of international law; for suppressing abuses like slave-trading and opium-trading; for protecting natives and minorities; for preventing the spread of epidemic disease; for establishing standards of weights, measures, and scientific terminology; for facilitating world postal, telegraphic, and radio communication; for the protection of trade-marks, patents, and copyrights. But these interests were regarded as extraterritorial national interests rather than genuine world-interests and were considered far less important than such national interests as territorial defense, prosperity at home, and prestige abroad.

In national politics national interests are at least supposed to dominate over party, sectional, or class interests, and all national politicians must voice their appeals in behalf of such special interests in the phraseology of national interest, but in world-politics, statesmen, even if sincerely attached to world-interests, must usually, at least when at home, appeal for those interests in terms of national interest.[41]

Furthermore, the institutions of world-wide extent have in the

[41] It has been noticed by observers of the League of Nations that the "Geneva Atmosphere" often generated opinions among national statesmen at Council and Assembly meetings which evaporated when they returned home. Salvador de Madariaga, *Theory and Practice of International Relations* (Philadelphia, 1937), pp. 96–97; C. Howard Ellis, *The Origin, Structure and Working of the League of Nations* (Boston, 1928), p. 166 (including quotation from Marshal Pilsudski of Poland); Sir Alfred Zimmern, *The League of Nations and the Rule of Law, 1918–1935* (London, 1936), pp. 410 ff. (including quotation from Signor Grandi of Italy).

main been supervisory and advisory rather than mandatory and have provided few limitations upon the methods open to statesmen in world-politics. While procedures of diplomacy, mediation, inquiry, conciliation, arbitration, consultation, and conference have been made available by treaty and custom, they have not often been compulsory, and statesmen have been regarded as free to utilize threats or displays of force, the *fait accompli*, intervention, reprisals, and war if they deemed it expedient. This situation is a consequence of the fact that the world has not had a constitution which could be relied upon to function regularly. International law, it is true, has existed for centuries and has prescribed rules for diplomatic intercourse, for maritime navigation, for treaty interpretation, for ascertaining the limits of domain and jurisdiction, for pacific settlement, and for conducting war; but these rules, while normally observed, have not been able effectively to limit the use of force and fraud in world-politics.[42]

Why has not a world-constitution and a world body of law as reliable as national constitutions and laws developed? One must not exaggerate the reliability of all national constitutions. Revolutions, insurrections, and civil war have occurred in all states and have been frequent in many. The citizens of a state, however, usually feel the need of a strong government to defend them from external invasion. They also usually love their cultural distinctiveness and feel the need of the co-ordinating influence of effective government to preserve it. It is primarily because each state is surrounded by different and potentially hostile states that their populations submit to effective law and government. In proportion as outside pressures are withdrawn and cultural homogeneity declines the efficiency of law and government declines.[43]

The world as a whole has no other world to organize against. It takes more sophistication for the average man to see that he needs world-government to protect him from war and injustice than it takes for him to see that he needs national government to protect him from armed invasion or dissolution of his cherished customs. Thus while the constitutions, laws, and governments of the world as

---

[42] Above, chap. xxv, sec. 2.   [43] Above, chap. xxvii, sec. 1a (i).

a whole may be improved, a world-constitution with coercive power resembling that preserving the constitution of advanced states cannot be anticipated in any near future. It is not surprising, therefore, that world-politics has not been so closely confined to established procedures as has national politics. Because of these differences world-politics has in the past consisted in the activities of statesmen in promoting the interests of the nation they represent, through whatever method they deem expedient, with little consideration of international responsibilities.[44]

The League of Nations has been the most successful effort to place some limits upon these methods. It aimed not to make world-politics precisely like national politics but to develop a more general recognition of the interests of the world as a whole, particularly in preserving peace and promoting international justice. The League Covenant did not deny the sovereignty of states. In fact, it protected this sovereignty by provisions confining the function of League agencies in most matters to advice or recommendation, by provisions permitting withdrawal from the League, and by provision requiring unanimity in the passage of important resolutions. The Covenant did, however, attempt to place limitations upon the exercise of national sovereignty, by imposing explicit obligations upon members and giving certain independent powers to the League as a whole. The purpose of the League was therefore to create conditions in which world-politics would consist in the activities of statesmen in promoting the interests of the world-community as a whole, as well as the interests of particular states, through peaceful procedures recognized by international law and treaties.[45] This purpose the

---

[44] Above, chap. xxi; chap. xxvi, sec. 4.

[45] "The League of Nations is in fact an instrument of cooperation. It is a standing agency facilitating common action by states animated by the cooperative spirit" (Zimmern, *op. cit.*, p. 283). "The League of Nations is an association of states that have signed a treaty—the Covenant—pledging them to settle disputes peacefully and cooperate in matters of international concern. . . . . The organization of the League is little more than the systematic coordination and putting on a permanent basis of the methods of international cooperation and peaceful settlement of disputes that had been growing up before the war" (Ellis, *op. cit.*, pp. 60–61). "The Covenant occupies in world life a very special position in that it is a *universal, permanent* and *official* system for the linking together of the nations of the world. . . . . We are in the presence then of

League failed to achieve. Its procedures were not able to legislate adequately for a dynamic world or to protect legal rights. When a major crisis arose, statesmen were not induced to subordinate or even to equate the interests of the nation to those of the world-community.

4. THE LEAGUE'S DECLINE

The League of Nations was designed to be a league of sovereign states. Sovereignty in the traditional sense[46] remained in the states which had pledged themselves to co-operate for certain purposes.[47] The problem of how to guarantee that the states would fulfil the re-

. . . . a political association of states or, ... an association of sovereignties, and as there is no association without limitation we are in the presence of a system for the limitation of sovereignties" (Madariaga, *op. cit.*, pp. 43, 47). Jurists have divided as to whether juridically the League is merely a machinery for conducting international relations; a partnership or purely contractual association; or a corporation or jural personality. The latter view was most commonly held (Q. Wright, *Mandates under the League of Nations* [Chicago, 1930], pp. 364–68). Oppenheim considers the League not a state, federation, confederation, or alliance but an "international person" "absolutely *sui generis*" which "attempts to organize the hitherto unorganized community of states· by a written constitution" (*International Law* [3d ed.; London, 1920], sec. 167c, p. 269). W. E. Rappard believed in 1938 that since the League "has been so unfaithful to its constitution" it cannot be understood through legal analysis but only through historical study of the new institutions, the new habits, and the new principles with which it has endowed humanity. Its novelty precludes its classification, but it may be described as "an international institution more far-reaching in its composition than any previous entente, except the technical unions, and more general in its competence than they were. It is more fully supplied with special institutions but less solidly built than most of the confederations of history. Its aims are more numerous and more ambitious and its functions more varied than those of the traditional alliances, but it involves fewer restrictions on the freedom of action of its members. It is an institution the destiny of which is still uncertain; its previous development has been rapid and somewhat feverish, like that of all beings in the early stages of their growth, and it may presage a gradual increase in strength just as well as early dissolution. But as the League of Nations obviously meets a need of humanity, the essential unity of which is more firmly established and more clearly revealed with every step in scientific and technical progress, one may without undue rashness prophesy that its dissolution, if it occurred, would merely be the prelude to its early resurrection" ("What Is the League of Nations?" in *The World Crisis*, by the Professors of the Graduate Institute of International Studies [London, 1938], pp. 39 and 59). See also Margaret E. Burton, *The Assembly of the League of Nations* (Chicago, 1941), p. 28.

[46] That obligations deriving from a state's consent do not impair its sovereignty. For inconsistencies in this theory see above, chap. xxiv, sec. 3; chap. xxv, nn. 42 and 43.

[47] Above, n. 45; chap. xxiv, sec. 4b.

sponsibilities of collective security and peaceful change which they had undertaken, especially in the matter of armaments, arose very early in the League's history.[48]

It was discussed at length at each crisis in the League's development. The Geneva Protocol of 1924 which grew out of the initial disarmament discussions was an attempt to solve the problem by a more precise legal definition of the obligations of League members. The Locarno agreements temporarily met the problem by precise regional guaranties. The General Act for the Pacific Settlement of International Disputes and the interpretation of Article 11 accepted in 1927 were efforts to solve the problem by the formulation of legal and political procedures in various types of emergency. The Briand plan for European Union and the plan to co-ordinate the Covenant with the Pact of Paris sought to solve the problem by augmenting regional responsibilities within the general framework of universal anti-war obligations. The treaties for financial assistance and for improving the means of preventing war signed in 1930 were the most far-reaching efforts to solve the problem by enlarging the competence of the Council to decree conservatory measures, to determine the aggressor, and to assist the victim.[49]

Proposals to solve the problem by methods less compatible with the Covenant were made after League action had unequivocally failed in the Manchurian incident, the disarmament conference, and the withdrawal of Japan and Germany. The Mussolini Four-Power Pact of 1933 paved the way for political change through intervention or appeasement by the great powers of Europe. The Argentine Anti-war Treaty of 1934 looked in the opposite direction, toward law maintenance by general nonrecognition of the fruits of aggression

[48] At the first assembly, 1920, the Scandinavian countries proposed amendments for increasing the use of conciliation and authorizing the Council to exempt states from participation in sanctions; Argentine urged automatic admission of all sovereign states to the League; Colombia wished to qualify the unanimity rule; and Canada wished to suppress Article 10. A blockade committee to consider the application of Article 16 was appointed, and its report, emphasizing the autonomy of members in appraising their sanctioning obligations and the advisory character of Council recommendations on the subject, was adopted in the second assembly (S. Engel, "League Reform," *Geneva Studies*, XI, Nos. 3–4 [August, 1940], 17–23).

[49] *Ibid.*, pp. 23–28.

and the mediation of states "in their character as neutrals." The
French proposal of 1935 for the organization of collective security
conformed to established League principles of equality and autonomy
subject to general responsibilities to frustrate aggression. It led to a
report which was utilized in co-ordinating sanctions against Italy.[50]

The failure of the Ethiopian sanctions and of the Locarno agree-
ments in 1936 brought an even more thorough examination of the
problem in the Committee To Study the Application of the Prin-
ciples of the Covenant. While the nature of the problem was real-
ized, opinion was divided hopelessly as to its solution. An effective
coercive league would require sacrifices of sovereignty that many
states were not prepared to make; a noncoercive league would not
give security. A universal league would have to be so vague in its
covenants that it could be of little effect, whereas a nonuniversal
league was in danger of stimulating counterorganization by those
outside and thus of preparing for the general war which it sought to
avoid. Strengthening of the *status quo* (Art. 10) would augment the
insistence of those desiring change, while improvement of the pro-
cedures for change (Art. 19) would stimulate resistance by those
suspicious of the territorial designs of their neighbors.[51] Great Brit-
ain, Canada, the European neutrals, and a minority of Latin-Ameri-
can states[52] tended to favor a universal, noncoercive, flexible League
without regional security pacts, while France, the Soviet Union,
New Zealand, the recent victims of aggression,[53] and a majority of
Latin-American states[54] tended to favor a nonuniversal, coercive,
rigid League with regional security pacts. Attitudes were not, how-
ever, always consistent, and many states were silent on many
points.[55]

In this confusion the League could offer no obstruction to the
program of the dictatorships, and efforts at appeasement were soon

[50] *Ibid.*, pp. 28–30. Maurice Bourquin, "Dynamism and the Machinery of Inter-
national Institutions," *Geneva Studies*, XI, No. 5 (September, 1940), 49 ff.

[51] Engel, *op. cit.*, pp. 34–60, 258 ff.

[52] Including Chile, Uruguay, and Haiti.

[53] China and Spain. Ethiopia was not represented.

[54] Including Argentine, Bolivia, Ecuador, Colombia, Peru, and Mexico.

[55] See below, Appen. XXXVI.

followed by general war. A final effort to universalize the League's nonpolitical work by organizing it separately was stimulated by a letter from the United States in February, 1939. The organization of the Bruce Committee's plan was undertaken after World War II had begun.[56]

The failure of the League was due to many factors, of which the early loss of faith by the United States and the initial opposition by Germany and Russia because of the conditions of the League's origin and its close relationship to the peace treaties were of great importance. Without these influences, the League's effort to solve the basic problems might have been successful.[57] As it was, the League failed satisfactorily to deal with the underlying problems of world-citizenship, national security, political controversy, juristic consistency, and peaceful change.

In spite of considerable educational effort and great services to human welfare, the League's institutions and procedures were unable to invoke the fundamental loyalties of people. It remained a league of governments, not of peoples.[58]

In spite of efforts to make treaties combining the principles of arbitration, security, and disarmament, the League was unable to create a lasting expectation of peace or confidence in its guaranties. While armament-building slowly declined during the Locarno period of relative tranquillity and confidence, it accelerated rapidly in the 1930's, after confidence had been shaken by depression and aggression.[59]

[56] The Bruce Committee reported on August 12, 1939, the report was adopted at the special assembly in December, 1939, and the organizing committee met in February, 1940 (Engel, *op. cit.*, pp. 60–67; Burton, *op. cit.*, p. 380; above, Vol. I, chap. xv, n. 58).

[57] See Walter H. C. Laves and F. O. Wilcox, *The Middle West Looks at the War* ("Public Policy Pamphlet," No. 32 [Chicago, 1940]), pp. 1–17; Paul Mantoux, "A Contribution to the History of the Lost Opportunities of the League of Nations," in *The World Crisis*, pp. 3 ff.; Bourquin, *op. cit.;* Eduard Beneš, Arthur Feiler, and Rushton Coulborn, in W. H. C. Laves (ed.), *International Security* (Chicago, 1939); Henri Bonnet (ed.), *The World's Destiny and the United States* (Chicago: World Citizens Association, 1941), chap. i.

[58] Above, chap. xxv, n. 53.

[59] Above, chap. xxv, sec. 3; Vol. I, Appen. XXII; W. E. Rappard, *The Quest for Peace since the World War* (Cambridge, Mass., 1940), chaps. iii, iv, and v.

In spite of numerous successes in dealing with minor international political disputes, the League failed to handle effectively really grave disputes involving threats of violence or violence itself by great powers. These failures, beginning with that in the Manchurian dispute, were the immediate causes of the League's collapse.[60]

In spite of League resolutions and juristic interpretations, certain traditional legal concepts, especially those of sovereignty, war, neutrality, equality, and recognition, continued to present inconsistencies with the League's assumptions and to hamper the operation of its procedures.[61]

In spite of many conferences on economic and other problems and the negotiation of numerous general treaties of legislative effect, confidence in economic progress and in the adequacy of procedures of peaceful change was not established. Economic barriers tended to rise and policies of economic self-sufficiency to be adopted, leading to a vicious circle of economic decline and political tension.[62]

5. THE LEAGUE'S EXPERIENCE

Though it failed to preserve peace, the League's experience contributed much to an understanding of the problem of world-organization. Never before had so much attention been given to the sub-

[60] T. P. Conwell-Evans, *The League Council in Action* (Oxford, 1929); Geneva Research Center, "The League and Manchuria," *Geneva Studies*, Nos. 10-12 (1931); Nos. 5 and 10 (1932); No. 3 (1934); E. S. Rubinow, "Sino-Japanese Warfare and the League of Nations," *Geneva Studies*, IX, No. 3 (May, 1938); Albert E. Highley, "The First Sanctions Experiment," *Geneva Studies*, IX, No. 4 (July, 1938); Q. Wright, "The Manchurian Crisis," *American Political Science Review*, XXVI (February, 1932), 45 ff.; "The Rhineland Occupation and the Enforcement of Treaties," *American Journal of International Law*, XXX (July, 1936), 486; "The Test of Aggression in the Italo-Ethiopian War," *ibid.*, January, 1936, pp. 45 ff.; W. E. Rappard, *The Quest for Peace*, pp. 188 ff., 279 ff.; below, Appen. XXXIV. Margaret Burton (*op. cit.*, p. 372) questions whether the Assembly's efforts to handle disputes directly were beneficial.

[61] Above, chap. xxv, sec. 5; Q. Wright, "International Law and the World Order," in W. H. C. Laves (ed.), *The Foundations of a More Stable World Order* (Chicago, 1941), pp. 107 ff.; "The Present Status of Neutrality," *American Journal of International Law*, XXXIV (July, 1940), 399 ff.; *Legal Problems in the Far Eastern Conflict* (New York: Institute of Pacific Relations, 1941), pp. 118 ff.

[62] Above, chap. xxv, sec. 4; Condliffe, *op. cit.;* Bourquin, *op. cit.;* International Studies Conference, *Peaceful Change* (Paris: International Institute of Intellectual Cooperation, 1938), pp. 585 ff.; Rappard, *The Quest for Peace*, pp. 495 ff.; Sir Arthur Salter, *Security, Can We Retrieve It?* (New York, 1939), pp. 135-72.

ject. Its eventual failure, in so far as it can be attributed to defects in its structure, may be attributed to the absence of a direct relationship between individuals and the League's symbols. The League was created as a league of states, not as a union of the world's population. Political power develops in proportion as the attitudes of the individuals in a group become homogeneously, intensely, and continuously favorable to the political symbols of that group. Because of the League's care to preserve the sovereignty of states and the principle that the loyalty of individuals is owed primarily to the state, it was not able to rely upon a sufficient public opinion to give effect to its own policies when in conflict with the policies of particular states.[63]

The problem of preserving the benefits of national distinctiveness and autonomy and at the same time creating an effective world-community sustained by the loyalty of individuals within the states has not been solved. It may be that the solution requires new forms of political organization.

The League's experience, however, contributed much. In so far as it bears on the problem of war, this experience can be summarized by considering the League's efforts (a) to maintain its own prestige, (b) to educate the member-states, (c) to organize stability and order, and (d) to organize progress and justice.

a) Maintenance of prestige.—National governments have always considered it very important to maintain their own prestige and authority. For this purpose they have utilized education, propaganda, ceremonial, pageantry, as well as criminal legislation, efficient administration, services, rewards, and a vigorous military and foreign policy.[64] In contrast to political activities of this kind which absorb so much energy in all national states, the effort of the League of Nations to maintain its prestige and authority seemed extremely meager. Its budget at the maximum constituted one part in eight thousand of the governmental expenditures in the world.[65] The largest

[63] Above, n. 58; chap. xxviii, sec. 3d; below, chap. xxx, sec. 1.

[64] C. E. Merriam, *The Making of Citizens* (Chicago, 1931), chaps. viii and ix; above, chap. xxviii, sec. 1a.

[65] The League's budget reached its maximum in 1932 at $6,500,000. The sum of the national budgets of the seven great powers at that time was about $30 billion (see above, Vol. I, Appen. XXII). Adding the national budgets of sixty smaller states and the budgets of local governments in all states makes a total well over $52 billion. The

states spent for public purposes a thousand times as much as did the League, and the average state spent a hundred times as much. While the League attempted to advertise through its publications the economic, statistical, scientific, and humanitarian services which it gave to many classes of people in many regions, the funds available never permitted any general popularization or distribution of this material. It had no armed forces to strike awe into the recalcitrants; its members were free to leave on two years' notice. The effort to make its membership universal, hampered at first by the abstention of the United States, the nonrecognition of the Soviet Union, and the barring of Germany, was subsequently halted because of the resignation or expulsion of certain important states following League criticism of their behavior.[66]

Some have asserted that a smaller but more co-operative membership would have augmented the League's power, while others have insisted that a League to promote peace must be universal. A League limited to special types of states, as, for instance, the democracies, might have stimulated those excluded to organize in opposition and to have hastened the development of two hostile blocs. Experience, especially in the Manchurian and Chaco disputes, which occurred at a time when the League's prestige was unimpaired, indicated that the League could not deal successfully with major crises unless all the great powers as well as the lesser powers in the immediate neighborhood of the belligerents were members. Amendments to the

income of the world was over $260 billion in 1932, thus the average person in the world contributed less than one cent for every $400 of income to the League. The League cost the average human being less than a third of a cent a year.

[66] The League membership reached its maximum in 1934 with sixty members. All the great powers were then members except the United States. Russia had just entered, as had Afghanistan and Ecuador. Japan and Germany had given notice of withdrawal, to go into effect in 1935. Costa Rica and Brazil had withdrawn in 1927 and 1928, respectively, and Egypt did not become a member until 1937. Danzig, Saudi Arabia, and Iceland, though parties to the Pact of Paris, were never members of the League. Paraguay gave notice of withdrawal in 1935; as did Guatemala, Honduras, and Nicaragua in 1936; Italy and Salvador in 1937; Chile and Venezuela in 1938; Hungary and Spain in 1939; and France in 1941. The Soviet Union was expelled in 1939. Armenia, Azerbaijan, Georgia, Ukraine, and Liechtenstein applied for admission to the League in 1921 but were refused. The first four of these states became parts of the Soviet Union. See Q. Wright (ed.), *Neutrality and Collective Security* (Chicago, 1936), p. 260; Engel, *op. cit.*, p. 69.

Covenant eliminating the formal obligations respecting sanctions and incorporating the Pact of Paris might, at that time, have achieved substantial universality.[67] Mere habituation in the use of League procedures might have tended to make the League indispensable, and, if it had been universal, the authority derived from custom might have grown more rapidly.

The League might have associated the self-interest of widely distributed groups of influential individuals with its success by assuming the war debts or by developing the mandated territories as League territory. The United States gained prestige vis-à-vis the states by accepting the Northwest Territory in 1783 and by assuming the state debts in 1791. Bismarck utilized a similar method in creating the German Empire in 1871 when he continued Alsace-Lorraine as a Reichsland in which all the members of the German Federation had a stake.[68]

Lacking military power, an ancient tradition, an ample budget, and the self-interested support of a widely distributed group of influential persons, the League had to rely upon the effort of voluntary associations in the various countries to reach the masses in its behalf and upon the ability of its secretariat and committees and the value of its reports to impress the thoughtful. It attempted to exert an indirect influence upon popular education through the activity of its committee on the education of youth in the aims and purposes of the League, through occasional broadcasts from "radio nations,"

[67] See Q. Wright, "Reform of the League of Nations," *Geneva Special Studies*, V, No. 7 (1934), 4. The United States entered the International Labour Organization, cooperated with the League in disarmament, dispute settlement, economic, social, and humanitarian matters, and manifested an unprecedentedly favorable attitude toward the League in 1933 and 1934. "American cooperation in the work of the League of Nations during 1934 was featured by its wide scope and variety, its first important contractual relationship and its indication of still closer associations in a not distant future" ("The United States and the League of Nations," *Geneva Special Studies*, V, No. 10 [1934], 1; see also *ibid.*, Vol. IV, No. 3 [1933]). The importance of making the League universal was never denied, though members varied as to the sacrifices of effective sanctions which should be made to achieve that end (Engal, *op. cit.*, pp. 34 ff., 82 ff.; below, Appen. XXXVI).

[68] H. D. Lasswell, *World Politics and Personal Insecurity* (New York, 1938), pp. 240 ff.; John Fiske, *The Critical Period of American History, 1783-1789* (Boston, 1892), chap. v; Davis R. Dewey, *Financial History of the United States* (New York, 1903), pp. 92 ff.

and through the news value of the drama implicit in Council and Assembly meetings. It, however, observed the spirit of caution in propagandizing its own merits. "The moving spirits of the League have never conceived of it as having a monopoly of right or justice and of the true international spirit."[69] The Covenant did not require the members to use the League institutions except as a last resort, and the League was always willing to give way to outside conferences, consultations, or arbitrations if they promised to settle particular controversies. While the League at length acquired impressive buildings, for years its home was shabby, and its high officials were never surrounded with the dignity and pomp of national officials.

In its educational and propaganda activities, the modesty of the the League was doubtless motivated by its realization that its fundamental effort must be to substitute League symbols for national symbols in the behavior patterns of individuals and that too obvious efforts in this direction would be certain to arouse counteractivities by national governments which controlled the educational systems and the instruments of communication. The fact that the League could reach the individual only through the medium of or with the consent of governments fatally hampered the effectiveness of its propaganda.

No league can develop its prestige adequately unless it is assured the opportunity to communicate with people throughout the world directly. Such an opportunity should have been guaranteed by the League's control of certain avenues of communication, such as certain radio wave-lengths, and by a bill of rights, accepted by all of its members, protecting such instruments and the individuals who use them from the interference of national governments. Direct access to the opinion groups within the states, of the type which Albert Thomas contemplated and to some extent achieved for the International Labour Organization, was essential if the League was to be effective.[70]

[69] Secretariat of the League, *The Aims, Methods, and Activity of the League of Nations* (Geneva, 1935), p. 46.

[70] E. J. Phelan, *Yes, and Albert Thomas* (London, 1936), pp. 240 ff. See also Bonnet (ed.), *op. cit.*, p. 103.

Even with such an opportunity the League's symbols could hardly have become alive unless the activities which they suggested spontaneously attracted the interest of people everywhere. Real debate over real political issues of the world in the League's Assembly and Council should have become a substitute for war if the League was to meet its responsibilities. People are interested in conflict, but instead of the battlefield the League's Assembly should have served as the forum where the great conflicts within the world-community were resolved. These conflicts should have been real, dramatic, and obvious to the world if the League was to attract the interest which alone could give it the influence to control them.[71]

In view of the adverse conditions both in the historical situation and in the limitations of its constitution, it is not surprising that there was no steady building-up of the League's prestige and authority. Instead, the public attitude toward it fluctuated greatly during its years of existence. Building up cautiously and gradually to the Locarno period, when the genius of Briand, Stresemann, and Austen Chamberlain made it the genuine center of world-politics, its position declined, with its failure to achieve results in the economic conferences of 1927 and 1933, the disarmament conference in 1932, and the Manchurian, Ethiopian, Rhineland, Spanish, Chinese, and Czech crises.

Perhaps a more vigorous policy during the periods of prosperity and tranquillity might have established a prestige which would have given it strength to triumph in times of depression and conflict. Perhaps, on the other hand, such a policy would have antagonized states in times of peace and have precipitated war sooner. Whether for good or ill the League was always willing to subordinate its own *amour propre* to the procedures which at the moment seemed most likely to preserve peace or to gain results deemed in themselves desirable. Whatever prestige it at times enjoyed was not primarily the result of its efforts in that direction but the spontaneous recognition by world-opinion of its contributions to human welfare.

The experience of the League suggests that, if it or any similar institution is to establish peace, people everywhere must become so habituated to it that it seems indispensable, the self-interest of many

[71] Below, chap. xxx, sec. 2d; chap. xxxiii, sec. 3.

influential and widely distributed people must be involved in its success, the majority of all sections of the world must have accepted its symbols as no less important than those of the nation, and there must be an expectation that effective sanctions will be applied against individuals, officers, or governments who in the name of a state violate its covenants.[72]

b) *Education of member-states.*—Obviously states will not partici-pate in a league of this type until they are considerably more civi-lized than are most of the nation-states today. But, on the other hand, the states cannot become civilized unless they are united in an effective league capable of giving them all security. The impasse can be resolved only through a gradual historical process whereby an inadequate league gradually civilizes its members and through that process gradually augments its own power. The collective morality of a group may be somewhat higher than the morality of the worst of its members or even than the average of its members, but it cannot transcend the morality of the best of its members. Undoubtedly even the best of states still fear to be good members of a world-society, and it must be the function of a league to change some of their methods and some of their objectives.[73]

Even a weak league might gradually convince states that they can accomplish many of their objectives by peaceful means through the use of its machinery and that other objectives which cannot be accomplished through these methods are really of minor importance. Some progress in the enlargement of the spirit of co-operation, espe-cially in nonpolitical matters, was to be observed in the history of the League. The failure of the disarmament and economic confer-ences, however, indicated that the League did not bring about a substantial modification of the concepts of sovereignty and national-ism among the great powers. The attitude toward aggression of both the great powers and the small powers during the 1930's indicated that traditional conceptions of war and neutrality inconsistent with the Covenant and the Pact had not been abandoned.[74] The League's

[72] Above, chap. xxv, secs. 2 and 3.

[73] Above, n. 41. Freedom of the nationals of each state to communicate with the nationals of other states is a condition of such a civilizing process (Bonnet [ed.], *op. cit.*, p. 103).

[74] Above, n. 61.

secretariat, and many of its committees, as well as some orators in the Assembly, had attempted to develop new meanings to these words. The effort must continue if the world-community is to be effective.

c) Organization of stability and order.—An effective League must have more reliable procedures for preserving security and stability than existed in the law and practice of the Covenant. The major object of the League in the opinion of the human race was the prevention of war without grave injustices. This might have been made more clear by the adoption of the proposed amendments for reconciling the Covenant with the Pact of Paris. Experience after the Munich Conference showed that the prevention of war through a serious sacrifice of justice will not promote stability. On the other hand, the enforcement of law, the justice of which is widely questioned, cannot prevent war. Thus, while closely related, it must be recognized that the prevention of war and the enforcement of law are not identical problems.[75]

Though law must be continually modified better to embody justice if war is to be prevented, yet at any given moment, if it is to be law at all, it must be observed.

The problem of sanctions against the state is entirely different from the problem of sanctions against an individual, because many of the states are so large and powerful that the application of sanctions may closely resemble war.[76] The results are uncertain, and the economic and political structure may be so affected that innocent states may suffer as much or more than the guilty. Furthermore, there are usually many parties within the guilty state. Only one of these may have supported the government in aggression, yet sanctions would usually affect the innocent in the state as well as the guilty. There is a certain moral revulsion in public opinion against such actions. Finally the family of nations is not as yet sufficiently organized to make it certain that the sanctioning powers would act together. The states have not yet recognized that degree of solidarity in their relations with one another which Solon said existed in the best communities, "where those who have not suffered wrong, not

[75] Above, chap. xxv, sec. 5.

[76] Above, chap. xxiv, sec. 3b, c; chap. xxv, nn. 59 and 60.

less than those who have, put forth effort to punish them who at-
tempt to do wrong."[77] Members of the League of Nations never re-
garded affronts against other members in the same category as af-
fronts against themselves. Even federations have had difficulty in
executing a law against the member-states as such, and a League of
Nations as a universal society unthreatened from outside can be
expected to have even less central authority.[78]

The federal government of the United States has not yet actually
made use of sanctions against states as such, although the Supreme
Court has recognized the competence of Congress and the President
to this end.[79] The American Civil War was in fact an execution of
sanctions against certain states, although in theory it was merely the
enforcement of federal law against individuals and officials within
the territory of those states.[80] Instead of a system of execution
against states, provided in the Virginia draft of the Constitution,
the plan adopted and supported by Madison and Hamilton provid-
ed sanctions in support of the Constitution against individuals, even
though they seemed to be protected by the state's law. The Supreme
Court can thus entertain actions against individuals, declare laws
contrary to the Constitution void, and enforce the supreme law
against individuals. It has been suggested that this might be done
in the family of nations, and the sanction of force against the state as
such be rendered unnecessary.[81] Such a procedure would mean a far
greater penetration into the internal affairs of the state than sover-
eign states have yet been willing to permit. If the legislation of a

[77] Plutarch, *Solon*, sec. 18, quoted in Grotius, *De jure belli ac pacis*, Book I, chap. v,
sec. 2. In accordance with this principle, Solon made a law "disfranchising those who
stood neuter in a sedition for he would not have anyone remain insensible and regard-
less of the public good, and, securing his private affairs, glory that he has no feeling of
the distempers of his country, but he should at once join with the good party and those
that have the right upon their side, assist and venture with them, rather than keep out
of harm's way and watch who would get the better" (*ibid.*, sec. 20).

[78] J. L. Brierly, "Sanctions," *Grotius Society Publications*, XIII (London, 1931), 5;
Q. Wright, "The Outlawry of War," *American Journal of International Law*, XIX
(January, 1925), p. 98.

[79] Above, chap. xxiv, n. 69.

[80] Officially the Civil War is called "The War of the Rebellion," but in the South it is
called "The War between the States" (see above, chap. xxiv, n. 68).

[81] Above, chap. xxiv, sec. 3c.

national state believed to be contrary to the fundamental principles of international law and the Covenant were subject to appeal by the individual and declaration of unconstitutionality by the Permanent Court of International Justice, states might consider their existing sovereignty so seriously encroached upon that they would secede.[82]

Eventually the world may have to develop such a procedure, but none has been established as yet, and the procedure of coercive sanctions against the states as such has not been effective. Through most of its history the League relied mainly upon moral sanctions. They were effective in some cases but not in all. It cannot be said that the value of such sanctions was completely tested because all the states of the world were never members of the League, and a moral sanction, if it is to be effective, must be immediate and unanimous.[83] Physical sanctions will not operate unless there is moral solidarity among those who must apply them. If that moral solidarity had existed, adequate methods might have been devised, even if they had not been elaborated beforehand. Improvisation of sanctions might not, however, inspire sufficient confidence.

A more adequate co-ordination of moral and physical sanctions might be devised if it were recognized that in theory physical sanctions can never be against a state which is merely a legal construction of international law, incapable in itself of transcending that law. If a state appears to have violated world-law, it is because it has been betrayed by its government, which, misled by elements in its public

[82] Maryland, Virginia, and other states were seriously agitated by the Supreme Court's nullification of state laws in the cases of *McCulloch* v. *Maryland* (4 Wheat. 316 [1819]) and *Cohens* v. *Virginia* (6 Wheat. 264 [1821]). The judicial declaration of the unconstitutionality of the Missouri Compromise (a federal act) in the Dred Scot case (*Scott* v. *Sandford*, 19 How. 393 [1857]) contributed to the Civil War, though the decision supported the contention of the seceding states. See R. E. Cushman, *Leading Constitutional Decisions* (New York, 1925), p. 8; Bonnet (ed.), *op. cit.*, pp. 107 ff.

[83] David Jayne Hill was optimistic as to the possibilities of organizing the world for peace without material sanctions, because: "Having organized peace within its borders, by substituting the reign of law for discord and violence, it is only by denaturing itself and reverting to a less perfect type of social existence, that the Constitutional State can disregard the principles of justice, and lend itself to violence in its relations with other States. . . . . By almost imperceptible stages, the Modern State has come to recognize the fact that it is not only a juristic but a justiciable person" (*World Organization as Affected by the Nature of the Modern State* [1st ed., 1911; New York, 1917], pp. 175, 190).

opinion, has performed acts beyond the state's competence. With this theory, sanctions should begin with an analysis of public opinion within the population subject to the accused government. This should be followed by efforts to encourage those groups opposed to the wrongful action of the government and to discourage those favoring it, with the object of inducing the government to change its policy or to retire. Economic embargoes or even military action might be expedient.[84]

The idea of legal sovereignty, however useful it may be in juristic analysis and in international civil litigation, would, under this theory, have no place in the application of sanctions against aggression. Political sovereignty values the unity of the state's population and the solidarity of that population with the government above respect for the limits which international law sets to the state's competence. It therefore contradicts the very idea of international sanctions. Opportunity of the agents of the world-community to propagandize in favor of international law within the member-states is the essence of effective sanctions.[85]

d) Organization of progress and justice.—The League of Nations, like all political organizations, has been confronted by the problem of reconciling change and progress with stability—the problem of building up devices whereby rights and law can be continually and peacefully modified in the direction of justice. Two types of change have been and will be from time to time necessary: change in the general principles of international law and change in particular rights such as territorial boundaries and status. New states have been born, old states have died, and territories have been transferred but usually with some violence. While the development of international law so as to reduce the economic and political importance of boundaries may do much to meet the latter problem, it probably cannot solve it for all time. The germs of a procedure for peacefully effecting such changes were accepted in Articles 11 and 19 of the Covenant, but states which were dissatisfied with treaties and boundaries, particularly Germany, Italy, Hungary, and Japan, were not convinced that these procedures were adequate to effect even such changes as

[84] Above, n. 76.   [85] Above, n. 70; chap. xxiv, sec. 4.

might commend themselves to the general public opinion of the world.[86]

After the attacks upon world-order initiated by Japan in 1931, the opinion developed that improvement of the means of "peaceful change" was the only way in which war could be prevented. If sanctions, whether moral, political, economic, or military attempted merely to perpetuate any legal *status quo*, violence could not in the long run be prevented because such a *status quo* would inevitably in time come to be out of harmony with the existing political and economic conditions of the world, as well as with existing conceptions of justice.[87] Sound as was this position, events proved that "peaceful change" might mean "appeasement of aggressors," and this, by encouraging aggression, might precipitate war.[88]

Peaceful change, if it is to promote peace, requires an effective legislative authority capable of functioning with less than unanimous consent.[89] Universalization of the League might have increased the possibilities of peaceful change, because the opinion of states distant from the scene of a particular controversy and less interested in a particular *status quo* than in the preservation of peace might have exerted a powerful influence in favor of changes likely to promote

[86] Above, chap. xxv, sec. 4; chap. xxiv, n. 79.

[87] Bourquin, *op. cit.;* International Studies Conference, *Peaceful Change;* Sir John Fischer Williams, *International Change and International Peace* (Oxford, 1932); C. A. W. Manning (ed.), *Peaceful Change an International Problem* (New York, 1937); Torsten Gihl, *International Legislation: An Essay in Changes in International Law and in International Legal Situations* (Oxford, 1937); C. R. M. F. Cruttwell, *A History of Peaceful Change in the Modern World* (London, 1937); F. S. Dunn, *Peaceful Change: A Study of International Procedures* (New York, 1937); John Foster Dulles, *War, Peace and Change* (New York, 1939); Bryce Wood, *Peaceful Change and the Colonial Problem* (New York, (1940); Wilbur W. White, *The Process of Change in the Ottoman Empire* (Chicago, 1937); Commission To Study the Organization of Peace, "Preliminary Report and Monographs," *International Conciliation,* No. 369, April, 1941, pp. 198, 394, 455, 477, 480, 493; Q. Wright, "Article 19 of the League Covenant," *Proceedings of the American Society of International Law, 1936,* pp. 55 ff.

[88] Q. Wright, "The Munich Settlement and International Law," *American Journal of International Law,* XXXIII (January, 1939), 12 ff.

[89] H. Lauterpacht, *The International Problem of Peaceful Change* ("United Kingdom Memorandum," No. 7 [International Studies Conference on Peaceful Change (1937)]); "Legal Aspect" in Manning (ed.), *op. cit.*

stability. Modification of the unanimity rule in Articles 11 and 19 of the Covenant might have increased the technical capacity of the League to function in this direction, though such modification would have been resisted as a serious impairment of sovereignty. Neither of these changes, however, would have solved the problem. Fundamentally no league can develop effective legislative authority unless it has power to hold states and governments to their legal responsibilities and unless it inspires confidence that its legislation will conform to justice. These conditions imply an opinion throughout the world intensely and continuously loyal to the League's symbols. A widespread sense of world-citizenship appears to be an essential element of effective international organization.[90]

[90] Above, chap. xxviii, sec. 3d.

E. THE PEOPLES AND COMPETITION FOR A LIVING

CHAPTER XXX

PUBLIC OPINION AND WAR

AMONG the causes of war is the difficulty of making peace a more important symbol in world public opinion than particular symbols which may locally, temporarily, or generally favor war.[1] If only love of peace and hatred of war could be universalized, say the pacifists, war would disappear.[2] The more practical minded hope that understanding of the increasing destructiveness of war may develop a world public opinion adequate to sustain an organization able to prevent war.[3] Hatred of war has provided a rallying cry for popular "peace movements," particularly after general wars of great destructiveness.[4] The "Outlawry of War" was a

[1] Above, chap. xix, sec. 2a.

[2] Above, Vol. I, Appen. III, sec. 1.

[3] Ibid., sec. 4; A. C. F. Beales, The History of Peace (New York, 1931), pp. 6 ff.

[4] Major peace propagandas arose in Palestine during the Assyrian invasions (Micah, Isaiah); in ancient Greece during the Peloponnesian War (Aristophanes, Sophocles); in Rome during and just after the civil wars and conquests preceding the time of Christ (Stoics, early Christians); in the Middle Ages during the civil wars and Viking raids of ' the tenth century (Truce of God and Peace of God); and in modern history during the civil and religious wars of the Renaissance (Erasmus, More, Menno Simons); during the Thirty Years' War and the British civil war (Grotius, Crucé, Fox, Penn); during and immediately after the Napoleonic Wars (D. L. Dodge, Noah Worcester, W. E. Channing, and William Ladd in the United States; William Allen, John and Thomas Clarkson, and Jonathan Dymond in England; Joseph Garnier and the Duc de Rochefoucauld-Liancourt in France; and the Comte de Sellon in Geneva); during and after the mid-century wars of nationalism and the American Civil War (Elihu Burritt, Hodgson Pratt, and Andrew Carnegie in the United States; Henry Richard, William R. Cremer, W. E. Darby, and W. T. Stead in England; Frederick Passy, Jean Dollfus, and Charles Lemonier in France; Bertha von Suttner and Alfred Fried in Germany; and Alfred Nobel in Norway); and during and after World War I (Theodore Marburg, W. H. Taft, N. M. Butler, J. B. Scott, and S. O. Levinson in the United States; Lord Bryce, Norman Angell, and Leonard Woolf in England; Henri la Fontaine and Theodore Ruyssen in France; Walther Schücking, Hans Wehberg, and Ludwig Quidde in Germany; and C. L. Lange in Norway). See Beales, op. cit.; Norman Angell, "Peace Movements," Encyclopaedia of the Social Sciences; above, Vol. I, chap. xv, sec. 2c.

slogan which led to the most widely ratified treaty in history.[5] Hobbes believed that man in a state of nature submitted to government because of his fear of the *bellum omnium contra omnes*.[6] Opinions about peace and war have varied in different times and places,[7] and they have had an influence on history.[8]

The difficulty of controlling such opinions on a world-wide scale are dealt with in this part of the volume. Attention will be given to the questions: Would a world-wide public opinion which loved peace and hated war eliminate war? Would not changes in population create a more pressing necessity which would frustrate the influence of such opinions among peoples struggling for existence? Would not the scarcity of economic resources lead to war whatever opinions might be held? Is human nature compatible with the conditions essential for permanent peace? These questions dealing with the relation of war and peace to public opinion, to population, to economy, and to human nature will be considered in this and the three following chapters.

A public opinion is a relatively homogeneous expression of preference by members of a group concerning issues which, though debatable, concern the group as a whole. A public opinion, therefore, implies the existence of a public or a group the members of which communicate among themselves on matters of common interest,[9]

[5] John Stoner, "Salmon O. Levinson and the Peace Pact" (manuscript, University of Chicago Library, 1937).

[6] *The Leviathan*, chap. xiii. That the state of nature is a state of war has been commonly recognized by philosophers in both oriental and occidental civilizations (see B. K. Sarkar, "The Hindu Theory of the State," *Political Science Quarterly*, XXXVI [1921], 79 ff.) and by students of primitive people. "Unorganized peacefulness can occur only under conditions of at least partial isolation and freedom from attack" (Margaret Mead, *Cooperation and Competition among Primitive People* [New York, 1937], p. 481).

[7] Above, Vol. I, chap. vii, n. 208; Appen. III.

[8] Though that influence has sometimes been unexpected (below, sec. 2). "Public opinion has always played an important role in the struggles of men. It is this that has raised war from a mere play of physical forces and given it the tragic significance of a moral struggle, a conflict of good and evil" (R. E. Park and E. W. Burgess, *Introduction to the Study of Sociology* [Chicago, 1924], p. 575).

[9] "The public is a situation in which persons with a common focus of attention are making debatable demands for action; the political crowd is characterized by undebatable demands for action" (H. D. Lasswell, *World Politics and Personal Insecurity* [New York, 1935], p. 83). See also Lasswell, "The Measurement of Public Opinion," *Ameri-*

issues or matters of common interest about which the members of the public communicate with one another and to some extent disagree,[10] leadership which formulates, publicizes, and concentrates attention upon the issues which are important at a given time,[11] and opinions which indicate the attitudes of the members of the public toward the issues and their willingness to acquiesce in action conforming to the predominant opinion.[12] The essence of public opinion is controversy coupled with acquiescence in eventual group action, diversity of attitudes coupled with unity of action. There is no public opinion about an issue on which there are intransigent minorities within the public.[13] Nor is there a public opinion about issues on which there are no minorities at all.[14]

In considering the relation of public opinion to war and peace, attention will be given to the symbols and to the propaganda of war and peace and to the conditions favorable to warlike opinions.

1. SYMBOLS OF WAR AND PEACE

The theory that a suitable public opinion might eliminate war assumes that wars have been caused by opinions about symbols, that these symbols have usually had little relation to actual conditions,[15] that a persistent and world-wide opinion favorable to the symbol

can Political Science Review, XXV (May, 1931), 311 ff. Waelder's distinction between "associations" and "masses" is similar ("Psychological Aspects of War and Peace," _Geneva Studies_, X, No. 2 [May, 1939], 14–15). See below, Appen. XXXV, n. 10.

[10] Issues are expressed by slogans or propositions, i.e., by symbols.

[11] Lasswell (_World Politics and Personal Insecurity_, p. 3) and others use the word "élite" popularized by Pareto. The difference between democracy and despotism depends in large measure upon the use of "fair" or "unfair" methods of leadership.

[12] An expressed attitude is an opinion, but opinions do not necessarily express attitudes correctly (below, sec. 2). See L. L. Thurstone, "Attitudes Can Be Measured," _American Journal of Sociology_, XXXIII (1928), 533.

[13] "In order that it [opinion] may be public a majority is not enough, and unanimity is not required, but the opinion must be such that while the minority may not share it, they feel bound, by conviction, not by fear, to accept it" (A. L. Lowell, _Public Opinion and Popular Government_ [New York, 1914], p. 15; see also _ibid._, p. 44).

[14] If there is no disagreement, there is no issue. The proposition has the status of fact or truth in that public. It is undebatable. In a "crowd" or "mass" all questions are undebatable. Above, n. 9; chap. xxviii, sec. 1a (iv).

[15] Otherwise the wars should be attributed to the conditions (above, chap. xxviii, nn. 63 and 64; Lasswell, _World Politics and Personal Insecurity_, p. 246).

"peace" might be developed, and that that symbol might acquire an intelligible and realizable meaning.[16] The successive divisions of this section will deal with the relation of opinion to symbols and to conditions and with the relation of peace to the diversity of opinion and to the meaning of the term.

a) Opinion and symbols.—In a town meeting public opinion concerns issues with which the entire public is acquainted through direct experience. The issues concern conditions rather than symbols. In larger groups, on the other hand, the greater part of the members can seldom have this direct acquaintance with issues. The issues necessarily concern symbols which carry to the average members of the public only vague suggestions of the conditions involved.[17]

Many aspects of the behavior of contemporary national and international groups are controversial,[18] and yet, if the group is to survive, general acquiescence of the members in group policy is even more necessary now than it was under less complex conditions.[19] Controversial questions arise concerning the ends regarded as important to the group, the means to be employed for furthering group ends, the standards and rules which the group expects its members to observe, and the performances and rituals intended to manifest the existence and character of the group to its members and to outsiders. National and world-politics concern in large measure the answering

[16] They believe this on the assumptions that "the things which make men alike are more important than the things which make them different," that men are alike in human sympathy, social rationality, moral sensitivity, and common sense, and that all of these favor peace (Beales, *op. cit.*, pp. 6-8).

[17] Lowell, *op. cit.*, pp. 46 ff.; Above, chap. xxviii, sec. 3*b*.

[18] If group behavior is instinctive, as in an anthill, or customary, as in primitive societies, or universally accepted, as in a "crowd" or "mass," general acquiescence exists, but the behavior is not a subject of public opinion. Civilization implies alternative courses of action in many contingencies and consequently a great deal of controversy. Below, chap. xxxi, n. 11.

[19] Because with the spread of literacy and communication there is more awareness of, and interest in, public affairs and consequently more disposition of the unconverted actively to oppose policy, and because in a complicated society many public policies require more extensive public co-operation to be successful. War was formerly fought with small standing armies. Now it requires the collaboration of substantially the entire population. Above, Vol. I, chap. xii, sec. 2.

of such political, administrative, legal, and ceremonial questions.[20] Such issues, especially in world-politics, invite the use of vague symbols. Practical behavior, whether of a political or administrative character, aims at something potential but as yet unrealized. This "something" can be presented only by symbols. One can comprehend the unachieved ends or unapplied means for achieving ends only through the media of symbols. Formal behavior, whether legal or ceremonial, is guided by norms or rituals which can have only a symbolic existence. The larger the group and the less accessible are all its members to direct sensory contact with all the others and their activities, the less available are instinct, custom, or universal acceptance as bases of group behavior,[21] the more symbols and opinions about them are the stimuli and guides for behavior.[22]

In the large groups which make war in modern civilization, symbols alone are responsible for initiating and guiding that particular behavior. Frontier guards may, it is true, shoot at one another from habit or caprice. Even large-scale hostilities may start by accident. But war in the legal sense does not start without elaborate procedures of parliamentary or council discussions, declarations, orders, and proclamations dealing with its means, ends, modes, and justifications.[23] War is therefore always intentional in the sense that symbolic acts which mean war and justify it have been indulged in by some government.[24] Civilized war differs in this respect from animal war. The latter is stimulated by direct sensory experience by the

[20] From the point of view of the group as a whole. From the point of view of the members and subgroups, the real issue may be "who gets what, when and how?" (Lasswell, *World Politics and Personal Insecurity*, chap. 1; *Politics, Who Gets What, When, How* [New York, 1936]).

[21] Above, n. 18; chap. xxviii, sec. 1a(iv).

[22] Universal concepts such as those which express the ends of religion or of the world-community can be indicated only by symbols. Above, chap. xxvi, sec. 3a.

[23] "To be of greatest interest to us [political analysts] the act of demolishing another must be enshrined in justifications. The muscle movements must occur in a context of verbal legitimacy" (Lasswell, *World Politics and Personal Insecurity*, p. 30). See above, n. 8

[24] Above, Vol. I, chap. vii, sec. 7b. Primitive war involves an interpretation of events but in terms of customs which are much more concrete and leave less room for judgment than do the symbols which are invoked to justify civilized war. Above, Vol. I, chap. vi, sec. 6.

intended victim and aggressor of each other, while the former is stimulated by an interpretation of events in terms of the rights, honor, interest, or policy of the group.[25] The leaders who do this interpreting of symbols and the masses who accept the interpretations may have little or no acquaintance with the conditions meant by the symbols.[26]

The subsequent experiences of the soldiers with the conditions of warfare are accidents of war not directly determining its origin or its termination. They are, it is true, elements which enter into the meaning of the determining symbols, but numerous other elements also enter into this meaning. War means the legal condition which equally permits two or more hostile groups to carry on a conflict by armed force. Sensory experiences of armed force are less important in this conception than political objectives, tactical and strategic movements, legal rules, and propagandistic characterizations of the enemy all expressed in an abstract vocabulary only remotely related to the sensory experience of actual fighting.[27] War therefore arises immediately in the world of symbols, not in the world of conditions.[28]

b) Opinion and conditions.—The symbols behind wars are usually richer in affective than in informative meaning. They often refer to fictions, myths, and stereotypes with little relation to conditions.[29] Opinions about such symbols are expressions of attitude. They man-

[25] Q. Wright, "Neutrality and Neutral Rights Following the Pact of Paris," *Proceedings of the American Society of International Law, 1930*, p. 79; "When Does War Exist?" *American Journal of International Law*, XXVI (April, 1932), 362 ff.

[26] Above, Vol. I, chap. vii, sec. 5; chap. xi.

[27] Above, chap. xvii.

[28] Poets have often appreciated that war is a conflict of ideas, of gods, or of symbols before it is a conflict of material arms (see Homer, *Odyssey;* Milton, *Paradise Lost;* Goethe, *Faust*). Johannis de Lignano (d. 1383) considered "celestial spiritual war" originating in the war of Lucifer and God as the primary type of war (*De bello, de reprisales et de duello* [Oxford: Carnegie Institution, 1917], p. 218). See also William Ballis, *The Legal Position of War* (The Hague, 1937), pp. 51 ff.; above, nn. 8 and 23.

[29] Above, chap. xxviii, n. 63. For distinction between the affective, intentional, connotative, emotive, or pragmatic meaning, which relates the sign, word, or symbol to the user, from the informative, extensional, denotative, symbolic, or semantic meaning, which relates it to the thing designated, see Charles Morris (above, chap. xxviii, n. 58); C. K. Ogden and I. A. Richards, *The Meaning of Meaning* (New York, 1923); S. I. Hayakawa, *Language in Action* (New York, 1941); A. Korzybski, *Science and Sanity* (New York, 1933); above, chap. xvi, n. 6.

ifest feelings which vary from individual to individual and are not necessarily related either to observation or to logic. They are, therefore, to be distinguished from truths which describe conditions verified by experience or which express the relation of such conditions through the logical ordering of symbols which have informative meaning.[30] In questions concerning the most general objectives of group policy the experience of every member of the group is, according to democratic assumptions, equally important; consequently, the immediate test of the truth of a proposition on such questions lies in the universality of the acceptance of the proposition within the group by those who understand the meaning of its terms and who accept it on the basis of their own experience.[31] Opinion may become so accepted as to constitute, for the time, truth, and truth may become so contradicted by new observations as to become opinion.[32] But at a given time in a given group the distinction can usually be made. Truth is accepted as a fact; opinion only as a belief. Beliefs, it is true, in religions or propagandas are usually presented as historical facts; but, in so far as both the facts and the deductions from them are controversial within any population, they lack the status of truth.[33]

[30] Above, Vol. I, chap. viii, sec. 2c.

[31] This does not mean that ultimately the truth of a proposition is tested by the ease with which people can be made to believe it. The experience of the average man is not indicated by his opinion if he is coerced or if he misunderstood the proposition, and it is of little value on any but the most general matters of policy. Subject to these qualifications, a proposition which everyone within a group accepts is likely to be a reliable guide to actual group behavior. Furthermore, a proposition which no one in a group denies will inevitably be treated as though it were true within the group; a proposition concerning the ends of group policy is verified by experience when everyone in the group freely accepts it; any test of truth eventually depends on the consensus of those who apply the test. "The opinion which is fated to be ultimately agreed to by all those who investigate is what we mean by the truth" (Charles S. Peirce, quoted by Walter Lippmann, *Preface to Morals* [New York, 1929], p. 129).

[32] As the Copernican astronomy rose to the status of truth, the Ptolemaic astronomy declined to the status of falsehood, but for a period of time the issue was controversial, and the new theory was treated as heresy. See discussion of "facts and attitudes," in Q. Wright and Carl J. Nelson, "American Attitudes toward China and Japan, 1937–38," *Public Opinion Quarterly*, III (January, 1939), 57 ff.

[33] The truth of propositions about matters of reason (means and causes) tends to make them believed. Universalization of belief on matters of faith (ends and intuitions)

The military results to be expected from war are rarely certain, and the eventual economic, political, and cultural consequences can seldom be calculated with any approximation to accuracy. War is a gamble, and, even if calculations are made, there is usually difference of opinion in high quarters and even more among the general population. There is almost never a universal acceptance of any proposition concerning the need or wisdom of a particular war. War is initiated or rejected because of the "weight of opinion" among those with authority to act for the group.[34]

Even further it can rarely be said that the particular arguments for war have any status as truths. Economic arguments, political arguments, and historical arguments are made by propagandists, but they seldom have the support of all the experts in these disci-

tends to make them true. Persecutions for heresy and prosecutions for disrespect for group symbols may contribute to group solidarity if confined to the latter, but the distinction is not easy to apply. Men want dogmatic certainty about everything and so tend to expand unduly the latter category (above, n. 32; Vol. I, chap. viii, nn. 73 and 88; Lippmann, *op. cit.*, p. 132). See also Frankfurter, J., speaking for the Supreme Court of the United States in *Minersville School District* v. *Gobitis* (310 U.S. 586 [1940]), upholding a state law requiring school children to salute the flag in spite of the constitutional guaranty of religious liberty. "We live by symbols. The flag is the symbol of our national unity, transcending all internal differences, however large, within the framework of the Constitution." The lawmaking body has decided that the salute is an appropriate means "to evoke that unifying sentiment without which there can ultimately be no liberties, civil or religious." To hold this requirement void as abridging religious liberty "would amount to no less than the pronouncement of a pedagogical and psychological dogma in a field where courts possess no marked and certainly no controlling competence." Stone, J., dissented. See R. E. Cushman, "Constitutional Law in 1939–40," *American Political Science Review*, XXXV (April, 1941), 269 ff.

[34] Above, Vol. I, chap. vii, n. 76. When a country is actually invaded, opinion as to the necessity of resistance may approach unanimity. The Gallup polls in the United States from 1939 to 1941 indicated fluctuations of opinion from 5 to 20 per cent favoring immediate entry into war at the time the poll was taken and from 40 to 70 per cent favoring American entry into the war if necessary to defeat Hitler. A larger proportion favored war to defend the country from invasion than to defend the Monroe Doctrine or the Philippines or Great Britain (see also "Survey XXXIX," *Fortune*, August, 1941, pp. 75 ff.). After the Japanese attack on Pearl Harbor, Hawaii, December 7, 1941, Congress voted for war with only one dissenting vote. Judgment upon the result of war depends upon an appraisal of internal morale and of external conditions. Thus, for those who decide on war, internal opinion, certainly a large element in morale, is a question of fact to be weighed with questions of fact concerning the world-situation. On the latter, internal public opinion gives little evidence.

plines, even in the country utilizing them. Thus if such phrases as economic, political, and psychological causes of war are used, it is not because there is a direct relationship between the outbreaks of wars and the truths or facts accepted in these disciplines but only because propositions, good, bad, or indifferent, concerning economics, politics, or psychology, have influenced an opinion favorable to war.[35]

Arguments which influence opinion often have little support in social science, and truths affirmed by social scientists often have little influence upon the movements of opinion in contemporary societies. This suggests that little should be expected from studies of the statistics of population, commerce, finance, and armaments or the technicalities of law and procedure in explaining war.[36] It is only as such matters affect opinion that they cause war, and opinion is moved by symbols of such vague meaning that no precise correlation with statistical series or refined analyses is to be expected. The causes of wars must be studied directly from indices of opinion, not indirectly from indices of conditions, even though the two have an overlapping vocabulary.[37]

c) The diversities of opinion.—Opinion may be measured as to direction, intensity, homogeneity, and continuity with reference to symbols.[38] It is clear that the opinions of groups vary greatly in all

[35] In the discussion concerning American entry into war in 1941 it was argued that the United States should stay out because Britain was certain to lose anyway and because Britain was certain to win anyway. It was argued that only by staying out could a free economy be preserved and only by staying out could a free economy be superseded. According to Max Handman ("War, Economic Motives and Economic Symbols," *American Journal of Sociology*, XLIV [March, 1939], 640), all economic arguments for war are arguments, not motives; rationalizations, not reasons. See above, chap. xvii, sec. 4a; below, Appen. XXVI.

[36] For discussion of such efforts, see below, chap. xxxvi, sec. 2.

[37] See chap. xxxi, sec. 5; chap. xxxii, sec. 1. Stalin was said to have been influenced to attack Finland in December, 1939, more by the Marxian theory of class conflict which implied that England and Germany as "capitalist" countries would necessarily combine against "communist" Russia, in which event Finland would be the natural avenue of attack, than by an objective examination of the actual opinion in England and Germany at the time. On the use and abuse of such "signal reactions" see above, chap. xxviii, n. 22.

[38] These four dimensions are indicated in graphs of American attitudes toward China and Japan in 1937–38 (Wright and Nelson, *op. cit.*, p. 48). See also Allen L. Ed-

these dimensions. They are greatly affected by types of leadership, by methods of propaganda, and by economic, political, and other circumstances.[39] But, whatever the circumstances of particular groups, it is clear that the opinion of a group formed from sources wholly within itself will probably differ from the opinion of any other group formed from sources wholly within itself. Such differences of opinion are likely to lead to opposition. If the groups are in close contact, conflict and war may result.[40] Thus the only opinion which can assure peace is one held by a public which includes all the groups in contact with one another. Such public opinion must, under present conditions of interdependence, be a function of a world-group, and, if peace is to continue, that opinion must be continuous.[41] This does not mean that all the members of each nation must also be members of the world-public, but it does mean that within each nation there must be enough persons whose horizons extend beyond the group to keep its policies consistent with the requirements of the world-community.[42]

wards ("Four Dimensions in Political Stereotypes," *Journal of Abnormal and Social Psychology*, XXXV [October, 1940], 560 ff.), who substitutes the dimension "quality" for that of "continuity." Above, chap. xxvii, sec. 3*d*; below, sec. 3*e*; chap. xxxiii, sec. 2; Appen. XLI, Figs. 45–48.

[39] Below, chap. xxxiii, sec. 3; chap. xxxv, sec. 4.

[40] The situation would be analogous to that of a group of deaf and blind men in a strange place. The opinion of each as to the best way of reaching his destination would be formed wholly by introspection, and there would certainly be many collisions in following such opinions. A public is placed in such a situation if the government by censorship isolates it from external communication. It is at the mercy of the government. Q. Wright, "International Law and the Totalitarian State," *American Political Science Review*, XXXV (August, 1941), 741; H. Bonnet (ed.), *The World's Destiny and the United States* (Chicago: World's Citizens Association, 1941), p. 103; below, n. 102.

[41] John Fiske thought that an effective world-organization would have to be "supported by the public opinion of the entire human race" (*American Political Ideas Viewed from the Standpoint of Universal History* [New York, 1885], p. 151). See above, chap. xxix, secs. 2 and 3.

[42] It has been suggested that, in so far as international law has had any influence, it has been because of the support given it by supra-national classes. In the sixteenth and part of the seventeenth centuries such a class was the clergy; in the late seventeenth and early eighteenth centuries it was the aristocracy and monarchs with international family connections; in the late eighteenth and nineteenth centuries it was the bourgeois interested in world-trade (see Gerhart Niemeyer, *Law without Force* [Princeton, 1941], p. 77; above, chap. xiii, sec. 2). The declining internationalism of these descendents of

Even a world public opinion would be opposed by dissident minorities unless, indeed, all political objectives had reached the status of truth, a condition which would end not only controversy but also human progress.[43] With a world public opinion, however, the opposition of minorities would not mean war. Public opinion implies that minorities subordinate their opinions to the predominant opinion on matters of public interest, that only peaceful procedures be used in settling disputes of public importance, and that the means employed in striving for public ends be considered more important than the achievement of any particular objective.[44] A genuine world public opinion implies, therefore, that minorities keep the peace with respect to the matters of interest to that public. What if they do not? Those subscribing to the dominant public opinion will then be faced by the alternative of using force to suppress them or of acquiescing in the disintegration of the world public opinion. If peace is the symbol of world public opinion, which should they do? Does peace mean that coercion shall not be used or does it mean that public opinion shall prevail?

d) *The meaning of peace.*—The dilemma just suggested indicates the importance of determining the meaning of peace. Advocates of peace have been divided into two camps—the pacifists and the inter-

the three medieval estates in the twentieth century may account in part for the decline in the influence of international law (Q. Wright, "International Law and the Totalitarian States," *op. cit.*, pp. 738 ff.). The support given to international institutions by a supra-national intellectual class in the 1920's and 1930's was inadequate in view of various adverse material conditions (above, Vol. I, chap. xiii, sec. 2d). It is possible that the influence of this fourth estate of intellectuals, including press correspondents, radio commentators, writers, and teachers will develop into a supra-national bloc against such anti-intellectual manifestations as naziism, fascism, and war. According to Freud, intellectuals agitate against war because they cannot do otherwise. It is in their nature to be pacifists. "Everything which favors the development of culture also works against war" ("Why War? An Exchange of Letters between Albert Einstein and Sigmund Freud, July 30, 1932," *An International Series of Open Letters* [Paris: International Institute of Intellectual Cooperation, 1933]). Apparently this fourth estate has tended to increase both in relative numbers and in influence (H. D. Lasswell, *Democracy through Public Opinion* [Menasha, Wis.: George Banta, 1941], p. 173).

[43] Above, n. 14.

[44] Above, n. 13. This is the usual position of constitutionalism within the state. See chap. xxii, sec. 4a; Q. Wright, "The Munich Settlement and International Law," *American Journal of International Law*, XXXIII (January, 1939), 31–32.

nationalists.[45] In times of peace they have tended to come together, but in times of war or threats of war the pacifists have urged non-intervention, while the internationalists have urged collaboration against aggression. States pursuing pacifist policies of avoiding war have encouraged aggression and have often become its victims. States pursuing internationalist policies, by seeking to prevent or to suppress aggression, have often become involved in war. Support is thus lent to the hypothesis that peace is not an intelligible idea.[46]

The unsophisticated interpretation of peace is that of pacifism. Peace is negative. It is the absence of war. The philosophers of this theory have pointed out that if everyone renounced intransigent opposition to existing conditions or opinions, no matter how oppressive or unjust they might be, there would be no war. Eventually, rational means of solution would be found. Peace, they say, can only be a negative symbol because, if any positive symbol were taken as the dominant ideal, war might seem necessary to achieve it. Wars, they point out, have been fought for the sanctity of treaties, for the preservation of law, for the achievement of justice, for the promotion of religion, even to end war and to secure peace. When peace assumes a positive form, therefore, it ceases to be peace. Peace requires that no end should justify violence as a means to its attainment; consequently, no person or group should believe in any end so firmly that compromise or at least postponement of realization is impossible.[47]

The internationalists, however, reply that the desire for peace cannot be superior to itself. While peace may require a renunciation of intransigent oppositions, it cannot require a renunciation of all

[45] Beales, *op. cit.*, p. 6; above, chap. xxv, sec. 5.

[46] Peace societies have frequently quarreled among themselves because of uncertainty as to the meaning of peace (see Norman Angell, *op. cit.*). Gerhart Niemeyer (*op. cit.*, pp. 380 ff.) considers peace an unintelligible idea unless supported by a world-state.

[47] The philosophy of nonresistance and nonviolence of Tolstoy and Gandhi assumes that nonresistance exercises a moral influence over the aggressor. The followers of Gandhi convert nonviolence into a form of disciplined coercion resembling such institutions as the medieval interdict, the economic boycott, and international economic sanctions. R. B. Gregg, *The Power of Non-violence* (Philadelphia, 1934); Krishnalal Shridharani, *War without Violence* (New York, 1939). See also Janice Simpson, "The Position in International Law of Measures of Economic Coercion Carried On within a State's Territory" (manuscript thesis, University of Chicago Library, 1935).

oppositions, or it becomes self-contradictory. Peace cannot dissipate actual war by wishful thinking. Peace which tolerates breaches of peace or encourages them by appeasing aggressors destroys itself. Peace which means merely the avoidance of war in any circumstances is self-defeating, because it encourages injustice which leads to war and it frustrates the co-operative handling of problems which alone can prevent war. To be either logically conceivable or practically effective, peace, they say, must have a positive meaning. It must mean international justice. International justice implies orderly procedures and a spirit of co-operation in dealing with international problems. These conditions can only be realized in a world-society. The symbols of peace are, therefore, the symbols of a world-society.[48]

The internationalists concede that the achievement and maintenance of a world-society is certain to arouse opposition and to require the occasional use of force by the whole to control the parts. Consequently, the concept of peace, while it excludes war, cannot exclude all use of force. A peaceful society must anticipate occasional crimes and rebellions and must provide for defense and police to suppress them. The building of peace even involves risks of violence on such a scale as to resemble war in the material sense. The rejection of such risks, however, would stop work on the building. This concept of peace presented by constitutionalism within the state and by internationalism in the family of nations distinguishes crime, rebellion, aggression, and war from necessary defense, criminal justice, police action, and sanctions.[49]

While unanimity of opinion as to the meaning of peace has not been achieved, the weight of experience and authority supports the internationalist point of view. Theologians,[50] philosophers,[51] psy-

---

[48] Below, nn. 50, 51, 55, and 56; Commission To Study the Organization of Peace, "Preliminary Report," *International Conciliation*, April, 1941, p. 198.

[49] Above, chap. xxv.

[50] Augustine defined peace as "ordinata concordia—tranquillitas ordinis." See Robert Regout (*La Doctrine de la guerre juste* [Paris, 1935], p. 40), who explains this as "not tranquillity under the yoke of the evil doer but as tranquillity in justice."

[51] "A state of peace among men who live side by side with each other is not the natural state. The state of nature is rather a state of war. . . . . The state of peace must

chologists,[52] mathematicians,[53] economists,[54] jurists,[55] and publicists[56] who have considered the subject carefully have perceived that if

therefore be established. . . . . A guarantee of peace between neighboring states . . . . can only be furnished under conditions that are regulated by law" (Immanuel Kant, *Eternal Peace* [Boston, 1914], p. 76). Pascal implied that peace meant enforced justice. "Justice without force is powerless, force without justice is tyrannic" (*Les Pensées* [Paris, 1877], I, 100).

[52] William James's "moral equivalent of war," while not an international organization, recognized that peace must be conceived positively. "So long as anti-militarists propose no substitute for war's disciplinary function, no *moral equivalent* of war, ... so long they fail to realize the full inwardness of the situation" (*International Conciliation*, No. 27, February, 1910, p. 13). George H. Mead agrees with this ("National Mindedness and International Mindedness," *International Journal of Ethics*, XXXIX [July, 1929], 385–407).

[53] "War is an intense activity, whereas peace, in the sense of a mere tranquil inattention to the doings of foreigners, resembles zero rather than a negative quantity. Negative preparedness for war must mean that the group directs towards foreigners an activity designed to please rather than to annoy them. Thus a suitable name for negative preparedness for war seems to be 'cooperation' " (L. F. Richardson, *Generalized Foreign Politics* ["British Journal of Psychology: Monograph Supplements," Vol. XXIII (London, 1939)], p. 7).

[54] Thorstein Veblen distinguished several types of peace from the lowest, "truce" and "armistice," through "preparation for war," "defensive attitude," "balance of power," and "collusive safeguarding of national discrepancies by force of arms" to "peace by neglect of such useless national discriminations as now make for embroilment," i.e., justice (*An Inquiry into the Nature of Peace* [New York, 1917], pp. 299–303).

[55] "International institutions must be established which will make the outbreak of war, if not impossible, at any rate only an exceptional possibility" (L. Oppenheim, *The League of Nations and Its Problems* [London, 1919], p. 13). "Peace must have machinery to provide for this progress; if the machinery is not provided there will be no peace" (Clyde Eagleton, *Analysis of the Problem of War* [New York, 1937], p. 17). Above, chap. xxv.

[56] Salvador de Madariaga equates peace to justice as the opposite of war (*The World's Design* [London, 1938], p. 80). Elsewhere he says: "Peace is no mere absence of war. Peace is no policy. . . . . The only way to secure peace is to stop bothering about it and begin to work together to carry out together the business of the world" (*American Town Meeting of the Air*, II, No. 19 [March 25, 1937], 18; see also Nathaniel Peffer, "Too Late for World Peace," *Harper's*, June, 1936, p. 31). Lord Davies regards peace as "force yoked to justice" (*New Commonwealth*, June, 1939, p. 165). M. Briand said on the occasion of the signature of the Pact of Paris, August 27, 1928: "Peace is proclaimed: that is well, that is much. But it still remains necessary to organize it. For solutions of force, juridical solutions must be substituted. That is to be the work of tomorrow" (U.S. Department of State, *Treaty for the Renunciation of War* [Washington, 1933], p. 315). See also Report of Commission To Study the Organization of Peace, *op. cit.*, pp. 198 and 454.

peace is to attract public opinion and to fulfil its expectations, it must be a positive conception. It must mean justice and order, and it cannot mean those without organization.   Experience has shown that in limited areas violence has been prevented only when peace was identified with an organized society which made justice and order its first concern.[57]

The conception of positive peace is not easy to grasp. It encroaches upon many established conceptions and interests. The world-public is not likely to favor it sufficiently intensely, continuously, and homogeneously to achieve it unless the conception exists not merely in public opinion but also in private attitudes. If it is to be realized, peace must be accepted not merely in symbols and myths but also in personalities and cultures. To gain such acceptances presents a problem of propaganda and education.

2. PEACE AND WAR PROPAGANDA

Propaganda is the process of manipulating symbols so as to affect the opinion of a group.[58] It may be contrasted with education, which is the process of manipulating symbols so as to affect the attitudes of an individual.[59] The two are related, because opinion to some extent reflects attitudes and attitudes are to some extent influenced by opinion, but they are not necessarily identical.[60] An individual's overt expression of his attitudes may not accurately indicate his actual attitudes. He may lie. He may be unconscious of his attitudes. He may be influenced by immediate associations, suggestions, or pressures without realizing it. His personality may be

[57] Peace has existed most continuously within the state.

[58] Lasswell, *World Politics and Personal Insecurity,* p. 114; *Propaganda Technique in the World War* (London, 1927), p. 9; "Propaganda," *Encyclopaedia of the Social Sciences,* XII, 521.

[59] The totality of the attitudes of its members constitutes the culture of the group. See G. S. Counts ("Education," *Encyclopaedia of the Social Sciences,* V, 403), who defines education "as the induction of the maturing individual into the life and culture of the group." The fact that education as compared with propaganda deals with the young rather than the mature, with the traditional rather than the novel, with techniques rather than values, indicates its more profound influence upon personality and culture (see Lasswell, *World Politics and Personal Insecurity,* pp. 251 ff.; "Propaganda," *op. cit.,* p. 522).

[60] Above, n. 12.

divided, his public or mass conscience may be disclosed by his opinion, his private or individual conscience—his "real" attitude—may be undisclosed.[61]

Subtle conflicts between dispositions derived from heredity, from family training, from formal education, from the church, from business associations, and from introspection and reflection may remain unresolved in the personality, ready to manifest contradictory behaviors on different occasions. These conflicts roughly categorized by the distinction between impulse, conscience, and reason[62] give warning that the distinction between opinion and attitude is oversimplified. It is, however, useful as marking the general distinction between propaganda and education.

In no field is the difference between attitude and opinion more marked than in relation to war. Private attitudes are likely to be affected by the personal aspects of war—death, destruction, killing, mutilation, glory, adventure, escape, economic advancement—and the evaluations of such events and possibilities from hereditary impulses of self-preservation and family affection; from social standards acquired through education, religion, and group experience; and from personal standards derived from past efforts to adjust impulses with social requirements.[63] Public opinion, on the other hand, tends to emphasize the public aspects of war—national defense, national policy, national ideals, international law, world-politics, human welfare, justice, and progress.[64] Both pacifists and militarists, it is true, seek to utilize private attitudes in building public opinion about war and peace, but the wide divergence of their symbolisms indicates the extreme ambivalence of these attitudes.[65]

The influence of attitudes and education on war and peace will be dealt with in the chapter on human nature and war.[66] Attention will here be confined to opinion and propaganda.

[61] Robert Waelder, "The Psychological Aspects of War and Peace," *Geneva Studies*, X, No. 2 (May, 1939), 19 ff., 28; above, chap. xxviii, n. 38.

[62] Lasswell (*World Politics and Personal Insecurity*, p. 63) roughly equates these terms to the psychoanalytic terms "id, superego, and ego." See also above, Vol. I, Appen. VIII, nn. 8 and 18–20.

[63] Below, pars. c, d, and e; chap. xxxiii, sec. 1.

[64] Below, chap. xxxiii, sec. 5.

[65] Above, Vol. I, Appen. III, sec. 1.   [66] Below, chap. xxxiii.

Propaganda seeks to manipulate symbols so that opinions in a given population will maintain or change direction, become more or less intense, more or less homogeneous, more or less continuous.[67] Propaganda is conducted through access to or control of instruments of communication and especially in modern societies of the press, the moving picture, and the radio.[68]

a) War propaganda.—Wars have always required propaganda for both their initiation and their conduct, and the methods have long been elucidated. They were exhibited in the histories of Thucydides and the orations of Demosthenes[69] and have been analyzed in the studies of recent wars.[70] The objects of war propaganda are the unification of our side, the disunion of the enemy, and the good will of neutrals. Our unity is promoted by identifying the enemy as the source of all grievances of our people, by repeating and displaying symbols which represent the ideals which we share, by associating the enemy with hostility to those ideals, and by insisting on our own nobility and certainty of victory and on the enemies' diabolism and certainty of defeat. The enemy is disunited by accentuating the divergency of factions, by suggesting incompetence of the leaders, by demonstrating the certainty of eventual defeat, and by implying

[67] Above, n. 38.

[68] Lasswell, *Propaganda Technique*, chap. ii; Frederick L. Schuman, *The Nazi Dictatorship* (New York, 1935), chap. x; Thomas Grandin, "The Political Use of the Radio," *Geneva Studies*, Vol. X, No. 3 (August, 1939); Harold N. Graves, Jr., *War on the Short Wave* ("Headline Books," No. 30 [New York: Foreign Policy Association, 1941]); John B. Whitton, "War by Radio," *Foreign Affairs*, XIX (April, 1941), 584 ff.

[69] Frederick H. Cramer, "Demosthenes Redivivus," *Foreign Affairs*, XIX (April, 1941), 530 ff.; William Ramsay, "Diplomacy and Propaganda of the Peloponnesian War" (manuscript, University of Chicago, 1927).

[70] See Philip Davidson, *Propaganda in the American Revolution* (Chapel Hill, 1941); Hazel Benjamin, "Official Propaganda of the French Press during the Franco-Prussian War," *Journal of Modern History*, June, 1932; Luella Gettys, "Propaganda in the Wars of the United States" (manuscript for Causes of War Study, University of Chicago, 1930); G. W. Auxier, "The Propaganda Activities of the Cuban Junta in Precipitating the Spanish-American War, 1895–98," *Hispanic American Historical Review*, XIX (August, 1939), 287 ff.; "Middle Western Newspapers and the Spanish-American War, 1895–98," *Mississippi Valley Historical Review*, XXVI (March, 1940), 523 ff.; James R. Mock and Cedric Larson, *Words That Won the War: The Story of the Committee of Public Information* (Princeton, 1939); Murdo Mackenzie, *The Human Mind* (Philadelphia, 1941), chap. xvi.

benefits to groups or individuals if resistance is ended. Neutrals are influenced by threats of invasion, by emphasis upon the loftiness of our war aims and the sordidness of the aims and methods of the enemy, and by emphasis upon special advantages to particular groups or to neutral nations by favoring our side.[71]

The pressure of propaganda coupled with the pressure of events has frequently brought neutrals into war. In only three of the fifteen war periods of the last three centuries which involved one or more great powers on each side and lasted more than two years did a single great power avoid being drawn into war.[72] If a war breaks out between great powers, it is to be expected that all the great powers will get in unless the war ends very rapidly. A belligerent disposition evolves from continuous whetting of the natural war interest in the news, from humiliating incidents, from political interest in the balance of power, and occasionally from the influence of special economic interests. Interest brings familiarity, and familiarity gradually brings acceptance. An American population with a tradition of neutrality rapidly became war-minded and eventually belligerent in the periods of the French Revolutionary and the Napoleonic Wars and of World Wars I and II.[73] The development of this belligerency has been traced in detail through studies of the American press during neutrality periods. These studies indicate a gradual shift from objective war stories to stories relating the war to the United States, then, as the actual crisis involving American interests developed, to an emotional appeal.[74]

b) Peace propaganda.—Efforts have also been made among both primitive and civilized peoples to preserve peace by propaganda.[75]

[71] Lasswell, *Propaganda Technique;* Schuman, *op. cit.;* Whitton, *op. cit.*

[72] Above, Vol. I, Appen. XX, Table 43.

[73] Q. Wright, *The United States and Neutrality* ("Public Policy Pamphlets," No. 17 [Chicago, 1935]). During the 1930's several books and government commissions attributed exaggerated importance to the influence of munition-makers and bankers in drawing neutrals into war. Above, Vol. I, chap. xi, nn. 25 and 32; below, chap. xxxii, sec. 4a.

[74] W. Schuyler Foster, Jr., "How America Became Belligerent: A Quantitative Study of War News, 1914–17," *American Journal of Sociology,* XL (January, 1935), 464 ff.; "Charting America's News of the World War," *Foreign Affairs,* XV (January, 1937), 311 ff.

[75] Above, n. 4.

The problem is more difficult than the problem of war propaganda because, to be effective, peace propaganda must gain attention simultaneously within all potential belligerents,[76] and yet peace is intrinsically less interesting to human beings than war. On hearing of a conflict situation, people instinctively prick up their ears.[77] Perhaps this is a biological inheritance. Perhaps those who were not alert and attentive in the presence of conflict situations were long ago eliminated in the process of natural selection. When actual conflict situations are not present, the same interest may attach to symbols suggesting them. The newspaper reporter and the historian know that they can claim the attention of their readers by accounts of conquest, war, and rumors of war. The artist, sculptor, or poet can produce a work of art which the untutored will at once label "war." It is difficult, on the other hand, to imagine a painting, statue, or poem that the average man would unequivocally label "peace."[78] People will buy newspapers which explain the technical details or tactics of a battle or a ball game, but who, except the specialist, would read such a dissertation on the structure or procedure of orderly government? In spite of the efforts of peace propagandas to objectify peace as a particular religion, as international law, as a system of arbitration, as a treaty of disarmament, as the League of Nations, as the Kellogg Pact, the public thinks of peace as merely the absence of war and finds it uninteresting.[79]

[76] It takes only one state to start a war, and consequently it takes all to assure peace.

[77] "Whenever and wherever struggle has taken the form of conflict, whether of races, of nations, or of individual men, it has invariably captured and held the attention of spectators" (Park and Burgess, op. cit., p. 575).

[78] The war pictures of Peter Brüghel, Albrecht Dürer, Goya, Raemaekers, Kerr Eby, and others are well known and at once discernible as such. Thomas Nast's famous cartoon "Peace," published in Harper's Weekly (1862), was satirical and induced President Lincoln to comment that the artist was "our best recruiting agent." Daumier's "Peace, an Idyll" represents a skeleton with flowers in its hat playing a pipe in a field strewn with bones and ruins. A children's competition on peace and war pictures conducted by PM (New York, June 23, 1940, p. 52) produced pictures of a man lying prostrate in a field and a bread line for "war." "Peace" was portrayed by a field with a tree and flowers and by people going to a well-filled bakery. Many monuments and historical objects have been preserved in different parts of the world as "peace symbols." A list and description of thirty-four such objects is published by Zonia Baber, "Peace Symbols," Chicago Schools Journal, March–June, 1937.

[79] See above, n. 46.

This public intuition appears at first sight to be justified by logic. Striving for any positive objective implies opposition which may lead to war. Yet further reflection indicates that it is specious. A negative conception of peace is self-defeating and unrealizable. Peace must be conceived positively as a universal society assuring co-operation and justice among all important groups.[80]

The negative idea of peace has in history frustrated realization of such a positive peace. Peace propaganda has frequently in times of crisis urged particular groups to isolate themselves from areas of contention in order to avoid war and has thereby disintegrated the international community and assured the initiation and subsequent spread of war.[81] In an interdependent world, propagandas of isolationism, neutrality, and absolute pacifism, however honestly pursued in the name of peace, have been causes of war. The peace propagandist must dissociate these policies from the conception of peace.

Peace propaganda has also often defeated itself by denouncing the private rather than the public aspects of war. Emphasis upon the horrors of war may not, under all circumstances, create an attitude favorable to peace. It may instead stimulate an interest in war. It may stimulate intensive preparedness to avoid war and thus create conditions of military rivalry favorable to war. It may stimulate reluctance to accept the risks of war necessary for effective building of peace.[82] Diversion of attention from war or threats of war to other interests may also endanger peace. Lysistrata's female strike against war might have contributed to the defeat of Athens rather than to the ending of war. The interest of the Athenians in business as usual in spite of Demosthenes' *Philippics* seems to have contributed both to war and to the end of Athenian liberties.[83] Nothing is more promotive of war than diversion of the attention of the prospective victims from the aggressor's preparations.

Peace propaganda to be effective must present the positive con-

[80] Above, n. 48.

[81] This was the consequence of the policy of "appeasement" pursued by Great Britain and France toward Hitler and Mussolini from 1936 to 1939.

[82] Lasswell, *World Politics and Personal Insecurity*, pp. 246 ff.

[83] See Cramer, *op. cit.;* Aristophanes, *Lysistrata;* above, n. 72; chap. xxviii, n. 80.

ception of peace simultaneously in all parts of the world. Peace must be pictured as orderly progress toward a world-society maintaining justice and solving world-problems co-operatively. War must be pictured as the violent obstruction of that progress. On the other hand, force which forwards such a society must be pictured not as war but as a necessary instrument of peace.[84]

Such a propaganda can proceed simultaneously in all nations only if managed by a world-agency with access to all important populations. Reliance upon a just world-order by some of the states might induce them to neglect their defenses and so to increase the opportunity of others for successful aggression unless opinion favorable to positive peace is sufficiently general to make the world-order actually effective. Propaganda, even for a positive peace, may therefore, if carried on only in a few nations, increase the probability of war in proportion to its success in the areas in which it operates. Obviously the dominant control of communications and propaganda by the national governments seriously limits the possibilities of a sufficiently general and effective peace propaganda by world-agency. The nations acting individually cannot carry on a sufficiently general propaganda to be effective, but they can prevent a central agency from functioning.[85]

Within a given area the success of propaganda for positive peace probably depends upon the position of conflict and violence in the personality types created by the culture. Propaganda, as a short-run activity distinct from education, cannot change personality or culture but only stimulate or suppress attitudes which exist. These attitudes may be classified according as they relate to impulse, reason, or conscience, that is, to the biological, the psychological, or the social man.[86]

c) *Appeals to the biological man*, that is, to the instincts of self-preservation and of family affection, are of little significance in preserving peace under conditions of high social tension.[87] The response

[84] Madariaga, *The World's Design.*

[85] Above, chap. xxix, sec. 5a, b.

[86] Above, n. 62.

[87] "War in general releases taboos on aggressive tendencies" (Emanuel Miller [ed.], *The Neuroses in War* [New York, 1940], p. 2; see also *ibid.*, p. 110). E. Glover (*War,*

to the stimulus of such instincts may be pugnacious rather than cautious. Furthermore, biological instincts in the opposite direction, such as aggressiveness and sadism, may cancel them out. Men may be afraid of getting killed, but they may be lured by the love of aggression and dominance. In organized societies the biological instincts are sublimated by acquired dispositions and social ideals. The social man rules the biological man. Even though his fears are not canceled by his aggressions, the soldier may go on from the greater fear of social disgrace. The propaganda of the military based on social ideals, loyalty, and sacrifice, in time of crisis, override the pacifist appeals based on the horrors of war.[88]

d) *Appeals to the psychological man*, that is, to reasonable consideration of habitual interests, also have relatively slight influence in times of crisis. High tension levels exist because of widespread dissatisfaction with the normal. When there is much unrest, appeals to war override appeals to the humdrum of daily routine.[89] Furthermore, appeals to custom may favor war as well as peace. The behavior of man in normal times is governed by social custom and by interests. Custom includes both noninstitutionalized folkways and institutionalized mores such as systems of law and religion. The interests which guide the behavior of individuals or groups are those objectives which custom, culture, public opinion, and group procedures assume people are interested in.[90] Why does a man in con-

---

Sadism and Pacifism [London, 1933], pp. 29 and 35) believes that women react less aggressively than men, and consequently war is essentially a male problem. This is true among animals (above, Vol. I, chap. v, sec. 1; Appen. VII, sec. 1d, g) and among primitive (Vol. I, chap. vi, n. 49; sec. 4b) and civilized (Vol. I, chap. vii, sec. 5b) people. The influence of women has probably increased in modern democratic societies. This may have increased peace sentiment in these societies.

[88] Glover, *op. cit.*, p. 19. Aggressiveness against an external enemy may be due in considerable measure to the displacement of repressed animosities against parents and nurses arising from the frustrations of early experience (*ibid.*, p. 33). See also above, Vol. I, chap. v, sec. 1; chap. vii, n. 87; Appen. VII, n. 7.

[89] "Individualism declines at the outbreak of war and is superseded to some extent by mass reactions" (Miller, *op. cit.*, p. 1). See also Waelder (*op. cit.*, p. 10; "Lettre sur l'étiologie et l'évolution des psychoses collectives," *Correspondence*, III [Paris: Institut international de cooperation intellectuelle, 1934], 90 ff.), who suggests that fighting groups become "masses" rather than "associations."

[90] Above, Vol. I, Appen. VIII.

temporary culture have an interest in the accumulation of property? It is not because of a biological drive, for many primitive men do not have it.[91] It is because of the particular culture. In modern societies interests include pecuniary gain and personal prestige through political, professional, or social recognition, but in times of group crisis interests tend to become social and symbolical.[92] In most societies war is an institutionalized custom, and particular wars are associated with the preservation of group integrity, territory, and culture. Soldiers are drilled to obedience, and reserves are accustomed to the idea of mobilizing upon call. The entire population is propagandized into accepting the necessity of war and the justice of its cause. Thus in modern nations both custom and opinion support war more than they support peace in time of crisis.[93]

While in general men can make money or acquire prestige more rapidly in time of peace than in time of war, some may acquire money and prestige from war, and others may be persuaded that they can do so. Munitions manufacturers generally prosper in war, and military and naval officers advance more rapidly. Speculators may profit from war inflation, and many types of businessmen may for a time. War itself may promise the satisfaction of normal interest to many, and the results of successful war may promise it to others, such as younger sons and experts looking for good jobs in colonial areas, traders looking for new markets, investors expecting concessions in undeveloped lands, manufacturers expecting access to cheaper raw materials, and entrepreneurs seeking privileged opportunities which may result from the conquest of foreign territories. Mention may

[91] Mead, *op. cit.*, pp. 486 and 508.

[92] If the crisis becomes very intense, social solidarity may degenerate into mass reaction (above, n. 89) which with even greater tensions may give way to panic or exaggerated individualism. See below, sec. 3a.

[93] "Consciously, at least the discipline which prescribes his [the soldier's] methods of aggression is itself subservient to some higher good. For example the well being of the battalion as a group and the army as the instrument of the nation which is fighting for a cause which may be the establishment of a lasting peace and neighborliness between peoples. If this were the whole story, if indeed the soldier were able to place his aggressiveness within the system of some ultimate good which is nonaggressive, then men on the whole would be able to kill because killing would not be regarded as the destruction of other men, but rather it would be the surgical excision of an evil which is destroying something that is good" (Miller, *op. cit.*, p. 110).

also be made of farmers and laborers who may anticipate opportunities to migrate to more favorable regions in case of victory and whose
products and services command more return during the war itself.[94]

Doubtless the rationality of such expectations varies enormously
according to the techniques of war and international intercourse at
the time. Probably the increasing destructiveness of war and the increasing complexity of international commercial and financial operations has decreased the probability of many people making profits
out of war. War could make money for Cortez in the sixteenth century or for the British East India Company in the seventeenth, but
not for many British people, even if they won from Germany, in
1914 or 1939. War has tended, as economists have pointed out and
bankers have agreed, to be a great illusion to the population as a
whole and to stable economic enterprises.[95]

The appeal to the psychological man—to normal interests—is
gaining weight as an instrument of peace with the totalitarianization
of war and the expansion of world-intercourse. But such appeals are
still overcome in times of high tension by appeals to ideals. Men
will go to war for nation, for state, for humanity, or for permanent
peace, even when they know it will give them personally nothing,
either in cash or in prestige.

> Those who wish to study the origins of war can find in the President's rhetori
> cal flight an exposition of the type of conviction and emotional dedication for
> which throughout all history millions of men have been slain. . . . . So long as
> man remains man, passion is not difficult to arouse when nations are readily
> stirred to crusades.[96]

e) *Appeals to the social man* are the strongest of appeals, especially
in times of stress. War is propagandized by appeal to group symbols
and social utopias. A peace sentiment may be propagandized if the

---

[94] H. C. Englebrecht and F. C. Hanighen, *Merchants of Death* (New York, 1934).

[95] Norman Angell, *The Great Illusion* (New York, 1911); J. H. Jones, *The Economics
of War and Conquest* (London, 1915); Lionel Robbins, *The Economic Causes of War*
(London, 1939); George Unwin, *Studies in Economic History* (London, 1927), pp. 341–
43; F. C. Lane, "National Wealth and Protection Costs," in J. D. Clarkson and T. C.
Cochran (eds.), *War as a Social Institution* (New York, 1941), pp. 32 ff.; below, chap.
xxxii, sec. 4a.

[96] E. M. Borchard and W. P. Lage, *Neutrality for the United States* (New Haven,
1937), p. 238.

prevailing ideal of human personality is pacifistic.[97] Quakers and followers of Gandhi have resisted the appeal to war because of religious ideals when fear or interest would not hamper the agitator or the recruiting agent. The strength of ideal resistance to war is in fact indicated by the recognition accorded to it in the military recruiting systems of many states.[98]

Newspaper studies indicate that as tension increases, as war approaches, appeals have tended to be on an idealistic level. Appeals in the *New York Times* during the early days of American neutrality in World War I were often legalistic or economic, but as interest in the war increased, and the tension level in the United States became higher and higher, the tone of editorial comment became more and more idealistic. As the outcome of the war became doubtful, the possible influence of the victory of one side or the other attracted more attention, and the alternatives of peace or war shifted to the alternatives of assistance to one side or to the other. This was soon followed by entry into the war on the favored side.[99]

3. CONDITIONS FAVORABLE TO WARLIKE OPINIONS

Certain conditions already discussed concretely[100] hamper the development of a peaceful public opinion and promote opinions favorable to war. Attention may be given to more general aspects of these conditions, particularly to the meaning of general tension level, to the conditions favoring extreme tension levels, and to those favoring high tension between particular groups.

a) The general tension level of a population, in its positive phase, may be compared to the potential energy of a dynamic system and, in its negative phase, to the tensions of the materials in a static system.[101]

[97] Below, chap. xxxiii, sec. 4a. A peace sentiment does not necessarily contribute to peace. See above, sec. 2b.

[98] Conscientious objectors, especially if belonging to recognized sects with a pacifist ideal, have been exempted in most United States and British conscription laws. (C. M. Case, "Conscientious Objectors," *Encyclopaedia of the Social Sciences;* see also Margaret E. Hirst, *The Quakers in Peace and War* [New York, 1923]; above, n. 47).

[99] Foster, *op. cit.*   [100] See above, chap. xxvii, sec. 1; chap. xxviii, sec. 4.

[101] "The dynamic of politics is to be sought in the tension level of the individuals in society" (Lasswell, *Psychopathology and Politics* [Chicago, 1930], p. 165). In *World*

The tension level indicates the quantity of social energy available to the leaders of a group, and it varies proportionately to the intensity and homogeneity of opinion. If each member of the population is intensely loyal to the same symbol, the tension level is at a positive maximum. If each member of the population is intensely loyal to a different symbol, the tension level is at a negative maximum. Between the two is the condition of minimum tension level characterized by moderate loyalty to many symbols of overlapping meaning.

The positive maximum is approached in the totalitarian states, where all other symbols are subordinated to those of the state and its leader, and attitudes toward these symbols are intensely favorable. On the supposition that attitudes vary in intensity in proportion to opposition, such a condition requires opposition to an enemy external to the population.[102] Intense and homogeneous attitudes cannot exist in a wholly isolated population.[103] In such a population the maximum tension level would be achieved by a comparatively equal division of opinion between two factions or parties whose attitudes are respectively intensely and homogeneously favorable and opposed to the same symbols.[104] If two such factions are equally favorable to different symbols, the tension level would vary proportionately to the degree of opposition between these symbols. Thus if two political parties are each in the middle of the road with only trifling differences of policy, the tensions will be lower than if there is one party to the extreme left and another to the extreme right. In the latter case

Politics and Personal Insecurity (p. 8) he uses the term "insecurity level" to indicate the rapidity with which new symbols are adopted. Fundamentally high tensions may be the consequence of discordance between private attitudes and public action (above, n. 65). People do not believe what they say or approve of what they do when under the influence of propaganda, fear, or mass sentiment (above, n. 61). Action based upon public opinion developed from ample discussion cannot be greatly discordant with prevailing attitudes (above, n. 12).

[102] Above, chap. xxviii, sec. 1a (i). Under such conditions, characterized by material contact with and moral isolation from, the out-group, the "public" or "society" becomes a "crowd" or "mass" (above, n. 9), a condition which has been compared to the psychoses of psychically isolated individuals (see Waelder, "Lettre sur l'étiologie et l'évolution des psychoses collectives," *op. cit.*, p. 90; above, n. 40).

[103] Above, chap. xxvi, sec. 2.

[104] Such bilateral division has been common in both primitive and civilized societies. See above, Vol. I, chap. vi, n. 61; chap. xv, sec. 1b.

the tension level may reach heights threatening a revolution[105] and may also enable an adroit leader to externalize the high tension against an outside enemy.[106]

As the number of symbolic formations within a group increases, the intensity and homogeneity of attitudes toward each tends to diminish. The tension level also tends to diminish and attains neutrality when every member of the population is moderately interested in all the diverse, overlapping, and sometimes conflicting symbols of importance within the group. Under such conditions leadership can only adjust conflicts within the group. Very little social energy is available for enterprises of the group as a whole. Energy is largely absorbed by the effort of each individual to adjust the conflicts among his own loyalties. Such is the ideal of democratic liberalism.[107]

Below this condition of stability and peace, negative tensions may develop in proportion as the symbols attracting loyalty increase in number and diminish in number of adherents. Conditions of extreme negative tension place a strain on the stability of all social institutions, and thus a comparison may be made to the overloading of the materials in structural mechanics. Social institutions and myths subjected to heavy tensions because of the diversity of attitudes about them will crack. Negative tension levels reach a maximum under conditions of complete anarchy and panic, where each individual is intensely interested only in his own self-preservation.[108] This is the condition of *bellum omnium contra omnes* which Hobbes described as the state of nature in which everyone is completely free and completely frustrated. In such a condition of high negative tensions the adroit leader may direct loyalties arising from self-interest to a single symbol offering security to all. All may regress and, in the Hobbesian

---

[105] A. L. Lowell, *Public Opinion in War and Peace* (Cambridge, Mass., 1922).

[106] Above, Vol. I, chap. vii, n. 119; Vol. II, chap. xxvi, n. 86; chap. xxviii, sec. 1a (i).

[107] Below, chap. xxxiii, secs. 3b and 4b.

[108] Above, n. 92. "The degree to which the members of a society lose their common understandings, i.e., the extent to which consensus is undermined, is the measure of that society's state of disorganization" (Louis Wirth, "Ideological Aspects of Social Disorganization," *American Sociological Review*, V [August, 1940], 473; see also *ibid.*, p. 482).

social contract, sacrifice their liberties in exchange for the security which a dictator will give them.[109] "Among embittered and reckless people the symbols and practices of the established order are imperiled, and the moment is propitious for the speedy diffusion of opposing myths in whose names power may be seized by challenging élites."[110]

This condition of complete anarchy or an extreme negative tension level can therefore rapidly merge into a condition of complete organization and an extreme positive tension level. The transition from revolutionary anarchy to authoritarian dictatorship may be very rapid, as illustrated in both the French and the Russian revolutions. Similarly, the failure of a leadership relying upon a very high positive tension level may rapidly throw the group into conditions of chaos and a high negative tension level.[111]

Thus extreme tension levels, whether positive or negative, are closely related and favor violence either external or internal. They may be contrasted to normal tension levels where opinions are moderate, social institutions are capable of regulating behavior, and society is stable. The latter, however, places a greater responsibility and a greater strain of individual adjustment upon each member of the community.[112]

The advance of civilization tends to require more social energy and higher tension levels, but it also tends to increase the strength of institutions, the rationality of leadership, and the responsibility of individuals. Advanced civilizations may therefore be stable. Civilization makes possible the union of great social energy and stability to an extent impossible among primitive people guided mainly by custom.[113] But this characteristic of civilizations may explain why their rise has tended to be accompanied by war fluctuations of increasing amplitude.[114]

[109] Hobbes, *op. cit.*, chap. xvii; Waelder, "Psychological Aspects of War and Peace," *op. cit.*, p. 26.

[110] Lasswell, *World Politics and Personal Insecurity*, p. 8; see also Hayakawa, *op. cit.*, p. 246.

[111] See below, chap. xxxiii, sec. 3c, d.   [112] Above, n. 107.

[113] Because public opinion implies both controversy and unity (above, nn. 13 and 14).

[114] Above, Vol. I, chap. xv, sec. 1c; below, n. 116.

While the measurement of general tension levels is still in its early stages and materials are inadequate to compare tension levels of cultures widely separated in type, it would appear that, in principle, general tension levels can be measured. Newspapers and questionnaires could be utilized to ascertain the intensity and homogeneity of attitudes for or against important symbols of interest to the group. Extreme intensity and homogeneity would indicate a high positive tension level, while extreme intensity and heterogeneity would indicate a high negative tension level.[115]

b) Extreme tension levels.—What are the conditions favorable to extreme tension levels and hence favorable to violence? It appears that extremes, either of general security or of general insecurity, may generate high tension levels. On the one hand, prolonged conditions of tranquillity and stability tend to decrease resistance to propagandas of violence, and, on the other hand, conditions of insecurity, anxiety, and apprehension tend to create a receptivity to such propagandas.

A stable society tends to crystallize class stratifications, to limit opportunities for advancement in the social pyramid, to sanctify traditional abuses, and to induce a spirit of desperation and revolt among the underprivileged.[116] Furthermore, those dominated by a

[115] See below, Appen. XLI.

[116] This factor is emphasized by theorists of revolution. See Lyford Edwards, *The Natural History of Revolutions* (Chicago, 1927); Pitirim Sorokin, *The Sociology of Revolutions* (Philadelphia, 1925), pp. 34 and 367; George S. Pettee, *The Process of Revolution* (New York, 1939). "The great cause of international peace can not be promoted by the overwhelming majority of existing governments because they are petrified organs of exploitation and social injustice whose very continuance depends upon the maintenance of the status quo. This continuously poisons international relations" (Oscar Jászi, "The Fundamental Problem of Pacifism," *World Unity*, X [August, 1932], 329). "The preservation of the present pecuniary law and order, with all its incidents of ownership and investment, is incompatible with an unwarlike state of peace and security. This current scheme of investment, business, and sabotage should have an appreciably better chance of survival in the long run if the present conditions of warlike preparation and national insecurity were maintained, or if the projected peace were left in a somewhat problematical state, sufficiently precarious to keep national animosities alert" (Veblen, *op. cit.*, p. 366). These statements approach the Marxian thesis which attributes both revolution and war to the institutional establishment of classes and class injustices (Lewis L. Lorwin, "Class Struggle," *Encyclopaedia of the Social Sciences*). Revolution has also been attributed to general education in a hierarchically organized society. "In a world where

spirit of risk and adventure may feel bored by the monotony of peaceful life, and, if opportunities for exploration or colonial development are lacking, they may become dangerously restive.[117] After a prolonged period of war and violence there tends to be a period of lassitude, moderation, and pacifism;[118] but, when a younger generation has risen to influence, the resistance to adventurous undertaking may be reduced. The decline in resistance to the next war may proceed with the failing social memory of the last war.[119] This may account in some measure for the fifty-year oscillations of peace and war which have developed as increased international contacts have tended to synchronize the tension levels of all states in the family of nations.[120]

A period of tranquillity also tends toward an increasing disparity between the ideology of the ruling élite and the condition of the group. In such periods the slower rate of individual change as compared with social change becomes important. The individual's ideologies, formed early in life, are likely to remain constant. If con-

life values are conceived in terms of hierarchical prestige and power; where intelligence and education can find only one outlet besides the army and the church, namely, state service, and where, unless they do find such service, there is literally nothing for them to do but face a period of respectable starvation, but starvation nevertheless; where the commitments of liberalism and civilization necessarily mean the maintenance of a school system whose business it is to prepare the young people for nothing else but state service; in such a world a Malthusian law of population increase of the educated in relation to the positions to be filled creates a situation of such tenseness as inevitably to lead to the explosions of a political revolution" (Max S. Handman, "The Bureaucratic Culture Pattern and Political Revolutions," *American Journal of Sociology*, XXXIX [November, 1933], 307).

[117] One argument for colonies has been that they divert the activities of such elements of society to regions less dangerous to social stability at home (Parker T. Moon, *Imperialism and World Politics* [New York, 1926], p. 63; Handman, "The Bureaucratic Culture Pattern and Political Revolutions," *op. cit.*, p. 307).

[118] Above, n. 4.

[119] Erasmus' dictum, "Dulce bellum inexpertis" (above, Vol. I, chap. xi, n. 48), seems to be in conflict with the finding that favorableness to war increases with war experience (below, chap. xxxiii, sec. 1). The latter finding was based on a statistical study in the United States where post–World War I education had a definitely pacifist trend, as it did in England and France. In Germany and Italy, where post–World War I education was more militaristic, Erasmus' dictum might be better verified.

[120] Above, Vol. I, chap. ix, sec. 2d.

sistent with social conditions in youth, they become widely divergent with some conditions in age. As the same élite is likely to remain in control in periods of tranquillity, old men rather than youth controlling events, this growing disparity may gradually prepare the way for mistakes of leadership engendering high tensions.[121]

Probably the most important factor influencing a movement from tranquillity to high tensions is the development of dissatisfied minorities. The stability and hardening of society in certain grooves, distasteful to some individuals and politicians, is itself a cause of anxiety and rising tension levels. The very success of the League of Nations in tranquillizing Europe during the Locarno period increased the difficulty of peacefully achieving the territorial changes desired by certain elements in Germany, Italy, and Japan and so augmented tensions within those states. Stability implies deliberate procedures and resistances to overrapid change of the *status quo*. Consequently, it adds to the rage of dissatisfied minorities and dissatisfied states.[122]

A minority, developing high tensions, may soon infect the entire world under modern conditions. High tensions spread by imitation and fear. A war anywhere in the world not only affects the legal and material interests of distant peoples but develops among them a general heightening of attitudes. News of war, even distant wars, is always exciting, and itself augments the tension level in all communities which read it. William Lyon Phelps wrote in November, 1915:

Very few persons can see a dance without wishing to participate. The whirling figures develop a centrifugal force that pulls the spectators. Perhaps this is one reason why the dance of death that has been shaking the floor of the Continent [of Europe] for over a year is constantly becoming more alluring to Americans. For there can be no doubt that the "war spirit" is steadily growing in this country. It has been sedulously fostered by many newspapers, by persons who are after political or commercial capital, and by the sentimental slogan, preparedness.[123]

[121] "Fortune being changeful and mankind steadfast in their ways, so long as the two are in agreement men are successful, but unsuccessful when they fall out" (Machiavelli, *The Prince*, chap. xxv). Henry Adams also emphasized this point.

[122] Above, n. 116.

[123] Quoted by A. M. Arnett, *Claude Kitchin and the Wilson War Policies* (Boston, 1937), p. 51.

Neutrality becomes insipid, humiliating, and finally immoral. The existence of war anywhere reduces public resistance to war everywhere.[124]

Revolutions are concentrated manifestations of the conditions of opinion underlying all social violence, whether denominated rebellion, insurrection, or war.[125] Starting as new symbols in local areas, revolutions spread ideas of violence by contagion and opposition. All revolutions start in principle as world-revolutions. Their symbols and principles must, in the opinion of their initiators, become universal or nothing. While the sobering experience of local success usually tends toward geographic limitation, before such limits have been established friends and foes of the new symbol will have come into conflict and will have heightened tension levels in remote areas.[126] Red-baiting, transmitted by the white opposition from distant Russia, caused excitement in an America trying to return to normalcy. The American Declaration of Independence, a century and a quarter earlier, had agitated autocratic Russia in much the same way.[127]

Threats of, or resort to, violence, in any corner of the world, under modern conditions of communication, whether in support of established ideologies or of revolutionary utopias, induce a general rise in tension level.

High tension levels may arise not only because a minority is discontented as a result of too much stability but also because the majority is disgusted as a result of too much instability. General apprehension about the future of social, economic, cultural, and political

[124] In addition, the pull of the balance of power and the push of economic interests capable of benefiting by war tend to draw great powers and many of the lesser powers away from neutrality (see Q. Wright, *The United States and Neutrality*).

[125] Under certain conditions wars may resemble a duel of champions and be accompanied by little change in the general tension level, but this is not possible under modern conditions in which wars involve wide participation of the population. For discussion of differences between "revolutions" referring primarily to rapid changes of symbols and élites and "wars" referring primarily to a mode of intergroup conflict see Pettee, *op. cit.* There is a close causal relation between the two, because revolutions may be postponed or stopped by war, and war may be ended by revolution. Above, n. 116; Vol. I, chap. ix, n. 58; chap. x, sec. 2.

[126] H. D. Lasswell, "The Strategy of Revolutionary and War Propaganda," in Q. Wright (ed.), *Public Opinion and World Politics* (Chicago, 1933), pp. 187 ff.

[127] B. P. Thomas, *Russian-American Relations, 1815–1867* (Baltimore, 1930), p. 9.

institutions and practices creates a rising tension level. Such a condition may arise either from declining faith in the prevailing ideology or from explicit symptoms in the material processes themselves. The confidence of most people in the continuity of existing conditions results from beliefs in myths about them rather than from analysis of the conditions themselves, and loss of that belief may result from the propaganda of new myths as well as from changes in conditions.[128]

New social myths experimented on abroad, new theories of sovereignty acquiring wide publicity, even the analytic tendency itself disclosing the feeble foundations of prevailing mythologies,[129] all have a profound effect in creating widespread anxiety and raising the general tension level. This may result wholly apart from any direct advocacy of violence and revolutionary action in the new theories, although the presence of such elements adds to their influence in raising tension levels. Ideologies of communism and fascism and the concepts of psychoanalysis and relativity have promoted general insecurity in the post-war world,[130] as did the ideologies of sovereignty and secularism and the concepts of heliocentrism and historical criticism in the Renaissance.[131]

Direct experience with the faulty functioning of institutions and processes can, however, create general anxiety if sufficiently widespread and can precipitate a vicious circle of declining faith in ideologies, declining co-operation, further nonfunctioning of institutions, and finally a general conviction of social disintegration and accompanying high tension levels. Prolonged economic depression, widespread unemployment, changes in the position of classes, revelations of political corruption and incompetence, sporadic strikes, assassinations, insurrections, and rebellions may precipitate such a vicious circle.[132]

---

[128] Above, sec. 1a; Wirth, op. cit., p. 481.

[129] Lasswell, *Personal Insecurity and World Politics*, p. 272.

[130] Above, Vol. I, chap. xiv, sec. 5.

[131] See Vol. I, chap. viii, sec. i; Appen. XVII.

[132] Many writers have emphasized the disintegrating influence of the depression which began in 1929. See A. H. Hansen, "International Economic Relations," *Report of the Commission of Inquiry into National Policy in International Economic Relations* (Minneapolis, 1934), pp. 113 ff.; J. B. Condliffe, *The Reconstruction of World Trade* (New York, 1940). Statistical studies have shown that suicides increase markedly in depres-

Economic decline may not cause great anxiety if slow, as has often been the case in India and China, because the energy of the population may be reduced more rapidly than their consciousness of deteriorating conditions. Rapid economic decline, however, may arouse the awareness of people while they still have energy and induce them to accept propagandas of violence and revolution. The French peasants and workingmen revolted in the late eighteenth century, although their condition was better absolutely than that of the similar classes of Germany at the time.[133] The Russian peasants and workmen revolted after the rapid economic decline in the latter part of World War I, while their more gradual impoverishment during earlier periods had led only to sporadic incidents.[134] The rapid development of unemployment after the world-crisis of 1929 caused high tension levels, although absolute conditions were in many cases better than in much of the nineteenth century.[135]

Rapidly changing technological and economic conditions which seriously alter the position of economic classes cause exceptional unrest. The development of commerce and industry deteriorated the relative position of landowners and peasants and caused much unrest in Renaissance Europe. World War I, inflation, and depression deteriorated the relative position of the middle class in much of Europe and caused serious unrest in the 1930's. The industrial revolution, though its ultimate effect was economically beneficial to the working classes, produced extensive technological unemployment

---

sion and crimes slightly (Dorothy Swaine Thomas, *Social Aspects of the Business Cycle* [New York, 1927], pp. 159 and 161). See Wirth, *op. cit.*, p. 482.

[133] Guy Stanton Ford, *Stein and the Era of Reform in Prussia* (Princeton, 1922), chap. i.

[134] Paul N. Miliukov, *Russia Today and Tomorrow* (New York, 1922), pp. 18 ff.; Sorokin, *op. cit.* But see M. L. Harvey, "Standards of Living of Russian Industrial Workers, 1907–16," in Clarkson and Cochran, *op. cit.*, p. 245.

[135] Above, n. 132. Real weekly industrial wage rates in the United States averaged 120 in the 1920's on a base of 100 for the 1890's. They sank from a high of 128 in 1929 to 104 in 1932. Farm labor on the basis of 100 for the 1890's rose to 125 during World War I, sank to an average of 107 in the 1920's and even below 100 in 1932 (see W. Woytinsky, "Wages," *Encyclopaedia of the Social Sciences*, XV, 306, citing Paul H. Douglas, *Real Wages in the United States, 1890–1926* [Boston, 1930], and compilation prepared by the International Labour Organization, 1926–32).

and violence in Chartist England. Similar conditions led to violence in China in the 1920's. An extreme lag between technological changes and cultural adaptations causes high tensions.[136]

International trade and dependence on distant areas for food and raw materials through increasing living standards in time of peace have caused great distress from blockade in time of war and extreme anxiety lest such conditions be repeated by commercial barriers even in time of peace. This anxiety has contributed to demands for national economic self-sufficiency. Efforts to meet these demands have resulted in a disintegration of international trade, general deterioration of standards of living, and more intense anxieties. Such a vicious circle precipitated by World War I has contributed to the unrest in the contemporary world.[137]

No less important than economic apprehensions have been apprehensions of a loss of cultural prestige. The future relative importance of a type of culture is often considered dependent upon the population potentialities of the land which it occupies. If a people believes that new lands are mainly destined to be overrun by alien cultures, it may fear that its own "place in the sun" will be impaired. In the 1880's John Fiske wrote of the "manifest destiny" and "stupendous future of the English race" when its far-flung areas, the United States, Canada, Australia, and New Zealand become fully populated by peoples of English-speaking culture, and "such nations as France and Germany can only claim such a relative position in the political world as Holland and Switzerland now occupy."[138] At the same time Heinrich von Treitschke was commenting on the same fact and observing "what opportunities we have missed. . . . . The whole position of Germany depends upon the number of German-speaking millions in the future. . . . . We must see to it that the outcome of our next successful war must be the acquisition of colonies by any possible means."[139] The same thought was emphasized by Prince von Bülow in 1897: "We do not want to put anyone in the

[136] See W. F. Ogburn, "The Influence of Invention and Discovery," *Recent Social Trends in the United States* (New York, 1933), I, 166.

[137] See Hansen, *op. cit.*, pp. 108 ff.; Condliffe, *op. cit.*

[138] *Op. cit.*, pp. 144–45.

[139] *Politics* (New York, 1916), I, 117–19.

shade, but we demand a place for ourselves in the sun."[140] Land was wanted not to supply the economic wants of the German population but rather to assure that in the future German culture would have as large a role in human civilization as did British culture.[141]

Apprehension of the loss of political prestige and relative power has been a major cause of popular anxiety under a balance-of-power system. This apprehension may arise because of differential rates of population growth, of economic development, of political unification, or of military development.[142] While these changes are watched closely by statesmen, their influence upon war is mainly indirect, through their influence in creating popular apprehension and in inducing a rise in tension levels.[143]

c) Intergroup tensions can be estimated from changes in various indices of the friendliness or unfriendliness of each group toward the other.[144] Such tensions seem to arise in considerable measure from differentials in the rate at which the material and economic processes of the two groups are becoming dependent or independent as compared with the rate at which their cultural and political institutions are becoming differentiated or integrated. Intergroup tensions appear to increase if the material contacts between the two groups increase without integration of their institutions or if their institutions differentiate without a diminution of their contacts.[145]

When two previously isolated peoples, whether primitive or civilized, with no common cultural symbols or institutions at all come suddenly into extensive contact because of trade, immigration, or invasion, material interdependence will develop and rising tensions between them may be expected. Tensions can diminish only as ac-

[140] Quoted by Grover Clark, *A Place in the Sun* (New York, 1936), p. v.

[141] Below, chap. xxxi, nn. 53, 54, and 55.

[142] Above, chap. xx, sec. 2; below, chap. xxxi, n. 56.

[143] Above, n. 37.

[144] Below, chaps. xxxv and xxxvi; Appen. XLI.

[145] Below, chap. xxxvii, sec. 1. Material contacts usually indicate the condition of intergroup relations and common institutions usually indicate the opinion about those relations. Tensions between groups therefore usually increase in proportion to the increase in the disparity between their conditional and their symbolic relations. See above, chap. xxvii, sec. 3*b*, *c*.

commodations are made through a common acceptance of certain symbols, conventions, ideologies, and institutions.[146] Contact first brings conflict and gradually develops accommodation.[147]

Geographic separation tends to minimize material contact and dependence. Efforts to maintain intense institutional integration in overseas colonies have often led to tension and revolt. To avoid this, institutional autonomy may be accorded in proportion as material dependence diminishes, not only because of the increasing demands for it, but because of the difficulty of controlling colonies which have become materially independent. While a dependent overseas colony can be controlled by sea power alone, this is not true of a self-sustaining dominion. Sea control was the key to British dominion of Virginia in 1588, of New York in 1663, and of Canada in 1763; but it could not keep Brazil for the Netherlands in 1640, the Thirteen Colonies for Britain in 1776, or the South American colonies for Spain in 1820.[148]

Not only does this hypothesis throw light on the state of relations between pairs of states[149] but it also throws light on the state of the family of nations as a whole. The nineteenth century has been remarkable for the increase of material contact between peoples in all parts of the world and for the development of material interdependence. At times this development has been paralleled by a tendency toward institutional and ideological accommodations. Whenever the latter process has lagged behind the first, high tensions have arisen. During the 1930's the world was divided as to whether tensions could best be reduced by diminishing material contacts through isolationist policies or by increasing institutional and cultural accommodations through co-operative institutions.[150]

4. OPINIONS, CONDITIONS, AND WAR

The conclusion may be drawn from the foregoing discussion that material, economic, and historic conditions, on the one hand, and

[146] Above, chap. xv, sec. 2.

[147] Park and Burgess, *op. cit.*, pp. 280, 574, 665.

[148] G. A. Ballard, *America and the Atlantic* (New York, 1923), chap. iv.

[149] For more elaborate discussion see below, chap. xxxvi, sec. 4.

[150] Above, chap. xxvi, sec. 3; chap. xxviii, n. 64.

symbolic, psychological, and ideological opinions, on the other, are interrelated in the causation of war. In an intelligent and reasonable world the conditions of and the opinions about a given situation would be parallel expositions derived from observation and analysis. In such a world the historic tendencies and the symbolic significance of a given situation would be consistent interpretations of that situation as a stage in a process viewed respectively from the past and from the future. In the actual world, opinions often differ from conditions: hopes and expectations often have little relation to historical trends. These inconsistencies vary with degree of knowledge and of wisdom of the person or culture involved. John Dewey has suggested that peace will exist according to the degree in which cultural conditions are established that "will support the kinds of behavior in which emotions and ideas, desires and appraisals, are integrated."[151]

In international relations the sources of opinion have been only remotely related to the conditions about which opinions are held. Apprehensions of the tendency of conditions have, therefore, had little relation to the actual tendency of those conditions, yet it is from the apprehensions that wars develop. The economist may analyze actual conditions of trade, prices, and technology and may make accurate predictions of their tendency, but through such activity he has been able to contribute little toward estimating the probability of war. The journalist, the politician, or the psychologist, ignoring such conditions and analyzing the apprehensions and opinons which are actually held, however irrational they may be, has been able to judge far better of the probability of war. In this sense it would seem that psychological rather than economic factors have been responsible for war. The economist, keeping within his field, cannot explain war. He may do much to prevent war in the future by enlightening opinion so that apprehensions, opinions, and ideologies

[151] Theory of Valuation ("International Encyclopedia of Unified Science," Vol. II, No. 4 [Chicago, 1939]), 65. Dewey adds: "I doubt if an adequate explanation upon the psychological side of the rise of dictatorships can be found which does not take account of the fact that the strain produced by separation of the intellectual and the emotional is so intolerable that human beings are willing to pay almost any price for the semblance of even its temporary annihilation." To the same effect see Waelder, "Psychological Aspects of War and Peace," op. cit., p. 44; Korzybski, op. cit., p. 559.

will conform more closely to the actual tendency of events and conditions. If people only fought when they would actually better their conditions by doing so, there would not be much war in the modern world. In modern civilization war springs from "emotions devoid of ideas and desires devoid of appraisals." To prevent war, the emotion-charged symbols which control opinion must everywhere be kept in closer contact with the conditions which people think they describe. Symbols must everywhere refer to conditions, not to myths, stereotypes, or fictions. "The head and the heart must work together. Prizing and appraising must unite in direction of action."[152]

[152] Dewey, *op. cit.* Waelder emphasizes the difficulty of achieving such a condition because for most people "reflective thinking is painful" ("Psychological Aspects of War and Peace," *op. cit.*, p. 44; see also *ibid.*, pp. 52 ff., and above, chap. xxvii, n. 22).

CHAPTER XXXI

POPULATION CHANGES AND WAR

POPULATION changes are measurable and are being measured to an increasing extent in all countries.[1] They are also, given time, controllable by restrictive, expansive, or eugenic population policies. If the effect on international relations of such changes proved to be determinate, statesmen would have at their disposal a means which might be useful both for predicting and for controlling war.[2]

Unfortunately, it appears that no such determinate relation ex-

[1] Censuses and compilations of data are available to measure short-term statistical trends in most countries, but data for determining the age distributions and fertility trends are in a large proportion of countries far from adequate (see R. Kuczynski, in C. Gini *et al.*, *Population* [Chicago, 1930], pp. 290 ff.). Whether there are any laws of population growth such as the logistic curve proposed by Pearl from which long-time trends could be estimated is doubtful (see E. T. Hiller, "A Culture Theory of Population Trends," *Journal of Political Economy*, XXXVIII [October, 1930], 523, 550, who summarizes and adds to criticisms by W. F. Willcox, "Population and the World War," *Journal of the American Statistical Association*, XVIII, No. 142 [1923], 710 ff.; A. B. Wolfe, "Is There a Biological Law of Human Population?" *Quarterly Journal of Economics*, XLI [1926], 585, and others). Pearl asserts that "population growth in respect of its rate appears to be a fundamental biological phenomenon in which insects and men behave in a similar manner" ("Some Eugenic Aspects of the Problem of Population," *Papers of the Second International Congress of Eugenics* [Baltimore, 1923], II, 213; *The Biology of Death* [Philadelphia, 1922], pp. 247 ff.; *The Biology of Population Growth* [New York, 1925], criticized by Sewall Wright, *Journal of the American Statistical Association*, 1926, pp. 493 ff.).

[2] Statesmen have seldom attempted to use population statistics and policies in that way. Welfare population policies developing in the Scandinavian countries and England before World War II were considered dependent upon peace and security. Power population policies developing in Italy and Germany were considered measures of military preparation. Apparently population conditions were treated as a consequence rather than a cause of peace by the democracies and as an instrument of war rather than of peace by the despotisms. Frank Lorimer, "Population Factors Relating to the Organization of Peace," *International Conciliation*, No. 369, April, 1941, pp. 441 and 452; see also Warren S. Thompson, *Population Problems* (New York, 1930), pp. 5–13.

ists.[3] A general increase in the world's population may lead to closer
co-operation among peoples. Students of population problems have
often urged international organizations to give more intensive study
to the population problem with a view to its international regula-
tion.[4] On the other hand, a general increase of population may lead
to more friction and war.[5] Extreme differentials in the density of

[3] "Population pressure is to some extent analogous to pressure of gas or vapour in
physics" (J. Swinburne, *Population and the Social Problem* [New York, 1924], p. 58).
If it is assumed that nations tend to break boundaries when subjected to increasing
population density or psychological tensions, as gases tend to break containers when
subjected to increasing density or temperature, the complexities in the recent develop-
ment of the kinetic theory of gases must be considered. Molecules do not behave ac-
cording to the assumptions of the simple gas-pressure formulas of Charles, Gay-Lussac,
and Boyle when densities or temperatures pass above or below certain thresholds, when
different gases are mixed, or when the molecules are of very large or very small size.
Even the complications of the formulas suggested by Dalton, Avogadro, and Van der
Waals do not wholly solve the problem (see J. H. Jeans, "Kinetic Theory," *Encyclopae-
dia Britannica* [14th ed.], XIII, 388–89). "Brownian movement proves to us that rest
and equilibrium can only be an outward semblance which masks a state of disorder and
unrest; it prepares us for a profound alteration in the aspect of the universe as soon as
we alter the scale of our observations" (Jean Perrin, "Brownian Movement," *Ency-
clopaedia Britannica*, IV, 273d). Thus even if animal populations, behaving by "in-
stinct," and primitive human populations, behaving by "custom," manifested a relative-
ly persistent type of behavior upon increases in population, the physical analogy would
not assert that they would follow the same behavior when population densities beyond
certain thresholds, cultural mixtures, large-scale political organizations, and other com-
plications had developed civilized human populations behaving by "policy." As the
complexity of organization increases from simple and complex gases to animals and
primitive and civilized men, it is to be expected that behavior would become more com-
plicated, more contingent, and less determinate.

[4] William H. Welch's Introduction to J. S. Sweeney's *The Natural Increase of Man-
kind* (Baltimore, 1926), pp. 18–19; Louis I. Dublin, *The Population Problem and World
Depression* ("Foreign Policy Pamphlets," No. 1 [January, 1936]), p. 31; Warren S.
Thompson, *Danger Spots in World Population* (New York, 1930), p. 324. "Many people
including competent demographers are of the opinion that Japan's population problem
must be treated not as a mere domestic question but as a world problem which can be
solved only with the co-operation of other countries as well as through the efforts of
Japan herself" (Tokyo Association for Liberty of Trading, *Bulletin No. 1* [1935], p. 5).
Across the Pacific, population differentials are great, and the Institute of Pacific Rela-
tions, an unofficial international organization, has devoted major attention to the prob-
lem. The International Labour Organization at Geneva has made studies of standards of
living, population, and migration. Several studies on these subjects were prepared under
the auspices of the League of Nations for the International Economic Conference of 1927.

[5] "As Professor E. M. East and others have amply demonstrated, if the present rate
of population increase goes on for another century and a half, the world will have reached

population in different areas may lead to mutually advantageous exchanges and to the development of peaceful interdependence, as is customarily found in the relations of the city and the rural areas within a state or in the relations of motherland and young migration colony.[6] Population differentials may, however, lead to tensions, mass migrations, aggressions, wars, and conquests, as did the relation of Europe to the American Indians in the sixteenth and seventeenth centuries.[7] A country whose population is growing more rapidly than its neighbor's may start a war of conquest;[8] and a country whose population is growing less rapidly than its neighbor's may start a preventive war.[9] On the other hand, neighboring countries whose population rates are very different may live at peace.[10]

Population changes, like climatic changes, geographical and geological discoveries, technological and social inventions, greatly in-

a degree of density of population which will constitute the maximum capable of subsistence without a progressive lowering of the standards of living. If such conditions are allowed to develop it may well be that the more powerful nations will prefer to attempt to despoil their weaker neighbors and deprive them of their lands and resources rather than to reduce their own level of comfort and prosperity" (Harry Elmer Barnes, *World Politics in Modern Civilization* [New York, 1930], p. 294).

[6] Troubles between motherland and migration colony do not usually arise when the population differentials are very great but only after the colony has to a considerable extent filled up, become in a measure self-sustaining, and begun to emulate the motherland in economic and social orranization (see G. A. Ballard, *America and the Atlantic* [New York, 1923], pp. 99, 205, 211).

[7] Thompson, *Danger Spots in World Population*, p. 14.

[8] As the American war against Mexico in 1846.

[9] As that of the South against the North in the United States in 1861. The more rapid growth of the "Uitlander" population in the Transvaal and of the Yugoslav population in Serbia and Bosnia and Herzegovina may have contributed to the wars started by Transvaal in 1899 and by Austria in 1914. The average vital index of Austria was 141 and of Serbia 166 in the thirty years preceding World War I (Sweeney, *op. cit.*, Table I, pp. 164 and 168).

[10] Canada (average vital index 1911–22, 200; natural increase per 1,000, 1929, 12.9) seems to have increased at a rate 40 per cent higher than the United States (average vital index 1915–22, 140.9; natural increase per 1,000, 1929, 8.4) (see Sweeney, *op. cit.*, p. 174; "Population," *Encyclopaedia Britannica*, XVIII, 238). But relations have been increasingly friendly. Norway (average vital index 1880–1920, 186.2; natural increase, 1929, 9.0) has increased much more rapidly than Sweden (average vital index, 1880–1920, 166.5; natural increase, 1929, 5.1) (Sweeney, *op. cit.*, pp. 163 and 175). This may have contributed to the separation of the two countries in 1907 initiated by Norway, but relations have been in the main friendly since the Napoleonic period. For table of net reproduction rates of principal countries see Lorimer, *op. cit.*, p. 442.

fluence political behavior, but the more "civilized" peoples become, the less determinate is this relationship.[11] Among primitive peoples, the possible alternatives, when confronted by such changes, are limited, definite, and predictable. Such people may be said to behave under "necessity," although ethnological investigation proves that the behavior is dictated not by physical or physiological laws but by tribal custom.[12] These patterns have sometimes prescribed war or migration in case of population pressure. When desert Arabs increased in population beyond their pasturage, they raided their neighbors.[13] When desiccation reduced the pasturage of nomads of the steppes, great hordes moved into the agricultural areas of Russia or China.[14] When a Pacific island became overcrowded, certain of the Polynesian inhabitants took to their boats to find new islands.[15] But "whether there shall be foeticide or infanticide, parricide, human sacrifice, blood feuds or war, is largely a matter of the mores."[16] What the mores say, it is necessary for the tribesman to do.

The essence of civilization is increased realization that there are alternative solutions to problems and increased opportunity to explore different alternatives. Civilized man is able to substitute "rational" for "necessary" solutions. What Great Britain, France, Ger-

[11] Geographers have emphasized that "men do *not* respond to 'iron physical laws' to the same degree, in fact the laws are flexible in their application. . . . . The correlation [between physical environment and culture] may be close and even severe in two cases and yet the culture may be entirely different because man exercises selective judgment. . . . . It is that interplay of his thought on his environment that lifts man's living and reaction to environment above the plane of mere determinism upon which plants and animals live" (Isaiah Bowman, in *Proceedings of the Social Science Research Council, Hanover, August 28–September 3, 1930*, pp. 53 and 68). It will be observed that the word "correlation" is here used in a wholly different sense from that in which it is used in statistics.

[12] A. M. Carr-Saunders, *The Population Problem* (Oxford, 1922), pp. 304–5. For meaning of necessary, customary, rational, and capricious causes see above, chap. xix, sec. 2c.

[13] Ellsworth Huntington, *The Character of Races* (New York, 1924).

[14] Arnold J. Toynbee, *A Study of History* (New York, 1934), III, 420 ff.

[15] But "the pure love of adventure" and the "kudos" to be gained by discovering a new island may have often led to such migrations before there was serious population pressure. See P. H. Buck, "Races of the Pacific," in J. B. Condliffe (ed.), *Problems of the Pacific* (Chicago, 1928), p. 234.

[16] Hiller, *op. cit.*, p. 548.

many, Italy, Japan, the Netherlands, Russia, or the United States will do in the presence of population changes is not predetermined.

In all these countries the mass of the population is normally so much above the starvation line that population pressure influences not the means of subsistence but rather the "standard of living." Remedies for incipient population pressure are explored before starvation or even a serious diminution of the standard of living is threatened.[17]

Among the many circumstances which affect both the ends and the means of foreign policy are racial and cultural characteristics, the state of public opinion, historic traditions, national laws and treaties, the conditions of international communication and organization, the balance of military forces in the world, the state of credit, trade, and production, the theories and temperaments of individuals who happen to be in power—all of these may differ from country to country and from time to time, and the policy will be influenced by the particular combination operative at a given time and place.

It is not to be assumed that any factor will dominate in a given situation. Warren Thompson pointed out in 1930 that Japan was not likely to be impressed by the homilies of the satiated powers against aggression.[18] Since Japan had by solemn treaty renounced war as an instrument of national policy, Thompson implied what subsequently became obvious, that treaties and international law might not be observed in all international situations. It is also true that the military leaders of Japan and other countries have not been impressed by the accumulating evidence that, under present world-conditions, conquered territories, especially when inhabited by peoples of a different culture, seldom pay.[19] Consideration of national economic welfare seldom dominates a given situation any more than does consideration of law. If considerations of national welfare and international

[17] Thompson suggests that it is not actual pressure upon sustenance but "fear of pressure in its manifold forms which keep population from multiplying more rapidly than it does" (*Population: A Study in Malthusianism* [New York, 1915], p. 14). See also Hiller, *op. cit.*, pp. 533-34.

[18] *Danger Spots in World Population*, p. 315; see also Lorimer, *op. cit.*, p. 448.

[19] Grover Clark (*A Place in the Sun* [New York, 1936], pp. 116, 185, 224) especially emphasizes the uselessness of colonies to solve Japan's problem. Thompson, however, thinks that colonies are the only solution of Japan's problem (*Danger Spots in World Population*, p. 42). See also n. 62 below.

law conspired with national traditions and the attitudes of the ruling class in urging a policy, that policy might be followed, but it might not. Thus studies of population, of economics, of law, of military affairs, or even of public opinion cannot predict precisely what a state will do when confronted by a given population situation.

Japan, Italy, and Germany with growing populations embarked upon plans of conquest.[20] Java and China, with even more serious population problems, attempted to intensify their agricultural methods and to develop rural industries.[21] Russia, confronted by a similar situation in 1917, had a revolution, abandoned territory which it had possessed, suspended projects for further expansion, and changed the emphasis of its economy from agriculture to mining and industry.[22] Belgium and Switzerland have met their population problems by continually expanding their industrial exports and their imports of foodstuffs and raw materials.[23]

Few writers contend that international disturbances of a definite type will flow from the numerical population situation alone. Warren Thompson, who attempted to draw rather precise prescriptions for international policy from his study of population, realized that the tendency of certain states toward conquest does not flow from population pressure alone. It also depends upon whether the nation is at the "swarming stage of development," whether its people are literate and aware of superior conditions elsewhere, whether racially and culturally they are better adapted than the present possessors to develop available areas.[24] In other words, he recognizes that the inter-

[20] Clark, *op. cit.*, pp. 54–69.

[21] *Problems of the Pacific, 1931*, pp. 67 ff.; *ibid., 1933*, pp. 10–11, 94, 189–91, 299 ff.

[22] J. M. Keynes, *The Economic Consequences of the Peace* (New York, 1920), pp. 14–15. This policy was changed in 1939.

[23] Next to Great Britain they are the most highly industrialized states in Europe (*Encyclopaedia Britannica* [14th ed.], III, 355; XXI, 679).

[24] *Danger Spots in World Population*, pp. 14, 17, 45. It seems to be clear that a population increases at different rates at different times (*Problems of the Pacific, 1927*, p. 314 [Carl Alsberg]; *ibid., 1933*, p. 10). There is little evidence that differential fecundity accounts for this (Hiller, *op. cit.*, p. 531). Corrado Gini believes fecundity declines with the artificialities of civilization (*op. cit.*, pp. 24 ff.), while Carr-Saunders agrees with Darwin (*Descent of Man*, p. 132) that it increases with the improved conditions of living under civilization as among animals under domestication (*The Population Problem*, pp. 95–101).

national disturbance to be anticipated is a function of a number of variables of which population pressure is only one.[25]

The indeterminateness of the situation is emphasized by the opposing influences upon population policy of population pressure and the balance of power: "As soon as a population grows big, its leaders say: 'Our people are so numerous we must fight for more space.' As soon as war has taken place, the leaders invert this appeal, and say: 'We must breed more people in preparation for the next war.' "[26]

It is obviously difficult for the state to adopt a policy which both restricts population to the food supply and expands it to supply cannon fodder at the rate set by a growing neighbor. "The political doctrine exhorts man to propagate and prevail; the economic to be cautious and comfortable."[27] War may result from the inability of statesmen to choose either horn of this dilemma. On the other hand, it may result whichever horn is chosen. The international consequences, however, will usually be different according as policy is directed toward economic welfare or toward military power.

It may then be concluded that population pressure in the world as a whole, or differential population pressures in neighboring nations, or the differential growth of populations considered as war potential are none of them necessary causes of war among civilized nations, nor are they rational causes of war, although theories about population changes and conditions have at times provided both reasons and rationalizations for war.

Even though no determinate international consequence can be predicted from given population conditions, an analysis may suggest certain tendencies to be anticipated from population changes on the

[25] This is implied by the following statements: "The war-making tendency of population displacement is represented by the pressure of too dense populations, like those of Italy, Germany, and Japan, toward contiguous or adjacent territory from which the existing population might be expelled" (Alvin Johnson, "War," *Encyclopaedia of the Social Sciences*, XV, 336). "Population pressure was a contributing cause in producing the late world catastrophe . . . . because a certain biological principle had become inseparably linked with a dangerous psychological attitude and political fetish" (Barnes, *op. cit.*, p. 294).

[26] Harold Cox, *The Problem of Population* (New York, 1923), p. 97.

[27] Ezra Bowen, *A Hypothesis of Population Growth* (New York, 1931), p. 12.

assumption that other conditions remain constant. The subject will be examined by the (1) philosophical, (2) historical, (3) psychological, and (4) sociological methods.

1. THE PHILOSOPHICAL METHOD

The philosophical method relies upon the logical deduction of consequences from a general proposition assumed to be true. Most writers on population accept the Malthusian theory that population tends to increase more rapidly than the supply of food and that population is kept down to the subsistence level by preventive and positive checks. They differ, however, as indeed did Malthus himself in succeeding editions of his work, as to whether the subsistence level means the maintenance merely of life or of the customary standards of living; as to whether rapid local or general technological advances may not, for considerable periods, augment the food supply more rapidly than the population increases, permitting a higher standard of living to become established; and as to whether the preventive checks such as postponed marriage, moral restraint, and birth control may not render unnecessary the positive checks such as vice, famine, pestilence, migration, and war. Malthus himself always doubted the latter and thus felt to the last that the perfectibility of mankind by social reform would be thwarted by the operation of the positive checks.[28]

Recent writers tend to insist that the desire to maintain a customary standard of living, not starvation, stimulates utilization of population checks, that the kind of checks utilized is determined by custom, and that even among primitive peoples these have been "preventive" (if infanticide and abortion are included in that category) as often as positive.[29]

Quotations can, however, be cited suggesting that war is a necessary consequence of the Malthusian doctrine. General Bernhardi writes:

The strong, healthy, and flourishing nations increase in numbers. From a given moment they require continual expansion of their frontiers, they require

[28] See Thompson, *Population Problems*, chap. ii.

[29] Hiller, *op. cit.*, pp. 539 and 550; Bowen, *op. cit.*, pp. 14 ff., and above, nn. 12 and 16. Industrialization and urbanization seem to be the most important influences reducing birth rates (Lorimer, *op. cit.*, p. 447).

new territory for the accommodation of their surplus population. Since almost every part of the globe is inhabited, new territory must, as a rule, be obtained at the cost of its possessors—that is to say, by conquest, which thus becomes a law of necessity.[30]

Even this quotation refers only to "strong, healthy, and flourishing nations," implying that there may be nations which need not engage in aggression, although they may be in danger of becoming victims of aggression.[31]

Harold Cox is almost as positive as Bernhardi when he writes:

It is not conceivable that human beings would ever hesitate to kill one another when, as a result of the pressure of population, they find that war is the only alternative to starvation, yet that is the situation that must arise if different races of the world continue to use their inherent powers of multiplication without regard to the available resources of the earth.[32]

In the contingency suggested it is hard to see how even war might prove a satisfactory alternative. Secerov tries to show how war may restore the balance between industrial and agricultural production,

[30] F. Bernhardi, *Germany and the Next War* (London, 1911), p. 50. Frank Simonds writes to similar effect: "Density and the rate of increase of the population, as these produce population pressure, must therefore profoundly affect the national policy of Great Powers. They will drive the nations subjected to such pressure to seek changes in the territorial status quo of the world and thus bring them into collision with the states whose interest lies in maintaining the status quo both of their own territories and of those of other states" (Frank H. Simonds and Brooks Emeny, *The Great Powers in World Politics* [New York, 1937], pp. 94–95). The *Lebensraum* theory of writers on *Geopolitik* (F. Ratzle, R. Kjellén, K. Haushofer) is similar (Derwent Whittlesey, "The Role of Geography in Twentieth-Century War," in J. D. Clarkson and T. C. Cochran [eds.], *War as a Social Institution* [New York, 1941], p. 84).

[31] Treitschke writes: "The methods adopted by the various nations to equalize the conflict between economic prudence and the natural instinct for reproduction are very significant of their character." The French are born "calculators," but "the German is a hero born, and believes that he can hack and hew his way through life" (*Politics* [New York, 1916], I, 230). See also Adolf Hitler, *Mein Kampf* (New York, 1939), pp. 178 ff.

[32] *Op. cit.*, p. 108. "In one way or another it is economic pressure, resulting from population pressure, that has caused most major conflicts in the world. If all the world had the same standard of living, if no nation were under serious economic pressure, if all populations were stationary at the same high standard of living, there would be nothing to gain by war, by conquest or by exploitation. Only if and when we reach this state does there seem to be much chance for universal peace" (Carl Alsberg, in *Problems of the Pacific, 1927*, p. 317). See also E. M. East, *Mankind at the Cross Roads* (New York, 1923), pp. 343–44.

but he admits that it will make everyone worse off.[33] Cox himself presents birth control as an alternative better than war. If one considers all the qualifications added to the original Malthusian doctrine, the idea of "necessity" to fight evaporates in all situations of the contemporary world. Even if the entire world should become overpopulated under the most efficient economic system so that migration could not provide a remedy, the other positive checks—vice, famine, and pestilence—might operate within each state, and thus the overpopulation might have no effect on international relations.

However, in such a state of civilization, it is more likely that the preventive' checks might eliminate the "necessity" for war. The birth controllers have emphasized this, although they view the alternative too narrowly when they write: "The different races of the world either must agree to restrain their powers of increase or must prepare to fight one another."[34]

There are still other alternatives. If the entire world is not filled up, co-operation to utilize the remaining land might be feasible as indeed Sir Thomas More suggested, though the Utopians accounted it a most just cause of war if the inhabitants of such inadequately used land refused to co-operate.[35] Furthermore, the limits of agricultural and technological advance have as yet not been reached, although doubtless the law of diminishing returns imposes such limits, given the limited resources and surface of the earth.[36]

[33] *Economic Phenomena before and after War* (London, 1919), p. 26. See also above, nn. 5 and 7.

[34] Cox, *op. cit.*, p. 108. See also Thompson (*Danger Spots*, p. 329), who, however, perceives a danger in the augmentation of population differentials from use of birth control in some countries and not in others.

[35] *Utopia* ("Everyman's ed."), pp. 60–61, quoted in Cox, *op. cit.*, pp. 82–83. Thompson's opinion follows closely that of the Utopians (*Danger Spots*, pp. 14–17).

[36] The limits of population seem now to be set by the supply of mechanical energy-producers—coal, oil, natural gas—rather than by that of food. Food supply is limited by the supply of mineral fertilizers rather than by land (*Problems of the Pacific, 1927*, pp. 121 and 317 [Alsberg], but see p. 322 [O. E. Baker]). Estimates of the maximum population the world could feed run from five billion (East) and eight billion (Penck) to ten billion (Kuczynski, in Gini *et al.*, *Population*, p. 285). The latter, considering the trend in the balance of births and deaths, sees "no real danger of a general overpopulation" (p. 302), an opinion shared by Pearl (*The Biology of Population Growth*).

Technological improvements, such as transition from agriculture to industry, may for a long time permit both population and standards of living to increase, as in Japan during the fifty years after the restoration of 1867. Carr-Saunders seems to go to extremes when he minimizes the possibility of such lags and asserts that, with rare exceptions, populations are always at the optimum for a given state of the arts. He does not believe that either an eventual ending of underpopulation or an accumulating overpopulation in an area has caused migration or war. Instead, he attributes migration to the spirit of adventure or to the *idea* of improving one's condition,[37] and war to custom or to policies for the execution of which it is considered a suitable instrument.[38]

The concept of a persistent optimum seems inconsistent with the phenomena of short-term oscillations in business prosperity and employment, of long-term oscillations of about half a century, and perhaps in even longer fluctuations of centuries separated from each other by radical technological and social changes.[39] Furthermore, ideas which motivate migration are not always made from thin air. They may spring from knowledge of population differentials. The Pilgrim Fathers knew that, for the "state of the arts" with which they were familiar, Massachusetts was underpopulated. Increasing population differentials may tend to create tensions and lead to war between neighbors who are traditional rivals.[40] However, beyond the most primitive human conditions, population changes affect war and migration only indirectly through the notions they engender in people's minds. Civilized men migrate or make wars because of their

[37] Carr-Saunders, *op. cit.*, p. 304. But Bowen suggests that immigration to America in the seventeenth century and since has been moved "almost entirely by the desire to better their material welfare" (*op. cit.*, p. 156, citing Edith Abbott, *Historical Aspects of the Immigration Problem* [Chicago, 1926], pp. 23, 31, 38, 81, 210). Statistical studies suggest that the pull of prosperity in the country of destination is more important than the push of depression in the country of origin (Dorothy Swaine Thomas, *Some Aspects of the Business Cycle* [New York, 1927], p. 162).

[38] Carr-Saunders, *op. cit.*, p. 305, and Hiller, *op. cit.*, pp. 548-49.

[39] Alvin H. Hansen, *Economic Stabilization in an Unbalanced World* (New York, 1932), pp. 93-97.

[40] Carr-Saunders, *op. cit.*, p. 304; Lorimer, *op. cit.*, p. 445.

thoughts, whatever may have caused them to think that way, not because of "necessity."

Leaving aside consideration of alternative positive or preventive checks to ameliorate present or anticipated overpopulation, under what conditions is overpopulation most likely to suggest such internationally disturbing policies as migration or war?

In the first place, there must be another area which to the overpopulated area appears to be underpopulated. This does not mean that the area is underpopulated judged by the state of the arts or the standard of living of its population. California may, for example, have an optimum population for the Californian standard of living, and Massachusetts may, in 1620, have had an optimum population for the Indians' technology. But for the Japanese standard of living today, California is underpopulated, and for the Pilgrims of England, Massachusetts was underpopulated in 1620.

Second, there must be knowledge of this area within the overpopulated area. Before Columbus, overpopulation in Europe caused no migration to America. Even today, knowledge of areas where people might better their conditions may be very limited among the people who are most depressed.

In the third place, there must be means of mobility. Horsemen and seamen tended to migrate and fight more than agriculturalists until the advent of the railroads and steamboats and organized armies with artificial means of mobility.

Energy is also necessary.[41] People who have long suffered from overpopulation, as in the famine areas of China and India, are usually so depressed and feeble that they lack the initiative either to migrate or to fight.

But with knowledge, mobility, and energy the physical obstacles to be overcome must not be too difficult. Geographical barriers to travel—seas, mountains, deserts—may be less deterrent than the difficulty of reducing the pioneer area to productivity.[42]

If the coveted area is inhabited, social and moral barriers may be even more formidable. Immigration laws and discriminations

[41] Bowen, *op. cit.*, p. 160.

[42] See Isaiah Bowman, *The Pioneer Fringe* (New York, 1931).

against aliens may augment the psychological desirability of the area, but in the presence of such obstacles war may have to be resorted to, and consequently the prospective migrants must have military instruments and habits which give promise of adequacy. Even with prospects of military success the practical problem of assimilating, governing, driving out, or exterminating the inhabitants may be a deterrent, to say nothing of ideas of humanity and respect for international law.

Finally, there are a host of subjective conditions to be considered. Overpopulated and depressed as they may be, are the people prepared to sacrifice an accustomed way of life in order to endure vaguely perceived hardships in an unfamiliar environment?

Experience suggests that only rarely do all these conditions conspire actually to bring about large-scale migration, war, and conquest as a result of overpopulation. Apart from the gradual pushing-out from the center by primitive peoples, the adjective "necessary" hardly seems appropriate to apply to the behavior of those who migrate or fight for a new home.

Thus it appears that the Malthusian doctrine, properly qualified, leads only to the proposition that population pressures may or may not lead to international difficulties, depending upon a multitude of geographic, cultural, technological, physiological, political, military, psychological, and other factors in the particular situation.

2. THE HISTORICAL METHOD

The conclusion reached by application of the philosophical method seems to be supported by application of the historical method. By the latter is meant the establishment of the consequences of actual changes which have occurred in the past.

The most superficial historical consideration amply supports the proposition that "a reduction of the world's population will not in fact necessarily prevent all wars."[43] Some anthropologists believe that when the world was very sparsely populated by primitive hunters before the invention of agriculture or commerce, there was no

[43] Cox, *op. cit.*, p. 107.

war, but this conclusion is not generally accepted.[44] Certainly, historic instances abound of falling population without peace, as in Europe from A.D. 252 to 700 and from A.D. 1346 to 1500. In both these periods political structures were disintegrating and smaller political units were engaging in wars. In the first instance the imperial wars of the Roman Empire gave way to smaller wars of barbarian groups, and in the latter instance the Crusades gave way to feudal wars and wars between the rising princes. While in both cases depopulation was begun by epidemics, it was promoted by the political and economic disorganization which followed these disasters.[45] Depopulation did not prevent but promoted war and international disorder.

The reasons for the depopulation of Melanesia in the nineteenth century have been much discussed. This depopulation was accompanied by a diminution of intertribal war, it is true, but apparently the elimination of these wars was not the result but the cause of the depopulation. European administrators suppressed tribal war. This disintegrated the tribal mores, destroyed the values of tribal life, and led to a general weariness of life among the natives and to depopulation.[46]

On the other hand, the periods of most rapidly increasing population in Western history have been the first two centuries of the Roman Empire and the nineteenth century, the periods of the *pax Romana* and the *pax Brittanica*, when international relations were on the whole most tranquil.[47]

It is, of course, recognized that periods of declining population may be periods of increasing population pressure (in the sense of decreasing standards of living), because the production of food and

[44] W. J. Perry, "Ethnological Study of Warfare," *Memoirs and Proceedings of the Manchester Literary and Philosophical Society*, Vol. LXI; Carr-Saunders, *op. cit.*, p. 306; above, Vol. I, Appen. VI.

[45] See J. Beloch, "Die Bevölkerung im Altertum" and "Die Bevölkerung Europas im Mittel Alter," *Zeitschrift für Socialwissenschaft*, II (1899), 505-15; 600-621; III (1900), 400-423.

[46] W. H. R. Rivers, *Essays on the Depopulation of Melanesia* (Cambridge, 1922); Hiller, *op. cit.*, p. 537.

[47] During the modern period as a whole, however, population increased, but war casualties and battles increased more rapidly. Above, Vol. I, chap. ix.

other goods may be diminishing even more rapidly. Conversely, periods of rising population may be periods of decreasing population pressure, because, as was true in nineteenth-century Europe, the technology of production is increasing even more rapidly. However, consideration of the diverse foreign policies of neutralized Belgium, expansionist Japan, and commercial England in the latter nineteenth century, during which they were all rapidly increasing in population and standards of living as a result of industrialization, suggests that many factors besides population changes contribute to foreign policy. The same suggestion would flow from a comparison of policies of dominantly agricultural countries with a rising population but a probably declining or stationary standard of living during the same period, such as disintegrating China, expansionist Russia, and colonial India.

It is very difficult to compare the degree of population pressure (or rate of change of standards of living) in different countries. It seems clear, however, that historic tradition, geographic position, stage of technological development, state of literacy and communication and relative military power influence the consequences upon foreign policy of variations in such pressure.[48]

In fact, it would appear that population changes have more often influenced international relations because of their effect upon military potential than because of their effect on standards of living.[49] A country growing in population more rapidly than its neighbor may be less belligerent than the latter because, with respect to relative military potential, time is with it and it feels increasingly secure. While, on the other hand, a country increasing in population less rapidly than its neighbor may view with increasing alarm the shift of the balance of power against it.[50] These conditions, which were obvious in the relations of France and Germany from 1870 to 1890, may, of course, be altered by the establishment of alliances, as when

---

[48] *Problems of the Pacific, 1931*, p. 42; *ibid., 1933*, pp. 85–92.

[49] "In the past the concern of nations for questions of population has been based on a conviction that the balance of population is the balance of power" (James A. Field, *Essays on Population* [Chicago, 1931], p. 230).

[50] Above, n. 9.

France, with a stationary population, allied herself in 1891 with Russia, whose population was growing more rapidly than that of Germany. Germany, which previously had viewed her relations with France with comparative equanimity, now became alarmed.

These two types of population influence have worked in opposite directions. In the period after 1871 it might have been supposed that France, with a declining population pressure, would be satisfied and nonexpansionist, but actually, with its declining military potential relative to Germany, it rapidly expanded in Africa to supplement its armies by black troops. Russia, on the other hand, with a rising military potential with relation to Germany—at least in respect to the supply of cannon fodder—was also continuously expansionist because of the need to find new lands for the extensive farming of a teeming, low-standard population. Germany, with a population growth between France and Russia, viewed its military position vis-à-vis France with equanimity, and vis-à-vis Russia with alarm, while industrialization made it possible to provide a growing population with a rising standard of living if an expanding international trade could be maintained. The supposition that colonies and a navy would mutually help each other and both would help trade led Germany also to expansionism. The role of population change in each of these three cases was different, though the expansionist result in each case had a resemblance.

3. THE PSYCHOLOGICAL METHOD

The psychological method refers to the use of facts or theories to influence opinion and policy. Population changes have frequently provided legislators, statesmen, and journalists with arguments in discussions of immigration, tariff, colonial, and military policy.

In the United States the assumption has been commonly made that population tends to flow from low- to high-standard-of-living countries and ultimately reduces the standard of the latter. Thus American immigration legislation has been based on the theory that higher bars should be provided for Orientals than for Europeans because the economic level of the former averages lower. In such discussions, however, cultural difference and the possibility of assimi-

lation have also been stressed. It is different to tell whether the dominant motivation has been economic or cultural.[51]

On the other hand, Italian publicists have asserted (as did American politicians of an earlier period) that their low-paid industrious labor will cheerfully do work which American workers eschew. The Italians add that the virile blood of the Italians will provide a desirable race mixture and prevent the biologic decline of the more effete Americans. They have sometimes added that Italy wishes to lose neither the labor nor the blood of its sons, and thus it welcomes immigration bars, unwise as they may be from the American standpoint.[52]

In the tariff issue American protectionists commonly assume that the products from low-wage foreign populations would flood American markets and reduce the pay envelope of the American worker, while free traders stress the mutual advantage if each population produces what it is adapted to make the most efficiently and then trades.

Imperialist orators have suggested the need of colonies as an outlet for population as well as a source of raw materials and markets,[53] while anti-imperialists have emphasized the insignificant migration from the motherland to most overseas colonies, the slight relief to home population pressure from such migration because workers left behind rapidly fill the gap, the relative unimportance of colonial markets and raw materials, as compared with foreign markets and raw materials for most industrial states, and the generally unfavorable balance of the colonial account when the total advantages and costs are counted.[54]

Most of the talk by politicians and publicists about the general

[51] See, e.g., Harry H. Laughlin, "American History in Terms of Human Migration," extracts from *Hearings before the Committee on Immigration and Naturalization* (House of Representatives, 70th Cong., 1st sess., March 7, 1928).

[52] Gini, *op. cit.*, pp. 57–61. See also Treitschke, *op. cit.*, I, 118; Luigi Villari, *Italy, Abyssinia and the League* (Rome: Dante Alighieri Society, 1936), pp. 4–6.

[53] Treitschke, *op. cit.*, I, 118–19, 232.

[54] See G. Clark, *op. cit.;* Norman Angell, *Raw Materials, Population Pressure and War* ("World Affairs Books," No. 14 [1936]); Lorimer, *op. cit.*, p. 449. But see M. M. Knight, "Do Colonies Pay?" in Clarkson and Cochran (eds.), *op. cit.*, pp. 44 ff.

economic value to a country of colonies is "rationalization." The "reason" for supporting such policies is to be found rather in the military advantage of having certain key raw materials, a source of cannon fodder, and perhaps a naval base or a strategic frontier under military control; in the hope for colonial jobs and concessions from which a very small minority of the home population can profit at the expense of the general taxpayer; in the realization that colonial jobs for younger sons and college graduates may be a preventive of revolution in a country where centralization of political and industrial responsibility steadily diminishes the number of leadership jobs while higher education increases the number of those who think themselves qualified to lead; in the expansiveness which the average citizen with a rather limited and humdrum experience feels in identifying himself with a growing area on the map, even if he has to pay for it by a diminished standard of living; in the need which the political and economic élite feel, in times of depression, for diverting the public mind to distant adventure as a protection against criticism or revolutionary impulse; and in the anxiety which both the leaders and the average citizens feel lest the national brand of culture may die out or diminish in relative importance unless it is growing in an ever larger section of the earth's surface.[55]

The latter point does indeed frequently appear in political oratory on the subject. Thus Treitschke writes:

All great nations in the fullness of their strength have desired to set their mark upon barbarian lands. All over the globe today we see the peoples of Europe creating a mighty aristocracy of the white races. Those who take no share in this great rivalry will play a pitiable part in time to come. The colonizing impulse has become a vital question for a great nation. . . . . The consequences of the last half century have been appalling, for in them England has conquered the world. . . . . It is the short-sightedness of the opponents of our colonial policy which prevents them from understanding that the whole position of Germany depends upon the number of German-speaking millions in the future.[56]

[55] See Parker T. Moon, *Imperialism and World Politics* (New York, 1926), chap. iv; Max Handman, "War, Economic Motives, and Economic Symbols," *American Journal of Sociology*, XLIV (March, 1939), 646; "The Bureaucratic Culture Patterns and Revolutions," *ibid.*, XXXIX (November, 1933), 301 ff. See above, chap. xxx, sec. 3.

[56] *Op. cit.*, I, 115–18; see also above, chap. xxx, nn. 138–40.

Mussolini presented the same arguments in 1927 to the Chamber of Deputies:

> I affirm that the fundamental, if not the absolutely essential datum for the political, and therefore the economic and moral power of nations is their ability to increase their population. Let us speak quite clearly. What are 40,000,000 Italians compared to 90,000,000 Germans and 200,000,000 Slavs? Let us turn toward the West. What are 40,000,000 Italians compared to 40,000,000 Frenchmen plus 90,000,000 inhabitants of France's colonies, or compared to 46,000,000 Englishmen plus 450,000,000 who live in England's colonies? Gentlemen, if Italy is to amount to anything, it must enter into the second half of this century with a population of at least 60,000,000 inhabitants. . . . . If we decrease in numbers, gentlemen, we will never create an empire but become a colony.[57]

This ambition for a growing place in the sun for a national culture explains the usual union of demands for a growing population and colonies—a union which would be, to say the least, anomalous if the economic argument provided the sole motive.

A study of the legislative debates on military measures in the French and German parliaments since 1870[58] disclosed frequent allusion in the former to the growing population differential between France and Germany, usually with the conclusion that France must increase the conscript service period to compensate for the more rapidly growing German population. Some debaters who believed in professional armies, however, took a reverse position and argued that conscription would take the young men away from home and discourage population growth in the rural areas, while the pacifists asserted that the population differential made maintenance of an army equal to that of Germany impossible. Consequently, France must rely on allies and a policy of conciliation.

The German military debates during the same period disclosed less reference to the population situation. After 1892, however, Russia's rising military potential was occasionally viewed with alarm, especially after the Franco-Russian alliance became known. German publicists tended to stress the need of a virile people to expand by conquest and the constant requirement of an army adequate

---

[57] Quoted in Thompson, *Danger Spots*, p. 228.

[58] See summaries of these debates prepared in connection with the Causes of War Project at the University of Chicago by A. F. Kovacs.

to the task. Hitler was but following in the footsteps of Bernhardi and Treitschke when he said:

> The right to soil and territory can become a duty if decline seems to be in store for a great nation unless it extends its territory. . . . . Never forget that the most sacred right in this world is the right to that earth which a man desires to till himself, and the most sacred sacrifice that blood which a man spills for this earth.[59]

A study of these discussions of immigration, tariff, colonial, and military policy creates the impression that population arguments, especially of an economic type, do not always express the real motives of the speaker. The economics is often so patently bad that one concludes that expansionist policies flow from the sentiment that national expansion and military power are ends in themselves. Economic arguments are advanced only because in an economic age it sounds more reasonable to act for greed than for glory.[60] This is not to say that economic self-seeking by financial and commercial magnates, retention of political position by leaders and politicians, and military self-sufficiency for the army may not also be an undisclosed motivation behind some of this oratory, nor does it deny that many of the rank and file are persuaded that the nation and perhaps they, individually, will reap economic gains from the proposed policy.

Political proposals and discussions of the 1930's indicated wide acceptance of the theory that territorial redistribution was required by justice or expediency to relieve the population pressure of certain

[59] Hitler, *op. cit.*, pp. 950 and 964; see also Frederick L. Schuman, *The Nazi Dictatorship* (New York, 1935), pp. 346 ff.; above, n. 30.

[60] See discussion by Eugene Staley, A. Touzet, and Fritz Berber minimizing the economic arguments for the return of German colonies (International Studies Conference, *Peaceful Change* [Paris: International Institute of Intellectual Cooperation, 1938], pp. 465, 470, 472, 479). Staley has also suggested that the economic arguments for navies to protect investments are often a rationalization to conceal the real desire to have investments abroad as an excuse for navies (*War and the Private Investor* [New York, 1935], pp. 100 and 427; above, n. 53). "In the justaposition of these two types of national expansion [by Japan]—peaceful trade and military conquest—we have a dramatic illustration of the way in which the former has financed the latter, but the latter has worked to the detriment of the former" (W. W. Lockwood, "War and Economic Welfare in Japan," in Clarkson and Cochran [eds.], *op. cit.*, p. 219).

"unsatisfied states." Thompson suggests that, to avoid serious trouble, "the haves" must

voluntarily undertake to equalize to some extent the gross injustices of the present distribution. We all know that justice had nothing to do with the establishment of the *status quo* in the distribution of resources. Force and force alone determined it. It can be maintained, if it can be maintained at all, only by force.[61]

This proposition requires some examination. Justice, in any objective sense, inheres not in any situation of possession but in the process by which that situation developed and is being maintained or changed. To examine the justice of any claim to territory, one would have to examine the procedures by which that particular territory was obtained and is retained and to ascertain the status of these procedures in international law and in the general public opinion upon which that law rests. If it is assumed without such examination that "force and force alone" determined and maintained a given state of possession, it is to be anticipated that the same assumption will exist after "voluntary transfers" have been made and that there will still be "dissatisfied powers" to whom further voluntary transfers must be made. Perhaps the fact that they had already received some territory would augment their anxiety to receive more as well as their ability to demand it.[62]

Justice, therefore, requires detailed examination of any particular proposal for transfer by an acceptable procedure. The conditions under which it is expedient to make such transfers will be considered in the next section.

4. THE SOCIOLOGICAL METHOD

The sociological method of relating population to international relations implies the analysis of a given population problem in its concrete setting with a view to prediction or control through application of the best learning on the subject.

[61] *Danger Spots*, pp. 14–15. To same effect see Hitler, *op. cit.*, p. 949. See also discussion of territorial transfers by Lord Lugard ("The Basis of the Claim for Colonies"), Arnold J. Toynbee ("Peaceful Change or War?"), and others, *International Affairs*, Vol. XV, No. 1 (January–February, 1936).

[62] Bryce Wood, *Peaceful Change and the Colonial Problem* (New York, 1940), pp. 81 ff.; Study Group of Royal Institute of International Affairs, *The Colonial Problem* (London, 1937), chap. vi; F. Berber, Lord Lytton, H. Labouret, Q. Wright, and H. D. Henderson, in International Studies Conference, *op. cit.*, pp. 459–81, 519–24.

Analysis and comparison of the composition of different populations discloses differences in respect to the proportion of each grouping (sex, age, race, occupation, income, health, education, social status, etc.) into which the population may be classified. The rates of change of these proportions usually varies in the history of a population and among different populations. As a result the character of every population and its relation to others is being continuously modified in time. These qualitative changes may be more significant in explaining the causes and estimating the probability of war than the changes in the total numbers of the populations. This method may permit the expression of qualitative changes in quantitative terms, facilitating the measurement of trends and the inference of causal relations. Its application may throw light on the conditions influencing the warlikeness of a given population and the development of maladjustments between different populations.[63]

Applications of this method have suggested that the age composition of a population may have a significant effect upon the psychology of the nation. A rapidly growing population is a young population. According to Gini:

A population in which young age-groups abound bears the imprint of their spirit of daring in all its social organization and in the trend of its collective policies; whereas cold, calculating prudence is the characteristic of populations in which the older age-groups prevail.[64]

Other aspects of population composition may be isolated which influence aggressiveness. More comprehensive analyses may take into consideration the relation of many aspects of the population in order to establish the approximation of a given population to an optimum condition in relation to its physical environment, its international relations, and its social ideals.[65] An approach by all populations to relative optima might minimize the danger of war. Ferenczi, who has attempted to develop statistical indices for determining the

[63] The relation of population composition, racial concepts, and social control are suggestively analyzed in a study by L. S. Penrose on "Mental Disease and Crime: Outline of a Comparative Study of European Statistics," *British Journal of Medical Psychology*, XVIII, Part I (1939), 1–15. See also Lorimer, *op. cit.*

[64] *Op. cit.*, p. 29; above, chap. xxiii, sec. 3a.

[65] Imre Ferenczi, *L'Optimum synthetique du peuplement* (Paris: Institute international de cooperation intellectuelle, 1937), p. 119.

relative national population optima, emphasizes the possibilities of this method.

Historical evolution does not enable us to fix a uniform standard of the life of nations in the near future, not even for the nations belonging to the same civilization; nevertheless, an intimate and comparable knowledge of the respective situations of nations can further their social progress and the cause of peace and, at least, prevent false prophets from hampering a peaceful development. . . . . Doubts have been expressed as to the practical character of research concerning the principles, definitions, indices and methods of a comparative international demographic policy in relation to synthetic optima. Personally, however, I am convinced that by pursuing our studies along these lines we shall arrive at practical results, as we have succeeded in doing in the matter of migrations.[66]

This approach is as yet a promise, not a fulfilment. Population studies have as yet yielded few secure generalizations concerning the relation of the character of populations and the probability of war.

The study of the population situation in particular areas of international tension may often assist in the practical solution of that problem. International commissions, such as those sent by the League of Nations to Mosul (1925), Manchuria (1932), and the Gran Chaco (1933) have usually paid attention to the population situation in the area, but, of these three, only the first contributed immediately to a settlement.

The number of factors which must be considered to estimate the international trends in such an area was well illustrated by the discussion regarding Manchuria in the Institute of Pacific Relations in 1929. The different character of the population movements from China, Korea, Russia, and Japan into this area, the difference in the stage of economic organization of the sources of these migrations, the political and economic interest in the area of states other that the three most interested, the problem of military defense, the nature of historic rivalries, and the character of international institutions for adjusting difficulties were discussed, with the conclusion:

The problems of Manchuria are, therefore, complex. They present in a new area of striking and even dramatic development, all the problems of international intercourse which a modern world is groping to control. If economic necessities can be reconciled with national sovereignty, international co-operation with national security, population pressure with peaceful intercourse, a large

[66] International Studies Conference, *op. cit.*, pp. 367–69.

part of the common problem confronting all nations will have been solved in one area at least.[67]

Difficult as it is to predict trends in a concrete population situation, it is even more difficult to decide upon the wisest policy to meet such a situation.

Japan in 1933, with a population under twenty years of age 10,-000,000 greater than the population between twenty and forty years old, was confronted by the very real problem of finding 10,000,000 additional jobs in twenty years.[68] Birth control could do nothing to relieve this situation. The possibilities of further intensification of agriculture in Japan were very limited. Emigration, conquest, industrialization, and trade expansion were suggested. If the general welfare of its people had been the object of Japanese policy, as most of the abstract economists assumed, the possibilities of various alternatives might have been explored.

With migration to Australia, New Zealand, Canada, and America barred by law or administrative practice under the law, and to the Philippines, Indonesia, China, and Korea barred by lower-grade and frequently denser indigenous population, migration seemed to offer little relief without successful war against the overseas countries. This undoubtedly would be extremely expensive, even if the war were successful and if the problem of providing sufficient tonnage to transport Japanese away more rapidly than new ones were born could be solved. With an annual increase of nearly a million, provision would have to be made for exporting about 3,000 Japanese a day, or, assuming that birth control should at once prevent further increments, the problem of the potentially unemployed 10,000,000 in the next twenty years would require an export of 1,500 a day.[69]

[67] *Problems of the Pacific, 1929*, p. 160.

[68] *Problems of the Pacific, 1933*, p. 122. T. Uyeda, "Future of Japanese Population," *Pacific Affairs*, June–July, 1933. The method of analysis that follows is utilized in discussing the Japanese problem in *Problems of the Pacific, 1933*, pp. 123–53; Thompson, *Danger Spots*, pp. 31–43; and Shiroshi Nasu, in Gini *et al.*, *Population*, pp. 200–207. Nasu expressed the conviction in 1929 that "Japan will work out a solution of this grave problem, not by using the dull instruments of aggression and force, but rather by emphasizing the more efficacious weapons of an intelligent idealism and the scientific spirit."

[69] Professor Nasu of the Imperial University of Tokyo writes: "Indeed, if emigration could absorb one-tenth of her growing population, this would be a great achievement" (*op. cit.*, p. 201). The Tokyo Association of Liberty of Trading "welcomes" Warren

Conquest of territory seemed hardly practicable except in Asia, where it was undertaken. The prospects of large-scale migration, however, have remained slight, the raw materials have been more expensive to exploit than those which were available to Japan by trade in other places, and the indigenous population, while large, has not provided a market for high-grade manufactured goods.

A third alternative, further industrialization and expansion of trade throughout the whole world, importing more and more food-stuffs and raw materials and exporting an increasing proportion of manufactured goods, seemed to offer the best economic solution—one which had the economically desirable feature that industrialization tends to urbanization and reduction of the birth rate, so that the problem might be permanently ended if the 10,000,000 additional workers already born could be cared for during the next twenty years.[70]

Perhaps the policy embarked upon by Japan in 1922, which seems to have been along this line, would have been persisted in if the United States and others had not seen fit to slap Japan in the face with discriminatory immigration policies interpreted as implying racial inferiority and to hamper the enlargement of Japan's industrial exports by ever higher tariffs. It is not surprising that the military faction in Japan, which had always scoffed at the liberal policy, gained more and more popular support until it was able to embark upon a policy which had little to offer economically but might induce the Japanese to lower their standards of living in exchange for

Thompson's suggestion that Japan be given territory and opportunity for emigration but "not mainly from the economic but from the psychological point of view. . . . . Even if the whole world were free to Japanese emigrants, it would not solve our difficulty. . . . . There is nothing for us to do but to turn to the last solution, the expansion of export industries as the only method of dealing with this difficult question" (*Bulletin No. 1* [1934], p. 15). See also Lorimer, *op. cit.*, p. 447.

[70] *Problems of the Pacific, 1933*, pp. 136–53; above, nn. 60 and 69. After discussing four policies open to Germany to meet the problem of "an annual increase in population of almost 900,000 souls" (birth control, domestic colonization, territorial conquest, and further industrialization), Adolf Hitler concluded that "taking with the fist," of new soil "at Russia's expense" was a "healthier" course than the policy of industrialization and trade followed by the German Republic, because it would preserve a healthy peasant class, promote economic self-sufficiency, destroy "pacifistic nonsense," and enlarge the homeland (*Mein Kampf*, pp. 168, 178, 180, 182).

glory and might even slaughter some of the 10,000,000 in war. In spite of the anti-industrial tone of the military party which came into control, Japan inflated its currency and expanded its export trade to a large extent. Industrialization and international trade may in the long run be the means by which Japan will meet its problem, but the problem will be rendered somewhat more difficult by the tremendous burden of military expansion and colonial adventure which the country has undertaken.

A rational study of the alternatives in any population situation of the modern interdependent world from a purely economic point of view seldom suggests a military or colonial policy—a fact which confirms the conclusion that the objectives of foreign policy are generally only in small degree economic among the leaders who understand and who make the policy. The rank and file who do not understand may frequently be influenced by bad economic arguments.

If, instead of assuming general welfare as the end of policy, some other end is assumed, such, for example, as national self-sufficiency, augmentation of relative military power, or retention of the present relative position of rulers and classes within the state, similar exploration of the best alternatives for attaining this end in a given population situation could be made. The actual policy by which most states meet their population problems is likely to be a compromise between the results of these different analyses. In other words, policies are the result of compromises among a number of objectives, not rigorous co-ordination of means to a single end. Doubtless, however, in a given state at a given time, prosperity, security, power, stability, prestige, or some other end tends to dominate and so for a time to co-ordinate the concrete policies of the state and to tend toward particular forms for meeting the population problems.[71]

5. INFLUENCE OF POPULATION ON WAR

The conclusions to be drawn with respect to the relation of population changes to international relations in the contemporary world are in the main negative, but six points may be noted.

⁄ i) The rapid growth of world-population during the past century has augmented international communication, interpenetrated cultures, increased international co-operation, and tended to bring the

[71] Above, n. 70; chap. xxi, sec. 5; below, chap. xxxii, sec. 4; chap. xxxiv, sec. 5.

entire human race together into a single community. But it has also, in augmenting contacts between people of different culture and political allegiance, increased opportunities for friction between nations, each of which often places retention of its cultural individuality, its political unity, and its relative power position above its economic prosperity. Thus, while becoming more united, the world has become less stable and tensions have increased. This situation gives the human race more capacity, if its various divisions can agree, to control its future through orderly processes. On the other hand, its eggs all being in one basket, if it cannot agree to exercise these now possible controls, its capacity to annihilate itself is also augmented.

ii) Policies of war and expansion have been less influenced by population changes than by the willingness of people to accept unsound economic theories on the subject. A more general knowledge of the economic value of the various alternatives for meeting particular population problems would under present conditions make for international peace and co-operation rather than for war, provided people really wished to make general welfare the object of policy.

iii) Differentials of population pressure in neighboring areas, if generally known to the inhabitants of the overpopulated area and if maintained by artificial barriers to trade and migration, tend to international violence, provided the people of the overpopulated area have energy and mobility, are accustomed to the use of violence as an instrument of policy, and are dominated, as people in the mass usually are, by political rather than by economic objectives.

iv) Population is one factor in military potential, and differential rates of population growth in neighboring states tend to disturb the balance of power if such neighbors are in positions of traditional rivalry and depend for their defense upon their own resources rather than upon the mutual jealousies of others. Such disturbances in the balance of power between the great powers have tended to the development of all the states into a system of two rival alliances. This is likely to lead to the conviction that war is inevitable and to general war initiated by the group against whose military potential time is running.

v) The two preceding propositions suggest that imperial wars

tend to be initiated by countries with the most rapidly rising populations, while balance-of-power wars tend to be initiated by the alliances with the less rapidly rising populations, provided other factors of the military potential are being equally affected by time.

vi) While population conditions in the broad sense are a major factor in international politics and establish limits to the possibilities of international relations during any historical epoch, the possible variations of policy within these limits steadily increase as civilization develops, and today such variations are very great. Consequently, today the character of the influence of a particular population change is so dependent on other factors that it is impossible to predict from a study of population phenomena alone what international policies or occurrences to expect.

Studies relating aspects of population composition to warlikeness and studies indicating the optimum population composition under given conditions may yield theoretical and practical insight into the problem of war. Such studies cannot, however, in themselves, exhaust the subject. While wars are fought between populations, no statistical analysis of the populations can disclose all their causes. Changes in individual and group opinions; establishment of new national and international institutions; the evolution of treaties, legislation, and juristic analyses; technological discoveries and inventions, especially in the arts of war and of economic production—all affect international relations rather directly. All these changes are affected by one another and also by population changes. The influence of the latter must be taken into account but in its proper relations and proportions.[72] The temptation to state overprecisely and without adequate qualification the international consequences of, or the remedies for, population conditions may thus be avoided. Alarming statements regarding the relations of population conditions to international affairs have often been made as propaganda for policies of value to the few rather than to the many; consequently, it is in the general interest that the indeterminateness of the actual relationship should be understood.

[72] "It is not in the circumstances of the external world but in the minds of men that the mainsprings of violent social conflict lie" (E. F. Penrose, *Population Theories and Their Application* [Stanford University, 1934], p. 336).

CHAPTER XXXII

THE UTILIZATION OF RESOURCES AND WAR

I. COMPETITION FOR THE MEANS OF LIVING

A PEOPLE cannot live if it cannot get the means of life.[1] Nature does not provide all the means of life everywhere in unlimited abundance. From these two propositions it has been inferred that the *struggle* among *peoples* for the *limited resources* provided by *nature* inevitably leads to war.[2] This theory of the cause of war has often been called economic because it argues from rational motives and natural conditions.[3]

[1] "You take my life when you do take the means whereby I live" (Shakespeare, *Merchant of Venice*, Act IV, scene 1).

[2] "International policy is the art of conducting the struggle for existence between social organisms" (J. Novicow, *La Politique internationale* [Paris, 1886], p. 242). See also Bernhardi, Treitschke, and Cox, above, chap. xxxi, nn. 30, 31, 32. The social Darwinists also insisted that international struggle was a necessary condition of progress and civilization. "The majority of the 'groups' which win and conquer are better than the majority of those which fail and perish, and thus the first world grew better and was improved" (Walter Bagehot, *Physics and Politics* [London, 1903], p. 218). "War is in a way one of the conditions of progress, the cut of the whip which prevents a country from going to sleep, forcing satisfied mediocrity itself to leave its apathy" (Ernest Renan, *La Réforme intellectuelle et morale* [Paris, 1871], p. 111). "History shows me one way, and one way only in which a state of civilization has been produced, namely, the struggle of race with race, and the survival of the physically and mentally fitter race" (Karl Pearson, *National Life from the Standpoint of Science* [London, 1905], p. 21). "Inconceivable as have been the horrors caused by the universal antagonism which, beginning with the chronic hostilities of small hordes tens of thousands of years ago, has ended in the occasional vast battles of immense nations, we must nevertheless admit that without it the world would still have been inhabited only by men of feeble types sheltering in caves and living on wild food" (Herbert Spencer, *Principles of Sociology* [New York, 1896], II, Part V, 241). Spencer, Bagehot, Novicow, and others insisted, however, that the progress of civilization itself produced conditions in which war ceased to be useful and could be eliminated (see above, Vol. I, chap. vi, n. 174; chap. vii, nn. 83–86; chap. x, n. 48; chap. xv, n. 19). The German social Darwinists such as Gumplowicz, Ratzenhoffer, Treitschke, and Steinmetz seem to have considered the need for war eternal (below, Appen. XXVIII, par. *a*). William L. Langer (*The Diplomacy of Imperialism, 1890–1902* [New York, 1935], I, 85 ff.) indicates that the popularity of social Darwinism contributed to imperial policies in the 1890's.

[3] "When we speak of 'economic causes' of war, we should inquire not whether nations go to war to obtain control over goods and services, but whether, in going to war

Economists have, however, usually rejected this theory. The position of different economic schools differs,[4] but in general the argument may be analyzed by considering the ambiguities lurking in the key words in this proposition: (a) "struggle," (b) "peoples," (c) "limited resources," and (d) "nature."

a) *Struggle* is a word which may apply to either competition or conflict.[5] The effort of a number of individuals or peoples to gain the lion's share of limited resources is competition, but war is a form of conflict. Competition may occasionally lead to conflict. If two lions are each trying to get the same antelope, the situation is one of competition. A may get it, and B may depart either to find another antelope or to starve. A may get it, eat his fill, and leave the rest for B. A, seeing that the antelope is escaping, may enlist the co-operation of B, and the two may capture the antelope and share it. A having captured the antelope, B may attack him and drive him off and eat the antelope, leaving A to starve or find another antelope. Only in the last case has competition led to conflict.

The struggle for existence among members of the same species, which Darwin regarded as a factor in evolution, was competition usually resulting in the starving-out of the less fit according to the first pattern. It seldom resulted in conflict.[6] The relation of the lion to the antelope is one of conflict, but the relation of the two lions usually is not. The economic struggle among business firms and individuals in a civilized community is also competition. Some firms fail because they cannot capture the market. Some individuals become unemployed because they cannot capture a job. The discontent and misery may lead to conflict, but usually they do not.

to obtain them, they have calculated costs and returns and have decided that war is the cheapest way of obtaining what they wish" (Max Handman, "War, Economic Motives, and Economic Symbols," *American Journal of Sociology*, XLIV [March, 1939], 630). See Appen. XXVI, par. *f*.

[4] Below, Appen. XXVI.

[5] These two concepts have often been confused in writings on imperialism and social evolution. W. F. Ogburn and M. F. Nimkoff, *Sociology* (Boston, 1940), pp. 344 ff.; Margaret Mead, *Cooperation and Competition among Primitive People* (New York, 1937), pp. 16 and 17; above chap. xxvi, sec. 1; Appen. XXXV, nn. 25 and 27. Above, n. 2; Vol. I, Appen. VII, n. 40.

[6] A. M. Carr-Saunders, "Biology and War," *Foreign Affairs*, VII (1929), 431; above, Vol. I, chap. v, sec. 2; Appen. VII, n. 1.

The struggle between classes, between master and slaves, between ruler and ruled, and between the powerful and the weak, among human beings, is usually competition resulting in the weaker getting something, as in the second pattern. The dominant and powerful take what they want first, but something is left for the outdistanced. This also may eventually lead to revolt of the underprivileged and conflict, but it has not usually done so. "Experience hath shown," according to the Declaration of Independence, "that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing forms to which they are accustomed."[7]

Among many animals, as Kropotkin, Allee, and others have pointed out,[8] the struggle for existence has sometimes led to co-operation within the family, the community, or the aggregation according to the third pattern. Among human beings there has always been such co-operation resulting in permanent villages, tribes, and nations within which individuals and families, in varying degrees, collaborate in production and share the proceeds.[9] Business competition has tended to a similar result in the formation of mergers, trusts, holding companies, and trade associations. International political competition has often resulted in federations, unions, and leagues. The slogan of political party competition has been to "beat 'em or join 'em," and the latter has been as frequent as the former.[10]

The struggle between similar individuals or groups for limited resources, through competition, has rarely resulted in conflict. The identification of this struggle with war is therefore not justifiable.

b) People is a word which may apply to a population of individuals or to an organized group of individuals. War is a conflict between organized human groups. The proposition that struggle among peoples for resources leads to war, therefore, assumes that the word

[7] Even among monkeys "dominance status," once established, is difficult to alter. Above, Vol. I, Appen. VII, nn. 36, 46, 48.

[8] See Vol. I, chap. v, n. 22; Appen. VII, nn. 31 and 56.

[9] Margaret Mead (*op. cit.*, pp. 458 ff.) finds that among primitive peoples the degree of co-operativeness varies greatly, permitting a classification of social systems as "co-operative," "individualistic," and "competitive."

[10] Clement G. Lanni, *Beat 'em or Join 'em* (Rochester, 1931), chap. i; John Strachey, *The Coming Struggle for Power* (New York, 1933), p. 395.

"peoples" refers to organized groups, but in this sense peoples are dependent upon particular social and political institutions, not upon the distribution of resources. The latter dependence can only be attributed to "peoples" in the sense of populations of individuals. Food is eaten by individuals, not by organizations. Competition for resources on which to live therefore takes place ultimately among individuals. That competitive struggle, together with other factors, has tended to enlarge organized groups, from families to villages, tribes, tribal federations, nations, and leagues of nations. There is no natural law which decrees that the human population must be subdivided in any particular way and that the members of one subdivision must compete and perhaps conflict only with the members of another. Populations of any size may co-operate or unite and become one "people." The only unequivocal natural demarcation of peoples is the individual, on the one hand, and the human race, on the other. Races, nations, states, and regions are distinguished by social or legal recognition. Their boundaries are neither permanent nor indisputable.[11] An economic treatment of human competition for resources should, therefore, examine either what behavior is most beneficial to an individual in competition with other individuals under given social institutions or what social institutions are most promotive of a distribution and utilization of the world's resources beneficial to the human race as a whole.[12]

Discussion of the competition of "peoples" in the sense of organized groups is a sociological rather than an economic study, because its essence lies in the examination of the factors which make a particular group a unity and which in a given period of history make a particular type of group, as, for instance, the nation-state, dominant over others, such as the town, the continent, the corporation, the capitalists, the workers, the producers, the consumers, etc.

c) *Limited resources* is a phrase which may refer to useful goods and services available at a given time and place or to the total material and human resources of the world convertible with a given tech-

---

[11] Above, chap. xxvii, sec. 2; chap. xxviii, sec. 3c.

[12] These objectives were generally assumed by all schools of economic thought except the socio-ethical and the institutional-historical schools. Below, Appen. XXVI.

nology in a given period of time and at a given place into useful goods or services. The difference in the meaning of the word "limited" in these two senses is enormous. An Indian village of fifty people on the site of Chicago was in far more danger of starving to death with the technology available to them in the eighteenth century than are three million people on the same site with the technology available to them in the twentieth century. To the Indians resources were limited to the game and fish which they could take within a few square miles. To the modern city except in time of war the resources of the world are available, capable of modification in form and transportation to Chicago in a few days or weeks. Under modern conditions of transportation and communication, limits of resources can be defined not by what can be obtained from the monopolistic utilization of a fixed area of land and subsurface deposits but by what can be obtained from the world-system of production, transportation, and distribution, utilizing mineral, vegetable, and animal products from remote areas.[13]

In such a dynamic order resources cannot be thought of as limited, in the sense of a loaf of bread from which only so many slices can be cut, but as limited mainly by the social obstruction to human ingenuity, foresight, and co-operation. The raw materials of the earth capable of use are not a quality of the material per se but of human inventiveness and co-operativeness. Economic activity has thus acquired the peculiarity that one man's gain is not another man's loss. Exchange of things and ideas is mutually beneficial.[14]

Competition for a livelihood tends, therefore, to be of general advantage in proportion as trade is conducted as a form of co-operation and of general disadvantage in proportion as it is pursued as a form of conflict. Conflict, instead of being one of the possible ways of winning in the competition for existence, tends to become a way of certainly losing.[15]

[13] Eugene Staley, *World Economy in Transition* (New York, 1939), chap. i.

[14] Adam Smith's clear perception of the general utility of trade as permitting division of labor differentiated his school of thought from the Aristotelians, mercantilists, and physiocrats (L. H. Haney, *History of Economic Thought* [New York, 1913], p. 165; F. H. Knight, "Exchange," *Encyclopaedia of the Social Sciences*, V, 668).

[15] "Competition is at once a process of selection, an economic organization, and an agency of social development." When it becomes too much of the first and too little of

In this respect competition for a living differs radically from competition for political power. The latter is relative. One man's superiority of power is another man's inferiority. Political competition therefore tends toward conflict, while economic competition tends toward co-operation.[16]

d) *Nature* is a word with a multiplicity of meanings.[17] In the present context it may refer to the earth, its deposits of minerals, its vegetable and animal life existing without human intervention, or it may refer to these resources capable of utilization by a given system of production. In the first sense nature really provides nothing useful at all. Some technology, even though no more developed than finding and collecting, must be employed to convert minerals, animals, and plants to use. Nature is economically meaningless apart from its relation to a productive technology. What things are resources depends upon man's knowledge of resource utilization.

Nature in the physical sense, it is true, may largely influence types of utilization among primitive peoples as it does among animals. Among them deserts produce one sort of economy, forests another, seashores another; the tropics one, the arctic another. With civilization, however, technology dominates over resources, over topography, and even over climate.[18]

---

the latter, it is subjected to new regulation (see Walton H. Hamilton, "Competition," *Encyclopaedia of the Social Sciences*).

[16] "Economic competition is simply a mode of organizing cooperation and has nothing to do with psychological competition, emulation or rivalry" (Frank H. Knight, "The Role of the Individual in the Economic World of the Future," *Journal of Political Economy*, XLIX [December, 1941], 825). Competition for power, on the other hand, has seldom been transformed to a co-operative organization of power except in fear of and preparation for conflict with an outside power. A balance-of-power system has within it the elements of co-operation because all the members fear such conflict. Above, chap. xx, nn. 16 and 17; chap. xxviii, sec. 1a(i).

[17] A. A. Lovejoy, G. Chinard, G. Boas, and R. S. Crane (eds.), *A Documentary History of Primitivism and Related Ideas*, I (Baltimore, 1935), 447 ff.; I. Erdman, "Naturalism," *Encyclopaedia of the Social Sciences;* above, chap. xvi, n. 2.

[18] Above, Vol. I, chap. vi, n. 15; chap. vii, n. 10; Appen. VII, sec. 4c; Camille Vallaux, "Geography, Human," *Encyclopaedia of the Social Sciences*, VI, 625. The modern science of geography compares the modes of utilizing different areas of the earth's surface with a view to appraising economic efficiencies and cultural and political consequences. *Geopolitik* is a dynamic study which seeks to make the policy of a particular state dominate over its geographic conditions by properly interpreting them (see Derwent Whittlesey, *The Earth and the State* [New York, 1939], p. 8). Shakespeare perceived that economy rests fundamentally on conventions (above, n. 1).

A study of the influence of resources upon war becomes, therefore, a study of the influence of particular productive systems upon war. What is the influence of agrarianism, of feudalism, of capitalism, of socialism, upon war? What are the specific causes of war within these systems? What is the influence upon war of the contact of different economic systems?

2. TYPES OF ECONOMY

Economic systems are continually changing. Such words as "agrarianism," "feudalism," "capitalism," and "socialism" each designates a type of economy which represents the logical co-ordination of the dominant trends of a period.[19] This usage is to be distinguished from the propaganda use of these terms to designate utopias which combine elements from such wide sources both historical and philosophical that they have no relation to any historic period and which, because of internal inconsistencies, may be incapable of realization.[20]

It is believed that most periods of history can be roughly classified under one or the other of these four types of economy. Civilized agricultural economies have tended to be either agrarian or feudal. Commercial and industrial economies have tended to be capitalistic. Socialistic economies have developed in dominantly agricultural as well as in dominantly industrial regions. Hunting, fishing, and pastoral economies have distinctive characteristics, but they have been in the main confined to primitive peoples.[21]

[19] This typology of economies ignores many distinctions of great practical and theoretic importance, as those between large- and small-scale farming; between three- and four-field systems; between perfect and imperfect feudalism; between village and village town economies; between pure and mixed capitalism; between collectivism, socialism, and communism. Most actual economies contain elements of all, but usually one type dominates. The "individualistic" and "competitive" social systems identified among primitive peoples (above, n. 9) probably correspond, respectively, to the agrarian and capitalistic economies among civilized peoples. The "co-operative" primitive system would correspond to feudalism and socialism, but it is easier to maintain noncompetitive co-operation without coercion and war in small static societies than in large dynamic societies (above, chap. XXVIII, sec. 2; below, nn. 27, 35, 36, 69).

[20] Typologies approach utopias as they increase in abstraction. Scientific generalization and imaginative construction may reach similar results when carried to extremes. See chap. xxviii, sec. 3a.

[21] Above, Vol. I, chap. vi, n. 36.

Agrarianism is the form of economic organization which has commonly marked the transition from primitive culture to civilization. It was the dominant type in most civilizations before the Renaissance, including most of classical civilization. In modern times it has dominated in the "pioneer fringe" and in the "backward area."[22] Feudalism dominated in Western Europe from the ninth to the fifteenth centuries. It had existed much earlier in Egypt, China, and Greece and developed somewhat later in the Russian, Arabian, Iranian, and Japanese civilizations. Some of its elements were to be found in the Old South of the United States and in parts of Latin America in the nineteenth century.[23] Capitalism dominated in Europe from the Renaissance to World War I. Some of its elements are to be found in certain periods of Mesopotamian, Chinese, and classical civilizations. It developed during the nineteenth century in the United States and Japan, and during the twentieth century it began to develop in India, China, and Latin America.[24] State socialism has developed in Russia, Italy, Germany, and Japan since World War I, and tendencies in this direction are to be observed in Sweden, New Zealand, and Australia and in lesser degree in most of the Western countries. The manifestations of socialism have been so diverse and its development so immature that the type is difficult to define. Forms of state socialism existed in ancient Sparta, in the Inca empire, in Jesuit Paraguay, and in a few pioneer communities in the United States and Palestine. Socialistic elements existed in the military empires of Egypt, Assyria, and Rome, in Western Europe under the post-Renaissance dictatorships, and in some modern European colonies.[25]

---

[22] See Isaiah Bowman, *The Pioneer Fringe* (New York, 1931); "Agrarian Movements," *Encyclopaedia of the Social Sciences;* Frank Lorimer ("Population Factors Relating to the Organization of Peace," *International Conciliation;* No. 369, April, 1941, p. 443) estimates that 60 per cent of the world's population are in "old agricultural civilizations" or "new plantation areas." Some of these should he classified as semi-feudal or semisocialistic rather than as agrarian.

[23] N. S. B. Gras, *An Introduction to Economic History* (New York, 1922), pp. 78 ff.; "Feudalism," *Encyclopaedia of the Social Sciences.*

[24] Werner Sombart, "Capitalism," *Encyclopaedia of the Social Sciences*, III, 206 ff.

[25] Gras, *op. cit.*, p. 320. Since he defines socialism as a type of utopia rather than as a type of economic system, Oscar Jászi ("Socialism," *Encyclopaedia of the Social Sciences*)

The technological and economic system does not determine all aspects of a culture.[26] The economy, religion, and politics of a people may spring from different origins and appear in strange combinations. Thus, in considering the tendency of economic systems in respect to war, it must be recognized that these tendencies may be arrested or diverted because of the combination of the economic system in a particular instance with a religion or a government of different tendency.[27]

The economy does, however, exert a profound influence upon other institutions and tends to draw them all into its mold. Agrarianism has tended toward dogmatic religion and monarchical or republican government limited by law and representative institutions; feudalism, toward dogmatic religion and autocratic government supported by an aristocracy; capitalism, toward rational religion and constitutionally limited, democratic government; socialism, toward rational religion and autocratic government unlimited by law.[28] Socialism has usually appeared as a transitional stage between agrarianism or feudalism and capitalism.[29]

Political movements have often propagandized for ideal representations of all these systems. The period from 1920 to 1940 was characterized by the struggle of propagandas of agrarianism and

declines to consider these historic systems as socialism. Most contemporary states have "mixed economies" with varying degrees of capitalistic and socialistic elements. Below, nn. 73–75, 116.

[26] Above, chap. xxviii, n. 3.

[27] Margaret Mead (*op. cit.*, pp. 481 ff.) notes that "in the competitive cultures war exists practically within the cultural group itself, while in the co-operative and individualistic cultures this is not so" and that among the co-operative cultures war tended to be external and more serious, but she emphasizes many exceptions due to other aspects of the particular culture.

[28] Agrarianism and feudalism tend to form customary communities or *Gemeinschaft*, while capitalism and socialism tend to form artificial contractual associations or *Gesellschaft*, according to Ferdinand Tönnie's classification. Above, chaps. x and xxviii (n. 5).

[29] European mercantilism and the Japanese economy after the restoration were highly socialistic, as have been many colonial governments. Transitions from feudalism to agrarianism have often been accompanied by socialistic tendencies as in southeastern Europe and Mexico. See Eli F. Heckscher, "Mercantilism," *Encyclopaedia of the Social Sciences;* Kamekichi Takahashi, "The Rise of Capitalism in Japan," in Berthold Laufer (ed.), *The New Orient* (Chicago, 1933), II, 171; Frank Tannenbaum, *The Mexican Agrarian Revolution* (New York, 1929), chap. viii.

socialism against capitalism in the North Atlantic countries and against semifeudalism in most other parts of the world.[30] These propagandas have sometimes accompanied or induced actual changes of economy:

Historic periods of transition from one economy to another have been warlike. Agricultural classes accustomed to a dominant position have usually resisted violently the rise to dominance of commercial or industrial classes.[31] The latter have resisted the rise of labor and a socialist bureaucracy.[32] Geographic frontiers marking the transition from one economy to another have also often been the scene of war. An industrial state in close contact with an agricultural state tends to expand its commerce and industry into, and to draw its food and raw materials from, the latter. Regarding this process as subversive of its culture and dangerous to its independence, the agricultural state is likely to resist by arms.[33] The dynam-

[30] Agrarian movements were especially active in southeastern Europe, western United States, and Mexico; socialistic movements were active in Russia, Germany, Italy, Spain, Scandinavia, and China. The semifeudal systems of eastern Europe, Spain, Mexico, South America, the Moslem Near East, and Japan struggled against peasant agrarianism and socialism. Great Britain and the Dominions, France and the Low Countries, and Switzerland and the United States were the strongholds of capitalism, though in the United States and the British Commonwealth of Nations capitalism was balanced by strong agrarian movements. In Japan capitalism was balanced by feudal vestiges and considerable agrarianism and socialism. Although socialism, agrarianism, and capitalism all at times utilized international symbolisms and organizations, the movements were generally strongly nationalistic. See "Agrarian Movements," "Capitalism," "Feudalism," "Socialism," *Encyclopaedia of the Social Sciences.*

[31] Commercial classes were superseding the agricultural nobility during the civil wars of the late Roman Republic and the Renaissance in Western Europe. Industrial classes were superseding commercial and agricultural classses during the civil wars of Napoleonic Western Europe, of mid-nineteenth-century United States, Germany, and Japan, and of twentieth-century Italy, Russia, and China.

[32] During the 1920's and 1930's the Soviet bureaucracy in Russia was supported by labor and the poor peasants and opposed by capitalists, landlords, and rich peasants (kulaks). The Labour party in England, the Popular Front in France, and the "New Deal" in the United States had much support from labor and were generally opposed by the industrialists and landlords. The Fascist and Nazi bureaucracies were at first supported by industrialists and opposed by labor but tended to be opposed by industrialists and supported by labor as their programs became more socialistic.

[33] Capitalistic penetration has normally begun peacefully. Military resistance has usually come from the agricultural state (below, n. 46), which, however, has usually been militarily inferior (above, Vol. I, chap. x, sec. 1). This process has been illustrated dur-

ics of these processes can be understood by examining the characteristics of these economies.

a) Agrarianism has been characterized by the spirit of individual self-sufficiency of the landowner and the development of a common law protecting rights in land and the personal freedom of the landowner. The law, under conditions of hand labor, has tended to reduce the nonlandowner to the condition of a serf and to reduce military captives, debtors, and criminals to the status of slaves. The economic technique of agrarianism has centered around the self-sufficient farm, villa, or village. This unit produces animals and vegetables for its own subsistence. Trading goes on within but very little without the unit.

The organizing principle of agrarianism has been the voluntary

ing the past century by the relations of North and South in the United States, of Great Britain and India, of Great Britain and Ireland, of the Western powers and China, of Germany and Czarist Russia, of the United States and northern Latin America. Industrialized socialist states have frequently taken a military initiative in penetrating neighboring agricultural states illustrated by the imperialism of the post-Renaissance absolutisms in America and Asia and in recent years by Japan in China, by Italy in Ethiopia, by Germany in Poland and the Balkans, and by Soviet Russia in Finland and the Baltics. This process has been attributed to differential efficiency in land utilization. "There is widespread inability in the United States to understand the viewpoint of Latin non-users of national sovereignty and economic opportunity who rail at us in constant misinterpretation of American diplomacy in the responsible and irresponsible press. . . . . That the Latin republics have not been kept free from excessive penetration of American capital is due to the vacuum they have left in their economic systems through neglecting to occupy fully their own national sovereignty and to develop and use their own capital and their men of enterprise in productive investments. . . . . North Americans obtained priority in Mexican industries through daring and enterprise—a gambling spirit which the Mexican capitalist might have shown had his political system promised a gambler's chance instead of sure loss" (Priestley, in Moises Saenz and Herbert I. Priestley, *Some Mexican Problems* [Chicago, 1926], pp. 154–55). Since different cultural ideals have always been involved, and efficiency can be measured only in terms of means to similar ends, this explanation is oversimplified. "The Revolution has tried, is still trying, to give the Mexican a place under the Mexican sun and to wrest from the foreign exploiter that which by right is ours. . . . . It would seem that large investments from a strong country in a weak one result in political and economic subjugation. . . . . Mexico has decided that she will he treated by the other nations as a sovereign state or not at all. There is a strain of divine doggedness and pride in the makeup of the Mexican, the will to be free and to be himself, that no amount of international bulldozing or brute force has ever destroyed or is ever likely to destroy" (Saenz, in Saenz and Priestley, *op. cit.*, pp. 7, 17, 30).

co-operation of landowners of equal legal and not too unequal economic status. It cannot easily extend beyond the village of personal acquaintances so that larger organization has depended not upon economy but upon political or religious principles, usually combined in the kingship.

With population growth and broader political organization, land-holding has concentrated and the servile population has increased. With improvements in means of transportation and the establishment of commercial towns, trading between town and country and between agricultural and industrial countries has developed. This has led to specialization of crops, dependence of agriculture on commerce and markets, and typical agrarian demands upon the government for regulation of markets and credits, protection and insurance against floods and drought, improvement of irrigation, and warehousing and transportation facilities. Because agricultural production is peculiarly dependent on weather conditions, cash-crop farming has been extraordinarily speculative and has tended toward further concentration of landholding. These developments, which continually increase the proportion of the rural population in need of protection against economic risk and predatory attack, have usually in time converted free agrarian economies into either feudalism or socialism.[34]

While primitive agricultural villages have often been in large measure communal,[35] and while advanced agriculturists have occasionally adopted village collectivism or communism, especially under pioneering conditions,[36] agricultural socialism on a large scale has been rare. It conflicts with the sentiments of self-reliance and self-sufficiency characteristic both of the individual landowner and of the village community. Furthermore, it is difficult to maintain centralized control of the details of agricultural activity over a large

[34] Gras, *op. cit.*, chap. iii; R. H. Tawney (ed.), *Agrarian China* (Chicago, 1940); Tannenbaum, *op. cit.*, chap. iii; "Agrarian Movements," "Agriculture," *Encyclopaedia of the Social Sciences*.

[35] As the Russian *mir* and the Mexican *ejido*.

[36] As the American colonies of Jamestown and Plymouth for a brief period; the Amana, Harmony, Oneida, and other religious communities in the United States, and certain of the Jewish settlements in Palestine (see "Communistic Settlements," *Encyclopaedia of the Social Sciences*).

area. When agriculture has been dependent upon irrigation, terracing, granaries, or external markets, it has been less difficult to maintain such control. Systems of partial socialism imposed in both ancient and modern empires have usually broken down into feudalism or capitalism. Socialism was initiated in modern Russia by the urban proletariat and was only imposed on the rural population after ten years and with considerable violence. Its future remains uncertain.[37] Agrarianism faced by a crisis situation has usually developed into feudalism.

b) Feudalism has arisen, on the one hand, from the need of the small landholder for military and economic protection from the great after there has developed a considerable differentiation in the wealth and power of individual landholders and a considerable dependence of agriculture upon urban markets and, on the other hand, from the incapacity of the central government because of lack of communication, transport, and efficient administrative services either to give this protection or to collect taxes directly. Thus the most powerful landholder in every locality acquires a combination of economic and political power from the acceptance of his protection by the lesser landholders, the landless, or the village as a whole and from the farming-out to him of taxing and military power by the central government.[38] Feudalism has emphasized the spirit of personal loyalty (fealty) and has usually developed an elaborate law defining and protecting the unequal relations at the root of the system usually originating in contract. These contracts have defined various forms of military, religious, administrative, personal, agricultural, and other services (vassalage), imposing obligations upon both lord and vassal, manifested by a ceremonial (homage). As the obligation has tended to become hereditary, the relationship has tended to become one of status rather than of contract; freedom has been sacrificed for security.

[37] Hans Kohn, "Russian Revolution," *Encyclopaedia of the Social Sciences*, XIII, 488 ff.; Vera M. Dean, "Industry and Agriculture in the U.S.S.R.," *Foreign Policy Reports*, XIV (June, 1, 1938), 74.

[38] The former process was most important in European feudalism, the latter in Japanese and Arabian feudalism (see "Feudalism," *Encyclopaedia of the Social Sciences*).

The economic technique of feudalism has centered about the relatively self-contained manor which co-ordinates agriculture and crafts in a defined area and constitutes, also, a political unit, administering justice and providing defense. The manor, however, has not usually been wholly self-sufficient. It has engaged in trade in the town markets and has contributed military forces for defense of the state.

The organization both within and among the manors has been defined by a system of land tenure (fiefs) hierarchically relating the tie of feudal fealty and of military obligations to interest in land, ideally climaxing in the king or emperor to whom the tenants-in-chief owe fealty and from whom all land titles are eventually derived.[39]

Agrarian economies have tended to be expansive because of the continuous need of new land. This need has arisen from the natural exhaustion of the soil, a phenomenon especially notable in Italy toward the end of the Roman Republic and in the eastern section of the Old South of the United States. Where irrigation has been relied upon or where a system of crop rotation has developed, allowing certain fields to lie fallow, this tendency may be relieved. There has also been a tendency for agricultural populations to increase in number, although this tendency has frequently been checked by periodic epidemics and famines. After feudalism has developed, these tendencies have been augmented by the ambition of the landed nobility to increase their holdings in order to gain greater political and social prestige. The self-sufficient military organization of the manor often protected by an impregnable castle, although established primarily for defense, has stimulated aggression against less-defended areas. While the idea of law has dominated feudal societies, the system has tended by the operation of heredity and marriage to generate multiple fealties and multiple titles in respect to the same land. As a result, legal claims could frequently be made to the land of others. As enforcement of the law has depended primarily on self-help, war in feudal societies has typically arisen through conflicting claims to land.[40]

[39] Gras, *op. cit.*, pp. 70–79; G. B. Adams, *Civilization during the Middle Ages* (New York, 1903), chap. ix; "Feudalism," *Encyclopaedia of the Social Sciences.*

[40] "He who has land has war according to a French proverb" (Gras, *op. cit.*, p. 70). "Medieval wars are, as a rule, wars of rights. . . . . They are not wars of idea, of libera-

Feudal societies have therefore tended to be highly militaristic, in the sense that military activity has carried high social prestige, that the ruling class has been dominantly engaged in military activity, and that wars have been frequent, whether private wars between barons or public wars between kings.[41]

c) *Capitalism* has usually developed from agrarian or feudal economies when commerce and industry have created accumulations of wealth in forms more mobile than land. The owners of this wealth have acquired a political influence comparable to or greater than that of the landowners. Capitalism has sometimes dominated in towns even when agrarian or feudal economies dominated in the state as a whole.[42] Considerable state socialism has often been a transitional stage before the development of capitalism, and capitalism has tended to proceed from commercial to industrial and financial stages.[43]

tion, or of glory, or of nationality, or of propagandism. . . . . Men . . . . alleged a legal claim or a legal grievance; and in the majority of cases really legal claims and really legal grievances" (William Stubbs, *Seventeen Lectures on the Study of Medieval and Modern History* [Oxford, 1886], p. 217).

[41] "War was the engrossing occupation of the feudal baron and knight" (C. Bemont and G. Monod, *Medieval Europe* [New York, 1903], p. 259). Writers have, however, emphasized that European feudalism was less militaristic than the semisocialistic nationalisms which followed it. "In feudalism power and esteem were distributed in favor of the military class, but the other salient features of militarism in its more specific meaning were lacking. The military estate was socially superior to the other strata and more powerful. Yet these strata were expected to respect rather than to participate in the honor of the military estate" (Hans Speier, "Militarism in the Eighteenth Century," *Social Research*, III [August, 1936], 304). C. de Lisle Burns ("Militarism," *Encyclopaedia of the Social Sciences*, X, 449) and Alfred Vagts (*A History of Militarism* [New York, 1937]) regard feudalism as one source of the more highly developed modern militarism. Stubbs, while recognizing the abundance of war in the feudal period of Europe, emphasizes the greater insistence on a legal basis for initiating war as compared with the modern period (above, n. 40).

[42] Gras (*op. cit.*, p. 105) distinguishes the economic town from the agricultural village by the establishment of a class of traders. Accumulation of wealth from agriculture has sometimes assisted in the development of capitalism if such wealth is invested in trade or industry rather than in land. Such accumulations by English agriculture in the eighteenth century contributed to the industrial revolution.

[43] Above, n. 29. Werner Sombart distinguishes periods of early (1300–1750), full (1750–1914), and late (1919———) capitalism in the modern period ("Capitalism," *Encyclopaedia of the Social Sciences*, III, 206). These periods correspond roughly to Lewis Mumford's eo-, paleo-, and neotechnic periods (*Technics and Civilization* [New

Capitalism has been characterized by the spirit of individual ac-
quisitiveness applied, however, not to land or tangible goods as such
but to the symbol for such goods—money. The dominating value
has not been the fulfilment of the requirements of loyalty to lord and
church but the accumulation of impersonal wealth, the common
medium by which individual wants can be satisfied.[44] Law has cen-
tered upon abstract relations of property and contract. Capitalistic
contracts, however, have differed from the typical feudal contract.
They have been between equals and of limited duration. They have
dealt with property and particular services rather than with perma-
nent, personal, and tenure relations. The movement from feudalism
or agrarianism to capitalism has therefore been a movement from
status to contract.[45] The ideal of capitalism has been an automatic
economy in which the population as producers, guided only by self-
interest, continuously supply what they want as consumers, con-
sulting only their own desires. The consumers' freedom of choice no
less than the producers' freedom of enterprise has figured in the
ideal of capitalism and has associated it with a general philosophy
of liberalism.

Economic production has tended to be conducted by the imper-
sonal industrial enterprise combining a technology utilizing capital
in long-time productive processes with a systematic marketing of the
product, a systematic accounting of profits and losses, and a sys-
tematic effort to maintain financial credit. Capitalism existed in
various places before the industrial revolution of the late eighteenth
and early nineteenth centuries, but the invention of power engines
for manufacturing and transportation greatly developed its tech-
nique. The limited liability corporation, the independent status of
capital, the system of accounting, the impersonal relation of man-

---

York, 1934]); to periods dominated by commercial towns, by industrial metropolises,
and by financial metropolises (Gras, *op. cit.*, chaps. iv and v), and to periods of dominant
capitalistic control by merchants, industrialists, and bankers (G. D. H. Cole, "Indus-
trialism," *Encyclopaedia of the Social Sciences*).

[44] Lionel Robbins (*The Economic Causes of War* [London, 1939], p. 117) considers an
economic motive the motive of "securing means of satisfying ends in general." Capital-
ism is distinctive in its generalization of ends in terms of wealth, the universal means for
securing them.

[45] Sir Henry Maine, *Ancient Law* (London, 1870), p. 170.

agement to labor in the factory, and the profit motive have sharply distinguished the capitalistic enterprise from the feudal manor.

Capitalistic enterprises have been organized to compete in a market regulated by a price system, capable of equating the values of capital, labor, management, and commodities. This competition has, however, been regulated by a common law forbidding fraud and violence and protecting private property and contracts. This law has been enforced not by self-help but by a powerful state which, apart from enforcing the common law, ought under capitalist theory to disinterest itself from economic activity. The freedom of the capitalistic enterprise has not extended, as has the feudal manor, to military activity. Its freedom has, however, been far greater to extend its business operations over the world.

Within the legal framework the stability of capitalism has depended upon the statistical law of large numbers. Changes in price relationships will be slow and calculable if the units of consumption and production are small and free and markets are large. Monopoly, mass advertising, and legislation restricting markets and controlling consumption militate against these conditions.[46] Capitalism has attempted to unite the application of machine technology and industrialization with individual freedom of consumers and producers through an automatic market sustained by the profit motive and conditioned by a common law.[47]

Capitalistic societies have been the most peaceful forms of societies yet developed. The bourgeois, who have been their organizers, have usually held military affairs in contempt and have considered war as the great destroyer of wealth and the great obstacle to the expansion of economic enterprise.[48] They have generally sought to expand their enterprises not by the forcible seizure of land but by

[46] See Henry C. Simons, *A Positive Program for Laissez Faire* ("Public Policy Pamphlet," No. 15 [Chicago, 1934]); Friedrich A. von Hayek, *Freedom and the Economic System* ("Public Policy Pamphlet," No. 29 [Chicago, 1939]); H. D. Gideonse, *Organized Scarcity and Public Policy* ("Public Policy Pamphlet," No. 30 [Chicago, 1939]).

[47] H. D. Lasswell suggests that there is no necessary connection between these different aspects of capitalism (*World Politics and Personal Insecurity* [New York, 1935], p. 124).

[48] Speier, *op. cit.*, pp. 321 ff.

successful competition in markets, foreign and domestic.[49] They
have regarded the role of political and military power as the main-
tenance of domestic order, the enforcement of law, and the preven-
tion of invasion.[50] Capitalistic entrepreneurs have on occasion
sought to influence laws and the use of military power in favor of
their enterprises.[51] Governments in a regime of capitalism have on
occasion sought to direct economic activity, particularly in times of
active military preparation or of war.[52] The central idea of capital-
ism, however, has been the separation of government and business.
The theorists of capitalism—the classical economists—considered
good government that which secured justice and order with the least
interference with individual freedom, and good economy that which
utilized resources to provide what individuals wanted with the least
waste. While the necessity of state defense was not denied, the initi-
ation of war was considered both politically and economically irra-
tional, and it was anticipated that war would disappear as civiliza-
tion advanced.[53]

Wars have occurred during the periods of capitalistic dominance,
but they have been least frequent in the areas most completely or-

[49] Some of the early trading companies, such as the British and Dutch East India
companies, were exceptions, but the shareholders of these companies did not always ap-
prove of the military activities of their agents. "When in 1603 a vessel of the Portu-
guese India-fleet was captured by a Dutch man-of-war, the shareholders of the East
India Company threatened to resign their membership. They were afraid, not without
reason, that such lawless and arbitrary acts of violence would ruin the Dutch trade with
the Indies" (Gerhart Niemeyer, *Law without Force* [Princeton, 1941], p. 46).

[50] See United States Constitution, Art. I, sec. 8, cl. 15.

[51] Especially protective tariffs and protection of foreign investments.

[52] Collection of statistics, conduct of postal and electrical communication, and assist-
ance in the building of roads, canals, railroads, and shipping lines were common (see
below, n. 116).

[53] Adam Smith, H. T. Buckle, and Herbert Spencer made invidious comparisons be-
tween "industrial" or capitalistic societies and "military," feudal, or barbarous soci-
eties (above, Vol. I, chap. vi, n. 25; Vol. II, chap. xxii, n. 37). See also Norman Angell,
The Great Illusion (London, 1910); Francis W. Hirst, *The Political Economy of War*
(London, 1915); Robbins, *op. cit.* Thorstein Veblen's distinction between "the indus-
trious" and "the predatory" referred not to types of economy but to human elements in
all economies. Because of the predatory element in capitalism, he thought the price sys-
tem incompatible with peace (*An Inquiry into the Nature of Peace* [New York, 1917], p.
366).

ganized under that system.[54] The increased control of nature and the vulnerability of economy to commercial stoppages, incident upon the evolution within capitalism of an advanced industrial technology, have, however, been utilized by the state for war purposes. Consequently, when wars have occurred among capitalistic states, they have usually been more destructive than among agricultural states.[55]

In the modern period, in which alone capitalism has been fully developed, war has more frequently been initiated by states dominated by agrarianism or by socialism than by those dominated by capitalism. Nationalism in agrarian Serbia was an important cause of World War I. The spearhead of German militarism was, in 1914, the Prussian *Junkers*, not the Rhineland industrialists. In 1939 war was begun by the National Socialists, not by the capitalists. Japanese militarism has sprung from the peasantry and the army, not from the bankers, merchants, and industrialists. In the United States the Revolution, the War of 1812, and the Civil War were pressed by the agrarian West and South more than by the commercial East and North.[56] British imperialism was supported in the eighteenth and nineteenth centuries by the conservative landed aristocracy rather than by the liberal merchants and industrialists. Businessmen, bankers, and investors have generally urged peaceful policies in time of crisis.[57] Dominantly agricultural countries like

[54] The nineteenth century (the *pax Britannica*), in which capitalism reached its greatest extension, has been the most peaceful century of Western history, at least since the second century (the *pax Romana*). The most frequent, though not the most destructive, types of war during this century were "imperial wars" fought in areas not yet organized with a capitalistic economy. See below, n. 125; above, n. 33; Vol. I, chap. ix, nn. 46 and 64; chap. x, sec. 2.

[55] Above, Vol. I, chap. ix, sec. 3c, d; chap. xii.

[56] W. E. Dodd, "Virginia Takes the Road to Revolution," in Carl L. Becker (ed.), *The Spirit of '76* (Washington, 1927); Julius Pratt, *Expansionists of 1812* (New York, 1925). See also n. 58 below.

[57] "The bankers in general seem to have been pacifically inclined, and to have been much more favorably disposed than were their governments to international cooperation and reconciliation and to settlement of difficulties by friendly negotiation in a spirit of mutual compromise" (Jacob Viner, "International Finance and Balance of Power Diplomacy, 1880–1914," *Southwestern Political and Social Science Quarterly*,

Russia and the Balkans were more ready to spring to arms during the nineteenth century than were the more industrialized states.[58]

d) *Socialism* has been commonly used to describe a utopia or a program of reform.[59] These programs have been various but have all emphasized the control of economic life by the organized community[60] and the elimination of private property in production goods.[61] Historical economies manifesting these characteristics may, therefore, be appropriately described as socialism, even though they lack other characteristics which socialist propagandas have attached to their utopias.[62]

Historical socialisms have arisen when communities have encountered practical exigencies which seemed to require them to engage in production and to control trade and consumption so extensively as to dominate the economy. Socialism has more often developed from necessity than from theory, though in recent instances the latter has played a part. Pioneers with a common faith and a meager and hostile environment have sometimes been able to survive by communistically pooling their resources.[63] Governments have felt obliged to construct public works and engage in warehousing and large-scale relief in time of famine and depression.[64] States have felt it necessary to engage in arms-making, regulation of external trade, and

---

IX [March, 1929], 45). "Private investments seeking purely business advantage . . . . have rarely of themselves brought great powers into serious political clashes" (E. Staley, *War and the Private Investor* [New York, 1935], p. 360).

[58] Charles A. Beard, "Prospects for Peace," *Harper's Magazine*, February, 1929. Beard, however, does not find that the American industrial party (Federalist, Whig, Republican) was any more peaceful than the American agrarian party (Democrats), though its foreign policy was different (*The Idea of National Interest* [New York, 1934], p. 166).

[59] Jászi, *op. cit.*

[60] In civilized communities this can mean only the state, though Marxists, considering the state an agency of class dominance, have insisted that under socialism it will wither away. According to R. G. Hawtrey, "socialism is a solution of the economic problem based upon the authority of the state instead of upon the motives of the market" (quoted by Strachey, *op. cit.*, p. 11).

[61] Communism eliminates private property in most consumption goods also.

[62] Such as the elimination of classes and all forms of exploitation.

[63] Above, n. 36.

[64] The action of the Egyptian pharaoh on Joseph's advice is a familiar example.

control of consumption in order to prepare for or to wage war.[65] Empires pressed by rivals and by native lethargy have controlled economy in their colonies in order to hasten the introduction of advanced techniques of transportation and industry.[66] Similar conditions have driven national governments of economically backward countries to hasten the tempo of industrialization by government initiative.[67] In times of exceptionally rapid technological change all governments have extended their initiative into branches of economy.[68]

Only rarely have governments been able to develop administrative organizations capable of sustaining socialistic economies over large areas for long periods of time in the absence of pressing necessity. Socialist government has been crisis government. Socialist systems have usually broken down into feudalism or evolved into capitalism.[69]

The spirit of socialism is the dominance of group welfare over individual interests—a spirit which thrives in the presence of obvious threats to the group as a whole. The spirit, therefore, resembles the fealty of feudalism more than the freedom of agrarianism or the acquisitiveness of capitalism. Theoretically, it substitutes the impersonal state, society, or community for the personal lord as the object of loyalty. Actually, systems of socialism have tended to develop around a personal leader who embodies the community. The unifying spirit of national socialism and fascism has resembled that of

[65] Post-Renaissance absolutism initiated modern industry by its war manufacturing (Karl Marx, *A Contribution to the Critique of Political Economy* [2d ed.; London, 1904], p. 306). See also H. C. Engelbrecht and F. C. Hanighen, *Merchants of Death* (New York, 1934).

[66] Study Group of Royal Institute of International Affairs, *The Colonial Problem* (London, 1937), pp. 278 ff.

[67] Above, n. 29.

[68] Government economic planning was extensively indulged in after World War I not only by Communist Russia, Fascist Italy, and National Socialist Germany but by the Western democracies, especially Sweden.

[69] This has been typically true both of small communistic settlements and of intensive national controls of economy, though sometimes the former have cohered from intense religious conviction for a considerable period without the pressure of necessity (see above, n. 19; Lindsay Rogers, *Crisis Government* [New York, 1934]).

feudalism. Even Russian communism has emphasized loyalty to the leaders, Lenin and Stalin.

Law under socialism takes the form of social and economic legislation, organizing society for common purposes deemed to be in the public welfare. Such enactments of public policy differ in source and sanction from the common law of feudalism, which defines services consequent upon vassalage, and from the common law of capitalism, which defines property, enforces business contracts, and regulates markets. All advanced economic systems require some such legislation. Capitalistic competition must be kept within ethical bounds by legislation protecting generally recognized public interests and enforcing standards of social justice. Only when such legislation becomes a substitute for the price system as the basic guide to production and distribution does it institute state socialism.[70]

Socialist technology, whether dominantly agricultural or dominantly industrial, has been characterized by the centralized planning of the economy of the community. In state socialism the area of planning has been larger than that of the agricultural village or the feudal manor, and the functions planned have been more comprehensive than those of the capitalistic enterprise. As under feudalism, political and economic authorities have been combined.

The organizing principle in socialism has been that of public administration. Expert civil servants loyal to the state are to be recruited and disciplined with the sole purpose of efficiently administering the legislation and decrees defining public policy. Competition is eliminated, as are the legally defined duties of the fief or the free co-operation of the villagers. Efficient administration is of value to all types of economy but essential only to socialism. A capitalistic economy can survive with some poorly administered enterprises and with an indifferent system of public administration, but a socialistic economy cannot long survive unless its planning and administration are both done efficiently. Socialism has been the most self-conscious and highly integrated of all forms of economic organization. It has tended to subject all activities, not only economic but also religious and cultural, to the dominant control of the

[70] Below, sec. 4; Appen. XXXVIII.

state. Natural rights of men and of communities have been denied. Rights have been said to exist only by grant of the state, whose interest and welfare are the supreme good of the society.[71]

State socialism has been the economy of the most warlike of all societies. The socialistic empires of Assyria and Peru were the most militant of ancient civilizations. Socialistic Sparta was the most warlike of the Greek states. Italy, Germany, Russia, and Japan increased in militarism as they adopted forms of socialism in recent times. The autocratic states of post-Renaissance Europe with semi-socialistic mercantile economies were engaged in continuous wars.[72]

Military policy and socialistic economy appear to have influenced each other reciprocally. Preparation for war has required governmentalization of economy, but a centrally administered socialistic economy has usually required warlike preparation. Administrative, economic, political, and psychological conditions combine to account for this. It is possible that the spirit of socialism might be realized without central economic planning through adjustment of the relations of autonomous local or industrial co-operatives by a price system. It is possible that a free economy might be maintained without

[71] Administration need not be centralized. Initiative in certain matters and even a competitive spirit may be permitted among local or functional agencies, but, unless all are subject to ultimate control by the community as a whole, such "federative" or "co-operative" socialism would differ little from capitalism (J. M. Clark, "Government and the Economy of the Future," *Journal of Political Economy*, XLIX [December, 1941], 801). "With due regard to the frequent assertion—and some significant argument—to the contrary, general reasoning and recent history, in Russia and elsewhere, combine to prove that a reasonably efficient collectivist economy could not leave much effective freedom to the individual, in economic life (or, indeed, in any sphere of action)" (Knight, "The Role of the Individual in the Economic World of the Future," *op. cit.*, p. 827). Eugene Staley ("What Types of Planning Are Compatible with Free Institutions?" *Plan Age*, VI [February, 1941], 37) cites Sweden, Australia, and New Zealand as countries in which "exceptionally large amounts of planning co-exist with free institutions," but in his "spectrum of economic systems," ranging from free markets to planned co-ordination, these countries appear to be nearer the first pole (*ibid.*, p. 35; *World Economy in Transition*, p. 150).

[72] These economies lacked the fraternal and social spirit which socialist theory has emphasized, and socialists have not accepted them as illustrations of socialism (see Jászi, *op. cit.*). They constitute, however, the bulk of historic experience in large-scale community management of economy, thus raising the question whether the objective agendas and the subjective aspirations of socialists are compatible.

the profit motive.[73] Whether such economies should be characterized as socialism or capitalism is a question of definition. They would be socialistic in the sense that the group welfare would dominate over the profit motive. They would be capitalistic in the sense that prices determined in competitive markets would control production, distribution, and consumption among the unit co-operatives. Consumers' and producers' co-operatives have supplemented capitalism in certain types of business in many countries.[74] In a few countries the government, by support of co-operatives and welfare services, has greatly limited the influence of the profit motive.[75] But the primary importance of the competitive market as the regulator of production, consumption, and distribution has not been superseded unless the government which controls political and military power has administered a general economic plan. As an operative alternative to capitalism, socialism has meant state socialism, and it is in that sense that the term is here used.[76]

i) Successful administration of an economic plan for a large area has required a more precise formulation of objectives, a more efficient subordination of individual, group, and local freedom to those objectives, a more thoroughgoing command of economic resources,

[73] See Oskar Lange, *On the Economic Theory of Socialism* (Minneapolis, 1938).

[74] Elsie Glück, "Cooperation," *Encyclopaedia of the Social Sciences*, IV, 359-63.

[75] Marquis W. Childs, *Sweden, the Middle Way* (New Haven, 1936); Margaret Digby, "Cooperation, Scandinavian Countries," *Encyclopaedia of the Social Sciences*, IV, 382; Ryllis A. Goslin, *Cooperatives* ("Headline Books," No. 8 [New York: Foreign Policy Association, 1937]).

[76] "All forms of socialism involve planning in this specific sense. 'Society' cannot take possession of all the material instruments of production without taking upon itself the decision of the purpose for which and the manner in which they are to be used. This is no less true under the systems of 'socialist competition' . . . . than under the older schemes of socialist planning" (von Hayek, *op. cit.*, p. 16; see above, n. 71). Planning within a free enterprise framework is very different from planning the whole of a society. The latter inevitably puts efficiency ahead of freedom and present efficiency ahead of future progress (Knight, "The Role of the Individual in the Economic World of the Future," *op. cit.*, pp. 824 and 830; below, n. 140). Planning as an administrative technique of research and definition of objectives more efficiently to accomplish ends determined by legislation is very different from planning as a legislative technique fixing an economic program for a long period (Staley, "What Types of Planning Are Compatible with Free Institutions?" and "Comments" by George Soule, *ibid.*, pp. 40 and 51)

and a more complete exclusion of incalculable external influences from the area in which the plan operates than has the maintenance of a common law and the prevention of violence. Consequently, socialist states have tended to be more dictatorial, regimented, self-sufficient, and isolated than liberal states.[77]

ii) The economic objectives of a large population cannot be precisely formulated. The aims of the individuals, groups, and local communities composing that population are certain to differ considerably. This is indicated by the fact that the policies of governments, even of governments controlled by public opinion, presumably reflecting the dominant interpretation of the public welfare, have differed radically in different states and at different periods in the same state and have been the subject of intense controversy among localities and parties.[78] The only economic objective which has in practice proved sufficiently precise to permit of long-time general planning has been that of national defense. Military boards have been able to state the economic requirements of defense in advance, to plan a national economy to supply those needs, and to command general support for the plan in a way which civil authorities or legislative bodies interested only in welfare have not. National economic plans, therefore, have tended to become national defense plans.

An economic plan cannot be achieved unless the resources which it requires at every stage are assured under the conditions foreseen in the plan. The planner must, on the one hand, guard against the interference of external circumstances in the area of his plan and, on the other, assure his control of an area which contains all the resources which he will need. Since all developed economies must draw

[77] Above, n. 72; von Hayek, *op. cit.;* Walter Lippmann, *The Good Society* (Boston, 1937); Gustav Cassels, "From Protectionism through Planned Economy to Dictatorship" (Cobden Lecture; London, 1934), reprinted in Findley Mackenzie, *Planned Society, Yesterday, Today, Tomorrow* (New York, 1937), pp. 775–98, and in *International Conciliation*, No. 303, October, 1934; Lionel Robbins, *Economic Planning and International Order* (London, 1937); A. C. Pigou, *Socialism vs. Capitalism* (New York, 1937); John Maurice Clark, *Social Control of Business* (New York, 1939); Ludwig von Mises, *Kritik des Interventionismus* (Jena, 1929).

[78] See below, sec. 4; Appen. XXXVIII. The more comprehensive the planning in area, in time, and in activities, the greater will be the dissent (see above, n. 76).

resources from some areas outside the national domain, national economic planning has led to the dual policies of national economic self-sufficiency and territorial expansion, both of them developing high tensions and continuous danger of war.

iii) Successful economic planning requires that the economic activities of the population accord with the plan and not with the spontaneous desires of individuals or groups. In order to carry out economic plans of wide scope, governments have found it necessary either to increase their coercive authority over individuals or to create a situation in which individual loyalty to the government may be expected. Usually they have done both. New crimes such as economic espionage and economic sabotage have been introduced, and new stimuli to loyalty such as nationalistic propaganda and an aggressive foreign policy have been disseminated. Even liberal states have recognized that in crisis situations the powers of government must be extended and civil liberties curtailed. In order to sustain the degree of solidarity necessary to administer a completely planned economy, governments have found it convenient to perpetuate crisis conditions, often by pursuing foreign policy which continuously maintains an external enemy, latent or active, and creates the conviction that the life of the nation is always in jeopardy.

iv) Centralized economic planning has required extensive controls of opinion not only to assure loyalty to the government but also to control consumers' demand and to prevent the interference of external influences. A planned economy must dispose of the goods produced in accord with the plan; consequently, the population must be persuaded or compelled to want those goods. In capitalist economies national advertising performs this service for producers with results sufficiently disastrous to a free economy when the producing units are very large. In a planned economy the police power of the state is also available for this purpose, and the coercion of the consumer becomes much greater. The control of internal opinion is much easier if free external communication is prevented or allowed to enter only through the filter of the national censorship. Governments controlling the national economy have therefore been especially active in efforts to promote economic self-sufficiency and the psychological isolation of the population in the planned area. Freedom of speech,

of press, and of ideas has proved incompatible with large-scale economic planning.

A government which needs a precise objective for the economic activity of its population, which needs firm political control of an area containing all the economic resources which its population requires, which needs the intense loyalty of the population of that area, and which needs general acceptance by that population of the plan and the goods which it is to produce can hardly avoid becoming warlike. It almost inevitably adopts a bellicose foreign policy, eliminates all internal opposition to that policy, subordinates economic welfare to economic preparedness, and accentuates the economic significance of political boundaries. Such policies create the distinction between "have" and "have-not" states, the demand by the latter for territorial expansion, and a preparation of learning and opinion to achieve that demand by violence.

States at war have tended to become socialistic, and socialistic states have tended to be at war. Modern socialism has in fact been the war organization of capitalism, in the same sense that feudalism has been the war organization of agrarianism. The modern socialistic state resembles the feudal state in its spirit and its organization. It resembles the successful capitalistic enterprise in its efficiency and its technology. Its rise has been accompanied by an increase in the frequency and the destructiveness of war. The warlikeness of the twentieth century may be attributed in part to the corruption of capitalism by large-scale controls of production and consumption. Monopolistic combinations, price-stabilizing policies, mass advertising, legal barriers to trade, and extensive governmentalization of industry and opinion have tended away from capitalism and toward warlike national socialism.

3. CAUSES OF WAR UNDER CAPITALISM

In spite of the relative peacefulness of capitalistic societies, popular theories have frequently cited capitalism as the major cause of war in modern times. These theories have sprung primarily from socialist writers who have wished to supersede capitalistic by socialistic systems and so are to be received with caution. It cannot, however, be denied that wars have occurred among and within dominant-

ly capitalistic states. Even though capitalism may be relatively peaceful as compared with other forms of economy, yet there are tendencies within capitalism which make for war.

Theories have related capitalism to war in general, to imperial wars between capitalistic and agrarian economies, to civil wars between classes within capitalistic economies, to international wars between dominantly capitalistic states, and to general social disintegration within capitalistic economy providing conditions favorable for war. These theories emphasize, respectively, the problems of (a) war profiteering, (b) expansionism, (c) depression, (d) protectionism, and (e) materialism.

a) War profiteering.—The theory which attributes wars to the greed of special capitalistic interests, able to profit by war preparations or war itself, may be distinguished from the remaining theories which emphasize the war-provoking tendencies of capitalism as a system. This theory does not distinguish between classes of war. The war profiteer can gain from war preparations or activities whether in a colonial area, a "Balkan area," or among great powers; whether civil or international; and whether involving his own or other countries. His liability to disadvantages from the war or war scare may, however, vary in these different situations. This type of influence seems to have been important mainly in backward areas and in the relations of small states,[79] though on a few occasions it may have affected the relations of great powers.[80]

[79] The evidence mainly concerns activities in the Balkans, China, and Latin America. Richard Lewinsohn, *The Mystery Man of Europe, Sir Basil Zaharoff* (Philadelphia, 1929); O. Lehmann-Russboldt, *War for Profits* (New York, 1930); Engelbrecht and Hanighen, *op. cit.;* H. C. Engelbrecht, *One Hell of a Business* (New York, 1934); Philip N. Baker, *The Private Manufacture of Armaments* (London, 1936); Charles Gray Bream, "American Munitions Makers in Latin America" (manuscript, University of Chicago Library, 1939); Union of Democratic Control, *The Secret International Armament Firms at Work* (London, 1933); William T. Stone, "The Munitions Industry: An Analysis of the Senate Investigation, September 4–21, 1934," *Foreign Policy Reports*, X (December 5, 1934 [rev. ed.; January 21, 1935]), 250 ff.

[80] Especially in the activities of William B. Shearer, employed by shipbuilders to prevent success at the Geneva naval disarmament conference of 1927 and in the rearming of Germany by private manufacturers in violation of the Treaty of Versailles. See Stone, *op. cit.*, p. 253; Baker, *op. cit.; Preliminary Report of the Special Committee on Investigation of the Munitions Industry (Nye Committee)* (74th Cong., 1st sess., Senate Report 944 [Washington, 1935]), p. 6.

The charge of exercising such influence has been leveled especially against arms and munitions makers and traders, against international bankers, and against international investors. It is obvious that arms makers or traders can increase their markets by war scares and wars, and there is evidence that they have on occasion evaded embargoes and international controls, bribed officials to get orders, sold arms simultaneously to both sides in wars and insurrections, stimulated armament races, and maintained lobbies to increase military appropriations and to prevent national or international restrictions on arms or arms trade.[81]

Mixed firms which manufacture steel, vessels, airplanes, explosives, and chemicals for peace as well as war purposes are clearly under a temptation to expand the military side of the business in times of depression, when the demand for their peace products falls and high tensions facilitate warmongering. There is evidence that occasionally firms have yielded to the temptation.[82]

Bankers can make profits from loans to actual or prospective belligerents which may be distributed to the public before defaults occur. Loans by neutral bankers and sales of war materials by neutral manufacturers and traders may eventually create an interest in the victory of the side with the greatest debt and the greatest trade. This interest may extend to farmers, miners, the general investing public, and manufacturers of numerous nonmilitary articles purchased by the belligerent. The evidence indicates that this type of interest has been of relatively slight importance in drawing neutrals into war.[83]

[81] Stone, *op. cit.*, p. 251, citing *Hearings before the Special Committee on Investigation of the Munitions Industry;* see also League of Nations, *Report of the Temporary Mixed Commission on Armaments, First Subcommittee* (A. 81. 1921, Geneva, September 15, 1921).

[82] Ralph H. Stimson has presented statistical evidence indicating that "war scares and big-navy campaigns tend to occur in times of depression" (*The War System: Two Addresses before the Eighth Conference on the Cause and Cure of War* [Washington, 1933], p. 25).

[83] R. L. Buell ("The New American Neutrality," *Foreign Policy Reports,* XI [January 15, 1936], 280) summarizes the controversy as to the importance of this influence in ending American neutrality in 1917 and suggests that political and other influences were more important. The attitude of international bankers has usually been favorable to peace. Above, n. 57.

Investors in foreign bonds or enterprises suffering from defaults, from adverse laws, or from inefficient police in the investment area may seek the aid of their government to collect debts or to protect their interests. The practice of diplomatic protection has been fully recognized in international law, as has the danger that it may lead to hostilities.[84] Numerous interpositions by powerful states in the territory of lesser states have occurred,[85] but they have seldom led to major wars, unless associated with political objectives.[86]

The voluminous evidence adduced by the League of Nations, by national commissions, and by private investigators indicates that all these abuses have occurred.[87] Their relative importance in the causation of modern war has probably been greatly exaggerated, and it is probable that some of the remedies proposed, especially those in a socialistic direction, would aggravate the abuse.

Only ten states of the world have important arms manufactures. Regulation of the arms trade will not be effective unless accepted by all these states.[88] Such regulation, if not carefully drawn, might increase the imperial dominance of these powers in certain areas by controlling the internal policy of the governments dependent upon imported arms for police and defense.[89] Government monopolies of

[84] E. M. Borchard, *Diplomatic Protection of Citizens Abroad* (New York, 1919). The II Hague Convention of 1907, developed from the "Drago Doctrine," prohibits the use of armed force for the collection of public contract debts unless an offer of arbitration has been refused or an arbitral award has not been carried out.

[85] J. Reuben Clark, *Right To Protect Citizens in Foreign Countries by Landing Forces* (memorandum of the Solicitor of the Department of State, October 5, 1912 [3d ed.; Washington, 1934]).

[86] "Private foreign investments have been considerably more useful as an aid and protection to navies than navies have been as an aid and protection to foreign investments" (Staley, *War and the Private Investor*, p. 100).

[87] Above, nn. 79, 80, and 81.

[88] The St. Germain Arms Trade Convention of 1919 failed because of failure of the United States to ratify it. The Geneva Arms Trade Convention of 1925 was to come into force when ratified by fourteen powers (Art. 41). Many ratifications were conditional upon ratification by designated powers. It had not come into force by 1941. See Manley O. Hudson, in the Special Committee Investigating the Munitions Industry, *International Regulation of the Trade in and Manufacture of Arms and Ammunition* (73d Cong., 2d sess. [Washington, 1935]), pp. 11 and 90, and *International Legislation* (Washington, 1931), III, 1660.

[89] This was implied in the objection of the United States to the St. Germain Convention of 1919 (Hudson, *International Regulation, etc.*, p. 12).

arms production would move governments a long way toward state socialism, because modern arms, munitions, and war materials constitute a large part of the national economy. Such monopolies would ' extend the imperial control of the present arms-producing states even more than would international regulation of the private industry. Control of the arms trade might stimulate all states to establish an arms industry and to increase the total quantity of the world's productive capacity devoted to this essentially uneconomic activity.

Transfer of the arms industry from private to government hands would accentuate the national character of the industry and might make the balance of power less stable. When great international arms firms peddled their inventions among governments, each government knew what was available to the others. With national monopolies and secrecy of inventions, each state would continually be alarmed by rumors of new and devastating inventions by its rival.[90]

Neutral arms embargoes if equally applied to all belligerents actually favor the aggressor, who is usually better prepared than his victim. They tend to encourage economic self-sufficiency in defense materials even in time of peace and even among the most peaceful countries, because they threaten to deprive the victim of aggression of a source of defense materials when its life depends upon them.[91]

While private arms-trading, private international lending, and private international investing have led to abuses, it seems probable that on the whole they have tended to stabilize the balance of power rather than to disturb it by equalizing the defensibility of states. Control of these activities by national governments would tend to increase international tensions. Regulation to prevent the more serious abuses of these capitalistic activities is possible without impair-

[90] The international character of the arms industry has, however, often been regarded as an abuse because it increased the possibility of stimulating armament races and of raising prices (see League of Nations, *Report of the Temporary Mixed Commission;* Union of Democratic Control, *op. cit.*). Sale of arms by national firms to potential enemies has been regarded as anti-patriotic.

[91] Eugene Staley, "War Losses to a Neutral," *Publications of the League of Nations Association* (New York, 1937), p. 67. International law has never required neutrals to embargo arms trade. The Harvard Research Draft Code on Neutrality permitted but did not require such embargoes (Art. 11) (*American Journal of International Law,* XXXIII [suppl., 1939], 281 ff.).

ing the stability of the balance of power. The protection of foreign investment might be more effectively controlled by international law and procedure.[92] General agreements might forbid arms export unless approved by the government of the importing state.[93] The experience of the United States from 1935 to 1939 indicates that neutral arms embargoes if applied equally to all belligerents contribute to aggression.[94] Peace would be better promoted by reversion to the traditional practice of international law permitting private neutral trade in arms subject to the opposing belligerent's right to capture and condemn contraband. A policy of discriminatory embargoes against the aggressor would contribute to peace more than either of these policies, but its effectiveness would depend upon an international organization able to determine the aggressor and to universalize the sanction. It looks in the direction of reliance upon international organization rather than upon the balance of power for political stability. Capitalism, by encouraging the internationalism of traders and other classes, is more favorable to effective international organization than is state socialism.

b) Expansionism.—Socialist writers have charged capitalism with the vice of expansionism or imperialism, which, they say, leads not only to exploitative wars by advanced against backward peoples but also to wars between capitalistic nations struggling to exploit the same backward area. The tendency of capitalism to expand in backward areas is said by some to be due to the progressive attrition of the domestic market as the capitalists deprive labor of labor's fair share of the products of industry and decrease its purchasing power. Foreign markets, it is said, must be found to absorb the product of the ever increasing capitalistic plants.[95]

[92] F. S. Dunn, *The Protection of Nationals* (Baltimore, 1932).

[93] This is the general purpose of the Geneva Arms Trade Convention of 1925. Its application would be a deterrent upon revolutions and insurrections.

[94] J. W. Garner, "The United States 'Neutrality' Law of 1937," *British Year Book of International Law, 1938*, pp. 44 ff.; Francis Deak, "The United States Neutrality Acts, Theory and Practice," *International Conciliation*, No. 358, March, 1940, pp. 73 ff.; Q. Wright, "The Present Status of Neutrality," *American Journal of International Law*, XXXIV (July, 1940), 391 ff.; "Repeal of the Neutrality Act," *ibid.*, XXXVI (January, 1942), 9 ff.

[95] This argument has been advanced by the socialist Rosa Luxemburg and the liberal J. A. Hobson (see Robbins, *The Economic Causes of War*, pp. 26 ff.). The word "im-

Economists have denied the theoretical reasons adduced for such a development of underconsumption, and some socialists repudiate this theory. While capitalistic economies have undoubtedly gone into periodic depressions during which purchasing power has been inadequate to provide a market for existing productive capacity, it is not clear that a trend toward serious and protracted depressions is an inherent characteristic of capitalism or that conditions of business depression have been the major factor in promoting imperialistic expansion.[96]

The more orthodox socialist theory attributes the alleged expansive tendency of capitalism not to the necessities but to the greed of the entrepreneurs. Opportunities, they say, exist in undeveloped areas to utilize richer resources of raw materials, to exploit more helpless labor, to develop larger markets, and to make more profits out of investment than is possible at home. Consequently, when communication and transportation make it possible, the profit motive urges capitalists and entrepreneurs to exploit such areas and to seek protection through the diplomatic and military power of governments, which, according to socialistic theory, the dominant capitalistic class will control.[97]

perialism" used by these writers, like the word "nationalism" (above, chap. xxviii, secs. 2 and 3), has many meanings. It may refer to the desire to dominate (above, Vol. I, Appen. VII, n. 40); to the attitude which places an empire above national or local groups (George Young, "Imperial Unity," *Encyclopaedia of the Social Sciences;* below, sec. 4a); to the government by an advanced state of backward or dependent areas, especially those of a different culture (Q. Wright, *Mandates under the League of Nations* [Chicago, 1930], pp. 3 ff.; M. M. Knight, "Colonies," and C. S. Lobingier," Colonial Administration," *Encyclopaedia of the Social Sciences;* below, n. 102); or to policies, attitudes, and activities looking toward the expansion of the cultural (above, chap. xxvii, sec. 1d), political (above, chap. xxi, sec. 5a; chap. xxii, sec. 3b; chap. xxvi, sec. 2b; chap. xxxi, nn. 53–57), or economic rights, interests, or influence of a government, state, nation, or people beyond its existing frontiers. These writers use it in the latter sense, which may be less ambiguously expressed by the term "expansionism" (Staley, *War and the Private Investor*, pp. 416, 422 ff.). See also M. J. Bonn, "Imperialism," *Encyclopaedia of the Social Sciences;* William L. Langer, *The Diplomacy of Imperialism, 1890–1902* (New York, 1935), pp. 67 ff.; Parker T. Moon, *Imperialism and World Politics* (New York, 1926), pp. 1 ff.

[96] Robbins (*The Economic Causes of War*, p. 32) points out that Otto Bauer, Bukharin, and Grossmann attacked Rosa Luxemburg's theory.

[97] This theory, set forth in Lenin's "Imperialism, the Highest Stage of Capitalism" (*Selected Works*, Vol. V), has been accepted as properly interpreting Marx's somewhat ambiguous position (Robbins, *Economic Causes of War*, pp. 33 ff.).

This theory generalizes from too few facts. A general historical survey indicates that most capitalists and entrepreneurs have preferred domestic to foreign or colonial investment. Bankers and investors have, it is true, sometimes urged governments to assist them in imperial enterprises, but more frequently imperial-minded politicians have utilized bankers and investors as unwilling tools to justify or assist in expansions desired for strategic or political reasons.[98] While such imperial ventures have required military activity against natives, and while, in the early stages of capitalism, the division of newly discovered lands in the Americas and East Indies led to many international wars between European rivals, yet in the nineteenth century, when capitalism was more developed, rival imperialisms in Africa and in the Pacific were usually settled peacefully.[99] It cannot be said that imperialistic rivalries contributed much to the causation of the Napoleonic Wars, the nationalistic wars of the mid-nineteenth century, or the world-wars of the twentieth century.[100]

Expansion of business enterprise to new lands can take place, and has in the main taken place, by peaceful trade, investment, and development.[101] Firms of small countries, like Belgium, the Netherlands, and the Scandinavian countries, have engaged in such expansion as much as have firms of the great powers and have profited as much or more. Agricultural expansion can occur only by migration or invasion, supplanting the existing population, and so is likely to involve violence. In practice and in theory the expansion of capitalism has been less productive of war than has been the expansion of other types of economy. Capitalism has figured in the imperial

[98] Viner, *op. cit.;* Staley, *War and the Private Investor;* Robbins, *Economic Causes of War,* pp. 46 ff.

[99] Above, Vol. I, chap. x, sec. 1; Vol. II, chap. xxii, sec. 6c.

[100] The idea that Anglo-German rivalries in the Near East had much influence on the initiation of World War I has been generally rejected (see above, chap. xix, sec. 1f). J. M. Keynes suggests, without giving any evidence, that the "competitive struggle for markets .... probably played a predominant part" among the economic causes of war in the nineteenth century (*The General Theory of Employment, Interest and Money* [New York, 1936], p. 381).

[101] Gross exploitation of natives has occurred, especially in the early stages of the process (see Q. Wright, *Mandates under the League of Nations,* pp. 6 ff.).

process, but the impetus of that process has more often been nationalism, agrarianism, or a missionary spirit.[102]

c) *Depression.*—It has also been charged that capitalism tends inevitably toward periodic depressions of increasing amplitude, which, because of the miseries of the unemployed, tend toward civil war or, as a preventive, toward international war.[103]

Depressions have been variously attributed to the extreme commodity price advances and burdens of debt caused by wars themselves,[104] to the tendency of industrialism to decrease the internal market by exploitation of labor,[105] and to fluctuations in the expecta-

[102] Moon, *op. cit.*, chap. iv; Study Group of Royal Institute of International Affairs, *op. cit.*, pp. 17 ff; Walter Sulzbach, *"Capitalistic Warmongers": A Modern Superstition* ("Public Policy Pamphlets," No. 35 [Chicago, 1942]).

[103] Marxist theory links both depression and war with class exploitation (see Scott Nearing, *War* [New York, 1931], p. 87). Many nonsocialists recognize that prolonged unemployment produces conditions favorable to war propaganda (below, chap. xxxiii, sec. 5). The problem of depression has been approached from two points of view which, respectively, analyze economic crises as historic phenomena without any presumption of definite periodicity (Jean Lescure, "Crises," *Encyclopaedia of the Social Sciences*) and analyze business cycles as inherent rhythms of the economic system (Wesley C. Mitchell, "Business Cycles," *Encyclopaedia of the Social Sciences;* A. H. Hansen, *Business Cycle Theory: Its Development and Present Status* [Boston, 1927]; Irving Fisher, *Booms and Depressions* [New York, 1932]; Gottfried Haberler, *Prosperity and Depression: A Theoretical Analysis of Cyclical Movements* [Geneva: League of Nations, 1937]). Writers of both schools admit that there are both sporadic and rhythmic elements in changes of business conditions, thus the difference is one of emphasis (Haberler, "Money and the Business Cycle," in Q. Wright [ed.], *Gold and Monetary Stabilization* [Chicago, 1932], pp. 43 ff.; below, chap. xxxvi, sec. 3). Most writers recognize that during the last two centuries there has been a tendency for the human distress consequent upon crises (1) to extend to a larger proportion of the affected population, i.e., to involve all classes, not merely speculators and merchants; (2) to affect larger areas, i.e., to become international rather than national or local phenomena; and (3) to last longer, i.e., to continue through years rather than months (Lescure, *op. cit.*). (4) Before 1929 there was a tendency to assume that the intensity of distress had tended to become less, but that opinion has subsequently been questioned (*ibid.*, p. 598; Fisher, *op. cit.*, pp. 85 ff.; Haberler, "Money and the Business Cycle," *op. cit.*, p. 44).

[104] Leonard P. Ayres, "Post-war Depressions," *Cleveland Trust Company Business Bulletins*, Vol. XII, No. 9 (September 15, 1931); *The Economics of Recovery* (New York, 1933); J. B. Condliffe, *War and Depression* ("World Affairs Pamphlets," No. 10 [Boston: World Peace Foundation, 1935]). See also George F. Warren and Frank A. Pearson, *Gold and Prices* (New York, 1935), pp. 11 and 16; Warren F. Hickernell, *Financial and Business Forecasting* (New York, 1928).

[105] Above, n. 95.

tion of returns from capital.[106] Explanations such as these in terms of political, industrial, or financial practices do not reach the heart of capitalist economy. If war is the cause of depressions, the difficulty lies in international relations rather than in capitalism. Labor exploitation might be prevented by labor legislation and collective bargaining without destroying competition as the main regulator of the economy. Overpropensity to save and reluctance to invest might be remedied by appropriate government policies respecting money, taxes, and discount rates.

Many writers have, however, attributed depressions to fundamental tendencies of the capitalist economy. They say that competition tends to develop monopolies which maintain high prices in the commodity, labor, or capital market, with the result of reducing consumption, commodity production, employment, and the demand for new capital. While a particular firm may temporarily maintain its profits by restricting output and raising prices, the consequences upon the economy as a whole are disastrous.[107]

It has also been suggested that the lengthening of the productive process, which is the essence of capitalistic efficiency, tends to decrease the reliability of market calculations made by the entrepreneur at the time the process is begun. This results in maladjustment of productive capacity to demand in many of the highly capitalized industries and produces a continuous body of unemployed capital and labor discarded by the overcapitalized industries and not yet prepared for by the undercapitalized industries. Furthermore, the capitalistic technology increases the societies' wealth and plane of

[106] Keynes (*op. cit.*, pp. 315 ff.) attributes depression to decline in the "marginal efficiency of capital" and abandons (pp. 60 ff.) his earlier explanation in terms of a disparity in the rates of saving and investment ("An Economic Analysis of Unemployment," in Q. Wright [ed.], *Unemployment as a World Problem* [Chicago, 1931], pp. 1 ff.). Fisher (*op. cit.*, pp. 8 ff., 64) seems to take the latter position in emphasizing the influence in causing depressions of overindebtedness, i.e., of excess savings in bonds or bank accounts as compared with investment in equities or participation in business enterprise.

[107] Harold G. Moulton, *Income and Economic Progress* (Washington: Brookings Institution, 1935), summarized in "The Trouble with Capitalism Is the Capitalists," *Fortune*, XII (November, 1935), 77 ff.; Gideonse, *op. cit.* Jacob Viner suggests that the trouble with capitalism is the governments which by indiscriminate grants of corporate charters and other benefits actively encourage monopoly ("The Short View and the Long in Economic Policy," *American Economic Review*, XXX [March, 1940], 12).

living, making future demands more variable and less calculable. They cease to be stable demands for necessities and become demands for investment opportunities or for luxuries greatly affected by capricious changes of confidence and of fashion. There is, therefore, a cumulative tendency toward miscalculation by the entrepreneurs with the lengthening of the productive process and the increased capriciousness of demand.[108]

These economic explanations, which relate depressions to progressive limitations of competition and to progressive lengthenings of the productive process, both of which may be inspired by the effort toward economic efficiency,[109] suggest inherent weaknesses in capitalism. They assert that capitalism in larger enterprises eventually defeats itself by pursuing its economic end of eliminating inefficiency and increasing division of labor. Whether monopoly can be prevented by law or by the competition of invented substitutes and importations from abroad and whether business calculation can be made more reliable by better social standards, statistics, and market analyses remains to be seen.[110]

There can be no doubt but that protracted depressions have been a danger to peace. Unless capitalism can succeed in giving steady employment and rising standards of living, it will be in danger. State socialism has proved a temporary remedy for the problem of

[108] Gottfried Haberler ("Money and the Business Cycle," *op. cit.*, pp. 57 ff.) distinguishes between the "horizontal" (different industries) and "vertical" (earlier and later productive stages) of the "structure of production." He emphasizes the tendency toward maladjustment in the vertical structure as the productive process lengthens.

[109] It is not certain that they always are so inspired or that larger combinations always will increase efficiency. "The economics of combination figured largely as a promoter's 'talking point' but they have probably never been a major force in the actual forming of combinations" (J. M. Clark, *Social Control of Business*, p. 380, quoted in Gideonse, *op. cit.*, p. 16). See also Theodore O. Yntema, "The Future Role of Large-Scale Enterprise," *Journal of Political Economy*, XLIX (December, 1941), 837.

[110] Socialism, instead of opposing these tendencies, accepts them. It proposes a universal monopoly of production by the government and a universal plan of production and distribution which may be administered, even if calculations are faulty, by compulsion of both consumer and producer. Socialists maintain that government monopoly responsible to the people would escape the evils of irresponsible private monopoly (but see J. M. Clark, "Government and the Economy of the Future," *op. cit.*, p. 801; above, n. 107; below, n. 121).

unemployment, but at the expense of revolution, war, and a shattering of civilized standards.

d) Protectionism.—Capitalism has led to technologies giving greater control of natural forces, has conquered distance by new means of transportation and communication, and has stimulated trade between all parts of the world. These developments have built up an interdependence of national economies far beyond anything achieved by other economic systems and have also created military techniques greatly augmenting the social and economic costs of war.

The monopolistic tendency inherent in capitalism has urged domestic producers to demand protection through tariff or other economic barriers. National defense demands have added to these barriers. A high degree of economic interdependence of states, when associated with rising national barriers, has produced the problem of "have" and "have-not" states. The latter, unable to trade manufactures for necessary raw materials and foodstuffs, have felt oppressed in an inadequate living-space and have fought for more land. Capitalism has contributed to this situation, as has nationalism. Neither is responsible in itself. The incompatibility of the two has proved disastrous.[111]

e) Materialism.—Perhaps the most serious charge against capitalism has been that it destroys the sense of social values by its emphasis upon individualism and its depersonalization of economic activity.[112] Peace requires effective political organization, and that requires not only respect for and protection of individual rights but also constant loyalty to the symbols of the group. In so far as cap-

[111] Staley, *World Economy in Transition*, chap. iii. "The liberal economist deduces from this fact [the present international division of labor] the necessity of international peace. . . . . But the militarist who considers war-making as the highest and noblest activity of a nation, believes that this international division of labor imposes slavery on his nation by preventing it from making war. . . . . Germany and Italy consider a state of things in which they are unable to have recourse to war as *ultimo ratio* as an unbearable handicap" (L. von Mises, "The Disintegration of the International Division of Labor," in *The World Crisis* [London: Graduate Institute of International Studies, 1938], pp. 254–55).

[112] This was emphasized by John Ruskin, William Morris, and other socio-ethical economists (below, Appen. XXVI, par. *d*).

italism has tended to disintegrate all political loyalties, it has tended toward disorder and war.[113]

Capitalism certainly has not built up community loyalties capable of sustaining a political organization operating effectively over the area which it has integrated economically. Instead, by its tendency to concentrate human interest on the business enterprise, on individual profits, and on impersonal productive processes, it has tended to minimize community values and to disintegrate political organizations dependent upon those values. A good economic man tends to be a bad citizen.

As a consequence, political organization during the period of modern capitalism has been sustained by sentiments unrelated to capitalism—sentiments of tribal and cultural solidarity, geographic unity, and historic tradition. The good citizen has tended to be a nationalist and a bad economist.

Capitalism and nationalism in their modern form are both, it is true, products of the bourgeois mind. The Renaissance kings sought the support of the bourgeois against the feudal nobility by placing the nation above class, and the bourgeois were able to wrest from the kings privileges for their towns and corporations in exchange for that support. Practical alliances of business and government continued in seventeenth-century mercantilism and nineteenth-century protectionism, but they never led to organic harmony. The tendency of nationalism was to destroy capitalism by establishing state socialism, and the tendency of capitalism was to weaken nationalism by escaping its control in far-flung enterprises. Capitalism and nationalism are inconsistent in spirit, and their inconsistency in practice has increased as their geographical scope has diverged. International capitalism and sovereign nationalism cannot abide in harmony, and their disharmony has created some of the major world-problems of the twentieth century.[114]

If capitalism is to survive, it must abandon its alliance with nationalism and associate itself with ethical values of universal scope. The natural ethic of capitalism is liberalism and humanism, as was

[113] See Niemeyer, *op. cit.*, p. 90.

[114] Francis Delaisi, *Political Myths and Economic Realities* (New York, 1927); Staley, *World Economy in Transition;* above, Vol. I, chap. xiv.

realized by the classical economists who elaborated this ethic in their creed of utilitarianism. In spite of Richard Cobden and Cordell Hull, active capitalism was lukewarm in its support of those ideals. By accepting protectionist loaves and fishes from national states, it paved the way for its own destruction.[115]

Marxian socialism took up what capitalism had abandoned. It preached internationalism and tried to put the individual and humanity (interpreted as the laboring class) above the nation. Thus the ethic of liberalism continued in the British labor party and in German social democracy. But the natural ethic of socialism is nationalism, since its program can be achieved only by a strong government supported by a powerful sense of group solidarity. Socialism in practice became "national socialism," destructive of both liberalism and humanism. Support for the universal ethical consciousness, essential for the preservation of both capitalism and peace, must be sought outside of either contemporary capitalism or contemporary socialism. Perhaps it can be found in the concept of social justice.

It may be concluded that, while capitalism is the most peaceful form of civilized economy, its subordination to imperialism and nationalism and its incapacity to solve the problems of depression and to sustain a universal ethical consciousness have, since its integration of world-economy, contributed to war.

4. THE FUTURE OF CAPITALISM

Capitalism implies that the relative prices of goods, services, and credit be determined by the competitive buying and selling of business enterprises in free markets. Capitalism in this sense has always required the support of law to prevent fraud and violence, to enforce contracts, and to protect property, but its progress has increasingly required the active intervention of public administration to prevent the abuse of economic power.

The growth of population, the more intensive utilization of resources, the advances of technology, the increase of wealth, and other developments which manifest social progress tend under a regime of laissez faire to deteriorate competitive methods, to concentrate eco-

[115] Cassels, *op. cit.* See below, chap. xxxvi, nn. 26 and 27.

nomic power, to stimulate monopoly, and to oppress an increasing proportion of the population. Capitalistic states have considered that such undermining of competition and such sacrificing of a large proportion of the population impair basic public interests in ways which cannot be remedied by actions under common law after the event. As a result preventive legislation and public administration have intervened to maintain standards of justice and fairness in bargaining; to provide public protection and insurance for the young, aged, unemployed, and handicapped; to decrease the amplitude of economic fluctuations by regulating money and credits, breaking monopolies, and providing elaborate statistical information; and to administer directly services deemed to constitute a public utility or a natural monopoly.

This system, which has come to exist in most "capitalistic" countries, has been called one of "mixed economy," because it mixes capitalism with some ingredients of socialism or because it mixes privately operated with publicly operated economic enterprises.[116] It is capitalism in that the competition of private interest provides the

[116] Walter Lippmann includes extensive public welfare activities in his "agenda of liberalism" (*The Good Society*), as does Henry Simons (*op. cit.*) in his "positive program for laissez faire" and Eugene Staley in his "mixed economy" (*World Economy in Transition*). Voluntary co-operation in many fields of production and consumption may be encouraged in such a mixed economy (above, nn. 74 and 75). According to Frank H. Knight, a policy for preserving free enterprise should involve: (1) "making competition more effective"; (2) maintaining the conditions upon which free economy depends; (3) "public enterprise—partial socialism in effect—the field recognized as 'public works' by Adam Smith and all liberal economists"; (4) monetary and fiscal policy to meet the problem of depression and unemployment; and (5) policy to avoid fostering private monopoly. Professor Knight believes that "these are functions of government unquestioned by any advocate of laisser-faire" ("The Role of the Individual in the Economic World of the Future," *op. cit.*, p. 829). They closely parallel the five policies advocated (but in a different order) by Eugene Staley for reconciling economic planning with free institutions: (1) confining planning to "positive and adaptive" types "facilitating the working of normal market forces" and avoiding "restrictive and rigidifying" types like tariffs for preserving moribund industries; (2) establishment of an environment of reasonable security against war; (3) provision for a "mixed system" including public enterprise in fields unadapted to regulation by the market; (4) international planning of matters transcending national limits to preserve stability; and (5) avoidance of "interest group planning," which usually tends toward monopoly and restriction of output ("What Types of Economic Planning Are Compatible with Free Institutions?" *op. cit.*, pp. 43–50). See also Keynes, *The General Theory of Employment, Interest and Money*, pp. 379 ff.

dynamic of resource utilization, but the socialistic concept of public welfare regulates and, in certain fields, entirely eliminates this competition. Clearly the actual character of the system depends on the scope given in practice to the concept variously named "general welfare," "social welfare," "public welfare," "public policy," "police power," and "social justice." How can this concept be defined?

Laissez faire economists have been inclined to identify public welfare with maximum production in the community and to argue that that will result from the division of labor and distribution of resources consequent upon the freest competition both internal and external.[117] Public welfare to them is, therefore, the automatic consequence of a capitalistic economy. It does not need to be defined or enforced as a concept apart from the conditions of law and order making free economic competition possible. Arguing from a background of mercantile regulations, to them public welfare meant the repeal of all or most economic legislation, not a principle guiding new legislation.

In the contemporary practice of "capitalistic states," however, the concept of public welfare has developed from a background of laissez faire. It does not mean freer competition but is a principle justifying interference with individual freedom of action. It may be defined philosophically but not without difficulty because its scope must vary with circumstances.[118] In practice its content depends on the constitution of the governmental authorities which apply it. Public welfare as a qualification of laissez faire is, in other words, the policy of a particular political organization at a particular time.

The fundamental policies which have been pursued by states may

---

[117] See *Printing Company* v. *Sampson*, L.R. 19 Eq. 465; T. E. Holland, *The Elements of Jurisprudence* (Oxford, 1910), p. 274.

[118] Legal systems have recognized that conditions of "emergency" and "necessity," "states of siege," and "suspensions of the writ of habeas corpus" expand the "police power" (R. L. Mott, *Due Process of Law* [Indianapolis, 1926], pp. 300 ff.). "The necessity of always fitting our internal police to the circumstances of the times we live in, is something so strikingly obvious, that no sufficient objection can be made against it. The safety of all societies depends upon it; and where this point is not attended to, the consequences will either be a general languor or a tumult" (Thomas Paine, "The American Crisis," No. 3, in *Writings*, ed. N. C. Conway [New York, 1894], I, 224). See Appen. XXXVIII below.

be classified, with reference to their influence upon capitalism, under four heads: nationalism, imperialism, cosmopolitanism, and internationalism.[119]

a) *Nationalism* recognizes politically organized and geographically defined nations as the ultimate determiners of social, economic, and political values and therefore limits the voices influencing legislation to national parties and interests. As a result the concept of public welfare is both theoretically and practically limited by the national horizon.[120] Economic planning guided by this concept of national welfare and confined to the national domain has tended toward the protection of national interests against foreign competition and toward the erection of increasingly high barriers against imports and immigrants from abroad. The maintenance of such barriers has involved increasing intervention in domestic economy to equalize these protections. If industry is protected by tariffs, labor must be protected by labor legislation and farmers by subsidies. Thus a cumulative tendency toward a self-contained state socialism develops. National productiveness progressively diminishes as the advantages of geographical division of labor are eliminated. Government becomes more centralized and individual freedom is impaired in order to augment the efficiency of administration. Economic depressions and internal discontents become more serious so long as the basic structure of the economy remains capitalistic. International friction increases because of the destructive effect of national self-sufficiency upon the states most dependent upon international trade. These conditions create a need for more military preparation, which in turn requires a further centralization of government and further governmental regulation of economy. At a certain point this cumulative tendency leads to a complete abandonment of capitalism

[119] See Q. Wright, "Some Political Considerations in Formulating an International Economic Policy for the United States," *Report of the Commission of Inquiry into National Policy in International Economic Relations* (Minneapolis, 1934), pp. 281 ff. For meaning of these words see above, n. 95; Vol. I, chap. xiii, n. 94; Vol. II, chap. xxvi, nn. 67, 68, 73; chap. xxvii, sec. 2; chap. xxxi, n. 71.

[120] This applies both to conservative nationalism, which places its horizon at the present frontiers, and to revolutionary nationalism, which places its horizon at ideal frontiers of the national culture. See above, chap. xxvii, n. 39.

and to the establishment of autarchic state socialism in which the economy rests on government planning sustained by a propaganda of national unity rather than upon the competition of private interests sustained by the vote of the ultimate consumer manifested by his free choice of his purchases.[121]

Qualifications of free competition, by considerations of "national welfare" alone, tend, therefore, under present economic conditions to destroy capitalism altogether and to increase international tensions.

b) *Imperialism* differs from nationalism in that the geographic horizon is unlimited, though the political control remains within the nation. Imperialism encourages an expansion of national economic enterprise beyond the national frontiers, though it usually favors some areas to others. It facilitates the export of commodities and capital and the emigration of persons in the expectation that these "imperial interests" abroad will provide both the instruments and the justification for political expansion in the selected areas. Imperialism, therefore, tends to attach an exaggerated importance to nationals engaged in political or economic activity abroad, regarding them as the pioneers of empire. "Imperial welfare" is, therefore, interpreted as requiring the protection not only of the various groups and interests in the home territory but, to an even greater extent, the protection of all or certain interests abroad. These "interests" are interpreted, however, not in the purely economic sense in which the individuals immediately involved may interpret them but rather in

[121] Knight, "The Role of the Individual in the Economic World of the Future," *op. cit.*, p. 822; Staley, "What Types of Economic Planning Are Compatible with Free Institutions?" *op. cit.*, p. 48. Socialism has been called economic democracy. It may be questioned whether an individual's right to vote, along with millions of others, on the selection of a national economic planning board whose activities will determine what he can buy is a more democratic method of controlling economy than the individual's right to spend his dollar for what he wants and by so doing to influence the survival of producing enterprises. In either case the individual's influence is not very great, and it will be objected by socialists that the worker may influence the plan of his shop by his vote. If, however, there is general socialism, the plan of the shop must be controlled more by the central plan than by the votes of the workers. Socialistic efforts to democratize the productive process have greatly limited the consumer's freedom and have not freed the producers. Capitalistic efforts to democratize consumption have not equitably distributed purchasing power among consumers nor have they prevented subjection of some producers to unfair practices of competitors and special-interest groups, but they have had a measure of success at both in certain times and places.

the sense of instruments for expanding the state's imperial domain, influence, and power.

An expansion of the amount of territory and resources open to utilization by the nations' economic enterprises should tend to increase the national wealth. This favorable tendency of imperialism to the economy of the home population has, however, been thwarted by two types of conflict which have almost invariably arisen. Friction has often arisen between the imperially controlled area and the homeland over policies of the latter designed to protect home industries against colonial imports, to give home industries special advantages in developing the colony and utilizing its resources, and to protect natives against ruthless exploitation by settlers. Such policies have usually irritated the colonists and have frequently precipitated colonial independence movements destructive of trade and expensive to suppress.[122] Furthermore, the process of imperial expansion has usually resulted in friction with other imperial countries seeking to expand in the same area or resenting their exclusion·from areas in which they have established economic interests. The same factors which have tended to raise economic barriers around the nation, when welfare is defined in national terms, have tended to develop such barriers around the empire when welfare is conceived in imperial terms. The struggle for empire has greatly increased the disparity between states with respect to the political control of resources, since there can never be enough imperial territories to provide for all. Consequently, imperialism has precipitated the problem of "have" and "have-not" nations in an even more virulent form than has nationalism.[123]

Imperialism has, therefore, required vast armaments for defense of empire by the states immediately successful in the struggle and vast armaments for acquisition of empire by the states which have been unsuccessful in the first round. Since it is difficult to discover principles of objective justice which will support the permanent

---

[122] Study Group of Royal Institute of International Affairs, *op. cit.*, Part II: "The Colonial Aspect," Part III: "Investment, Trade, Finance, Settlement"; Q. Wright, *Mandates under the League of Nations*, pp. 549–79.

[123] Study Group of Royal Institute, *op. cit.*, Part I: "The International Aspect"; Q. Wright, *Mandates under the League of Nations*, pp. 579–81.

tenure of those who have acquired empires by violence, this controversy can be settled only by force or diplomacy so long as the conception of "public welfare" is limited by the imperial horizon.[124] While war itself has, in past centuries, more frequently arisen from claims for national irredentas or from disturbances to the balance of power than from imperial rivalries, the latter were in the seventeenth and eighteenth centuries important causes of war and in the nineteenth century important causes of armament.[125]

Because of the costs of economic and military armament, empires have seldom proved economically profitable for the population of the home country.[126] The average plane of living of the Swiss and Scandinavian peoples without colonies has been as high or higher than that of the British and French peoples with great empires.[127] It is possible that empires have served to maintain certain interests

[124] Dr. Solf, German colonial secretary, on February 1, 1917, could find no better grounds for demanding more African colonies for Germany than that the standard for the distribution of colonies "should be the ratio of the physical strength of the states concerned, and the ratios of their economic needs and productive capacities. 'It is enough to point to the overextensive possessions of France, Portugal and Belgium clearly to recognize that the present distribution of colonial possessions does not correspond to this just standard' " (Bryce Wood, *Peaceful Change and the Colonial Problem* [New York, 1940], p. 54). Dr. Fritz Berber in 1937 thought justice required return of Germany's former colonies on "grounds similar to those advanced by France when claiming the return of Alsace Lorraine between 1870 and 1918" and because their transfer in 1919 had not been effected in accord with the pre-Armistice agreement incorporating President Wilson's Fourteen Points. He explicitly repudiated economic grounds for the return (International Studies Conference, *Peaceful Change* [Paris: International Institute of Intellectual Cooperation, 1938], pp. 467 and 479). See also Q. Wright, in *ibid.*, p. 477; above, chap. xxxi, sec. 3.

[125] Above, nn. 99 and 100. The classification in Vol. I, Appen. XX, Table 45, indicates the number of imperial wars in the sense of wars by states of modern civilization against those of different culture. This does not indicate the importance of imperialism as a cause of war between states of modern civilization. For meanings of "imperialism" see above, n. 95.

[126] Study Group of Royal Institute, *op. cit.*, pp. 40 ff.; Grover Clark, *A Place in the Sun* (New York, 1936); above, chap. xxxi, nn. 19 and 54.

[127] Such comparisons are difficult to make because of the differing concepts of "standards of living" in different nations (Institute of Pacific Relations, *Problems of the Pacific, 1933* [Chicago, 1934], pp. 87 ff.). Even wage comparisons are difficult to establish (see *International Wage Comparisons* [Social Science Research Council Bull. 22 (New York, 1932)], p. 6), but those that exist seem to support this statement ("Wages," *Encyclopaedia of the Social Sciences*, XV, 314).

of the privileged classes and to provide a safety valve for the energies of a type of personality who might become leaders of revolutions in the home territory.[128] The possession of empire has sometimes had an influence upon the balance of power, because it has assured access to potential war materials even in time of war and has provided strategic bases from which to operate against the enemy. Imperial possessions have, however, on many occasions weakened rather than strengthened a state's power position.[129] Without a superior navy a state will usually be cut off from overseas colonies early in the war.

Thus, while imperialism may temporarily expand the opportunities for capitalism, its long-run effect is to bring about the same tendencies toward state socialism and militarism as is the case with nationalism. This influence may be moderated if the empire becomes federalized and if imperial welfare is envisaged as the welfare of the empire as a whole and is controlled by representatives from the empire as a whole. The very diversity of interests to be compromised in applying the concept of "imperial welfare" may moderate the tendency toward governmental intervention hostile to capitalism. On the other hand, this development may tend to transform the empire into a nation on a vaster scale and, by widening the area of internal trade, to make possible higher barriers against the external world. This would give other states additional motives, both from fear and from cupidity, to combine in seizing it.[130]

c) Cosmopolitanism considers public welfare or social justice in terms of the individual or of the human race as a whole. While it looks ideally to a world-state in which all peoples would be repre-

[128] Above, chap. xxx, n. 116; Q. Wright, in *International Studies Conference, op. cit.,* p. 462.

[129] Adolf Hitler, *Mein Kampf* (New York, 1939), pp. 181, 201, 938, 950, 953, 962.

[130] British steps toward economic unification of the Empire in the Ottawa Conference and American unofficial proposals for economic unification of the Americas have caused international anxiety. (see Condliffe, *The Reconstruction of World Trade* [New York, 1940]). "With the recent application to our overseas dependencies of a policy of preferential tariffs against foreign nations, however well justified in the case of the United Kingdom, we can no longer claim to be the 'trustees of civilization for the commerce of the world' or justify our possession of so large a colonial empire by the boast that we maintain the 'open door' for all" (Lord Lugard, "The Basis of the Claim for Colonies," *International Affairs,* XV [January, 1936], 9 ff.).

sented, thus defining welfare in universal terms, in the absence of such a state its trend has been toward individualism or the identification of public welfare with the consequences of laissez faire.[131] Only the more obvious exploitations of the helpless and the more obvious antisocial consequences of complete freedom of economic enterprise have under this theory been considered appropriate subjects for legislation. This was in general the point of view of the classical economists whose utilitarianism, while sanctioning qualifications of free enterprise in the interests of slaves, aborigines, and the obviously handicapped, emphasized the removal of rather than the addition to such special protections.[132] More recent writers of this school have admitted the propriety of special protection for children and the aged, for women, and for labor in unhealthy or hazardous enterprises; of legislation to prevent the spread of drug addiction and epidemics; and of judicial protection for the fundamental rights of free speech, press, and religion. Concepts of inalienable rights of man, compassion for the underprivileged, and basic social defense have been acknowledged as essential limitations upon economic freedom in a competitive society.[133] The International Labour Organization has provided a quasi-legislative authority of almost universal scope guided by the concept of social justice. Its studies and conventions have done much toward giving content to a cosmopolitan conception of public welfare.[134]

If, however, a world-authority is lacking to enact such measures, if many states direct their policy by nationalistic considerations alone, and if the expectation of war continues, a cosmopolitan attitude by some may be a positive danger to peace and eventually to capitalism. The very economic interdependence, which moderate economic freedom promotes, may, with the first war scare, be interpret-

[131] Hume, Mandeville, Adam Smith, and the other founders of economic liberalism assumed that the free pursuit of private interests, on the whole, made for public welfare. Above, n. 117.

[132] See Herbert Spencer, *Social Statics* (New York, 1869), chap. xxiii, pp. 325 ff.

[133] See Walter Lippmann, "Agenda of Liberalism," in *The Good Society;* above, n. 116.

[134] Constitution of International Labour Organization, Art. 427; F. G. Wilson, "The International Labour Organization," *International Conciliation*, No. 284, November, 1932, pp. 402 and 454.

ed as vulnerability to blockade and cause, damaging self-sufficiency movements.[135]

Furthermore, economic freedom inadequately moderated by legislation enforcing social justice may result in a lowering of standards of humanity and a concentration of economic power in the hands of those who combine energy and efficiency with unscrupulousness. As a reaction against such conditions, humanitarians may join the underprivileged and the administrators in a crusade for socialism. Such a crusade without adequate international organization can be only on a national or imperial scale. The international problem will be ignored in demands for a more perfect cultivation of the home garden.[136]

d) Internationalism is the logical answer to the dilemma presented by all these policies. It envisages general welfare as the policy which results from a compromise of the various national conceptions of welfare involved in a particular issue, and it attempts to forward general welfare through the functioning of international organizations which assure an appropriate influence to every nation in the solution of the concrete problems which concern it.

The League of Nations administered this concept with more or less success for ten years, but eventually it failed. The causes of this failure were numerous.[137] The slowness of the League's procedures in reaching a general consensus upon policies of change discouraged governments which complained of injustices and induced them to resort to nationalistic methods involving violence. The failure of the League's procedures to prevent aggression discouraged governments vulnerable to attack and induced them to repudiate collective security and to rely on their own arms or neutrality for defense. The inability of the League to maintain moderate freedom of international economic intercourse in the face of nationalistic barriers against world-depression discouraged all states in varying degrees with capitalism and induced them to turn toward national socialism or other forms of planning for the national welfare. The greatest

[135] Above, n. 111; Robbins (*The Economic Causes of War*) recognizes the economic justifiability of protection as a defense against protection by all of the other states.

[136] Social reformers have for this reason often been nationalists.

[137] Above, chap. xxix, sec. 4.

triumphs of the League were in the technical, social, and humanitarian fields. The failure of its efforts in the closely related fields of disarmament, minority protection, and reduction of economic barriers produced general discouragement among humanitarians and economists.

Economic internationalism cannot succeed without international organization able to prevent aggression and peacefully to legislate those changes which international opinion deems to be required by general welfare. So long as general welfare is conceived only as a compromise of the various concepts of national welfare, there is not likely to be the sustained pressure necessary to achieve such legislation. Certain universal standards must be developed in the world-community, to which national standards will be subordinated, if there is to be effective world-organization.[138] The system must be not merely a league but a federation. The International Labour Organization, though politically dependent on the League of Nations, has with its concept of social justice and its representation of economic as well as political groups advanced further toward realizing such a system than had the League itself.

World-economy is in transition. Neither national economic self-sufficiency, economic imperialism, cosmopolitan laissez faire, nor economic internationalism can be taken as a sovereign guide for national economic policy designed to preserve freedom and to promote peace. Extreme economic nationalism as generally practiced destroys the economic advantages of geographic division of labor and reduces prosperity in even the most self-sufficient nations, while to the less self-sufficient it means extreme depression and tendencies toward imperialistic adventure. Aggressive, economic imperialism imposes military and naval expenses in excess of any probable economic advantages and a chronic condition of political rivalry and instability. While laissez faire has economic advantages, it tends in a nationalistic and dynamic world with only a rudimentary sense of social justice to create conditions of monopoly destructive of competition, conditions of exploitation shocking to humanitarians, and conditions of national economic dependence regarded as dangerous

[138] See Q. Wright, "Remarks," *Proceedings of the American Society of International Law*, *1939*, p. 93.

by peoples whose thinking is nationalistic. Similar reactions from the nationalists may be anticipated from efforts to develop international and cosmopolitan controls too rapidly.

While the human struggle for natural resources upon which to live does not make war inevitable, the methods of utilizing these resources have had an influence upon the frequency and character of war. Capitalism has been more peaceful than agrarianism, feudalism, or socialism. Its inability to solve the problem of depression has rendered its continuance doubtful, and its association with nationalism has made war more dangerous. Considerations of world-peace would suggest a reform of capitalism rather than the substitution of another form of economy. Such reform requires government intervention to prevent monopoly, to free trade, to maintain fair competition, and to promote public welfare. It also requires international and cosmopolitan organization to prevent international violence, to protect backward peoples, to create a sense of the world-community, and to universalize standards of social justice.[139]

The economy of a world-order must be regulated primarily by competition. The centralized administration of an economy requires political power and clear objectives. Political power must rely more on coercion and less on consent in proportion as those who sustain it and are subject to it become numerous and diverse. In a large and heterogeneous population substantial minorities may be expected to oppose any general economic program, and coercion dangerous to liberty will be necessary to carry it out. Clear economic objectives can be formulated and maintained in proportion as the space, time, and activities concerned are limited. It is possible for government to plan a Tennessee Valley development, to plan for a war emergency, or to plan for a postal service over many years within a society whose general objectives are determined by opinion continuously modified by discussion, and the relative values of whose resources are fixed by competition in a free and continuously fluctuating market. If a large and dynamic society attempts to plan all its activities for a long future within its entire area, the governing authority will presently

[139] See *Report of Commission of Inquiry into National Policy on International Economic Relations*, pp. 5 ff.

lack any objective standards for guidance other than the complaints which the administration of the plan enlists. If it heeds the complaints, its plan will cease to be general and permanent. If it ignores them, administration of the plan will be increasingly resisted. If it suppresses them, it will have abandoned democracy and liberty.[140]

World-planning must be confined to maintaining the conditions which make free markets and free discussion possible. Out of these processes of competition and controversy limited objectives and programs for achieving them may develop, continually creating a future which may so combine stability and change as to be moderately peaceful.

[140] Lionel Robbins, *Economic Planning and International Order* (London, 1937), Part III; Staley, "What Types of Economic Planning Are Compatible with Free Institutions?" *op. cit.*, pp. 41 and 48; above, nn. 76 and 78.

CHAPTER XXXIII

HUMAN NATURE AND WAR

TO THE question, "Do you as a psychologist hold that there are present in human nature ineradicable, instinctive factors that make war between nations inevitable?" 346 of the 528 members of the American Psychological Association replied "No," 10 replied "Yes," 22 replied ambiguously, and 150 did not reply at all.[1]

The posing of such a question implies a picture of the world as a population of human individuals, each of which behaves according to a pattern derived from the interaction of heredity and experience. A great majority of professional psychologists assume that there is nothing in the heredity, and it is not necessary that there should be anything in the experience, of the members of this population which compels them to organize warfare.

The human population has spread over most of the world, but this spread has been quite uneven, and the inhabitable area exhibits great variations in the quantity and quality of its human blanket.[2] Viewed from a distant planet, this spreading of *Homo sapiens* through most of its history would seem little different from that of the spread of other organic forms.[3]

The behavior of other organic populations of the world is determined mainly by heredity and changes very slowly in the process of organic evolution. *Homo sapiens*, however, has learned to communicate general ideas by speech, writing, printing, and electricity. Each human individual has come to live in an infinitely vaster environment, both spatial and temporal, than does the individual of any other species. Consequently, human behavior is extraordinarily

---

[1] John M. Fletcher, "The Verdict of Psychologists on War Instincts," *Scientific Monthly*, XXXV (August, 1932), 142–45; see above, Vol. I, chap. xi, n. 14. For definition of "human nature" see below, Appen. XXXV, n. 33.

[2] See above, Vol. I, Appen. V, Figs. 11, 13, and 17.

[3] Frederick L. Schuman compares it to the spread of mold over the surface of an orange (*International Politics* [New York, 1933], p. 66).

variable and changeable and extraordinarily difficult either to predict or to control.[4]

Hostilities among animals occur between single individuals, between flocks, or even between societies, but only a limited area and an infinitesimal part of the species are involved in any such combat. Modern wars occur between alliances of nations and tend to involve the whole world and a large proportion of the human species. For any other organic species war appears like frequent but small eruptions on the skin, but for modern man it resembles a general fever involving the whole body.

In spite of this difference, the drives of animal war can be observed in human war. The defense of the home territory from invasion is a common situation in which insects, birds, fish, and mammals fight others of the same species. War for territorial defense is especially characteristic of human groups. Defense of territory, however, cannot start a war. Someone must have committed an aggression or be about to commit one before there is any need for defense. Among individual animals the drive for such aggression is usually the search for food or a nesting site, but the invasion of a defended area is usually accidental, and the intruder usually flees before the hostilities become serious. If individual men are found trespassing upon the property of others by inadvertence or with criminal intent, the behavior is usually similar. Only among certain social insects and among politically organized men is aggression intentionally and habitually undertaken for predation upon the territory of the same species. In the entire organic world such aggression seems to be characteristic of societies rather than of individuals. War is in the main a sociological rather than a psychological phenomenon. It is primarily a product not of the organic structure but of the customs and traditions of societies.[5]

The two are, however, related. Group-inspired propagandas and educational procedures continually influence the individual. Biologically rooted needs and wants of the individual continually influence the culture of the group. Human nature is the result of the interaction of individual and group, neglecting the peculiarities of any

[4] Above, Vol. I, chap. iv, sec. 1.

[5] Above, Vol. I, chap. xv, sec. 1; Appen. VII, sec. 1f.

particular individual and of any particular group.[6] It is, on the one hand, a generalization of all personality types and, on the other, a manifestation of the most general aspects of culture.[7] Personality may be analyzed into motives and classified in types. Culture may be analyzed into attitudes, and these attitudes may be generalized into patterns, values, and ideals. The influence of human nature on war may therefore be studied by considering the relation to war (1) of personal motives and personality types, (2) of cultural attitudes and ideals, and (3) of the conditions of peace education.

1. PERSONAL MOTIVES AND PERSONALITY TYPES

There is no specific war instinct, but numerous motives and interests have led to aggression by human populations. Leaders have sought wealth, revenge, adventure, prestige, glory, the deflation of internal revolt, the stimulation of external revolt, and the expansion of religion, nationality, state, or dynasty.[8] The masses have usually supported them under the influence of slogans and of social and legal compulsions. Individual followers have been influenced by expectations of adventure, plunder, better lands, higher wages, feminine approval, or sadistic orgies; by the hope to escape financial, matrimonial, or legal difficulties or simple boredom; by loyalty to leader, fatherland, religion, or ideals; by anxiety to test courage, capacity, or character; by habituation or pride in the military craft or profession. The motives are to be explained by the history of the particular individual and by all aspects of the particular situation and are difficult to generalize. Their complexities can be understood by an examination of the letters of recruits at the front, particularly of volunteers in foreign legions who have gone to war without any of the usual patriotic or social pressures.[9] Literary men and psy-

[6] Above, chap. xxx, sec. 2; below, Appen. XXXV, n. 33. Human nature may be analyzed into fundamental drives (above, Vol. I, Appen. VIII). For relation to war of these drives under primitive and civilized conditions see below, n. 17.

[7] On the relation of personality and culture see Margaret Mead, *Cooperation and Competition among Primitive Peoples* (New York, 1937), p. 6; below, Appen. XXXV, nn. 8 and 9.

[8] Much of political history writing consists of expositions of the motives of leaders. Historic periods have been characterized by the predominance of certain motives manifested in such interests as religious unity, dynastic aggrandizement, national solidarity, etc. (above, Vol. I, chap. viii, sec. 3).

[9] See Marcel Acier (ed.), *From Spanish Trenches: Recent Letters from Spain* (New York, 1937). An observant private in a United States Army camp wrote his mother

chologists have often explained the subtleties of such motivations.[10] Vincent Sheehan interprets his friend John Lardner's enlistment in the Spanish civil war as arising from an intertwining of objective belief in the cause with subjective anxiety to test his own courage and to test the strength of his belief: "What makes him not exceptional, but characteristic of much wider phenomena, was the way in which the objective and subjective were mixed, so that his personal reasons could not be separated from the social purpose to which they thus powerfully contributed."[11]

The notion of a continuous struggle of each individual to remain or to become of the élite in the safety, income, or deference pyramid of a given community may have a predictive or control value, though it oversimplifies the complexities of human motivation.[12] Even more oversimplified are statements by a minority of psychologists relating war to a primitive fighting instinct.

Soldiers say that they find relief in any muscular action; but the supreme bliss of forgetfuless is in an orgy of lustful satisfying killing in a hand-to-hand bayonet action, when the grunted breath of the enemy is heard, and his blood

on September 1, 1941: "In a way the army is a great rest. Thinking is unnecessary, plans do not have to be made, and there is food, a bed, and clothing. It is a form of escape, and the happiest officers and enlisted men are those who most enjoy the escapism implicit within the service."

[10] See Stephen Crane, *The Red Badge of Courage* (1895); Leo C. Rosten, "Men Like War," *Harper's Magazine*, July, 1935. "There'll always be wars because men love wars. Women don't but men do" (Margaret Mitchell, *Gone with the Wind* [New York, 1938], p. 261). "Violent blood was in them all, perilously close to the surface, lurking just beneath the kindly courteous exteriors" (*ibid.*, p. 649). "All wars are sacred . . . . to those who have to fight them. If the people who started wars didn't make them sacred, who would be foolish enough to fight? But, ... no matter what noble purposes they assign to wars, there is never but one reason for a war. And that is money" (*ibid.*, p. 231). "I am fighting for the old days, the old ways I love so much but which, I fear, are now gone forever" (*ibid.*, p. 211). "When she looked at Tara she could understand, in part, why wars were fought . . . . for swelling acres, softly furrowed by the plow, for pastures green with stubby cropped grass, for lazy yellow rivers and white houses that were cool amid magnolias" (*ibid.*, p. 434). "It is wonderful to live a dangerous life" (Gottfried Leske, *I Was a Nazi Flier* [New York, 1941], p. 107, which may or may not be an authoritative autobiography). See also William A. White, *Thoughts of a Psychiatrist on the War and After* (New York, 1919), pp. 75 ff.; G. T. W. Patrick, "The Psychology of War," *Popular Science Monthly*, LXXXVII (1915), 166 ff.; H. R. Marshall, *War and the Ideal of Peace* (New York, 1915), pp. 96 ff.; and extracts from these in R. E. Park and E. W. Burgess, *Introduction to the Science of Sociology* (Chicago, 1924), pp. 594 ff.

[11] *Not Peace but a Sword* (New York, 1939), p. 258.

[12] H. D. Lasswell, *World Politics and Personal Insecurity* (New York, 1935), p. 1.

flows warm on the hand. . . . . In the hand-to-hand fight the soldier sees neither to the right nor to the left. His eyes are fastened on one man—*his man*. In this lust-satisfying encounter injuries are not felt, all is exhilaration; injury and death alike are painless.

As I reflected upon the intensive application of man to war in cold, rain, and mud; in rivers, canals, and lakes; underground, in the air, and under the sea; infected with vermin, covered with scabs, adding the stench of his own filthy body to that of his decomposing comrades; hairy, begrimed, bedraggled, yet with unflagging zeal striving eagerly to kill his fellows; and as I felt within myself the mystical urge of the sound of great cannon I realized that war is a normal state of man. . . . . The impulse to war . . . . is stronger than the fear of death.[13]

Many observers emphasize the influence upon the soldier's motivation of the close proximity of his fellows.

The very massing together of so many individuals, with every will merged into one that strives with gigantic effort toward a common end, and the consequent simplicity and directness of all purpose, seem to release and unhinge all the primitive, aboriginal forces stored in the human soul, and tend to create the indescribable atmosphere of exultation which envelops everything and everybody as with a magic cloak.[14]

The invention of the legion is based on the knowledge of the human mind. When two closed masses of armed men come into collision, neither can stand long. Actual self-sacrifice, actual contempt of death, presents a rare quality, and is the lot of a few selected natures. The tactics and discipline of the Romans vanquished great gatherings of barbarians (each of which in strength and bravery was superior to the legionaries) because the exchange of lines, composed of separate cohorts, connected by discipline, exhausted the strength of the opponent. The Roman legion stood sufficiently long for the bravery of the savage enemy to melt away. Whether making a stand at the front or attacking the flanks or rear, it was necessary to attain, not the destruction of the opponent (which is only possible in hand-to-hand battle), not the reduction of his numbers, not the causing of enormous losses. No; it was necessary to turn the herd-bravery into the feeling of herd-panic.[15]

Controlled studies designed to define, describe, or measure the situations, drives, or motives of war have utilized several types of material.

Studies of monkeys and children have disclosed the typical situa-

[13] G. W. Crile, *A Mechanistic View of War and Peace* (New York, 1915), pp. 20 and 4. He believes that the manifestation of the war-action pattern can be modified by proper conditioning (*ibid.*, pp. 98 ff.). See also above, n. 10.

[14] Fritz Kreisler, *Four Weeks in the Trenches: The War Story of a Violinist* (New York, 1915), p. 64.

[15] Michael Anitchkow, *War and Labour* (New York, 1900), pp. 17–18.

tions in which fighting occurs—rivalry for possession of a prized object, jealousy for the attention of an individual, frustration of an activity, and intrusion of a stranger in the group.[16]

Comparative studies of animal, primitive, and civilized warfare have suggested that primitive drives of self-preservation and territory, of food and activity, of sex and society, and of dominance and independence have an influence on war and that they are related to the political, economic, cultural, and religious motives.[17]

Psychoanalytic and anthropological studies have indicated the influence of such psychological mechanisms as identification, rationalization, repression, displacement, projection, and the scapegoat in transforming natural human affections, annoyances, ambivalences, and frustrations into group hostilities.[18]

Psychometric studies have been made utilizing carefully devised questionnaires and interviews. These have attempted to ascertain the relation of warlike attitudes to other characteristics of the individual. Although the samplings on which these studies have been based have not been adequate,[19] they suggest that men who fought

[16] E. F. M. Durbin and John Bowlby, *Personal Aggressiveness and War* (New York, 1939); Susan Isaacs, *Social Development in Young Children* (London, 1933); S. Zuckerman, *The Social Life of Monkeys and Apes* (New York, 1932); A. H. Maslow, "The Role of Dominance in the Social and Sexual Behavior of Infrahuman Primates," *Journal of Genetic Psychology*, XLVIII (1936), 261 ff., 278 ff.; XLIX, 161 ff.

[17] E. L. Thorndike, *The Original Nature of Man* (New York, 1913), pp. 10 ff.; above, Vol. I, chap. v, sec. 1; chap. vi, sec. 4; chap. vii, sec. 5; chap. xi; Appen. VII, sec. 1; Appen. VIII; below, Appen. XXXIX.

[18] Durbin and Bowlby, *op. cit.;* H. D. Lasswell, *Psychopathology and Politics* (Chicago, 1930), pp. 22 ff., 75 ff.; above, Vol. I, chap. vii, n. 87; chap. x, sec. 4; below, Appen. XXXIX.

[19] C. K. A. Wang, "A Study of Attitudes on Patriotism and toward War" (manuscript for Causes of War Study, University of Chicago, 1932). This study was based on the application of Thurstone attitude scales on patriotism and war to an academic group of 517 (consisting of 181 city high-school Seniors, 53 rural high-school Seniors, 104 high-school R.O.T.C. boys, 95 military-academy Seniors, and 86 college Seniors) and a vocational group of 1,355. It indicated little difference among professional groups except that salesmen and executives were most patriotic and militaristic and housewives least. Labor, clerical, and professional workers were about the same. Children of laborers tended to be more militaristic than children of professional men (p. 15). High (over $8,000) and low (under $2,500) income groups were slightly more militaristic than the middle income group. Militaristic attitudes increased with size of the family in which the individual was brought up (p. 18). Republicans and Democrats tended to be more militaristic

frequently in childhood are more favorable to war than those who did not,[20] that people with education beyond the high-school level are less favorable to war,[21] that people are favorable to war in proportion to the amount of military education and military service they have had,[22] that people are more favorable to war between the ages of thirty-five and forty-four than at any other ages,[23] and that men are more favorable to war than women.[24]

and patriotic than socialists and independents (p. 18); Catholics than Protestants; Gentiles than Jews. Negroes were more militaristic but less patriotic than whites (p. 21). There was no difference respecting sectional or rural versus urban place of birth, except that middle westerners were slightly more patriotic. The American-born were more patriotic and militaristic than the foreign-born (p. 24), and American-born of foreign parentage tended to be more pacifistic (p. 26). In general, patriotic attitudes were positively correlated with militaristic attitudes (p. 43).

[20] "The data indicated a consistent trend" (*ibid.*, p. 41).

[21] The difference between college Seniors and high-school Seniors was "statistically significant" (*ibid.*, p. 5). In the general population, from the "high-school level up through the level of graduate students, the tendency was unmistakably toward successively greater pacifism and decreased militarism" (*ibid.*, p. 11). D. D. Droba ("Effect of Various Factors on Militarism-Pacifism," *Journal of Abnormal and Social Psychology,* Vol. XXVI [July, 1931]) reached the same conclusion.

[22] The difference between military-academy Seniors and high-school students was definitely significant (Wang, *op. cit.,* p. 5). In general, militaristic attitudes increased with amount of military instruction (*ibid.*, p. 34). R. C. Bishop (*A Study of the Educational Value of Military Instruction in Universities and Colleges* [United States Department of the Interior Pamphlet 28 (Washington, 1932)]) reports that 93.6 per cent of nearly 10,000 R.O.T.C. graduates "attest that R.O.T.C. training does not create a militaristic attitude in the minds of those who have experienced it." Wang (*op. cit.,* p. 7) doubts whether this "loose questionnaire technique" gives any evidence on the point. Numerous resolutions by churches and peace societies have asserted that compulsory military training in schools and colleges contributes to militarism (War Policies Commission, *Report* [72d Cong., 1st. sess., House Doc. 163 (Washington, 1931)], pp. 727, 735, 746). "The tendency seems clear that military experience is particularly associated with the more militaristic attitudes, and the longer the experience the more militaristic is the attitude" (Wang, *op. cit.,* p. 32). Droba (*op. cit.*) reached the same conclusion. See above, chap. xxx, n. 119.

[23] "The interval 35 to 44 is the most militaristic . . . . and the most patriotic period. In the later ages the tendency is clearly toward greater pacifism and greater tolerance of internationalism. In the age interval 15 to 24 the attitudes on the two issues are about the same as the average of the whole population but there is a noticeable drop in both instances during the succeeding age interval, 25–34" (Wang, *op. cit.*).

[24] "The difference is not extremely great but statistically reliable" (*ibid.*, p. 8). Droba (*op. cit.*) reached the same conclusion. See also above, n. 10; chap. xxx, n. 87.

Motives are combined in innumerable ways to form distinctive personalities. Efforts have been made to classify the latter in personality types. Some of these types of personality in positions of leadership are more likely than others to seek military solutions of problems. The device actually utilized by a leader is, however, usually the consequence of a total situation in which his personality is only one element.[25]

The political type which seeks power by discovering inclusive advantages for a group has been distinguished from the bargaining type which higgles for special advantages in a transaction.[26] The reactionary, the conservative, the liberal, and the radical types have been distinguished,[27] as have the agitators, the theorists, and the administrators.[28] The politician seeking to unify his group is more likely than the bargainer to focus hostilities upon an out-group.[29] The reactionary and the radical are more likely to disturb the balance of power than the moderate conservative or liberal.[30] The agitator is more likely to value military policy or to augment conflict than the theorist or administrator.[31]

Particular personalities may manifest one type only, or they may present a mixture of several.[32] Understanding of personality cannot

[25] Above, Vol. I, chap. vii, n. 89; chap. xi, n. 2.

[26] Lasswell, *Psychopathology and Politics*, pp. 47–48.

[27] *Ibid.*, p. 53; A. L. Lowell, *Public Opinion in War and Peace* (Cambridge, Mass., 1922).

[28] Lasswell (*Psychopathology and Politics*, pp. 53 ff.) provides detailed case studies of these types. Other trilogistic political typologies include crowd compellers, expositors, and representatives (Conway); heroic, contemplative, and sensual types (Dilthey); revolutionary, dynastic, and crisis dictators (A. H. Carr, *Juggernaut: The Path of Dictatorship* [New York, 1939]).

[29] Businessmen and the bourgeois generally have been more conciliatory and pacifistic than politicians and the nobility (above, chap. xxxii, nn. 48, 49, 53, 57). Business types may on occasion function in politics, and vice versa (Lasswell, *Psychopathology and Politics*, p. 45).

[30] Lowell, *op. cit.*

[31] Lasswell, *Psychopathology and Politics*, pp. 78 and 151.

[32] Lasswell (*ibid.*, p. 54) suggests that the Old Testament prophets, Karl Marx, and Herbert Hoover, respectively, represented specialization in the agitator, theorist, and administrator types, while Cobden was both administrator and agitator, Bodin both administrator and theorist, and Lenin all three.

be complete without knowledge of its developmental history. Such histories may be classified, thus providing another basis for personality typologies. Compensating and canalizing types are distinguishable. Leaders whose energy derives from the continual push of a feeling of physical or psychic inferiority frequently overcompensate by aggressiveness. They appear more likely to accept violence as a solution of problems than those whose energy derives from the pull exerted by acquired skills, inducing them to canalize drives of dominance or ambition into effective effort.[33]

From the point of view of long-run prediction or control it is less important to understand the behavior to be expected from personality types than the cultural and institutional conditions which tend to bring one or the other type into leadership. Societies dominated by industrialism, by liberalism, by constitutionalism, and by federalism have tended to give leadership to administrative and canalizing types,[34] while societies dominated by feudalism, totalitarianism, absolutism, and nationalism have tended to accept and support agitators and compensating types.[35] Democracy has usually been associated with the former group and has frequently selected rulers of conciliatory type,[36] but the election process often gives the agitator an advantage. There is little correlation between capacities useful in getting elected and those useful in administering.[37]

Periods of crisis and high tension tend to perpetuate themselves by the favorable opportunity they present to the rise of agitators, while times of tranquillity similarly tend to perpetuate themselves by enhancing the influence of the administrative and conciliatory types.[38]

[33] Lasswell illustrates these types which he calls, respectively, "unhibited" and "partially inhibited rage types" by Napoleon and Lincoln (*Politics, Who Gets What, When, How* [New York, 1936], pp. 183 ff., 195 ff.).

[34] Above, chap. xxii, secs. 1 and 2.

[35] Above, chap. xxii, n. 93.

[36] *Ibid.*, n. 94.

[37] E. L. Thorndike, "The Relation between Intellect and Morality in Rulers," *American Journal of Sociology*, XLII (1936), 321–34.

[38] Above, chap. xxii, n. 76.

2. CULTURAL ATTITUDES AND IDEALS

The point of view which considers the individual personality as the center of social action and study may be supplemented by that which emphasizes attitudes as culture traits which may be studied irrespective of the personalities in which they appear.[39] The biologists have given a parallel emphasis in supplementing the study of organisms by the study of genes or bearers of biological traits.[40]

Studies of human population began by taking the individual as a unit. Variations in the number and characteristics of individuals in time and space were related to social change and social differences. Such studies have a bearing on the problem of war and peace,[41] but more might be learned by taking the attitude rather than the individual as the unit of classification and statistical study. As a geneticist may find the same form of the same gene in many individuals that differ in other respects, so the social scientist may find the same attitude toward the same psychological object in diverse personalities and diverse cultures. Attitudes may be diffused through populations by communication as genes are diffused by breeding. Attitudes, however, duplicate less precisely than genes.

From this point of view a personality is a complex of attitudes, each with a certain intensity and direction and inducing the individual to behave in a certain manner when his attention is drawn to a

[39] Attitudes may be treated either as units of personality or as units of culture (Appen. XXXV, n. 34). See also Vol. I, Appen. VIII, nn. 18 and 19.

[40] The natural historians who began the study of biological evolution took individual organisms as units. These were classified into races, races into varieties, varieties into species, species into genuses, and genuses into families. These in turn were grouped into orders, phyla, and kingdoms. From variations in the populations of races, varieties, or species under natural or controlled conditions, evidence was sought on the process of evolution (see Charles Darwin, *The Origin of Species* [London, 1858]). Recent students of evolution have tended to give this method a subordinate position and to consider the genes as the units to be studied. Genes are minute organic entities which have the property of duplicating themselves with most extraordinary precision, quite regardless of the characteristics of the organism in whose cells they are carried, and are therefore susceptible of statistical treatment. Each gene may appear in a number of forms or allelomorphs; but, whatever the form, its influence extends in a concrete manner to certain characteristics of the developed organism. Some genes affect coat color, others eye color, others size, others reflexes and instincts (S. Wright, "Statistical Theory of Evolution," *American Statistical Association Journal*, XXVI [suppl.; March, 1931], 202).

[41] Above, chap. xxxi.

given psychological object. The personality is not the unit of investigation. The attitudes themselves are regarded as entities, which together constitute the culture of the population, and, in so far as they are publicly manifested with considerable homogeneity on controversial subjects, they constitute its public opinion.[42]

Opinions have been measured through analyses of responses to questionnaires or interviews with a fair sample of the public;[43] through analyses of responses to questions or interviews with experts deemed to have a sound judgment as to the attitudes within the public in question;[44] and through the analysis of "attitude statements" copied from newspapers and indicative of favor or opposition to a given symbol, such, for instance, as another country.[45]

Four dimensions of opinion have been exhibited by graphs constructed by the latter method: direction (whether the opinion is for or against a symbol), intensity (degree for or against), homogeneity (distribution of attitudes at a given time about the average), and continuity (invariability of the attitude over a period of time).[46] The manner of representing these dimensions is illustrated in Figures 45–48 indicating changes in the prevalent opinion in the United States toward France, Germany, China, and Japan in different periods of recent history.[47] The results of these studies have shown a high degree of reliability and of validity in the sense of conforming to expectations derived from a study of the historical facts. They indicate that the opinion prevalent in one country with respect to another tends to fluctuate in time, tends to be manifested by active hostility when it passes below a certain threshold, tends to be friendly toward other nations when it is hostile to one, tends to respond to hostility by hostility, tends to be interested in proportion to the intensity of the opinion, and tends to be homogeneous when in-

[42] Above, n. 39; chap. xxx, n. 12.

[43] Above, n. 19. Straw ballots and systematic interviewing used in the Gallup, *Fortune*, and other polls, as well as the ordinary questionnaires, measure opinions rather than attitudes (above, chap. xxx, nn. 38 and 60).

[44] See studies by Klingberg, below, chap. xxxv, sec. 4; chap. xxxvi, sec. 1; Appen. XLI.

[45] See studies by Russell and Nelson, below, Appen. XLI.

[46] Above, chap. xxx, n. 38.   [47] Below, Appen. XLI.

tense but divided when moderate. Such studies, if carried out with respect to a number of symbols, might supply evidence for charting the changes in the general tension level of a population.[48]

A chart has also been reproduced which shows the results of a procedure for ascertaining and comparing the opinion of numerous experts in regard to the attitudes dominant in a large number of states with reference to other states during the period from 1937 to 1941.[49] This chart does not indicate the homogeneity of opinion, but it does indicate the other dimensions of opinion. The method is less time-consuming than the newspaper method, and the results of the two methods have proved consistent. The latter chart displays a fanning-out tendency of the opinions toward greater intensities of friendship or hostility from 1937 to 1941. This suggests that the general tension level was rising during this period.

The interest of such studies is not only in their theoretical results but also in the assistance they might offer to practical action in propaganda and education. A continuous charting of changes in public opinion in the principal populations upon political questions and particularly upon questions concerning other states would be of value in the art of statesmanship and in the work of any world-organization devoted to the regulation of international relations. Such charts would not often show anything qualitatively novel. Statesmen and journalists know roughly how opinion is moving in the important areas toward the important symbols. But, as in predicting weather, it is worth while to know the temperature, pressure, or wind velocity precisely, so political prediction and control would be greatly aided by having opinion movements precisely charted from week to week and month to month. Such refinement in the measurement of opinion might facilitate comparison with methods which measure attitudes more directly[50] and might provide evidence of changes of attitudes as well as of opinions.

Such studies might throw light on the attitudes behind warlikeness and the influence of educational methods upon them. Do states go to war because of attitudes hostile to a particular enemy or because of attitudes favorable to war? There is evidence that attitudes

[48] Above, chap. xxx, sec. 3a.

[49] Below, Appen. XLI, Fig. 50.   [50] Above, n. 19.

of the latter type are sometimes of great importance. Such attitudes may spring from discontent with an existing situation inducing irrational violence, or they may spring from habitual preference for dictatorial rather than conciliatory modes of dealing with problems.

Internal circumstances, such as depression or party feud, and general conditions, such as the existence of foreign war or the long passage of time since the last national war, may predispose a population to war.[51] The particular state selected to fight may be largely fortuitous.

A culture may give preference to particular modes of dealing with conflict situations. These modes may be classified from the point of view of the individual as renunciatory, conciliatory, dictatorial, or adjudicatory, according as the individual is disposed to yield to those who oppose him, to compromise with them, to dominate over them, or to submit controversies to group decision.[52] From the point of view of the group, they respectively imply its aloofness from, its passive regulation of, its incapacity to deal with, or its active intervention in, the controversies of its members.[53]

Oppositions of some sort between human individuals in contact with one another are inevitable, and, when these contacts are close, opposition may develop into conflict.[54] Each human will derives from the individual's heredity and experience. These interact to form a complex which the physiologists know as an organism and the psychologists as a personality, predisposed to behave in a given way in a given contingency.[55] In the same way the will of a group derives

[51] Above, chap. xxx, sec. 3b; chap. xxxii, n. 103.

[52] International law does not anticipate that states will renounce established rights, but by the Pact of Paris nearly all states renounced force as an instrument of national policy, thus facilitating the obsolescence of disputes which resisted the usual modes of pacific settlement. Obsolescence may result from a "reinterpretation of the situation in a sense which renders the old line of battle, the older definition of interest, irrelevant" (Lasswell, *Psychopathology and Politics*, p. 48; above, Vol. I, chap. viii, sec. 4a). The three other methods of dealing with disputes are recognized, respectively, in the institutions (1) of diplomacy, conference, consultation, mediation, inquiry, and conciliation; (2) of reprisals, intervention, retortion, and war; and (3) of arbitration and judicial settlement (above, chap. xxv, n. 25).

[53] These four methods have, respectively, dominated in churches, federations, balances of power, and empires. Above, chap. xxvi, sec. 2b.

[54] Above, chap. xxvi, sec. 1.   [55] Above, sec. 1; Vol. I, Appen. VIII.

from its institutions and its history. These interact to form a complex which the historians know as a society and the anthropologists as a culture, predisposed to behave in a given way in a given contingency.[56]

The sources of the wills of the individual and of the group of which he is a part are not wholly independent. The attitudes of individuals brought up in the same group become to some extent adapted to one another and to the group in the processes of social interaction and of social and organic evolution. The individual personality is, however, synthesized sufficiently autonomously to assure that a personality will often be predisposed to behave in ways incompatible with the behavior of others and with the behavior which the culture expects. Man versus man and man versus society are, therefore, eternal problems.[57]

Similarly, on a higher level the sources of municipal law, which formulate the state's will, and the sources of international law, which formulate the will of the family of nations, are independent. These wills may therefore be in opposition. The problems of state versus state and of state versus the family of nations therefore arise.[58] To say, however, that opposition is inevitable and that conflict is probable is not to say that war is inevitable. War is but a particular form in which conflict may be manifested.[59]

In the physical universe two bodies moving directly toward each other will collide unless someone intervenes or unless other bodies in the neighborhood deflect one or the other from its course. The nature of such deflection is predictable. This may not be wholly true in the subatomic sphere, but for measurable matter the law of gravitation appears to act with a high degree of regularity.

In the psychological and social sphere there is a difference. Individuals in contact with one another may have attitudes which pre-

[56] Above, chap. xxviii, sec. 1.

[57] Sociologists usually emphasize the continuous interaction of individual and group and so tend to minimize this dichotomy more than psychologists and anthropologists (see Louis Wirth, "Social Interaction: The Problems of the Individual and the Group," *American Journal of Sociology*, XLIV [May, 1939], 965 ff.); above, n. 7.

[58] Above, Vol. I, chap. xiii, sec. 3; Vol. II, chap. xxiii, sec. 4; chap. xxiv, sec. 1.

[59] Above, chap. xxvi, sec. 1.

dispose them to conflict, but they may also have attitudes which pre-dispose them to prevent conflict. The latter may give them a capac-ity to readjust their attitudes in the light of the impending collision with preventive effect. A similar capacity may also exist in organized groups. Thus when a conflict in the attitudes of A and B, whether individuals or groups, arises, four results are possible:

A, foreseeing the conflict, modifies his attitude and steps out of the way. B's attitude is satisfied and the conflict has been resolved not by war or collision but through the subjective resolution of A to change his attitude. This may be designated the method of moral renunciation or nonresistance. It implies a moral order but not necessarily an organized society. It has been developed in the Hindu conception of dharma, by which the member of each social class is content with his lot.[60]

A and B, foreseeing collision, may each modify his attitude suffi-ciently to avoid a collision. The attitude of each is partially satisfied, and the overt conflict is avoided. Such a mutual deflection may take place as a result of *ad hoc* discussion, but if the situation is critical it is not likely to take place without previous understanding. It will do no good for A to step a little to the right if B, with the best intention in the world, steps to the left. This may then be designated the method of group regulation or common law, because the group has provided rules for mutual accommodation. These rules usually for-bid certain acts in cases of impending collision and assume that in-dividuals, realizing the mutual advantage of such rules, will modify their attitudes accordingly. The group's responsibility is limited to providing procedures for enforcing the rules where that assumption proves unjustified.

Such rules may be of any degree of completeness. They may leave wide spheres unregulated in which, if negotiation and conciliation fail, conflict may develop into duels or wars, and competition may develop into strikes and lockouts. Within the state such rules are usually sufficiently comprehensive to avoid violence. The rules are, however, essentially of a guiding character. They are sanctioned mainly by the enlightened self-interest of the persons affected. In

[60] See Walter Clark, "Hinduism," in Berthold Laufer (ed.), *The New Orient* (Chicago, 1933), II, 234 ff.

contrast to the Hindu dharma this conception conforms to the Roman-Christian concept of individuality and self-reliance developed in the West by the conception of a comprehensive common law embodying justice for all.[61]

As the third alternative neither A nor B may do anything, with the result of a collision. This is the situation described by Hobbes as the state of nature in which everyone is at war with everyone else, implying neither a moral order nor an organized society. Such free expression of every attitude, without regard to its consequences, was regarded by Nietzsche as "the natural morality, which recognizes as good everything that is bold, vigorous, cruel and self-reliant," a morality uncorrupted by the "slave morality of nonresistance which calls good all that was cautious, humble, pacific and adaptable," a morality which provides the conditions for a race of "supermen" whose "will to power" always triumphs over that of all the others.[62] This method of attempted dictation by each may be called that of struggle. It may long continue between the poles of annihilation of all by one and a balance of power, as it has in the family of nations for the last three centuries.

Finally, although neither A nor B does anything about an impending conflict of attitudes, C, the group itself, may actively step in and separate the two, compelling one or both to change their attitudes, or at least to modify them, so as to avoid collision. This may be called the method of group intervention, or public administration. If relied on exclusively, it puts a severe strain upon the society which is continually obliged to resolve conflicts within itself.[63] The first method puts a severe strain on the nonresisting individual, who is continually obliged to check the natural expressions of his personality. The one passes the problem of ambivalence to the group; the other leaves it with the individual. The one may lead to group revolution; the other, to individual insanity. Psychoanalysts stress the danger of oversuppressing aggressive dispositions.[64] Groups made up of nonresisters are rare, while groups which attempt to resolve

[61] Above, chap. xxii, n. 55; below, Appen. XXXVIII.

[62] *The Will to Power: An Attempted Transvaluation of All Values* (London, 1913). See above, Vol. I, Appen. III, n. 6.

[63] Above, n. 61; chap. xxxii, sec. 2d.   [64] Above, n. 12.

internal conflicts by active intervention frequently find it necessary to wage external war in order to prevent internal revolution. Group intervention based on the concept of group planning and administration differs from that of common law and adjudication in degree. It assumes the disposition of man to affirm his will unless compelled to desist, while common law assumes the disposition of men to conciliate in most cases.

A particular culture may emphasize attitudes favorable to one or the other of these procedures. While public opinion within a group may be rapidly modified by propaganda designed to inculcate group ideals and utopias, personal attitudes appear to be influenced primarily by the personality ideals (superego) which the individual has acquired from early family, religious, and educational contacts.[65] Cultures differ in warlikeness according as they idealize nonresistance, rationality, aggressiveness, or efficient administration.[66]

a) Nonresistance, illustrated in Jesus' Sermon on the Mount and in certain Buddhistic and Hindu writings, was accepted by the early Christians, the Quakers, the Mennonites, and the followers of Tolstoy and Gandhi. Its creed of renunciation has not, however, been indorsed by the bulk of mankind. The perfect exemplification is to be found in the mystics and the hermits, who by discipline acquired a capacity to renounce all desire and were thus free from conflict. A complete following of the ideal of nonresistance implies a renunciation of all the material ambitions of life, the exact reverse of the Nietzschean creed of the superman. In fact, the psychoanalysts have interpreted this type of mysticism, illustrated by the Buddhistic yogas, as a reversion to the perfect adjustment of the individual to his environment, which existed in the prenatal state.[67]

---

[65] Below, n. 77; chap. xxviii, sec. 3a; Lasswell, *World Politics and Personal Insecurity*, p. 63. Personality ideals abstract certain aspects of personality to such a degree that they constitute attitudes prevalent in a culture rather than personality types (see above, nn. 7, 26–33, 39).

[66] These ideals manifest preference for the procedures, respectively, of renunciation, conciliation, dictation, and adjudication (above, n. 52). The last three, respectively, idealize the theorist, the agitator, and the administrator (above n. 28).

[67] Yoga philosophers sometimes hang by their toes in a prenatal position (Franz Alexander, "Buddhistic Training as an Artificial Catatonia," *Psychoanalytic Review*, XVIII [April, 1931], 135).

b) Rationality.—A much larger proportion of the human race has recognized the necessity of common law and has accepted the ideal of the rational man, who voluntarily keeps his oppositions within the realm of necessary laws, illustrated in the rationalist philosophies of Locke, Hume, Kant, and Bentham, or the ideal of the economic man assumed by Ricardo and other classical economists. Self-interest, it is thought, will lead men to abide by contracts and laws, if those laws do not go beyond the constitution of the liberal state. Harmony in the hive, according to Mandeville's mid-eighteenth-century tract, resulted from each bee's pursuing its selfish interests and that harmony might not survive efforts at central control.[68] Self-interest, it was optimistically anticipated, would lead governments to abide by treaties and international law.[69]

The appeal to the ideal of the rational man may have been an influence in averting some of the nineteenth-century wars. Possibly appeals to reason mollified the dangerous situations between England and the United States in 1862 over the "Trent" affair and in 1896 over the Venezuelan boundary dispute.[70]

c) Aggressiveness.—In times of rapid social change it is difficult for a common law to maintain sufficient control over the aggressive activities of individuals or groups who first perceive the opportunities offered by changing conditions. Thus conditions of anarchy have sometimes resulted. Struggle, without limitation of means, has been actively advocated by radical champions of the oppressed masses and has been practiced by reactionary entrepreneurs who wish no limitations set to their opportunity to increase profits. The masses of men, however, have not for any length of time indorsed philosophies of individual, class, or international violence such as those expounded by Clausewitz, Proudhon, Nietzsche, Bakunin, and

---

[68] Bernard de Mandeville, *The Fable of the Bees or Private Vices, Public Benefits* (1714) (4th ed.; London, 1925). The idea of the automatic harmony, the invisible hand producing this result, provided the philosophic background of modern capitalism. Above, Vol. I, chap. viii, n. 38; chap. xxxii, sec. 2c; Lasswell, *Psychopathology and Politics*, p. 48.

[69] Sir Edward S. Creasy, *First Platform of International Law* (London, 1876), p. 63.

[70] Carl Russell Fish, *American Diplomacy* (4th ed.; New York, 1923), pp. 317 and 393; T. A. Bailey, *A Diplomatic History of the American People* (New York, 1940), pp. 351 ff., 481 ff.

Sorel. While military, nationalist, and neo-Darwinian social philosophers have sometimes perceived a continuing need for violent struggle, most radical philosophers of violence, including Marx, Lenin, and Trotzky, have regarded violence and unbridled conflict as temporary expedients, only justified as a necessary means for ushering in a new order of peace.[71]

d) Efficient administration regulating the behavior of loyal subjects is the ideal set up by autocracy, nationalism, fascism, and communism. In this philosophy the bee is nothing; the hive is everything. The acceptance of this ideal has led to the suppression of internal conflict within the modern nationalist, fascist, and communistic state. This philosophy, by concentrating all authority upon the state as the sole object of individual loyalty, has been of little value in the propaganda for international peace. National loyalty is hard to transmute in times of crisis to a higher loyalty to the world-community. The task is especially difficult because of the tendency for the Nietzschean ideal of the superman above good and evil to be accepted by the ruler of the highly organized state.

Numerous factors—geographic, economic, and historic—have to be considered in accounting for the culture of a particular group, but in all the ideal of human personality occupies a large place. Probably the ideal of the rational man in the liberal state is that which has best adjusted human nature to continuous peace. This ideal has been illustrated among a few primitive peoples such as the Yurock Indians of California, whose culture combines economic individualism with remarkable peacefulness.[72] It was characteristic of the Chinese in much of their history and of the periods of the *pax Romana* and the *pax Britannica*, which witnessed the flowering of the two most widely accepted systems of law in the contemporary

[71] See Sidney Hook, "Violence"; J. B. S. Hardman, "Terrorism"; and Max Lerner, "Assassination," in *Encyclopaedia of the Social Sciences*. Sociologists recognize conflict as a means of social integration (Georg Simmel, "Conflict as a Type of Social Interaction," in Park and Burgess, *op. cit.*, p. 583; R. E. Park, "The Social Function of War," *American Journal of Sociology*, XLVI [January, 1941], 365). Above, chap. xxvi, sec. 1; chap. xxxii, n. 2.

[72] A. L. Kroeber, *Handbook of the Indians of California* (Smithsonian Institution, Bureau of American Ethnology, Bull. 78 [Washington, 1925]), p. 50.

world.[73] Education directed toward that ideal might create attitudes which could be invoked in times of crisis to prevent war. Nonresistance in practice puts too severe a strain on human nature, and complete loyalty to the group puts too severe a strain on the group and is no cure for intergroup war.

The rational ideal, however, is not attractive to a human race that is only partially rational. The ideal of the economic man or the reasonable man looks pallid beside a fasting Gandhi, a light brigade loyal to the death, or a Faustian hero in titanic struggles against the world. A pallid world "sicklied o'er with the pale cast of thought" is not generally appealing.[74] The maintenance of continuous peace may, however, depend on the acceptance by the masses of mankind of the ideal of the reasonable man—the man guided neither by an all-consuming ambition, an all-consuming loyalty, nor even an all-consuming asceticism but ready to exercise his reason to maintain world-conditions in which his type, preferring reason to violence, can prevail.[75]

[73] Above, Vol. I, chap. viii, sec. 2; Lin Yutang, *My Country and My People* (New York, 1935).

[74] Shakespeare, *Hamlet*, Act. IV, scene 1. Such a world would reduce justice to the consequence of orderly and rational procedures, thus blighting the enthusiasm which agitators invoke by offering mutually inconsistent advantages. "Utopias that move men are rich with the fruits of desire, and pacific as an incident to satiation. . . . . The effort to achieve order as a value rather than justice promises nothing but disillusionment. . . . . All the constitutive myths of history have promised something besides pale peace to their devotees" (Lasswell, *World Politics and Personal Insecurity*, pp. 249; see above, chap. xxv, sec. 5). "It has been said that throughout all the history of man Confucius alone succeeded in making the middle way either emotionally exciting or intellectually stimulating, and I have my doubts even about Confucius" (Jacob Viner, "The Short View and the Long in Economic Policy," *American Economic Review*, XXX [March, 1940], 15).

[75] Freud was convinced that cultural progress tended "to strengthen the intellect" and "to turn the tendency of aggression inward" (letter to Einstein, "Why War?" *Correspondence* [Paris: International Institute of Intellectual Cooperation: 1937]), and Bergson felt that the analytic character of human language and thought created a persistent bias toward reason (above, chap. xxiv, n. 87). Reason, however, in practical conduct requires synthesis as well as analysis, an adequate weighing of evidence and alternatives as well as a logical inference of conclusions from principles and data. An excessive disposition to analyze may, therefore, interfere with sound judgment in complicated situations, and wise action on "sufficient reason." In the contemporary, complex, and dynamic world-civilization, conditions favorable to reason include a reasonable sub-

3. CONDITIONS OF PEACE EDUCATION

Attitudes, though originating in the drives of the individual organism, are given form by education, the process by which the culture of a group is developed and passed on to the rising generation.[76]

Propagandas are addressed to the group, educational procedures to the individual. Propagandas may influence public opinion and stimulate immediate social action through superimposing group objectives upon the individual conscience. Education seeks to influence private attitudes, thus building the individual personality and the group culture into an organic unity.[77]

If peace is synonymous with the general use of reason rather than impulse in organizing society and in dealing with conflict situations, peace education would be education supporting and transmitting the ideal of the rational man. The technique for accomplishing this end will not be dealt with,[78] but attention may be given to the diffi-

ordination of the individual to group intervention at the world and the regional as well as at the national and the local levels. The rational man must therefore appreciate the role of the efficient administrator. See above, chap. xxxii, sec. 4; below, Appen. XXXVIII.

[76] See above, chap. xxx, n. 59.

[77] Above, chap. xxx, sec. 2.

[78] The numerous resolutions of churches and peace societies favoring "peace education" have usually done little more than urge education to increase the desire for and will to peace (see War Policies Commission, *op. cit.*, pp. 747 ff.). Education has been conducted within the national state and has tended to assume the dominance of its symbols. "Textbooks are permeated with a national or patriotic spirit" (Bessie L. Pierce, *Civic Attitudes in American School Text Books* [Chicago, 1930], p. 254; flag-salute case, above, chap. xxx, n. 33). Education has therefore tended to encourage reason less in the international than in other fields. George S. Counts ("Education," *Encyclopaedia of the Social Sciences*, V, 403 ff.) emphasizes the subordination of all systems of education to the major cultural values of the country. While education in modern civilization has tended to emphasize the rational character of human nature (J. A. Comenius, 1592–1670), reason necessarily assumes cultural goals on faith; thus reason can hardly apply to international affairs unless there is a world-culture manifesting some articles of faith in which all populations share. The League of Nations Committee on Intellectual Cooperation and the International Studies Conferences have attempted to develop a rational approach to international relations in school and university curriculums on the assumption that "only a good citizen of the world can be a good citizen of his country" (S. H. Bailey, *International Studies in Modern Education* [London, 1938], p. 15; League of Nations, *How To Make the League of Nations Known and To Develop the Spirit of International Cooperation: Recommendations by the Sub-Committee of Experts, Interna-*

culties faced by any society in applying such an educational program.

The rational ideal usually seeks a *via media* between contending goods. The desire for individual freedom, secured by the possession of wealth and power, is often in conflict with the desire for freedom of the group with which the individual has identified himself. The security, wealth, and power of the group may require subordination of the individual in the internal system of values.[79] The claims of the personality and of the culture, though their sources overlap, may in a given situation be in conflict.[80]

In times of peace and prosperity, when the position of the group is not in question, philosophies of liberalism have flourished and activities have been predominantly economic as the individual has striven to improve his position in the established system. During such periods groups have tended, on the one hand, to disintegrate internally and, on the other, to unite with one another to form larger

tional Committee of Intellectual Cooperation [Geneva, 1927]). According to Zimmern, "our task as teachers [of international relations] is to keep the eyes of our students fixed upon the world, in all the variety and simultaneity of its problems, to help them to understand even better . . . . the altogetherness of public affairs, that problem of the one in the many, the many in the one, which has been in the minds of the great political thinkers ever since the Greek age and must be more than ever before our minds in the first generation of the League of Nations" (Sir Alfred Zimmern [ed.], *University Teaching of International Relations* [International Studies Conference, 1938; Paris: International Institute of Intellectual Cooperation, 1939], p. 11).

[79] The demands for freedom of the individual, freedom of the state, freedom of religion, freedom of the church, freedom of the workers, and freedom of business, frequently conflict. Above, Vol. I, chap. viii, nn. 37 and 38.

[80] "The beginning of culture implies the repression of instincts. . . . . 'Complexes' are necessary by-products in the process of the gradual formation of culture. . . . . The building up of the sentiments, the conflicts and maladjustments which this implies, depend largely upon the sociological mechanism which works in a given society" (B. Malinowski, *Sex and Repression in Savage Society* [New York, 1927], pp. 182 and 240). "This incorporation of the requirements of the social order into the personality does not proceed smoothly, nor does it abolish the primitive psychological structures which have been developed and apparently discarded at each step of the way toward adulthood" (Lasswell, *Psychopathology and Politics*, p. 66). "Constraint is a function not of rigidity of culture, but of *felt* limitation upon desired freedom. The feeling of constraint arises only with awareness of alternatives, and so, paradoxically, only in countries which have achieved a large measure of individual freedom" (W. Rex Crawford, "Freedom in the Arts," in E. P. Cheyney [ed.], *Freedom of Inquiry and Opinion* ["Annals of the American Academy of Political and Social Science" (Philadelphia, November, 1938)], p. 96).

groups. In times of revolution and depression, on the other hand, the position of the group and the entire scheme of values are threatened. Philosophies of authoritarianism, whether revolutionary or reactionary, are in the saddle, activities are predominantly political, and the individual blindly follows the leader of the group with which he has identified himself. This tends to integrate established groups, to differentiate each group from the others, and to develop intergroup hostility.[81] Such fluctuations, characterized by opposite movements in the extensity and the intensity of group life, have been observed not only in civilized societies[82] but also among such primitive people as the Murngin of North Australia. The life of the latter fluctuates between periods of warfare, unifying the clan, and periods of intergroup ceremonials tending to merge the clans in larger associations.[83] An organization of the world-community which will avoid violent fluctuations between general social disintegration and general war[84] and a composition of cultures which will give adequate satisfaction to both the aggressive and the affectionate impulses[85] of all the people all of the time is not easy to attain.[86]

War may, for a time, offer this dual satisfaction to many. The soldier senses to the full and in all satisfaction his participation in the group's great task, but at the same time he is free without inhibitions of conscience to satisfy his individual aggressiveness against the persons and property of the enemy. The elation which usually marks the early stage of war results from the complete reconciliation of-

[81] "Under certain circumstances the individual can neglect the political aspect of his economic relationship to others: when there is general acquiescence in the exchange practices which are current, when acts of coercion against individuals who break their contracts or who object to other fundamental principles of the social order are spontaneously approved, when the exercise of violence is specialized in the hands of duly constituted authorities (policemen, armies, courts), and when the occasions for the large scale exercise of coercion are few. If these mutually related conditions are absent, calculations of fighting effectiveness assume greater importance" (Lasswell, *World Politics and Personal Insecurity*, p. 142; see also *ibid.*, pp. 154 ff.). This can be applied to international as well as to interindividual relations. Above, chap. xxviii, sec. 3c.

[82] Above, Vol. I, chap. x, sec. 4.

[83] Above, Vol. I, chap. vi, n. 52.   [84] Above, chap. xxvi.

[85] These correspond to the ego (aggressive, death) and object (erotic, life) instincts of Freud. Above, Vol. I, Appen. VIII, n. 8. See Lasswell, *Psychopathology and Politics*, pp. 72 ff.

[86] Above, Vol. I, chap. viii, sec. 2e.

fered by war to the individual's psychic conflicts, but the unreality of this adjustment gives it the character of a collective psychosis and renders its participants impervious to rational appeal until the illusion is dissipated.[87]

The occurrence of such group psychoses suggests that the ideal of the rational man cannot survive in a society where the countermores and the mores are continually in conflict. The strain of continuous compromises between the passions and the conscience is too much for human nature. The education of children must be so conducted as to reduce the need for scapegoats to provide relief for suppressed aggression.[88] The activities of adults must include opportunities for sport, adventure, relaxation, economic competition, political controversy, and self-expression, satisfying all the organic drives and at the same time approved by the conscience. Such activities might provide substitutes for the charm of war.[89] War for a short time may permit a balanced expression of ambivalent impulses such as hate and love. It encourages a free expression of suppressed hates in the service of public loyalties. Peace requires an equally balanced expression of both, but the hates which to a certain extent are inevitable in any culture might be displaced upon impersonal evils and might be expressed in forms less destructive of civilization than modern war.[90]

To exorcise the charm of war is not enough, if occasionally for important groups war is useful. Special-interest groups benefiting directly from war, such as armament-makers hungry for markets, professional military men looking for promotions, and sensational news-

[87] See Robert Waelder, "Lettre sur l'étiologie et l'évolution des psychoses collectives," *Correspondence* (Paris: Institut international de cooperation intellectuelle, 1935), pp. 96 ff.; Freud, *op. cit.;* Edward Glover, *War, Sadism and Pacifism* (London, 1933), p. 19.

[88] Lasswell, *World Politics and Personal Insecurity*, pp. 63 ff.; above, chap. xxvi, n. 16; Appen. XXXIX, par. 20.

[89] See G. T. W. Patrick, *The Psychology of Relaxation* (Boston, 1916), chap. vi; William James, "The Moral Equivalent of War," *International Conciliation*, No. 27, February, 1910; Park and Burgess, *op. cit.*, pp. 594 ff.

[90] "It is not a question of entirely eliminating the human tendency to aggression; one can attempt to control it so far that it does not have to find expression in war. If the willingness for war is the outward flowing of the destructive instinct, the reasonable thing to do is to summon eros, the opposite of that instinct" (Freud, *op. cit.*).

paper managers pressing for increased circulation, might be regulated in the public interest. It cannot be expected that such special interests will voluntarily sacrifice a certain opportunity for individual gain because of a probable group loss. War itself cannot satisfy the more speculative interest of business in wider markets and sources of raw materials under the flag, of younger sons and intelligentsia in colonial jobs, of reformers in the expansion of cultural or religious ideals. These anticipations depend upon victory, and the prospects of that for any state in a balance-of-power war is uncertain. The prospect of economic gain for the general public even from victory becomes increasingly remote as the costs of war increase.[91] Education might influence attitudes by elucidating the relation of war to economy under present conditions.[92]

Fear of war has functioned in preserving internal peace and in keeping rulers in power.[93] It is difficult to find a substitute method for performing this service. Can the state attract the loyalties of its subjects sufficiently to maintain internal order if those subjects no longer feel that the state is necessary to protect them from invasion? Can custom, reason, and sentiment, unsupported by necessity, preserve the individual's love for his political group in just relation to his love for himself and for the other groups with which he is associated? To provide an answer is the task of civic education in the modern state.[94] The individual's loyalties must be sufficiently centered to give strength to the social order and sufficiently divided to provide a basis for criticizing that order and better adapting it to changing conditions. The individual must be so educated that he himself may assume responsibility and exercise critical judgment in the solution of conflicting demands.[95]

[91] Above, chap. xxxii, sec. 3a.

[92] The problem should be approached from both the economic and the psychological points of view. Cf. Lionel Robbins, *The Economic Causes of War* (London, 1939) and H. D. Lasswell, *World Politics and Personal Insecurity*, chap. vii: "Goods and Services: The Effect of Economic Conditions."

[93] Above, Vol. I, chap. x; Vol. II, chap. xxviii, secs. 2a and 4.

[94] C. E. Merriam, *The Making of Citizens* (Chicago, 1931); *Political Power* (New York, 1934), pp. 306 ff.

[95] Above, chap. xxiv, sec. 3a; chap. xxviii, sec. 4d; R. Waelder, "Psychological Aspects of War and Peace," *Geneva Studies*, X (May, 1939), 52.

Even if the charm, utility, and social function of war could be eliminated, war would still occur as long as people devoted major attention to preparing for it. The expectation of war has been an important cause of war. If statesmen *generally* should abandon hope that war night prove a means of solving their problems, belief in the inevitability of war might be undermined. If the dominant opinion of two states considers war between them inevitable, the governments of each will bend attention to the strategic aspects of their relationship, and it will be perceived that time is helping one less than the other. The effect of the different rates of change in the two countries with respect to population, industrial progress, exploitation of raw materials, transportation developments, armament-building, political alliances, etc., is continually altering their relative military positions. With knowledge of these differences, the state against which time is working will be under increasing pressure to start a preventive war. Its case may be desperate, but in a few years it will be more desperate still, and if war is inevitable it had better start it now.[96]

General removal of belief in the inevitability of war is an important condition of peace. Governments when striving for peace

[96] See above, chap. xx, sec. 4(6); Lasswell, *World Politics and Personal Insecurity*, chap. iii: "The Balancing of Power: The Expectation of Violence." During an armament race this situation is intensified: "No manner or degree of technical, military or industrial preparedness is going to guarantee peace, but what such a high degree of technical industrial and military preparedness will really do is to set up the processes of the inevitable military time table—one of the major forces in precipitating modern wars. . . . . One side starts to prepare. . . . . Other states follow suit. . . . . No state will admit that it has any military desires. . . . . They look at each other across the sea, or across the boundary and say 'That fellow is getting ready to attack us.' That is what they all say. . . . . So in the event of a crisis, the wisest military thing to do is to get in your blows in the first 24 or 48 hours and get them in hard. If you can get them in before a declaration of war, it may mean the difference between victory and defeat on the field of battle. That situation places a premium upon the disregard of peaceful possibilities. . . . . It is the military time table. It places the military strategist in charge of events in a crisis and makes your peaceful statesmen almost helpless in the face of military necessity" (Tucker P. Smith, secretary of Commission on Militarism in Education, War Policies Commission, *op. cit.*, p. 680). L. F. Richardson attempts to expound this thesis with mathematical symbols (below, Appen. XLII). The use of railroads in military mobilization greatly contributed to this situation after 1870 (T. H. Thomas, "Armies and the Railway Revolution," in J. D. Clarkson and T. C. Cochran [eds.], *War as a Social Institution* [New York, 1941], p. 94).

usually attempt to minimize the danger of war in their public declarations.[97] Unnecessary public alarm will usually endanger the peace, but public complacency when external conditions actually threaten war may be equally dangerous. Unless confidence in peace is rational, far from promoting peace such confidence may encourage aggression. If most of the wolves turn into sheep, it will be an opportunity for the wolves that remain.

The attitude conducive to peace is neither that popularly attributed to the ostrich, which denies the possibility of war, nor that of the cynic, who considers war inevitable, but that of the rational man, who appraises the opinions and conditions tending to war and the direction of human effort which at a given point in history might prevent it.[98] In the present age planetary comprehensiveness of vision and the utmost foresight are essentials of such rationality.[99] These imply guidance by a central investigatory organization with capacity, free from possible impairment by national states, to communicate with individuals throughout the world. So long as control of education and communication is a monopoly of national states, it is not to be expected that attitudes conducive to war can be prevented from developing in certain areas, and the virus once developed in one section of the human population, like a cancer in the human body, will under present conditions spread to other sections and involve the whole in war.[100]

[97] Secrecy in the conduct of foreign affairs has been supported on the ground that publicity will embitter international relations and frustrate the diplomatic task of peace-making (A. J. Balfour, speech in House of Commons, March 19, 1918). See Paul S. Reinsch, *Secret Diplomacy* (New York, 1922), pp. 142 and 162; Sir Ernest Satow, *A Guide to Diplomatic Practice* (London, 1917), I, 172; D. P. Heatley, *Diplomacy and the Study of International Relations* (Oxford, 1919), p. 266; DeWitt C. Poole, *The Conduct of Foreign Relations under Modern Democratic Conditions* (New Haven, 1924), pp. 95 ff., 105 ff.

[98] Machiavelli compared *fortuna* (fate or destiny) to a river and to a woman, both of which are at times uncontrollable and at times controllable (*The Prince*, chap. xxv).

[99] Above, Vol. I, chap. ii, secs. 2 and 5a.

[100] Above, chap. xxx, sec. 2b.

F. FACTORS INFLUENCING THE INCIDENCE OF WAR

CHAPTER XXXIV

INFLUENCE OF THE POINT OF VIEW

THE causes of war depend upon the meaning of the term "war" no less than upon the circumstances which lead to a realization of a given meaning of that term.[1] The analysis of war set forth in this study has been concerned with the circumstances which have caused the historic events denoted by the definition of war here accepted.[2] That definition, however, recognizes that war has military, legal, sociological, and psychological aspects.[3] The causes of war are different according as attention is directed toward one or the other of these aspects. In this respect war does not differ from other entities whose causes might be sought. For example, a tree may be said to exist in a particular place from the biological point of view because the seed was fertilized and germinated there; from the agricultural point of view because the nurseryman planted the seed and cultivated the sapling; from the artistic point of view because the landscape architect planned to have such a tree in that place; from the economic point of view because the owner of the land wanted such a tree more than he wanted the money which it cost to have it put in, etc.

The characteristics of war, observed from each of the four points

---

[1] Above, chap. xix, n. 3. To determine the meaning of a term, it is necessary, on the one hand, to establish its denotation, i.e., each of the events, things, or conditions which it designates, and, on the other hand, to establish its connotation or definition, i.e., the union of abstract ideas realized in each of these events, things, or conditions, and constituting them a distinctive class. It is clear that a different definition of war from that here adopted would modify the list of historic "wars" (above, chap. xvii, sec. 1c). It is also clear that insistence that certain historic events, as, for instance, the Nicaraguan intervention (1926) and the United States relations to Germany under the Lend-Lease Act (1941), were "war" would involve a modification of that definition.

[2] Above, Vol. I, chap. ii, sec. 1; Vol. II, chap. xvii, sec. 5.

[3] Above, Vol. I, chap. ii, sec. 5b; chap. xix, sec. 2a. Kenneth Burke (*Permanence and Change* [New York, 1936], p. 329) illustrates the influence which "difference in point of view" has in the discovery of relevant "facts."

of view selected in this analysis, will be summarized, after which the deterministic and voluntaristic interpretation of its causes will be considered.

1. MILITARY POINT OF VIEW

From the military point of view war is a violent encounter of powers, each of which is conceived as a physical system with expansive tendencies. All the powers together are thought of as a larger physical system or balance of power. War occurs whenever the tension, arising from pressures and resistances on a given frontier, passes beyond the tolerance point and invasion occurs.

Each belligerent power is conceived as a military hierarchy, the units of which are the individual soldiers and workers who, through discipline, respond automatically to the word of command, elaborating military materials and supplies in farm, mine, and factory, transporting them to the front, and launching them against the enemy. Each power thus resembles a single great machine, the efficiency of which in a given war can be calculated in terms of its own power in men, materials, morale, manufacturing capacity, population, and resources; of the resistances of the enemy; and of the distances in miles and natural obstacles separating them.[4]

As the efficiency of all actual or potential belligerents might be measured in the same terms, the group of powers can be viewed as an equilibrium of power analogous to the equilibrium of the heavenly bodies. If the efficiency of the military machines were as calculable as the masses and distances of heavenly bodies and if the assumption that governments are motivated only by power considerations were as true as the assumption that heavenly bodies are motivated only by inertia and gravitation, then the occurrence of wars might be predicted as accurately as that of eclipses. As it is, the difficulties of prediction can hardly be overestimated.

The problem of three bodies is notably difficult in celestial mechanics, and, as additional heavenly bodies are taken into consideration, the difficulty progresses. With a world of sixty-odd powers mutually affecting the strategic situations of the others, and with new inventions and discoveries continually modifying the relative power of the units, precise calculation of the world's military equilib-

[4] Above, chap. xx, sec. 1; Appen. XXIX.

rium and prediction of the effects of given disturbances within it fall far short of perfection. Balances of power have been unstable and have often resulted in wars, eliminating states and gradually superseding the power equilibrium by a different type of political organization.[5]

Many people still view world-politics as a balance of power. If everyone adopted this point of view with rigorous completeness, war would present no problem of law or morals. Power as manifested in military policy, organization, weapons, and operations would be the sole influence in international relations. With respect to these relations, every individual would be a potential soldier, every power a potential army, and the world as a whole an active or potential struggle for power. Hostilities would end only with conquest or reestablishment of the balance of power and would recur whenever the equilibrium became seriously disturbed.

2. LEGAL POINT OF VIEW

The assumption that governments are motivated only by power considerations has in reality been far from the facts. Governments rationalize their decisions to initiate war or to resist war initiated by someone else in the name of the state and in terms of law. States go to war by means of a constitutional procedure[6] in order to defend themselves, to resist injustice, to fulfil a duty, to enforce a right, to vindicate national honor, or to implement policy.[7] Wars, whether of defense or offense, are not in fact unreflective behavior as suggested by physical analogies. They are deliberate decisions in accord with the state's law.[8]

War may therefore be conceived as the consequence of the diversity of legal systems. Each state, because it claims legal sovereignty,

[5] Above, chap. xx, sec. 5.

[6] Above, Vol. I, chap. xi, n. 2; chap. xxii, sec. 2.

[7] The latter, sometimes called "reason of state," has included a great variety of purposes, such as restoration of the balance of power, acquisition of territory, fulfilment of manifest destiny, establishment of religious or political principles. The reasons alleged in the declarations of war from 1914 to 1917 are listed in United States, Naval War College, *International Law Documents, 1917* (Washington, 1918), p. 262. See also Joachim von Elbe, "The Evolution of the Concept of the Just War in International Law," *American Journal of International Law*, XXXIII (October, 1939), 685, n. 157.

[8] Above, chap. xxx, nn. 23 and 24.

assumes that its law must prevail wherever it extends, even on the high seas, over foreign territory, or over aliens. Practical conditions of power, however, have made it necessary for each state to recognize limitations of its jurisdiction. These limitations under the systematizing tendency of legal thought have developed into international law.[9] When recognized by governments, this body of law tends to acquire an independent jural authority. It provides not only the pretexts or rationalizations for war but also the reasons for war. Its rules, in so far as they are based on generally accepted customs and morals and can be interpreted to support a desired policy, are useful to governments as propaganda symbols for the public both at home and abroad. In so far as they are based on a realistic consideration of the aim and nature of the state under present conditions, they explain the reason for state policy and action.

The object of a war, whether economic, political, religious, or dynastic, must rest on a systematization of ideas, or law in the broadest sense which gives that object a value. Values do not grow out of events but out of ideas. The land utilized by another tribe must be thought of as valuable for grazing cattle and cattle must be thought of as valuable in the economy of a tribe, or that tribe cannot consciously decide to drive the other tribes off in the interests of its cattle. Hitler must regard the achievement by Germany of the position of "full sovereignty" as a "world-people" as valuable,[10] or he could not consciously go to war to achieve this object. The definition and organization of these values by the state constitute the ends of its law to be enforced internally by police and externally by war.[11] A larger synthesis, including the values of all the states, constitutes the end of international law. In so far as this synthesis is possible and is actually expressed in the rules of international law, the policy of each state comes to be the realization of international law.

War, like the duel, is the consequence of a situation in which legal sanctions are unable to maintain an accepted system of law. Violent self-help is in principle incompatible with the idea of law. Law im-

[9] Above, chap. xxiii, sec. 4.

[10] Hermann Rauschning, "Hitler Could Not Stop," *Foreign Affairs*, October, 1939, p. 6.

[11] Above, chap. xxii, sec. 1; chap. xxiv, sec. 2.

plies rules and principles which must be observed with the result of justice and order in the community.[12] The conceptions of absolute sovereignty and of war as a permissible procedure have interfered with the evolution of legislative and sanctioning procedures adequate to realize effective law in international relations. A new conception of sovereignty compatible with the outlawry of war has been proposed.[13]

If everyone adopted the legal point of view and pursued it to its logical conclusion, war as legitimate violence between equals would disappear. All acts of violence would become either crime, defense, or police as they are in developed systems of municipal law. Law would be the sole influence in international relations, and with respect to those relations every individual would be subject to the municipal law of some state, every state would be subject to international law, and the world would be a society of nations in which all conflicts would be soluble in accordance with the law.[14]

3. SOCIOLOGICAL POINT OF VIEW

Men and groups do not act only, or even in large measure, to achieve conscious objectives. No more does civilization proceed only by the logical development of ideas. Legal systems are only the conscious aspect of group cultures. Subconscious or unconscious attitudes and behavior patterns constitute their more important aspect. Culture as a whole profoundly influences the application of the law to particular cases and gradually changes the laws themselves. Behind the state is the nation. The latter implies a group whose members feel themselves a unit because of common culture, customs, practices, and responses. Wars may therefore be considered consequences of the rivalry of cultures.[15]

As systems of municipal law, when in contact with one another, develop and are influenced by international law, so national cultures, when in contact with one another, develop and are influenced by world-culture. War is a conflict of cultures, but it is also a breach in

---

[12] Above, chap. xxiii.   [13] Above, chap. xxiv.   [14] Above, chap. xxiv, sec. 4.

[15] Above, chap. xxviii. The group whose symbols dominate may be a clan, tribe, kingdom, federation, church, or class, but in modern civilization it has usually been a nation.

a higher culture. In the modern world this is little less true of international than of civil wars. Conflicts between communities which have no culture in common, such as may occur in the organization of newly discovered colonial territory, should not properly be called "wars." The pioneer does not make war on wild beasts which obstruct his plans of development. He exterminates or tames them. The same is sometimes true of the civilized man's attitude toward savage tribes.[16] Mutual recognition by the opponents that they have something in common is an essential element of the concept "war."[17]

From the sociological point of view the propaganda of symbols of internationalism and nationalism are illustrations of the general process of group integration and differentiation.[18] War has been the predominant method for integrating political groups. The identification of cultural nationalism with legal sovereignty has concentrated political and military power in national governments and has augmented the severity of wars.[19] The expansion of economic life to a world-base as a result of the transport and communication inventions of the nineteenth century has reduced the self-sufficiency of nations and has increased the pressure for war when self-sufficiency becomes a national policy. A reinterpretation of nationalism which will permit the development of world-wide functional organizations and diminish the economic significance of national frontiers has been suggested as a remedy.[20]

If everyone adopted the sociological point of view, wars would be perceived as forms of social conflict[21] concerned with the effort of leaders to intensify loyalty to the symbols of the political group or to expand the influence of preferred symbols into new areas. Military activity would be considered an incident in the continuous conflict of propagandas upon the course of which depends the values, interests, activities, and eventually the conditions of human life.[22]

To the sociologist the nation is but one of many possible political groups, and hostilities are but one of many forms which intergroup

---

[16] The Australian whites for a time hunted the natives like wild beasts (E. M. Curr, *The Australian Race* [Melbourne, 1886], I, 100 ff.).

[17] Above, chap. xix, n. 5.　　　　　　[20] Above, chap. xxvii, sec. 6; chap. xxix, sec. 6.

[18] Above, chap. xxviii, sec. 4.　　　[21] Above, chap. xxvi, sec. 1.

[19] Above, chap. xxviii, sec. 1.　　　[22] Above, chap. xxviii, secs. 1 and 3.

conflict may take. The form both of groups and of conflicts depends eventually upon the types of symbolic construction which are accepted as important.[23] Changes in symbolic constructions have occurred in the past, marking the rise and fall of institutions and of civilizations.[24] Human ingenuity may do much by juristic interpretation, education, propaganda, politics, and administration to effect such changes according to conscious design and without violence.[25] "The world," "humanity," and "a federation of nations" might become more important symbols than France, Japan, and the United States, just as the latter, during a century, became a more important symbol than Massachusetts, Virginia, and New York.[26]

4. PSYCHOLOGICAL POINT OF VIEW

Cultures are but abstractions of common psychological elements in aggregates of human beings. Wars are ultimately clashes not of armies, laws, or even cultures but of masses of individuals, each of whom is a distinct personality whose behavior, while affected by the command of a superior officer, by laws, and by significant symbols, is affected also by individual heredity and individual experience. Upon these individual elements rests the power of social, legal, and political superstructures.[27]

The fact that opinions rather than conditions induce political action, the ease with which opinion can be manipulated by special interests, and the presence of irrational drives of adventure, persecution, escape, and cruelty account for the usual irrationality of war and for the relatively slight correlation of its occurrence with any definable population or economic changes. The tendency for individuals to concentrate their loyalties upon a concrete group and to concentrate their aggressive dispositions upon an external group makes it possible that an incident in the relations of the two groups will acquire a symbolic significance and stimulate mass reactions which may produce war. Mass reactions, dividing the private and public consciences of individuals, have also been important in creating solid groups capable of securing internal peace. Attempts to

[23] Above, chap. xxvi, sec. 1.   [25] Above, chap. xxviii, sec. 2.
[24] Above, chap. xxvi, sec. 2.   [26] Above, chap. xxvi, sec. 6; chap. xxix, sec. 6.
[27] Above, chap. xxx, sec. 1a, b; chap. xxxiii, sec. 1.

remedy war by increasing the autonomy of the personality and its responsibility to choose among groups competing for its allegiance in each crisis presents dangers to domestic peace. A high order of general intelligence is required in a liberal society if nations are to be kept from becoming so strong as to threaten international anarchy, without becoming so weak as to threaten domestic anarchy. Such conditions might flourish with the "rational man" ideal of human personality and the democratic ideal of political organization.[28] Under present conditions both of these are contingent upon a reasonably secure organization of the world against violence.[29]

If everyone adopted the psychological point of view, war would be considered to exist whenever there was an intense and widespread attitude of hostility within a population directed against another population which reciprocated this attitude. As the human race is biologically a unit, all hostilities could, therefore, be regarded as revolts against human solidarity.

Attitudes, while sociologically interpreted as functions of the group, derived from its culture and symbols, are psychologically interpreted as wishes of the individual, derived from his heredity and experience. Incompatible desires to dominate are frequently at the root of hostile attitudes. War results from progressive intensification of hostile attitudes and behaviors in two populations through the reciprocal stimulus of the anxiety of each once their relations are interpreted as those of rivalry.[30]

Impressed by the tremendous variability in the conditioning of human responses, most psychologists perceive possibilities of adequate outlet for the hereditary drives in forms other than war. The division of humanity into races, classes, nations, etc., influences human behavior because of social meanings, not because of any specific hereditary drives. There is no psychological reason why the human race should not be a more important unit than any of its lesser subdivisions or why conflicts of attitude within neighboring populations should not be solved without violence.[31]

---

[28] Above, chap. xxii, sec. 4d; chap. xxxiii, sec. 2.　　　[29] Above, chap. xxix, sec. 6.

[30] Above, Vol. I, chap. v, sec. 1; chap. vi, sec. 4f; chap. vii, sec. 5f; chap. xi; Appen. VII, sec. 1g; Vol. II, chap. xxxiii, sec. 3.

[31] Above, chap. xxxiii.

5. DETERMINISTIC AND VOLUNTARISTIC POINTS OF VIEW

Each of the aspects of war considered may be viewed deterministically or voluntaristically.

The deterministic point of view, which has often been accepted in scientific analysis, holds that every event can be explained by natural laws manifesting the essential continuity and homogeneity of the universe in which it occurs. With a formula expressing the relationship of such laws and with complete knowledge of the state of the universe at any moment, it would be possible to predict what will happen in any part of the universe at any future time. Since all parts of the universe are interrelated, no predictions can be absolutely certain in the absence of such omniscience.[32]

The analysis of war in this study has proceeded from a deterministic point of view, but it has followed the usual practice of historians and publicists in allowing some room for contingency and choice.[33]

[32] "The state of the whole universe at any instant we believe to be the consequence of its state at the previous instant; insomuch that one who knew all the agents which exist at the present moment, their collocation in space, and all their properties, in other words, the laws of their agency, could predict the whole subsequent history of the universe, at least unless some new volition of a power capable of controlling the universe should supervene. And if any particular state of the entire universe could ever recur a second time, all subsequent states would return too, and history would, like a circulating decimal of many figures, periodically repeat itself" (John Stuart Mill, *A System of Logic, Ratiocinative and Inductive* [London, 1930], Book III, chap. v, sec. 8). The determinism or predestination asserted in certain theological analyses is similar but interprets the homogeneity of the whole, not in terms of the equality of the ultimate particles (electrons, protons, neutrons, etc.) of which it is composed or of the continuity of the laws explaining phenomena, but in terms of common values and purposes implicit throughout. Natural laws, therefore, are not generalizations explaining observed coexistences, sequences, and behaviors but generalizations which must be observed in order that values and purposes assumed to be implicit in the whole (the will of God) may be realized in its parts. "He has predestined some to eternal life and some to eternal death. The former he effectually calls to salvation, and they are kept by Him in progressive faith and holiness unto the end" (John Calvin, *Institutes*, Book III). Modern determinism which is the presupposition both of scientific method and of practical activity assumes that "human behavior is largely influenced by certain factors revealed through a consideration of man's past" (Sidney Hook, "Determinism," *Encyclopaedia of the Social Sciences*). It recognizes the interaction of part and whole and of conditions and purposes, thus leaving room for some contingency and for occasional emergencies. See above, Vol. I, chap. xv, nn. 19, 36, 54, 63; Appen. IV, nn. 3 and 12; Vol. II, chap. xvi, nn. 2, 4, 5, 8; chap. xix, sec. 2a; below, chap. xxxviii, n. 3; Appen. XXV, nn. 16–19.

[33] Above, chap. xix, sec. 2b, c. This point of view is often adopted by those with a contemplative or analytic interest, while the voluntaristic point of view is characteristic

War has been defined as "a legal condition which equally permits two or more hostile groups to carry on a conflict by armed force."[34] This suggests that the requirements of law, the conditions of hostility, the process of conflict, and the technique of arms set the scene for war, leaving to free choice only a minor role. With much oversimplification and with decreasing accuracy as civilization develops, it may be said that wars usually result legally because of the tendency of a system of law to assume that the state is completely sovereign; psychologically, because of the improbability that all persons will be able to satisfy the human disposition to dominate; sociologically, because of the utility of external war as a means of integrating societies in times of emergency; and militarily, because of the need of political power confronted by rivals continually to increase itself in order to survive.[35]

The voluntaristic point of view holds that occurrences may be caused by the policy of the initiating entity. It assumes a pluralistic universe with many free agents.[36] Instead of the whole determining the behavior of lesser entities, such entities by their self-determined behavior influence the whole. Writers on war have been inclined to adopt this point of view. Historians have often insisted that war is the great contingency of history. Embarkation upon war is an act of free will, and its consequences change the course of history.[37] While no one denies that antecedent conditions, circumstances, tendencies, and generalizations of experience exercise some influence, practical writers and jurists often treat the initiation of war as in large measure an act of choice by at least one of the parties.[38]

From the voluntaristic point of view war might be defined as the utilization by a group of violent means to remove political obstructions in the path of group policy. War is simply policy when speed is

of those with a manipulative or practical interest. See above, Vol. I, chap. ii, secs. 4 and 5; below, Appen. XXXVII.

[34] Above, Vol. I, chap. ii, sec. 1; Vol. II, chap. xvii, sec. 5.

[35] Above, chap. xix, sec. 2a; below, chap. xxxvii.

[36] William James, A Pluralistic Universe (New York, 1912), pp. 34 and 326. See above, n. 32.

[37] Charles Oman, The Sixteenth Century (London, 1936), chap. i.

[38] Above, n. 8.

necessary and political obstructions will not yield to persuasion.[39] From this point of view the causes of war consist of a description of the particular ends or political objectives of the various states, of the political obstructions to the achievement of these ends, and of the circumstances which make violence seem the appropriate procedure to the initiating government.[40]

Explanations of war from the deterministic and voluntaristic points of view differ in degree rather than in kind, and they tend to approach each other as the knowledge and intelligence of the entity which initiates war approaches zero or infinity. Determinism is a function either of matter or of God.[41] Man, being superior to unconscious matter and lower than the angels, can exercise uncertain choices. If a government had no knowledge at all of the external world, its reactions would be entirely determined by the natural law defining the behavior of entities of its type in contact with an environment of the type within which it exists. It would have no more freedom than would a particle of matter obeying the laws of gravitation and inertia. On the other hand, if a government had perfect knowledge of the universe in which it exists, it would be able to frame policies and adopt methods which were certain to succeed without disabling costs. Proposals which did not conform to these conditions would not be accepted. It is because governments know something but not everything that wars arise unpredictably. Indeterminism inheres in imperfect policies which, while emancipating states from the determinism of physical law, have not given them complete mastery of their destinies.

Analysis of the process by which governments expand their knowledge and perfect their policies may provide a prognosis of the future of war from the voluntaristic point of view.

It may be assumed that the most general policy of a sovereign entity in relation to its environment will be to create such conditions

[39] General Carl von Clausewitz, *On War* (London, 1911), III, 121. Above, Vol. I, chap. ii, n. 7; Vol. II, chap. xxviii, sec. 4*b*, *c*.

[40] Above, chap. xix, sec. 2*b*, *c*.

[41] In the first case, a determinism of scientific law; in the second, of divine will (see above, n. 32). Society gives man the opportunity to make choices. Aristotle thought the man incapable of social life either a beast or a god (above, chap. xxviii, n. 48). See also chap. xxxi on transition from "necessary" to "rational" solution of problems.

that in any future circumstance its will shall prevail. Such an entity has specific purposes and objectives, but, in proportion as its knowledge extends beyond its immediate environment to the more extensive space and duration involved in its life as a whole, it will seek generalized efficiency for its will—perfect freedom.[42] The methods for achieving this quest may be classified as political, economic, juridical, and social.[43]

The political method implies a continuous effort to expand power. This is done by obtaining control of the government (offices and leadership) of an organization whose symbols (name and ideology) are gaining in acceptance. The economic method implies a continuous effort to expand wealth. This is done by obtaining control of the universal symbols (money and credit) of goods and services. At times wealth has been able to buy the services of those with political power and thus to make the economic superior to the political method. More often power has been able to control wealth by confiscation, requisition, or taxation and thus to demonstrate its superiority.[44]

There have, however, always been limits to the freedom secured by either power or wealth. When many governments struggle for incompatible ends, an equilibrium in time develops, and the equilibrium determines the policy of the governments. The whole determines the parts. In such circumstances the juridical or social methods may be resorted to for gaining freedom.

The juridical method implies a continuous effort to realize justice. This is accomplished by developing and applying the symbols (law and procedure) of justice so that the freedom of the members of the community will be maximized. The social method implies a contin-

[42] The maximization of the freedom of its subjects has been considered the object of law (Albert Kocourek, *Jural Relations* [Indianapolis, 1927], p. 15) including international law. Cf. W. E. Hall, *A Treatise on International Law* (Oxford, 1924), chap. ii, secs. 7 and 8; L. Oppenheim, *International Law* (5th ed.; London, 1937), Vol. I, sec. 113; Q. Wright, *The Enforcement of International Law through Municipal Law in the United States* (Urbana, Ill., 1916), pp. 21 ff. Adolf Hitler considered "the goal of a German foreign policy of today must be the preparation of the reconquest of freedom for tomorrow" (*Mein Kampf* [New York, 1939], p. 888).

[43] These methods for achieving group freedom in external relations may be compared to the methods for integrating the group internally (see above, chap. xxviii, sec. 2).

[44] H. D. Lasswell, *World Politics and Personal Insecurity* (New York, 1935), p. 141. Lionel Robbins' (*The Economic Causes of War* [London, 1939], p. 117) definition of economic activity as activity for "securing means for satisfying . . . . ends in general" seems broad enough to cover also political activity. See below, Appen. XXVI, *f*.

ual effort to increase general welfare. This is accomplished by interpreting and teaching the symbols (religion and morality) of social sentiment so that through their observance contentment will be maximized within the community. At times justice as defined by law has provided the standards for judging welfare. At other times ideas of welfare have modified concepts of justice. It cannot be decided dogmatically whether governments would enjoy more freedom in a world in which justice is well organized but in which social standards are low or in a world with high standards of welfare but low standards of justice. Frequently justice and welfare accompany each other.[45]

It is also difficult to compare the freedom of a particular state with great power or wealth with that of a particular state in a just and contented world. It seems certain, however, that the average freedom of all states would be promoted by high standards of justice and welfare rather than by a general struggle for wealth or power. If that is the conclusion which increasing knowledge would develop, it might be anticipated that, with the advance of general enlightenment, governments would tend to direct their policies toward justice and welfare. They would, thereby, be identifying their policies with the world-community. The character of the whole would influence the character of the parts.[46]

It therefore appears that, whatever method of achieving freedom is adopted in a world of sovereign states, the influence of the whole upon the policy and the methods of the members is important. As contacts increase and knowledge develops, the whole, to an increasing extent, influences the parts; values to be achieved become more important than the facts of history; subjective control supersedes objective prediction; it becomes more profitable to consider the conditions of peace than the causes of war.[47]

[45] Above, chap. xxxii, sec. 2d; below, Appen. XXXVIII.

[46] William Seagle (*The Quest for Law* [New York, 1941], pp. 368–69) faces a dilemma in holding that international law, though merely a "law of coordination," cannot "tolerate" war. Unless it subordinates nations to a rule against war, it tolerates war (above, chap. xxv, n. 42). The dilemma may be avoided if it is admitted that neither whole nor part determines but each reciprocally influences the other (above, n. 32). See Gerhart Niemeyer, *Law without Force* (Princeton, 1941), pp. 396 ff., who, however, fails to realize that some international organization is a condition of such reciprocal influence. See above, chap. xxv, sec. 2; below, Appen. XXVIII, n. 1; Appen. XXXV, nn. 9, 11, 13.

[47] Above, Vol. I, chap. xv, n. 19; below, Appen. XLIV.

CHAPTER XXXV

MEASUREMENT OF INTERNATIONAL RELATIONS

EACH point of view with respect to war, to some extent, falsifies reality. Efforts to predict or to control war must estimate the relative weight to be given to each point of view and to numerous causal factors. It is not certain that a single analysis can exhibit all these relations.

Practical prediction of the time and place of the next war is a process involving interpretation of the existing situation in terms of a given analysis, criticisms of the assumptions of that analysis by comparison of the results of that interpretation with the developing facts, modification of the analysis and reinterpretation of the situation in view of this criticism, criticism of the new analysis, etc. Interpretation of facts by analysis and modification of analysis by facts may proceed ad infinitum, gradually approximating the truth as the outbreak of war approaches.[1] Statesmen make history by this process, but, in view of the continuous development of new factors, correct analysis has never been able to get much ahead of events. Long-range prediction of human affairs has never been very accurate.[2]

Is it possible to develop an analysis more adequate than those of the past for dealing with war in our time? Such an analysis might assume that the four points of view which have been presented are representative of the numerous possible points of view. An attempt might then be made to synthesize them in a superanalysis which would indicate the applicability of each to any historical contingency. It may be assumed as a first approximation that the probability of war is a function of the distances between states and of the policies which they pursue. Afghanistan is not likely to get into war

[1] Journalists may have an advantage over social scientists in judging the immediate prospects because they are more ready to readjust their previous opinions to changing facts.

[2] Above, Vol. I, Appen. V, sec. 2.

with Bolivia because their contacts with each other are so slight. The United States is not likely to get into war with Canada because the policies of these two states with reference to each other are so friendly. The notion of distance between states will be examined from the military, legal, sociological, and psychological points of view, after which the relation of distances to policies will be considered.

1. TECHNOLOGICAL AND STRATEGIC DISTANCES

When powers are so isolated from one another that there is no basis for mutual understanding, it would appear that stability is possible only on a balance-of-power basis. Appeal to common legal standards, to common cultural traditions, and to common personality ideals is not possible because, under such circumstances, the powers have nothing in common. Such isolation among human groups is, however, only possible as the consequence of physical incapacity to communicate. If human beings can communicate, they do so; and as a result of such communication each acquires an interest in the other and understanding develops, although there may be a considerable lag between contact and understanding. When understanding has passed a certain threshold, the assumptions of the balance of power are no longer valid.[3]

The degree of physical isolation of any power may be measured by its technological distance from all the others. The relative technological distance between different pairs may also be measured.

Technological distance is measured by the amount of cultural contact between two groups within a given time or, more simply, by the amount of communication of each with the other. Communication takes the form of messages, goods, and persons going from one group to another, the circulation of information, pictures, and generalizations about one group in the other, and the proliferation of practices, processes, ideas, and art forms which originate in one group within the other.[4]

Technological distance has a close relation to the anthropologists'

[3] Above, chap. xxxiv, sec. 1.

[4] Geographical distance, which among primitive people was an approximate measure of technological distance, has declined in relative importance with the invention of new means of transport and communication. Above, Vol. I, Appen. V, n. 12.

conception of the rate of cultural diffusion or borrowing between two groups. Although a high rate of cultural diffusion tends to produce cultural uniformity among the groups involved, it is not admissible to measure that rate by the degree of uniformity observable at a given time. Such uniformity may be the consequence of common origin or of parallel invention and not of borrowing.[5] Nor can technological distance be measured by the degree of economic and cultural interdependence between two groups. Such interdependence may flow from the exchange of a few essentials. A decrease of technological distance does, however, tend to produce both uniformity and interdependence.

Technological distance must also be distinguished from the conception of military or strategic distance. Strategic distance is a function of the obstacles to military attack by one state upon another. These obstacles include geographic distance, natural barriers, fortifications, and defensive forces.[6] Strategic distance is, therefore, a narrower conception than technological distance in that it relates only to military communication and transport and not to other forms of group contact. Strategic distance is less likely to be reciprocal than technological distance because artificial barriers to conquest vary more than artificial barriers to peaceful contact. The strategic distance from Germany to Belgium was much less than from Belgium to Germany, but the technological distance was about the same in either direction.

Technological distances, however, are not necessarily the same in both directions. The amount of communication of two groups with each other is not necessarily reciprocal. Group A may export a great many messages, goods, and persons to Group B, and the information thus obtained may circulate widely in B, establishing close contact of B with A. But at the same time Group A may take little in return and ignore that little, thus its technological distance from B may

[5] Above, Vol. I, Appen. V, nn. 10, 11, and 12. Although technological distance must not be confused with technological difference, the former is likely to produce the latter, and vice versa.

[6] Strategic distance, therefore, includes both the separation and power factors discussed in considering the balance of power (above, chap. xx, sec. 2; below, Appen. XXIX).

be great. Although such cases are not uncommon—probably China is technologically closer to the United States than the United States is to China[7]—yet in this analysis such cases will in first instance be ignored, and it will be assumed that technological relations are reciprocal and can be conceived as a distance. A more refined analysis will take direction into consideration.

Furthermore, it will be assumed that the rate of circulating information and of proliferating practices is roughly proportional to the rate at which messages, goods, and persons are being received, though this is not necessarily true. A few foreigners in political or economic control, as in a colony, may shorten technological distance with the home country out of proportion to the actual home contacts they maintain. A single ship a year is said to have spread a considerable amount of information about Europe in Japan during the Tokagawa period.[8] Thus the technological distance from Japan to Europe was probably shorter than that from Korea to Europe, though there was more direct contact in the latter case.[9]

In comparing technological distance between widely separated periods of time or widely separated areas, available channels of communication may serve as a measure. The rate at which messages, goods, and persons are received usually has a close relation to the rate at which existing channels of communication make it possible to receive them. Isochronic maps, plotting the extent of successive days of travel from Boston in 1790 and in 1939, indicate that the change from the stagecoach to the airplane has made the world of 1939 somewhat smaller, from this point of view, than were the Thirteen States of 1790. The cost of freight shipment has not been reduced quite as much, but the speed of conveying messages, with

[7] China's influence on the art, ideas, and economy of the West has been considerable (L. A. Maverick, "Chinese Influences upon the Physiocrats," *Economic History*, III [February, 1938], 54–67), but "the gross discrepancies between Western scholarship in the cultures of the Orient and Oriental scholarship in the culture of the West is a profoundly humiliating fact" (Jerome D. Greene, in *Problems of the Pacific, 1931* [Chicago: Institute of Pacific Relations, 1932], p. 469).

[8] Inazo Nitobe (ed.), *Western Influences in Modern Japan* (Chicago, 1931), pp. 92 ff.

[9] L. George Paik, *The History of Protestant Missions in Corea* (Pyeng Yang, Korea, 1929), pp. 24 ff.

the change from rider by land and sailboat at sea to cable and radio, has been very much greater.[10]

There has been an extraordinary reduction in the technological distances between the various social and political groups of the world during the last five centuries. This is due not only to the qualitative improvement in instruments of communication, travel, and transport but also to the increasing quantity of such instruments. The technological distance between Spain and Mexico approached infinity before Cortez; but, without important inventions, it became much less after Cortez had made an initial voyage and conquest. Today, although Mexico is again independent, the radio, cable, steamboat, and railroad have probably made it technologically nearer to Spain than it was during the period of Spanish rule.

Studies have been made of the increases in the number of telegrams, letters, railroad travelers, etc., going in or coming out of certain countries during the late nineteenth and twentieth centuries, when for the first time such statistical information became available. These indicate a rapid decrease in technological distances between each country and the outside world, although the influence of nationalism is indicated by the even greater speed of the diminution of technological distances within the countries themselves.[11] Nationalism has also been reflected in the erection of artificial barriers to trade, travel, and communication, tending to increase technological distances between states.

The technological distances separating pairs of similar countries may be compared over short periods of time by comparison of trade statistics. The quantity of trade is usually roughly related to the quantity of messages and travelers. Probably trade, with its accompanying advertising and merchandising, is more influential in spreading information and practices and shortening technological distances than are the activities of missionaries, official emissaries, or other forms of contact. Trade statistics indicate shorter technological distances from the United States to Canada than to England in the twentieth century, though the latter distance is much shorter

[10] Eugene Staley, *World Economy in Transition* (New York, 1939), chap. i.

[11] James C. King, "Some Elements of National Solidarity" (manuscript, University of Chicago Library, 1933), chap. ii.

than that from the United States to Mexico. The United States has been technologically nearer to Japan than to Mexico, but it has been much farther from Russia.[12]

Another index of technological distance is provided by the press. Measurements may be made of the quantity of news or comment in the press of one country about the other. While particular circumstances of war, disaster, etc., may for a time direct an excessive amount of attention to an unimportant state, if averaged over a long time the relative news space devoted to states should indicate the relative interest in those states. This should be related to the quantity of contacts. This index suggests that the United States is technologically nearer to Europe than to the Far East or Latin America.[13]

A comparison of isochronic maps, trade statistics, and news interest suggests that, while geographic distance is an element in technological distance, the correlation of the two is not high. Because of superior channels of trade and communication with distant areas, or because of the presence of formidable geographic barriers with neighboring countries, the latter may be technologically more distant.[14]

While a statistical analysis of the changes in technological distances between the powers will not be attempted, it is safe to say that its general and rapid diminution has seriously impaired the validity of the assumptions of the balance of power in the contemporary world.[15] Powers no longer conceive their relations with others solely in terms of self-preservation and expansion. Furthermore, a decrease in technological distance tends to decrease strategic distance, though the two concepts are not the same. A general decline in strategic distance tends to increase the vulnerability of all states to attack and

[12] Measured by total trade, the order of technological distance from the United States to a dozen principal countries before World War II was Canada (760), United Kingdom (631), Japan (376), Cuba (195), France (193), Germany (180), Mexico (125), Argentina (123), China (121), Netherlands (103), Australia (81), U.S.S.R. (34). The figures indicate the total trade in 1936 in millions of dollars. A more accurate index would give consideration to the type of trade and the size of populations involved.

[13] Mrs. Malbone W. Graham, "Survey of Adult Education in the Los Angeles Metropolitan Area ("California Association of Adult Education Report," No. 3 [Los Angeles, May, 1937]), pp. 6–7 (typewritten).

[14] Above, n. 4.   [15] See above, chap. xx, sec. 2.

to decrease the stability of the balance of power, especially when this decline is in the relations of the great powers with their smaller neighbors.[16]

Columns 1 and 2 of Figure 42 (Appen. XL) indicate the relative technological and strategic distances of pairs of the great powers resulting from the writer's judgment in ranking each of the powers with respect to its material contacts with each of the others and with respect to its vulnerability to attack by each of the others. The average of the distances in each direction was taken as measuring the distances.

The degree of technological and strategic isolation of each of the great powers from all the others was estimated by adding together the figures indicating, respectively, the rank order in technological separation and strategic invulnerability with each of the others.[17]

2. INTELLECTUAL AND LEGAL DISTANCES

The possibility of controlling the relations of states by law or negotiation depends upon the achievement of a certain minimum of intellectual distance. Solution of controversy by rational discussion is not possible unless some common ground in the universe of discourse can be discovered. If any logical premises whatever are accepted by both parties as the basis of argument, dialectics may solve the dispute.[18] Intellectual distance, therefore, may be measured by the degree of resemblance between two entities in logical rigor, precision in the use of terms, familiarity with meanings, and other intellectual virtues.[19]

---

[16] Above, chap. xx, n. 35.   [17] See below, Appen. XL, Tables 71 and 72; Fig. 43.

[18] See Mortimer Adler, *Dialectics* (New York, 1927).

[19] The term "symbolic distance" has been used to mean the distance between a symbol and the thing symbolized (Scott Buchanan, *Symbolic Distance* [London: Orthological Institute, 1932]; above, chap. xxvii, sec. 3b). The logical process shortens this distance by clarifying the meaning of symbols. The intellectual distance between two individuals or groups might, therefore, be measured by comparing the symbolic distances of the terms they use. If A uses terms with great precision and B with excessive vagueness, A and B are intellectually far apart. Intellectual distance does not involve acceptance of common evaluations (as does social distance) but of common meanings. Dialectics as a mode of settling controversy implies, however, that acceptance of valuations follows from acceptance of meanings, in this agreeing with Plato (*Meno, Republic*, sec. iv) that knowledge implies virtue, truth implies goodness, and wisdom implies justice,

Legal distance is closely related to intellectual distance. It consists in the degree of mutual recognition of equality between jural persons. Any system of justice must assume that each of those whose relations are governed by it recognizes in some degree the reciprocating wills of the others.[20] A, conscious of his own purposes, and obstructed by B, may interpret B's obstructions as flowing from similar purposes and so may assume that B will correctly interpret A's purposes. From such a mutual understanding a solution of the difficulty by discussion, whether by way of compromise, bargain, or subordination to some higher purpose of both, is possible.[21] If, on the other hand, two groups, even though in close contact with each other, do not recognize any reciprocity in their relations, there is no basis for jural relations. If Group A regards Group B solely as an object of exploitation, as one might view a mine or a forest, a jural order is impossible between them.[22] Such a situation is rare among human groups in contact with one another.[23] Even the prisoner of war, the slave, and the conquered people if permitted to live are regarded as having some rights. This is because it requires very little

rather than with Thomas Aquinas (*Summa contra Gentiles*) that reason (philosophy) and faith (theology), though consistent, spring from different sources supplementing each other.

[20] James Lorimer relates this proposition to the necessary jural linkage of rights and duties, to the necessary economic reciprocity of buyer and seller, to the necessary political dependence of liberty upon law, and to the necessary religious recognition of the golden rule (*The Institutes of the Law of Nations* [Edinburgh, 1883], I, 109–11, 133–35). "The states are international persons because they recognize these qualities in one another and recognize their responsibility for violation of these qualities" (L. Oppenheim, *International Law* [5th ed.; London, 1937], Vol. I, sec. 113; see also W. E. Hall, *A Treatise on International Law* [7th ed.; Oxford, 1924], secs. 1 and 2, pp. 17–20). A system of law may be based on the organization of power regardless of justice (above, chap. xxii, sec. 4a; chap. xxiii, sec. 2) and a system of ethics on revelation regardless of reason (T. V. Smith, "Ethics," *Encyclopaedia of the Social Sciences*), but the idea of justice, whether emphasizing procedure or substance, has never been dissociated from equality and rationality, inherent in the notion of reciprocating wills (see Georges Gurvitch, "Justice," *Encyclopaedia of the Social Sciences;* above, chap. xxiii, n. 27). Law has seldom been entirely dissociated from justice (above, chap. xxii, n. 53; chap. xxiii, n. 5).

[21] These are the assumptions of the rational ideal of human personality (above, chap. xxxiii, sec. 4b).

[22] This is the assumption of the "will to power" ideal of human personality (above, chap. xxxiii, sec. 4c).

[23] See above, chap. xxxiv, n. 16.

experience with the exploitation of human beings to discover that the cost of exploitation can be greatly reduced if voluntary effort is induced by some assurance of security. There is, however, a wide gap between the slight recognition of right accorded a slave or an enemy and the complete equality of status of free men in a civil community. That gap may be filled by the conception of legal distance. It means the degree of jural equality mutually recognized by two persons or groups.[24]

Legal distance, like intellectual distance, is not necessarily the same in both directions. A may comprehend B's assumptions and methods of reasoning, whereas B may not have a similar comprehension of A's logical processes. A may treat B as an equal, while B may treat A as an inferior. Legal systems usually assume, however, that if there is any mutual understanding and mutual recognition, legal sources can be found able to determine differences of status objectively. In law the relationship of A and B, whether of equality or of inequality, is the same, whether examined from A's or from B's point of view.[25]

The concept of status, measuring legal distance, has been well developed in international law in spite of the dogmatic assertion of equality of states by the early publicists. Colonies, vassal states, protectorates, neutralized states, mandated territories, and dominions have statuses less than full sovereignty.[26] Each of these terms

[24] Crane Brinton, "Equality" and "Natural Rights," and Max Radin, "Status," in *Encyclopaedia of the Social Sciences.*

[25] A legal system is necessarily based on objective relationships rather than on subjective appraisals. In a legal decision, A's right with respect to B must be the same as B's duty with respect to A, however differently A and B may appraise them in their arguments before the court.

[26] Until the latter part of the nineteenth century international law tolerated a presumption in favor of the recognition of independent communities of Western civilization and against the recognition of independent communities of different civilization (Hall, *op. cit.,* sec. 6, p. 47; Oppenheim, *op. cit.,* Vol. I, secs. 102 and 103). On the expansion of the modern community of nations see Q. Wright, *Legal Problems in the Far Eastern Conflict* (New York: Institute of Pacific Relations, 1941), pp. 19 ff.; George Young, "Europeanization," *Encyclopaedia of the Social Sciences;* above, Vol. I, chap. viii, sec. 4d (iv). Lorimer raised the question whether eligibility to recognition ought not to be measured "rather by the approach which they make to their own ideals than to ours" (*op. cit.,* p. 94) and answers that jurisprudence should be based on universal ethical principles independent of particular civilizations (ibid., p. 98). He provides an elaborate

implies a certain legal distance of all members of a class from all members of another class. More refined methods of measurement might be developed by examining all the legal relations between pairs of states resulting from recognition, diplomatic procedure, treaties, customary practice, etc. These would often disclose some inequality in the legal relations of formally sovereign states. Going even further, discriminations in the application of tariffs, immigration laws, and civil or economic rights by one state to nationals of the other might be discovered. Before World War II the United States was legally nearer to England than to France, because it had a greater abundance of treaties with the former reciprocally defining their jural relations. It was, however, legally nearer to France than it was to Germany, because the latter was discriminated against commercially. It was even further from Japan, because the latter was discriminated against in immigration and jural relations were more meagerly defined by treaties. The legal distance between the United States and China, still bound by extraterritoriality, was even greater, while that between the United States and entities of inferior international status such as Tunis and Malaya was greater still.

The minimum of legal distance is achieved only with a complete recognition of equality of status and precise and reciprocal definition of all legal relations. The less the legal distance between states, the more applicable is the legal point of view in estimating the probability of war or peace between them. The great variations in legal distance among the states of the contemporary world seriously impair the value of international law and international procedure as guides to their behavior.

scheme of presumptions based on the general principle that any community is entitled to recognition as a state if it has the will and the power to reciprocate in performance of the duties implied (*ibid.*, pp. 109 and 133). He, however, insists that intolerance, dependence, immaturity, incompetence, isolation, and other conditions (*ibid.*, chaps. vii, viii, xi, xiii, xiv) may require that recognition be qualified (*ibid.*, chaps. xv and xvi). On qualifications of recognition see E. D. Dickinson, *Equality of States in International Law* (Cambridge, Mass., 1920); Q. Wright, *Mandates under the League of Nations* (Chicago, 1930), pp. 276 and 286. While differences in political power usually influence differences in legal states, the conceptions are distinct. It was judicially observed that "Russia and Geneva have equal rights" (Chief Justice Marshall in *The Antelope*, 10 Wheat. 66, [1825]; see also Sir William Scott in *Le Louis*, 2 Dods. 210 [1817]).

Columns 3 and 4 of Figure 42 (Appen. XL) indicate the relative intellectual and legal distances of pairs of the great states resulting from judgments ranking each of the states with respect to its intellectual resemblance to each of the others and with respect to its recognition of the legal equality of each of the others. The average of the distances from each direction was taken as measuring the distances between the pairs. The degree of intellectual and legal isolation of each state from all the others was estimated by adding together the figures indicating, respectively, its rank order in intellectual difference and in legal inequality with each of the others.[27]

3. SOCIAL AND POLITICAL DISTANCES

Social relations beyond the primary contact group imply a common acceptance of, and loyalty to, certain institutional symbols.[28] Intellectual and legal relations imply some common acceptance by the entities concerned of the premises of rational or legal argument, but the effective basis of these relations is rather the mutual recognition of one another as entities capable of comprehending and arguing from such premises.

The social distance between two groups may be measured by the similarity of their public opinions about the symbols of important political, religious, economic, and social institutions. A crude measure can be found by comparing formal relations to such institutions. Thus the social distance of Roman Catholic countries from one another may be less than that of any of them from Protestant or non-Christian countries. Civil-law countries may be socially nearer to one another than any of them are to common-law countries.

Political distances may be measured by similar criteria. Before World War II, Canada, Ireland, and New Zealand, as dominions of of the British Crown, were usually considered politically nearer to one another than to France or to the United States. The three dominions and France might have been considered politically nearer to one another than any of them were to the United States, because they were all members of the League of Nations, and the United States was not. But, in fact, the opinions concerning the British

[27] Below, Appen. XL, Tables 71 and 72; Fig. 43.

[28] Above, chap. xxviii, sec. 3.

Crown generally held in Ireland and in New Zealand were very different. Thus an appraisal of opinions toward these symbols should modify conclusions reached from a study of formal relations alone. In case the public opinions are not reciprocal, the distance of the two with respect to that symbol may be considered as an average of the opinions.

Political distances may also be measured by comparing the independent budgets of governments with the budgets of supergovernments or superorganizations. Independent budgets tend to isolate governments; budgets of superbodies tend to integrate them.[29] Before World War II the budget of the United States was larger than that of all the states of the Union put together,[30] while that of the League of Nations was some one part in eight thousand of that of the states of the world.[31] This indicates the tremendously greater political distance between members of the League as compared with states of the American Union at that time. While the expenditures of national governments have tended to increase more rapidly than those of either local or international agencies, there had been, up to the outbreak of World War II, a continuous relative increase in the latter.[32]

[29] Louis Wirth, "Localism, Regionalism, and Centralization," *American Journal of Sociology*, XLII (January, 1937), 493 ff.

[30] C. E. Merriam, "Government and Society," in *Recent Social Trends*, ed. Ogburn (New York, 1933), II, 1534. Measured in 1915 dollars and ignoring the large budgets during World War I, net United States federal expenditures progressed from 1915 to 1930 by nearly 300 per cent ($760 to $2,044 million); net expenditures of the forty-eight states progressed slightly less rapidly ($494 to $1,212 million), remaining about three-fifths as large (C. H. Wooddy, "The Growth of Government Functions," in *Recent Social Trends*, ed. Ogburn, II, 1281 and 1293).

[31] Above, chap. xxix, sec. 5a. If the budgets of all international organizations were added together, the proportion would still be very small.

[32] Above, chap. xxix, sec. 5d. United States expenditures for foreign relations had not increased from 1915 to 1930 quite so rapidly as general civil expenditures or general military expenditures and much less rapidly than the general federal budget in which nonfunctional expenditures (interest charges) had increased most rapidly (Wooddy, *op. cit.*, p. 1281; William T. R. Fox, "Appropriations and Personnel in the Department of State" [manuscript, University of Chicago Library, 1934]). During this period American relationship to the family of nations was "vacillating between isolation and participation, without a well knit, determined and consistent policy" (Merriam, *op. cit.*, p. 1536). Other major countries spent during this period from three to ten times as large a proportion of their national budgets on foreign relations (H. K. Norton, "Foreign Af-

Political relations are merely one phase of social relations; but, in view of the great importance from the point of view of international relations, political distance has been treated separately from social distance.[33]

As in the case of technological and intellectual distance, probably the most practical method of measuring social and political distances is through the averaging of expert judgments. For this purpose judgments might be made on the question: "Which pair is the most united?" The word "united" usually has a political connotation; consequently, for judging relative social distances, the question was phrased: "With which state does a given state share the most institutions?" and for political distance: "With which state is a given state most politically united?" Columns 5 and 6 of Figures 42 and 43 (Appen. XL) indicate the relative distances with respect to social and political distance between each pair of the great nations and the degree of social and political isolation of each of these nations from all the others, estimated from the writer's judgment upon those questions.

4. PSYCHIC AND EXPECTANCY DISTANCES

Psychic relations imply attitudes of friendliness or hostility of entities toward one another. When the entities are groups, such attitudes may be identified with states of public opinion. Psychic relations differ from social relations in that the latter are measured by comparison of the public opinions of different groups about the same symbol, while psychic relations are measured by comparison of the

fairs Organization," *Annals of the American Academy of Social and Political Science,* CXLIII [suppl.; May, 1929], 63). All governments tended to devolve the conduct of much international business upon national agencies other than the foreign office and upon international agencies. See S. H. Bailey, "Devolution in the Conduct of International Relations," *Economica,* X (November, 1930), 259 ff.; Mildred FitzHenry, "The Development of Official Contacts between States through Agencies Other Than Foreign Offices" (manuscript, University of Chicago Library, 1935).

[33] If by political is meant "the evaluation [by individuals or groups] of their environment in terms of their fighting effectiveness in relation to it" (H. D. Lasswell, *World Politics and Personal Insecurity* [New York, 1935], p. 141), political distances would be equivalent to strategical distances. Various meanings of "politics" are discussed below (Appen. XXVII, sec. 2), but it hardly seems legitimate to dissociate it entirely from the relationship of the individual or group to some larger community or polis.

public opinions of different groups about different symbols, that is, the opinion of A about the symbols of B and of B about the symbols of A. Theoretically, these opinions need not be reciprocal. A may be friendly to B, while B may be very hostile to A, and in fact differences of this kind do exist, though the tendency is for such attitudes and opinions to be reciprocal. Friendliness tends to engender friendliness and hostility tends to engender hostility.[34] Thus the psychic distances between a pair of people may be measured by the average of the opinions of each about the other.

Various methods for measuring such states of public opinion have been applied. These include analysis of attitude statements from the press,[35] analysis of opinions of the man on the street,[36] and analysis of the opinion of experts. The latter method appears to be the most convenient and reliable.

Studies by F. L. Klingberg utilized the method of "triadic combinations" and "multidimensional rank orders" to ascertain the relations of friendliness and hostility between the great powers and certain other states in 1938, 1939, 1940, and 1941. The results are indicated in Figure 50.[37]

These data made it possible to represent the psychic distances between the principal powers in a three-dimensional model on which each was represented by a point in space. It proved possible to divide the states, arranged in such a model, by perpendicular axes about which they could be grouped in different ways, suggesting the meaningful independent factors which probably influenced the judges consciously or unconsciously in formulating their judgments. These axes suggested the following contrasts when consideration was given to the grouping of the powers about them. The rankings are based on judgments in the spring of 1939. (1) *Status quo* versus revisionism upon which the great powers ranked: France, United States,

[34] Richardson, in Appen. XLII below.

[35] See below, Appen. XLI.

[36] As in the Gallup, *Fortune*, and other polls (see George Gallup and S. F. Rae, *The Pulse of Democracy: The Public-Opinion Poll and How It Works* [New York, 1940]).

[37] Below, Appen. XLI. These relate to the opinions of the politically effective in the state's population. The proportion of these to the total population may vary greatly according to the form of government and society.

Great Britain, Soviet Union, Japan, Germany, Italy. (2) Anticom-
munism versus communism upon which the powers ranked: Japan,
Great Britain, Germany, Italy, the United States, France, Russia.
(3) Anti-war versus warlikeness upon which the powers ranked:
United States, Italy, Great Britain, Russia, France, Japan, Ger-
many. Italy manifested a surprisingly high anti-war attitude. This
finding was supported by Italy's initial neutrality in World War II
and by the reports of some of the correspondents in Italy at the time,
in spite of Mussolini's belligerent utterances. In this model based
on data of 1939, differing from that based on 1938 data, it was not
possible to arrange Russia in a position which accurately indicated
its psychic distance from all the countries. This may have indicated
doubt as to its relations—a doubt justified by its rapid shifts of pol-
icy in August, 1939—or it may have indicated that a fourth axis, in-
capable of representation on a model, was necessary correctly to in-
dicate all the relations. The opinions of the smaller states about the
great states, as disclosed by the opinions of these judges, tended to
rank the great powers along a different axis which might be de-
scribed as liberal versus despotic. Upon this axis the powers ap-
peared in the order: United States, France, Great Britain, Soviet
Union, Japan, Italy, and Germany.[38]

The distance with respect to expectation of war is obviously
closely related to psychic distance. Anxieties are closely related to
unfriendly attitudes, but they are not precisely the same because
they give weight not only to the relative friendliness and hostility of
pairs of states but also to their geographic, political, and other rela-
tions. Expectancy of war also differs from the probability of war in
that it refers to the expectancy of peace or war in the opinion of the
populations themselves. This might differ from the expectancy of
peace or war as estimated by an impartial scientific observer.

It is clear that the expectancy of war between two states may dif-
fer with respect to each of them. Two peoples might be extremely
hostile to each other, and yet one, because of a high degree of paci-
fism and optimism, might decline to expect war, whereas the other

---

[38] See Frank L. Klingberg, "Studies in the Measurement of Relations among Sover-
eign States," *Psychometrika*, VI (December, 1941), 347 ff. See below, Appen. XL, Fig.
44, for model based on 1938 data.

might both expect and prepare for it. In estimating this distance, however, such differences have been averaged.

Columns 7 and 8 of Figure 42 indicate the relative friendliness and the relative expectation of war of the principal peoples on the basis of the writer's judgment with respect to the questions: "With which is a given people most friendly?" and "Which does a given one least expect to fight?"[39] Columns 7 and 8 of Figure 43 indicate the degree of isolation of each of the principal peoples from all the others with respect both to popularity and to expectation of war.[40]

5. POLICIES AND DISTANCES

If the family of nations is considered as a whole, it is clear that, on the average, technological and intellectual distances between states have been decreasing during the modern period, while this is not so clearly true of psychic and social distances.[41] There are, however, great variations among pairs of states with respect to each of these distances. The relationship of two states to each other may be described, on the one hand, as a function of their distances from each other, of the rate of change of these distances, and of the degree of reciprocity in the contacts and opinions accountable for the distances, and, on the other hand, as a function of the policies (a) of each of the states toward the other and (b) of outside states toward both of them.

a) *Policies of disputing states.*—Policies and distances are clearly interrelated. States widely separated technologically have little interest in one another and are not likely to have any policies at all toward one another. States that are friendly will have very different policies toward one another from those that are hostile.[42] On the

[39] Below, Appen. XL, Table 71.

[40] Below, Appen. XL, Table 72. For influence of war expectancies on war probability see above, chap. xxxiii, n. 96; below, chap. xxxvi, n. 25 and sec. 4; Appen. XLII.

[41] Staley, *op. cit.*, chap. iii; League of Nations, "Report of Special [Bruce] Committee," *The Development of International Cooperation in Economic and Social Affairs* (Geneva, August, 1939); above, Vol. I, chap. xv, n. 58. This conforms with W. F. Ogburn's finding that changes in "adaptive culture" tend to lag behind those in "material culture" (*Social Change* [New York, 1922], pp. 280 ff.). See above, chap. xxviii, nn. 63 and 64.

[42] The success of a national policy depends to a considerable extent upon the accuracy with which distances have been calculated. The American policy of rigorous neu-

other hand, policy may influence distance. A policy of co-operation tends to produce commerce and friendliness, and a policy of aggression, the reverse.[43] The relationship of policies to distances will be considered both as cause and as effect.

The policy of a state when in controversy with another may be to seek solution (1) by delay, in the hope that conditions may be more favorable in the future; (2) by negotiation, in the hope that a satisfactory compromise or bargain may be made; (3) by adjudication, in the expectation that by an impartial application of law and accepted standards it may gain its ends; or (4) by dictation, in the confidence that by a strong stand, perhaps using threats or even violence itself, it can permanently settle the controversy in accordance with its wishes.[44]

Dilatory tactics or negotiation are likely to be utilized if states are widely separated technologically, as have been oriental and occidental states until recent times, and such policies are probably best adapted to solve the controversies of states so situated.[45] Negotia-

---

trality contemplated by the act of 1937 could have been effective only if technical and psychic distances from the belligerents had been great. Since they were not when that policy was applied on the outbreak of World War II, the policy was soon abandoned, and a policy of assistance to the belligerent group nearest to the United States both technologically and psychically was adopted (Q. Wright, "Repeal of the Neutrality Act," *American Journal of International Law*, XXXVI [January, 1942], 8 ff.).

[43] Above, n. 34.

[44] Above, chap. xxxiii, nn. 52 and 53.

[45] Q. Wright, *Diplomatic Machinery of the Pacific Area* (New York: Institute of Pacific Relations, 1936), pp. 26 ff. "In the sixteenth and early seventeenth centuries, the wars between Catholics and Protestants filled Europe, and all large scale propaganda was in favor of one or other of the two creeds. Yet ultimate victory went to neither party, but to those who thought the issues between them unimportant. . . . . If the world, in the near future, becomes divided between Communists and Fascists, the final victory will go to neither, but to those who shrug their shoulders and say, like Candide, 'Cela est bien dit, mais il faut cultiver notre jardin.' The ultimate limit to the power of· creeds is set by boredom, weariness, and love of ease" (Bertrand Russell, *Power: A New Social Analysis* [New York, 1938], p. 156). See also above, Vol. I, chap. viii, sec. 3. Whether doing nothing will facilitate the peaceful obsolescence of controversies is influenced by distances. The religious disputes of Europe between factions technologically near to each other caused much violence. If states are technologically near to one another, disputes will be frequent and dilatory tactics are likely to lead to an accumulation of disputes and an increasing aggravation of relations. Each incident comes to be considered in relation to its bargaining value in a general settlement, and it becomes pro-

tion promises success in proportion to the psychic closeness of the parties.[46] Adjudication or dictation is likely to be utilized only if technological and strategical distances are short,[47] and adjudication only if psychic distance is also short.[48]

In general, therefore, as technological distance decreases, there is likely to be a movement from relative predominance of methods of delay to relative predominance of methods of negotiation, adjudication, and finally dictation. As psychic distances decrease, there will tend to be a movement from predominance of methods of dictation to predominance of methods of delay, negotiation, and finally adjudication. These relationships will, however, be affected by rates of change and conditions of reciprocity. Dictation is likely to be used if technological distance is decreasing more rapidly than psychic distance,[49] and arbitration will be employed if the reverse is true.[50] Dictation is also likely, even if the states are technologically distant from each other, if their stategic distance is not reciprocal. This condition is probable if one state is technologicaly much more advanced,

---

gressively more difficult to settle any issue on its merits. Such a situation has been manifested in the relations of the United States and Great Britain. These relations have gone through oscillations of about a generation in which disputes accumulated and relations became worse until after military or verbal hostilities a major treaty settled all issues or initiated a series of settlements. Such major treaties were concluded in 1783 (Treaty of Paris), 1814 (Treaty of Ghent), 1842 (Webster-Ashburton Treaty), 1871 (Treaty of Washington), 1901 (Hay-Pauncefote Treaty), and 1930 (London Naval Treaty).

[46] Friends can compromise easier than enemies. Negotiation is facilitated by a good dinner.

[47] Because only in such circumstances does a definitive settlement seem necessary. The United States has employed these methods especially with Canada, Mexico, and the Caribbean countries. Dictation implies capacity to bring material pressure. A strong state may find it costly to bring such pressure upon a strategically distant state even though the latter is weak. A weak state may attempt to dictate to a strong if it is sheltered by distance or a balance-of-power situation and if the stronger state presents certain points of vulnerability. It may confiscate debts, seize shipping, or boycott trade, while neighbors of the strong state would not. Several small Latin-American states declared war on Germany in 1917, but small European states did not. These circumstances indicate a need for consideration of technological distances in the organization of sanctions (see James T. Shotwell, *On the Rim of the Abyss* [New York, 1936], chap. xi).

[48] Because otherwise there will not be sufficient mutual confidence.

[49] Because capacity to coerce is increasing, but confidence is not.

[50] Because confidence is increasing (see below, chap. xxxvi, n. 55; Appen. XLIII, sec. 1).

as were, for instance, European powers compared with the American Indians in the sixteenth century.[51]

b) Policies of third states.—The policies of third states confronted by violent controversy may be classified as those of isolationist neutrality, prudent preparedness, balance of power, and collective security. The isolationist neutrals scatter from the conflict like a flock of chickens attacked by a hawk. The prudent preparers appease the powerful aggressor in order to divert his attention or to profit by his conquest, like the jackal following the tiger. The balancers of power spontaneously help the weaker like a band of apes assisting one of their number in danger. The adherents to collective security collaborate in a prearranged plan against aggression as in human societies enforcing law. The effectiveness of any of these policies for a particular state depends on many circumstances of which its distance from the belligerents and the policies pursued by other states are important.[52]

The policy likely to be followed in the group of states as a whole seems to depend mainly upon the average distances among states in the group. The policies followed tend to change those distances. As technological distances decrease, there will tend to be a movement from reliance upon isolationism through balance-of-power policies until finally, as states become technologically very interdependent, appeasement or collective-security policies may be resorted to. If psychic distances are great, appeasement will be preferred. If they are small, mutual confidence may be sufficient to permit of collective-security policies.[53]

In a pioneer community composed of self-seekers with little psychic solidarity, as the California forty-niners, everyone seeks secu-

[51] Above, chap. xxxii, n. 33; below, chap. xxxvi, sec. 4c; Appen. XLIII, sec. 3.

[52] See above, Vol. I, chap. xv, sec. 4; below, chap. xl, sec. 1c; Appen. XLIII, sec. 4. These policies are, respectively, supported by "neutral," "bandwagon," "underdog," and "juristic" sentiments (see Q. Wright and Carl J. Nelson, "American Attitudes toward Japan and China, 1937–38," *Public Opinion Quarterly*, III [January, 1939], 49 ff.).

[53] Great Britain changed from a predominantly isolationist to a predominantly balance-of-power policy at the end of the seventeenth century. The United States made a similar change two centuries later. Great Britain vacillated between appeasement and collective security after World War I. The United States similarly vacillated in the early stages of World War II.

rity through his own arms, and the spectators scatter whenever gun-play is in prospect. As economic interrelationships increase, this gives way to an era of vigilantism in which all combine *ad hoc* against dangerous characters. This may be followed by a feudal regime in which the weak attach themselves to the great, sacrificing liberty for protection. If, however, a general sense of community develops, a regime of law and order may be established in which the community as a whole suppresses banditry. As technological inter-dependences increase, if the sense of social solidarity does not increase proportionately, agitation for radical social change may gain sup-port. If belief in the success of the agitators develops, increasing numbers may flock to the revolutionary bandwagon and a new order may be set up. Revolution may, however, so shatter social order that technological distances increase and a condition of anarchy is re-verted to, starting a new cycle.[54]

Latin America has been said to have progressed through similar stages. After the colonial period, characterized by isolation and na-tionalistic differentiation, the independent states sought to develop relationships, first, of *convivencia*, or coexistence, and, then, of "eco-nomic and cultural co-operation." Leading spirits look forward to the eventual formation of "a permanent international organism." This, however, has been threatened by various movements of re-volt.[55]

Similar has been the development of the community of nations in the modern period, from the isolated and warring princes of the Ren-aissance through the balance of power of the seventeenth and eight-eenth centuries, to the movement of concert and collective security culminating in the League of Nations. With increasing complexity of international relations, movements of agitation and revolt have been initiated by certain dissatisfied powers, and there has been a tendency for some to jump on their bandwagon as the revolt of the aggressors gained success.[56]

[54] Above, Vol. I, chap. vii, sec. 1*b;* chap. xv, sec. 1*c;* Vol. II, chap. xxvi, sec. 2.

[55] Victor A. Belaunde, "Latin America and the United States," in Q. Wright (ed.), *Interpretations of American Foreign Policy* (Chicago, 1930), p. 130. See above, chap. xxix, n. 10.

[56] Above, Vol. I, chap. x, sec. 3; chap. xv, sec. 1*d.*

Anarchy and isolationism, *ad hoc* collaboration to maintain military equilibrium, political organization on a despotic or democratic model, and revolutionary agitation urging a new leadership—these stages appear to mark the normal political trend as technological distances decline within groups of individuals or of nations. The trend may become cyclical because revolution may widen technological distances and reintroduce anarchy.

If psychic distances decline more rapidly than technological distances, the cycle may be indefinitely stopped, and political organization may indefinitely maintain order. It is the lagging of psychic behind technological distance that causes aggression to be generalized into revolution and anarchy. This line of thought may be elaborated, giving consideration to distances other than the technological and psychic through the use of mathematical symbols.[57]

[57] Below, chap. xxxvi, sec. 4; Appen. XLIII.

CHAPTER XXXVI

THE PROBABILITY OF WAR

THE phrase "probability of war"[1] may refer to the probability, within a given time, that a particular state will become involved in war, that a particular pair of states will get into war with each other, that any state or any state in a particular area will become involved in war, or that a general war involving all or most of the states will occur. This discussion will, in general, deal with only the first two of these probabilities, although some reference will be made to the last. The third probability is so vague that it cannot be discussed intelligently unless the terms "state" and

---

[1] In mathematical theory, probability is usually held to mean the "relative frequency with which a property occurs in a specified class of elements" (Ernest Nagel, *Principles of the Theory of Probability* ["International Encyclopedia of Unified Science," Vol. I, No. 6 (Chicago, 1939)], p. 18). With this theory a probability statement cannot be made of a single event. Consequently, a statement that the probability of war between A and B is .80 must be interpreted to mean that in x situations, where two states have the relations of A and B, war will occur in .80x. According to the classical theory of probability (Laplace), a probability statement can "be made only in such cases as are analyzable into a set of equipossible alternatives" (*ibid.*, p. 45). With this theory the statement that the probability of war between A and B is .80 must be interpreted to mean that there are x equally possible developments in the relations of A and B of which .80x will eventuate in war. Statistical data are lacking to verify the first of these interpretations, and an analysis is lacking to verify the second. It has been suggested that the probability of a single event occurring can be interpreted as referring to the "weight of evidence" (*ibid.*, p. 66) or to "the 'logical distance' between a conclusion and its premises" (Keynes) (*ibid.*, p. 48). With this theory the two propositions: "the probability of war between A and B is .80" and "the probability of war between C and D is 1.00" can be interpreted as meaning that the statement, "C and D will get into war" is true, while the statement "A and B will get into war" is .20 distant from the truth, whatever that means. There is doubtless objection to the use of the word "probability" when its demonstration lacks the statistical foundations of the frequency theory or the analysis of equipossible alternatives of the classical theory. No better word, however, seems available to indicate the relative rational expectations of future events, and common usage permits use of the word in this sense. The concrete meaning of the numerical assignments of probability in this study must be interpreted in terms of the methods by which they have been obtained. In general, a higher probability rating can be interpreted to mean that the event (war) will occur sooner.

"war" are defined very precisely. With broad definitions it could be said that at least one war occurred in the world every year from 1920 to 1939.[2] On the other hand, with a very narrow definition, no wars at all occurred during that period.[3] A common-sense judgment suggests that thirteen wars occurred during the period.[4] The most precise question, if attention is confined to the great powers, is the second. It is usually clear what is meant by a war between a particular pair of great powers.[5]

The probability that a possible event will occur in the future increases in proportion as the time considered increases. To have meaning, predictive probability must be confined to a limited period of time marked by two future dates or by the present and one future date.[6]

The relations of friendliness and unfriendliness between states appear to be closely related to probabilities of peace or war, but these relationships fluctuate widely in short periods of time and exhibit little relationship to the more stable factors in international relations, such as geography, trade, state of the arts, and population included in the concept "technological relations."[7]

[2] Active campaigning took place in every year. See above, chap. xvii, n. 8.

[3] Paraguay declared war on Bolivia on May 10, 1933, and the League of Nations considered Italy's invasion of Ethiopia on October 3, 1935, a "resort to war," but in both cases the members of the League discriminated against one party, thus treating the episodes as aggression rather than as war. The other large-scale hostilities of the period were treated as "civil strife," "armed conflict," "reprisals," "intervention," or "aggression" and did not bring forth neutrality proclamations from any nonparticipating states (Q. Wright, "The Present Status of Neutrality," *American Journal of International Law*, XXXIV [July, 1940], 404 ff.).

[4] Above, Vol. I, Appen. XX, Table 41.

[5] Although opinions might differ whether the Lend-Lease Act of March, 1939, amounted to war between the United States and Germany. The United States did not regard the hostilities between Germany and Russia which began on June 22, 1941, as "a state of war" in the sense of the Neutrality Act of 1939, apparently considering them "aggression." These hostilities were probably on the largest scale in the history of the world, involving a line of battle over 2,000 miles long and over 10,000,000 soldiers.

[6] Business forecasts have often been so vague on this point that it has been difficult to appraise their accuracy in historical perspective (see Garfield V. Cox, *An Appraisal of American Business Forecasts* [2d ed.; Chicago, 1930]; see also below, n. 38).

[7] See above, chap. xxxv; below, Appen. XL, for interpretation of such relations in terms of measurable "distances."

If war results from fluctuations of opinion unrelated to any processes, patterns, or time series which can be reliably projected far into the future, long-time prediction of war is not possible. Bismarck doubted the usefulness of attempting to predict international politics beyond three years.[8]

In some instances two states have persisted in relations of periodic hostility for centuries, even though their relations fluctuated in the intervals. France and Germany have had a major war at least every seventy years during the last four centuries;[9] consequently, it might seem safe to wager that, after the conclusion of World War II, they will be at war again before a century has passed. It would be well to recall, however, that such a prediction might, with similar historical support, have been made of France and England in 1815; yet over a century passed, and they had not fought each other.[10]

Predictions may be based upon a projection of the present as a whole, with all its complications, for a few months or years into the future. Predictions may also be based upon an abstraction of the elements of history deemed to be persistent through centuries or millenniums. Between these two types of prediction are those based upon analyses distinguishing the degrees of stability of the factors constituting international relations over a decade or a generation. The latter type of prediction, which reflects the usual perspective of the social sciences, can be based only upon a synthesis of the data and analyses appropriate to the other two, and its reliability can rise little above that of its sources.[11]

[8] Letter from William L. Langer, January 20, 1937. See above, chap. xxx, sec. 4.

[9] Wars between France and Germany (Germanic Empire–Prussia–German Empire) occurred 1513–14, 1521–26, 1526–29, 1536–38, 1552–59, 1627–31, 1635–48, 1672–78, 1683–84, 1688–97, 1701–13, 1733–38, 1740–48, 1756–63, 1792–97, 1799–1802, 1805–7, 1813–15, 1870–71, 1914–20, 1939—— (above, Vol. I, Appen. XX). There was a peace of sixty-eight years after 1559 and of fifty-five years after 1815.

[10] Wars between France and England occurred 1512–14, 1544–46, 1557–59, 1562–63, 1621–22, 1665–67, 1672–78, 1688–97, 1701–13, 1733–38, 1740–48, 1755–63, 1778–83, 1793–1802, 1803–15 (above, Vol. I, Appen. XX). There was a peace of forty-three years after 1622. Hostilities occurred between British and Vichy French troops in Syria in 1941, 126 years after Waterloo.

[11] Above, Vol. I, chap. ii, sec. 3; below, Appen. XXV, sec. 1. See Garfield Cox, "Forecasting, Business," *Encyclopaedia of the Social Sciences*, VI, 348.

Bearing in mind the wide margin of error in short-, long-, and medium-run predictions respecting war, four methods may be considered for estimating its probability: (1) analysis of the opinions of experts, (2) extrapolation of the trends of certain indices, (3) ascertainment of the periodicity of crises, and (4) analysis of the relations between states.[12]

1. OPINION OF EXPERTS

In January, 1937, a schedule form was circulated in connection with this Study of War to two hundred and twenty persons selected because of their knowledge of world-affairs.[13] They were asked to rate from o to 10 the probability of war (within the next ten years) for eighty-eight pairs of states. Eighty-two judges filled out the schedule,[14] and the scale values for each pair of states were calculated with a range of o to 1. The results indicated in the accompanying chart[15] have to a considerable extent been borne out by subsequent history. Within six months of January, 1937, war (defined for the judges as "military operations on a large scale designed to compel submission of the opposing government") broke out between Japan and China (scored as the highest pair, .94). Russia and Japan (.89) carried on rather large-scale border hostilities, particularly in August, 1938 (Changkufeng incident), and May–August, 1939. Germany-Russia (.87), Germany-Czechoslovakia (.81), and Germany-France (.78) had serious crises in September, 1938; Germany occupied parts of

---

[12] These methods may be compared with those used in business forecasting described as (1) "balanced judgment" or "cross-cut analysis," (2) "historic comparison" or "analogy," (3) "delineation of statistical patterns," and (4) combination of 1 and 3 (see Cox, "Forecasting, Business," *op. cit.*, p. 352).

[13] Of these, 133 lived in the United States, 66 in Europe, 6 in Canada, 6 in Japan, 5 in China, 2 in Australia, 1 in New Zealand, and 1 in South America.

[14] Seventeen could not be used because they arrived too late or were faultily marked. Forty-six per cent of the United States judges filled out the schedules, 67 per cent of the Canadian, 14 per cent of the European (Americans living in Europe are excluded), and 36 per cent of the Far Eastern. Letters commenting on the method were received from over fifty of the judges, including a number who did not fill out the schedule. The latter indicated complete skepticism regarding the method, as did some who filled out the schedule. Historians tended to be more skeptical than social scientists. Europeans were extremely skeptical, generally refusing to fill out the schedules, in marked contrast to the Americans, Canadians, and Far Easterners.

[15] Below, Appen. XLI, Fig. 49 and Table 73.

Czechoslovakia in October, 1938, and March, 1939; and war with France began in September, 1939. Next on the scale was Germany–Great Britain (.66). The relatively low score might be interpreted as predicting England's efforts at "appeasement" in 1938, which, however, failed, and war began in September, 1939. Germany-Poland, Germany-Belgium, and Hungary-Czechoslovakia were next (.64). During the two years following the expressions of opinion, hostilities or a major crisis occurred between the states in the fourteen highest pairs (all above .60), with the exception of Italy-Yugoslavia (.65), Hungary-Yugoslavia (.63), Hungary-Rumania (.62), and Soviet Union–Poland (.60), and in two years more the states in all of these pairs had been engaged in hostilities with one another. Of the wars predicted with a probability above .60, 100 per cent occurred during the five years following the prediction, if important border hostilities are counted as wars; of those with a probability of from .50 to .60, 58 per cent occurred during this period; of those with a probability of from .40 to .50, 50 per cent occurred; and, of those with a probability of from .30 to .40, only 18 per cent occurred. If the Soviet-Japanese border hostilities of 1938 and 1939 are considered war, all the great-power wars which have occurred during this five-year period (January, 1937—January, 1942) began in approximately the order of the predicted probabilities, with exception of Germany–U.S.S.R., which was postponed about two years beyond expectation, presumably by the German-Soviet pact of August, 1939. The internal consistency of these judgments was relatively high.[16]

This study dealt with the probability of war between designated pairs of states, including all combinations of the great powers. From these data the probability of each one of the great powers getting into war during the period was estimated.[17] The order of this prob-

[16] The average difference between the ratings of two arbitrarily selected groups of the judges was .30 of the scale unit. The average probable error for the scale value was .27 of the scale unit.

[17] Below, Appen. XLI, Table 73. It was assumed that all the countries with which any of them were likely to fight were included in the study. The eighty-two pairs of states used had been selected from a longer list of over three hundred pairs. Those omitted were judged in a preliminary investigation to have very slight probability of getting into war with each other. The product of the probabilities of avoiding war in

ability for the fourteen highest states in January, 1937, was Germany (.999), U.S.S.R. (.994), Japan (.993), Hungary (.95), China (.94), Czechoslovakia (.93), Yugoslavia (.87), Poland (.86), France (.78), Great Britain (.66), Italy (.65), Belgium (.65), Rumania (.62), and Lithuania (.60). The most probable wars for the United States were with Japan (.56), with Germany (.46), and with Italy (.38). These results correspond closely with the actual order in which the states entered war in the next four years, though Yugoslavia was too high in the list and Poland too low. The Netherlands, Denmark, and Norway failed to appear in the list at all.

The instructions requested a rating of the probability of a pair being drawn into war against each other through any circumstances. The judges were therefore asked to consider not only the relation of the members of each pair to each other but also the relation of each member of the pair to other states which might participate in a general war. This influence of the general orientation of the policy of a state is undoubtedly an important factor in estimating the probability that it will become involved in war. This influence is especially important in the modern period because of the tendency of wars to spread and of all powers to polarize around one or the other side in a war between two great powers. Nothing in the relations of Germany and Cuba in 1915 would have been likely to suggest war between them, yet in two years they were at war, largely because of the relations of Cuba to the United States and of the United States to Germany.[18]

each of the pairs in which the state figured with a war probability over 60 per cent was subtracted from one. The probability that an event will happen is one *minus* the probability that it will not. The total probability that an event will not happen is the product of the probabilities that it will not happen on each occasion when it might happen. See below, n. 38.

[18] Some of the judges were uncertain whether the probability of such indirect involvement in war was to be included in the judgment. This was doubtless due to the custom of thinking of international relations as though they were only bilateral relations. In fact, in the present interdependent world, the relations of any pair of states is a function of the community of nations as whole, just as the relationship of the earth and the moon at any moment is a function of the entire solar system (see above, chap. xxxiv, sec. 1). The judges were asked to state their opinions, without reflection, on the hypothesis that, in dealing with a very complex phenomenon, judges with a broad knowledge of the total situation would be more likely to give proper weight to all factors if they did

This study was based on an appraisal of the probability of war for each pair of states, but a study could be made, more in accord with tested psychometric procedures, by asking the judges to compare the relative probability of war occurring among the various pairs. In later studies judges were asked to rate pairs of states according to their relative friendliness or unfriendliness. This would provide an index of the psychic distance between states which is closely related to their war expectancy and war probability[19] but is a less complicated concept and easier to rate.[20] A comparison of the results of these ratings made at five intervals from 1937 to 1941 among all pairs of the great powers indicated considerable fluctuations and a general tendency for both enmities and friendships to increase in intensity as the crisis deepened.[21]

These studies suggest that predictive results of some value for a few years ahead can be obtained from an analysis of expert opinions upon questions related to the probability of war. A moderate number of qualified judges would seem to be adequate to give useful results.[22]

not attempt a formal analysis. Such an analysis, unless more exhaustive than possible within the time usually given to the filling of a schedule, would be likely to concentrate on a few factors, especially those for which the judge had a bias, to the neglect of all others. This notion may have been behind the preference of Spinoza and Bergson for intuition when dealing with very complicated situations and behind Pope's warning that "a little learning is a dangerous thing." See above, chap. xxxiii, n. 75.

[19] See above, chap. xxxv, sec. 4; below, Appen. XL, Fig. 42 and Table 71.

[20] It confines attention to the bilateral psychic relations of states, thus ignoring the influence of strategic relations and of relations to third states, both of which enter into estimates of the probability of war between two states.

[21] See above, chap. xxxv, sec. 4; below, Appen. XLI, Fig. 50.

[22] In addition to the method of equal-appearing intervals (above, n. 14), Klingberg (above, chap. xxxv, nn. 37 and 38; below, Appens. XL and XLI) used the method of "triadic combinations" (judging the relative friendliness of each pair in every possible grouping of three states) and the method of "relative rank orders" (judging the rank order of friendliness of each state with all the others) (below, Appen. XLI, Fig. 50). The latter method was least laborious and most informing. Both of the latter methods manifested reliability and internal consistency of results. There was little difference between the judgments of two groups of judges chosen at random, especially with respect to the relations of the great powers. The average difference for the great powers was 2.6 per cent; for the small states, 4.1 per cent. The dispersion of the judgments was quite small except for certain small states, especially Czechoslovakia, Turkey, and Yugoslavia, with which the judges were presumably less familiar. '

2. TRENDS OF INDICES

Several types of observable facts have been thought to indicate a trend toward war. These facts include incidents initiated by private individuals or officials involving violence against or contempt for the nationals, agents, or symbols of another state; diplomatic correspondence and official public utterances of unfriendly or hostile tone; declarations of policy, conclusion of treaties, and enactment of legislation adverse to the political interests or prestige of another state; mobilizations of forces and movements of warships into strategically significant positions; legislative or other action reducing trade with another state; increase in military appropriations and development of preparedness programs; and violent expressions in the press or other mediums of public opinion in regard to other states. These types of action have been dealt with descriptively by historians and journalists and analytically by jurists. They doubtless provide a most important basis upon which statesmen estimate the probabilities of war. The last three types of activity relating to trade, armament, and opinion are more susceptible of quantitative treatment than the others and have provided the basis for numerous discussions of economic, military, and moral armament and disarmament.[23]

The commercial statistics and armament budgets of modern states are usually ascertainable. Commercial retaliations and armament races have often preceded war. L. F. Richardson has developed an elaborate theory of international politics by an analysis of the influence of rising military budgets (positive preparedness for war) and rising trade (negative preparedness for war) on the relations of states.[24] While his assumptions do not appear to be always justified, his conclusions support the frequent observation that the eventual consequences of a foreign policy, because of the tendency of other nations to retaliate or to reciprocate, may be the opposite of that intended.

Before a situation can be controlled, it must be understood. If you steer a boat on the theory that it ought to go towards the side to which you move the tiller, the boat will seem uncontrollable. "If we threaten," says the militarist,

[23] See above, chap. xxi, sec. 4.

[24] Lewis F. Richardson, *Generalized Foreign Politics* ("British Journal of Psychology: Monograph Supplements," Vol. XXIII [Cambridge, 1939]), p. 7; below, Appen. XLII.

"they will become docile." Actually they become angry and threaten reprisals. He has put the tiller to the wrong side. Or, to express it mathematically, he has mistaken the sign of the defense-coefficient.[25]

This is overstated. There are undoubtedly circumstances in which preparedness will increase security, and there are also circumstances in which increased trade will decrease security. In other words, the defense coefficient may be positive or it may be negative, and statesmen will have to take numerous circumstances into mind in judging which it is at a given time, taking care not to fall into the appeasement trap which some English statesmen did by following too literally advice such as that given by Richardson. It is, however, useful for statesmen to consider the danger of armament races and the ameliorating influence of reciprocal trade increases emphasized by Richardson, as it was a century earlier by Richard Cobden[26] and more recently by Secretary of State Cordell Hull.[27]

A classification and analysis of "attitude statements" copied from newspapers may give an indication of the changes during a period of time in the direction, intensity, and homogeneity of opinion in one country toward another. The accuracy of this index depends upon the degree to which newspapers are selected which either reflect or mold public opinion.[28] Such studies have been made of opinions in the United States toward France, Germany, Japan, and China and

[25] Richardson, op. cit., p. 83. Semanticists have attributed such behavior to "signal reactions" resulting from attention to the "intentional meaning" of words and symbols to the neglect of their "extensional meaning" (see S. I. Hayakawa, Language in Action [New York, 1941], p. 239; above, chap. xxviii, n. 58).

[26] Richard Cobden (Political Writings [London, 1867], p .17) argued that peace is promoted by free trade and that the freeing of trade is prevented by the use of commercial weapons in war or peace. He also emphasized the influence of armament-building in raising anxieties in others (ibid., p. 207; "The Three Panics," ibid., pp. 209 ff.).

[27] Fundamental Principles of International Policy: Statement of the Secretary of State, July 16, 1937, Together with Comments of Foreign Governments, Department of State (Washington, 1937).

[28] As evidence of public opinion, it may make little difference whether the press is free or controlled. In the first case public opinion influences the press, which influences government policy. In the latter case government policy influences the press, which influences public opinion. While in the one case the press may lag behind and in the other case lead public opinion, the press should provide evidence of the movements of opinion in either case.

of China toward Japan during recent years.[29] These studies suggest that opinions, like armament-building programs, tend to be reciprocated and that, when they pass below a certain threshold, active hostilities are likely to occur. They also suggest that public opinion may fluctuate widely within a short time. Thus it is risky to extrapolate trends of public opinion for any length of time. Nevertheless, a continuous charting of the changing characteristics of the opinions manifested by the press of each of the great powers toward the others, paralleled by a chronology of events, would give valuable evidence concerning the political importance of events and incidents.

Such indices might provide a basis for short-range forecasting of political crises and hostilities better than that provided by any indices now available. Opinions undoubtedly provide a more delicate index of international relations than do armament budgets or commercial statistics.[30] The more complete preparation, analysis, and use of such indices by foreign offices and international organizations might be of importance for purposes of control even more than of prediction.[31] Such indices, if up-to-date and comprehensive, should have a value for statesmen, similar to that of weather maps for farmers or of business indices for businessmen.[32]

[29] See J. T. Russell and Q. Wright, "National Attitudes in the Far Eastern Controversy," *American Political Science Review*, XXVII (August, 1933), 555 ff.; Q. Wright and Carl J. Nelson, "American Attitudes toward Japan and China, 1937–38," *Public Opinion Quarterly*, III (January, 1939), 46 ff.; Margaret Otis, "Measurement of National Attitudes during a War Crisis" (manuscript, University of Chicago Library, 1940); Arthur C. Schreiber, "American Attitudes toward Great Britain and Germany during the Year 1939" (manuscript, University of Chicago Library, 1941). Similar studies have been made for the Causes of War Project at the University of Chicago on American public opinion toward Germany and France in 1933 (Goodlett J. Glaser), toward Italy and Ethiopia in 1934–35 (Carl C. Cromer), and toward Great Britain in 1938 (Henry Newton Williams). See above, chap. xxxiii, nn. 45–48; below, Appen. XLI.

[30] Above, nn. 6 and 7; chap. xxx, sec. 4; below, chap. xxxvii, sec. 3.

[31] The League of Nations has maintained statistical series on industry, trade, currency, finance, population, employment, wages, armaments, and the arms trade, but no effort seems to have been made to develop such series measuring movements of political opinion. The debates in the Council and Assembly provided nonquantitative indications of such movements, and descriptive newspaper analyses were used in the Secretariat.

[32] The latter have only developed since the mid-nineteenth century and as a basis for business forecasting only since 1904. While their influence may at times have been disruptive rather than stabilizing because of their frequent unreliability and the unpre-

Such indices could be used not only for studying the probability of war between particular pairs of states but also for ascertaining the changes in the general tension level within a state or throughout the world. They could quantify such assertions, often made by statesmen and journalists in times of crisis, as "tensions are increasing in in Europe" or "during the past few days the crisis has substantially abated." More precise measurement of such changes would be of value in predicting war.[33]

3. PERIODICITY OF CRISES

Attempts to discover a precise periodicity of economic fluctuations have not been attended by complete success,[34] and the determination of political cycles, sufficiently precise to serve for prediction, is an even less hopeful task. That important political fluctuations take place, no one can doubt, though many would say that they are completely irregular and unpredictable.[35]

A certain periodicity in the frequency and intensity of war in particular states and in particular state systems has been observed, but such fluctuations have not been sufficiently regular to permit of prediction with any exactness.[36] Data are lacking on the periodicity of strained relations between states.[37] With such data and with data

dictability of the response of the business community to them, it is thought that in the hands of public bodies with powers of action, such as central banks, their influence may be definitely stabilizing (Cox, "Forecasting, Business," *op. cit.*, pp. 349 and 353). Like other rational social devices, they tend to increase the possibility of stability through central control, while tending to decrease the possibility of stability through numerous wholly independent judgments (above, chap. xv, n. 19).

[33] Above, chap. xxx, sec. 3.

[34] Wesley C. Mitchell writes: "The cycles are recurrent, but not periodic. Their average duration varies in communities at different stages of economic development from about three to about six or seven years" ("Business Cycles," *Encyclopaedia of the Social Sciences*, III, 92; above, chap. xxxii, sec. 3c).

[35] Political fluctuations involve changes in procedures and methods, in opinions and attitudes, in laws and institutions, and in symbols and organizations. Thus they might be measured by indices concerning any of these phenomena, but probably indices of opinion are the most reliable. War is an extreme condition of all of these phenomena. See above, chap. xvii.

[36] Above, Vol. I, chap. ix, sec. 2d.

[37] Strained relations have occurred between the United States and Great Britain about every thirty years, but there has been no war since 1814 (see above, chap. xxxv, n. 45).

indicating the gravity of successive crises, a persistent pattern might emerge. The probability of war between two states during a period of time is a function of the number of crises and the probability of avoiding war in each crisis.[38]

A short political cycle of four or five years is suggested by the usual life of a political administration in most countries and the average duration of a war between great powers.[39] A longer political cycle of from forty to sixty years has also been suggested by the average dominance of a political party in democratic countries and by the periodicity of general wars during epochs dominated by an expanding economy and a balance-of-power system. The tendency to postpone a new war until there has been time to recover economically from the last, coupled with the waning resistance to a new war as social memory of the last one fades with the passage of a generation, may influence this tendency toward periodicity.[40]

Even longer periods of from two to three centuries have been detected, marking the phases of the development of a civilization, and

[38] The probability of war between two states during a period of time is not the product or the sum of the probabilities of war in all of the crises anticipated in their relations during the period, nor is it the probability of war in the most serious crisis. Rather it is one *minus* the probability of war being avoided during the period. This is the product of the probabilities of war being avoided in each crisis (see above, n. 17). Assume that A and B during a period of ten years passed through three crises of which the probable eventuations in war were, respectively, 50, 60, and 70 per cent and that states C and D had, during that period, only one crisis with a war probability of 94 per cent. It should be said, at the beginning of the period, if these probabilities were known, that the probability of the members of the two pairs being at war with each other within ten years was equal. With A and B the probability of avoiding war in the successive crises was 50, 40, and 30 per cent. The product of these percentages is 6 per cent, giving a war probability of 94 per cent. If p_1, p_2, p_3, etc., indicate the probability of war in successive crises in the relations of two states and P indicates the probability of war for n crises, then

$$P = 1 - (1 - p_1)(1 - p_2)(1 - p_3) \ldots (1 - p_n).$$

If an average probability of war is assumed for each crisis,

$$P = 1 - (1 - p)^n.$$

Even though p is very small, as n approaches infinity the probability of war approaches certainty.

[39] Above, Vol. I, chap. ix, sec. 2c. Richardson suggests that a three-year period is necessary both for rearmament and for disarmament (see below, Appen. XLII, nn. 8 and 9).

[40] Above, Vol. I, chap. ix, sec. 2d.

periods of a thousand to fifteen hundred years marking the life of a civilization. The historical evidence for such periodicity is far from adequate.[41]

The factors responsible for political fluctuations have not been sufficiently analyzed to permit of prediction, but an understanding of their normal course and of the conditions likely to increase their amplitude may assist in developing political controls.

The types of study applied to business cycles[42] might be applied to political cycles, utilizing as primary materials the fluctuations of opinion as disclosed by chronologies of political events as well as by the statistical treatment of attitude statements in the press, of responses to questionnaires or interviews, or of votes in elections or legislative bodies.

Such studies might disclose correlations between economic and political fluctuations. In fact, such correlations have been suggested in the theory that a major war is the fundamental cause of economic crises which follow each other in waves of decreasing severity until new war occurs,[43] and in the theory that long economic fluctuations are the main cause of wars and revolutions.[44] Materials, however, are as yet inadequate to demonstrate either of these theories.

[41] Above, Vol. I, chap. vii, secs. 2 and 3; chap. xv, secs. 1c and 2b.

[42] Students of economic fluctuations, utilizing descriptive business annals as well as indices of prices, production, employment, freight car loadings, bank clearances, etc., have attempted to isolate (1) seasonal variations of less than a year, (2) business cycles of three to seven years, (3) random perturbations due to war, legislation, etc., (4) long waves of twenty-five to sixty years, and (5) secular trends of indefinite duration. They have dealt most intensively with business cycles and have attempted to date the turning-points in these movements and estimate their average duration; to determine causal factors (physical, psychological, and institutional); to describe the typical process of revival, expansion, boom, crisis, contraction, and revival; and to ascertain the variations in the character of these fluctuations over long periods of time. "Business cycles are subject to secular change. Coming into existence gradually with a certain form of economic organization, they changed as this organization changed. The geographical and the industrial scope of the oscillations has grown wider; their amplitude has grown narrower" (Mitchell, *op. cit.*, p. 101). Above, n. 34; chap. xxxii, n. 103. See also P. G. Wright, "Causes of the Business Cycle," *Journal of American Bankers' Association*, XV (February, 1923), 529 ff.

[43] See Leonard P. Ayres, W. F. Hickernell, *et al.*, above, chap. xxxii, n. 104.

[44] See Kondratieff, above, Vol. I, chap. ix, n. 28; S. Secerov, *Economic Phenomena before and after War: A Statistical Theory of Modern Wars* (London, 1919).

From the standpoint of the causes of war, assuming that there are political fluctuations, it is of especial interest to examine the factors which influence their scope and severity. As the character of economic fluctuations is contingent upon the particular form of economic organization, so the character of political fluctuations is dependent upon the particular form of political organization. The political fluctuations characteristic of the medieval hierarchical organization would be expected to differ greatly from those characteristic of the balance-of-power structure of modern history or those characteristic of the collective security structure attempted in the period between World Wars I and II.

The emphasis given by some writers to the influence of monopoly upon the severity of economic crises may contain important suggestions.

On the one side, the claim is made that the "anarchic" system of free enterprise is responsible for cycles of prosperity and stagnation; on the other side, it is maintained that the paralysis would be less severe if a system of free competition actually prevailed, and that such paralysis is aggravated by the monopolistic and quasi-monopolistic resistance to downward movements of prices and wages when the state of supply and demand makes these necessary to the flow of goods and the full employment of labor.[45]

Perhaps there is some truth in both positions. Stability may be promoted in a dominantly free economy by freer competition among a larger number of units and it may be promoted in a dominantly controlled economy by a more universal organization of industry

[45] J. M. Clark, "Monopoly," *Encyclopaedia of the Social Sciences*, X, 629. Assuming a wide variation in the policies of different firms but a tendency toward disharmony between the *business* policy of maintaining prices and wages in times of recession and the *economic* policy of maintaining production and employment in such times even though prices and wages have to be reduced, some have argued that the development of monopolistic controls accentuates the amplitude of booms and depressions, because it reduces the number of independent centers of business decision and thus interferes with the averaging influence of large numbers and with the compulsion of competition toward economic rather than business policies (see above, chap. xxxii, n. 107). On the other hand, central banking, monopolies, cartels, and trade associations have been urged by some as the means of stabilizing prices on the assumption that such concentrations of economic power make possible conscious central controls which will be exercised to promote the general interest of the industry and of the public in economic stability. Socialists carry such a theory even further, demanding an economic monopoly by the government (above, chap. xxxii, n. 110). See J. Lescure, "Crises," *Encyclopaedia of the Social Sciences*, IV, 598.

more positively directed toward public ends. A mixed economy may present special difficulties because automatic adjustments of the market are thwarted by monopoly, whether public or private, whether of business or of labor, and at the same time administered adjustments of central control are thwarted by the competitive policies and influences of many organizations. Since, however, neither a completely free nor a completely controlled economy seems either likely or desirable in any country, economists are tending to recognize that the problem is one of rationally demarcating the areas within which control should dominate and those within which competition should dominate. In these respective areas effort should be directed toward more effective control and toward freer competition. The problem, in short, is none other than the age-old problem of adjusting areas of government and of liberty under conditions of social change.[46]

Similarly the diminution of the number of independent political organizations in a political system, resulting in concentrations of political power, may tend toward accentuating political oscillations. Where in a dominantly democratic or balance-of-power polity power becomes concentrated in relatively few hands—whether those of governments, party leaders, bosses, or agitators—tensions, instead of being manifested by elections, parliamentary crises, diplomatic exchanges, or international conferences, tend to be manifested by revolution or war. On the other hand, a more far-reaching centralization of authority as in an effective federation might, by conscious adjustments, maintain political stability. Here, as in the economic field, neither complete freedom nor complete centralization is possible or desirable. The problem is that of adjusting to changing conditions the areas to be controlled by world-institutions, those to be controlled by national governments, and those to be left free to private initiative.[47]

While it is probably desirable to retain as much automatic adjustment in human society as possible, it appears that monopoly in both economic and political life has reached a stage so that central control

---

[46] See Henry C. Simons, *A Positive Program for Laissez Faire* ("Public Policy Pamphlet," No. 15 [Chicago, 1934]); above, chap. xxxii, sec. 4.

[47] Above, chap. xx, sec. 4 (5), (6), (7), (8); chap. xxvi, sec. 4.

of some functions, such as postal and electrical communication, financial and commercial regulation, and world-police against aggression, is necessary if economic and political crises are to be kept from getting unduly severe.[48]

The specific conditions under which diplomatic tensions develop into war may also be analogous to those under which business recessions take the severe form of panic. The latter occurs when evidence of recession in key industries, coupled with extensive speculation, induces all traders on the stock market suddenly to sell in the same direction, thus causing a collapse in values beyond the capacity of the credit system to endure and a cumulative series of bankruptcies. Similarly, general war occurs when serious diplomatic tension involving great powers, coupled with a widespread network of vague alliance and security obligations, induces many governments simultaneously to try to isolate themselves from world-politics in spite of previous commitments, thus causing a collapse in the sense of security beyond the capacity of international law and tradition to endure and a cumulative series of aggressions. In either case regulative effort should seek to hamper these simultaneous and cumulative movements by establishing moratoriums or cooling-off periods.[49]

4. ANALYSIS OF RELATIONS

Rough measurement of the distance between states with respect to intercourse, defense, understanding, legal recognition, social symbols, political union, attitudes, and expectations of war seems to be practical through the analysis of expert opinions upon these subjects.[50] Table 71[51] indicates the relative distances between pairs of

[48] Above, chap. xxix, sec. 2.

[49] The idea was central in the League of Nations Covenant, taken over from the Bryan Peace Treaties of 1913, and developed in the plan to give the Council authority to impose "conservatory measures" as provided by the treaty of 1931 to improve the means of preventing war (Manley O. Hudson, *International Legislation* [Washington, 1936], V, 1090). See also Paul Guggenheim, *Les Mesures provisoires de procédure internationale* (Paris, 1931), ending with the quotation, 'Il n'y a que le provisoire qui dure" (p. 198). See also comments by Guggenheim and George Kaekenbeeck on the relations between adjudication and conciliation in international organization, in *The World Crisis*, by professors of the Graduate Institute of International Studies (London, 1938), pp. 222 ff., 233 ff.

[50] Above, chap. xxxv; below, Appen. XL.   [51] Below, Appen. XL.

the great powers from each of these points of view. These results were obtained by the rank-order method used in measuring psychic distances,[52] so far as that method could be used by one person. They clearly lack the objectivity of the results obtained by employing the psychometric method of averaging many judgments.[53]   However, they may be used to illustrate a method of analyzing relations between states further developed in Appendix XLIII. Considering first the probability of war between a pair of states, attention will be given to the influence upon war (a) of changes in distances and (b) of nonreciprocity of relationships. Combining these considerations, an estimate will be presented of (c) the probability of war between pairs of the great powers in July, 1939. Attention will then be given to (d) the probability of war for a single state and (e) the probability of general war.

a) *Changes in distances.*—Figure 42, prepared from Table 71,[54] suggests certain relations between the various aspects of "distance" between pairs of states. A correlation is suggested between expectancy (E), psychological (Ps), political (P), and social (S) distances, all of them dependent upon subjective factors. There appears, on the other hand, to be little direct correlation between these distances and technological (T) and strategic (St) distances, both of which depend on objective factors. Intellectual (I) and legal (L) distances do not appear to be closely correlated with either group, though intellectual distance is closer to the objective group and legal distance to the subjective.

Expectancy of war, though closely correlated with psychic distance, tends to be greater when psychic distance is greater than technological distance or when social distance is greater than intellectual

[52] Above, n. 22.

[53] The rank ordering of the pairs of states made on July, 1939, does not differ greatly from Klingberg's results of March, 1939, with respect to psychological distances. Great Britain and Japan were more hostile, probably due to the Tientsin incident, which occurred between the two dates. On the other hand, an estimate made on September 20, 1939, after conclusion of the Soviet nonaggression pact with Germany and the outbreak of World War II, differed very greatly, more nearly resembling Klingberg's results of June, 1941. Opinions apparently change rapidly in times of great crisis, a fact evidenced by the frequent default in alliances when crises arise. See Fig. 50, Appen. XLI.

[54] Below, Appen. XL.

distance. There will, apparently, be a trend toward war if the interest of one state in another, promoted by technological inventions, such as improvements in communications and transport, is proceeding more rapidly than the development of friendly opinions and attitudes and if the development of common intellectual understanding is proceeding more rapidly than the acceptance of common social symbols. To have peace, the order of change should be reversed. Friendliness and mutual acceptance of common social symbols should precede the development of material interdependence, the reduction of strategic barriers, and the equalization of intelligence and understanding.[55] The obstruction to peace lies in the tendency to shape policy in accordance with existing material conditions rather than in accordance with future social needs. Statesmen neglect to take foresight and therefore repeatedly find themselves confronted by a condition, not a theory. They are forced under pressure of necessity to improvise policies whose long-run effect is to augment the causes of war.[56]

International law has been shaped mainly by traditions of the past and has been too little influenced by requirements of the present and future. It has been assumed by the dominant school of thought on the subject that international law has as its prime object the maintenance of the legal distinctiveness of nations (sovereignty) and their irresponsibility to the world-order (neutrality) rather than the maintenance of a world-order promoting international peace and justice. Advancement of international law thus interpreted tends to increase the social distance between nations and to thwart the development of policies toward world-solidarity. It appears, however, that peace is promoted if psychic and social relations are decreasing more rapidly than technological and intellectual relations, that is, if the subjective relations of states lead the objective.[57] Thus, two methods are suggested for dealing with the war problem—

[55] Below, Appen. XLIII, sec. 1, Table 74, Fig. 51; above, chap. xxvi, n. 18; chap. xxxv, sec. 5.

[56] Below, chap. xl, sec. 1. This has been especially true in democracies (above, chap. xxii, n. 90).

[57] Above, n. 55.

the abstract method of the lawyers and the concrete method of the pacifists.

If universal social symbols, such as the family of nations, the League of Nations, the World Court, and the outlawry of war, could once acquire such an influence as to assure that international law would place considerations of the world-order and human welfare above those of state independence and national sovereignty, the law might cease to frustrate the further development of such symbols.[58] This might diminish political and psychological distances and create a universal expectation of peace, thus reducing the probability of war.

The pacifist method is to conduct direct propaganda to diminish the expectation of war. This, it is anticipated, will increase the friendliness of nations, and as a result political, social, legal, and intellectual relations will gradually become closer. This direction of influence, though sometimes effective in the relations of particular pairs of states, especially when both are menaced by third powers, has failed to promote general peace, because diminution of the expectation of war, *if not simultaneously shared by all the peoples in the system*, may increase the probability of war. This is the rock upon which idealism in international relations has usually foundered.[59]

b) Nonreciprocity of relationships.—The analysis up to this point has proceeded on the assumption that the relations of states can be measured by distances which may be represented by points in a linear continuum. Though tending to be reciprocal, these relations are not necessarily so.[60]

Some of the consequences of a possible lack of reciprocity may be considered.[61] If in the relations of A and B, A is becoming less expectant of war than B, B's growing expectation of war will induce it to arm, but A's diminishing expectation of war will induce it to defer defense expenditure. The strategic situation will, therefore, tend

[58] This was the position of Wolff to which Vattel objected. Above, chap. xxvi, sec. 2b.

[59] Above, chap. xxx, sec. 2b; below, n. 63.

[60] Below, Appen. XL, Tables 70 and 71, and Fig. 42.

[61] Below, Appen. XLIII, sec. 3.

progressively to favor B, and in time its conviction that war is inevitable will induce it to initiate war or to make demands likely to precipitate war. Such a situation appears to have led to the Munich crisis of September, 1938. Germany, during the preceding period, had been more expectant of war than had England and France and had prepared more rapidly, with the result that Germany made demands which nearly precipitated a war. This augmented the expectation of war of the Western powers and also that of Germany. The Danzig crisis arose, eventuating in general war in September, 1939. In such a case as this Richardson's "defense coefficient" would be negative.[62] It appears to be a type of situation which may increasingly arise with the advance of the cost of and the moral objection to war, provided the influence of these factors on foreign policy is excluded in some states. Democratic governments tend to ignore military defense and balance-of-power considerations when faced by growing budgets and peace propaganda. Since despotic governments do not (under present conditions when both types of government exist), a want of reciprocity in respect to war expectancy may be anticipated.[63]

c) *Probability of war between pairs of states.*—The aspects of their relationships affecting the probability of war between two states have been combined in a formula in Appendix XLIII. Application of this formula should indicate the relative probability of war between pairs of states during a given period of time, so far as that probability is determined by the relationships of the members of each pair with one another. The formula ignores the influence of third states and of the general structure of the family of nations. Its accuracy increases in proportion as international relations are only bilateral relations.

Application of this formula to estimates made of the distances between the great powers in July, 1939, indicated that the relative probability of war at that date was highest for Japan–U.S.S.R. (.96), Germany–U.S.S.R. (.86), and Germany-France (.82). This order is the same as that obtained by a different method in January, 1937, although, except for Germany–U.S.S.R., the probabilities were

---

[62] Below, Appen. XLII.   [63] Above, chap. xxii, sec. 4d.

greater at the later date.[64] Minor hostilities were actually in progress between Japan and the U.S.S.R. in July, 1939.

The remaining pairs also followed a similar order in the two estimates, though the probability of war between a party to the anticommunist agreement (Germany, Italy, Japan) and a democracy (Great Britain, France, United States) had in every case increased, while the probability of war between two parties to the anticommunist agreement had in every case decreased. The probability of war between two democracies was about the same in the two estimates.

The greatest differences between the two estimates appeared in the cases of Italy-France and Great Britain–Japan and in the relations of the United States with Germany and Italy. In all these cases the probability of war had markedly risen.

These differences may be accounted for by the influence upon relations of the polarizing tendency which resulted from the increasing tensions during the two years from 1937 to 1939. This augmented the probability of war between those states likely to be on different sides in a general war and decreased that probability for states likely to be on the same side.

The most notable error of this estimate, as judged by subsequent events, was its failure to foresee the Soviet-German nonaggression pact of August, 1939. This postponed war between those countries for two years and probably accounted for an overestimate of the chances of Japan's getting into war with the Soviet Union.

The formula here used considered only the bilateral relations of states and therefore neglected the potential influence of third states. A single unexpected change in relations, such as that of the Soviet-German pact, had an influence on many relations in a way which this method could not foresee. Probably such changes, altering at least temporarily the entire international configuration, are the least predictable elements in the probability of war between two states. By maneuvers of that type, leaders like Hitler can upset the calculations of both analysts and statesmen and create for themselves opportunities for temporarily successful aggression.

[64] Above, sec. 1; below, Appen. XLIII, Table 76.

d) *Probability of war for a single state.*—Similar methods might be used to study the probability that a single state will become involved in war within a given time. Figure 43,[65] constructed by adding together the distances of each great power from all the others, indicates the degree of isolation of each. There are no very clear correlations, but there is a tendency for the psychic isolation of a power to be related to its political isolation, although the latter tends to be greater if legal status is relatively high. Psychic isolation also tends to be associated with war expectancy except when strategic isolation, as in the case of the United States, is relatively great.[66] If it is assumed that a single state is likely to get into war in proportion as its average relations with all other states is unfriendly,[67] then its prospects for peace are improving if its expectation of peace is increasing more rapidly than its vulnerability to attack and if its political relations are intensifying more rapidly than its legal status is rising.

[65] Below, Appen. XL, Table 72.

[66] If the symbols for distances are considered to mean the average distance of a state from all others, and the variables E and P are weighted, respectively, by the coefficients 4 and 3, this may be represented by the formula:

$$\frac{dPs}{dt} = \left(4\frac{dE}{dt} - \frac{dSt}{dt}\right) + \left(3\frac{dP}{dt} - \frac{dL}{dt}\right).$$

Integrating this formula for any moment of time,

$$kPs + c = 4E - St + 3P - L.$$

Substituting the values of the variables as estimated in August, 1939 (Table 72, Appen. XL), and putting $k = 3$ and $c = 41$, the equations show little error except in the case of Italy, whose psychic isolation may have been underestimated: United States (83 = 83); Great Britain (95 = 98); France (98 = 94); Italy (98 = 112); Germany (116 = 116); Japan (123 = 121); U.S.S.R. (125 = 123).

[67] This assumption ($dx/dt = dPs/dt$, where x is the probability of war for a single state) may not be justified if tensions are high and if international relations are to a considerable extent polarized. Integrating this formula for any moment of time, $x = kPs + c$. Substitution for Ps of the averages of the numbers in note 66 gives the probabilities of the respective powers getting into war in August, 1939. These results may be compared with those obtained by a different method from data of January, 1937 (above, n. 17, Table 73, Appen. XLI). The 1937 figures are placed first, and the 1939 figures are made comparable by putting $k = .80$ and $c = 0$: United States (56−66); Great Britain (66−78); France (78−77); Italy (65−84); Germany (99−93); Japan (99−98); U.S.S.R. (99−99). This suggests that the probability of war for the United States, Great Britain, and Italy had considerably increased from January, 1937, to August, 1939.

e) Probability of general war.—Material of the kind presented may also throw light on the prospect of general war by giving evidence of a rise or fall in the general tension level. The chart of relations between pairs of states[68] shows a general flaring-out of the lines from 1937 to 1941, indicating more intense friendships and animosities—a condition presaging general war. Analysis of the probable participants in general war would have to give consideration not only to the bilateral relation of all pairs of states but also to the tendency toward polarization of hostility about the two principal antagonists and toward a rapid change in bilateral relations during the course of such a war.[69]

[68] Below, Appen. XLI, Fig. 50.
[69] Above, n. 18; below, Appen. XLIII, sec. 4.

CHAPTER XXXVII

THE CAUSES OF WAR

WARS arise because of the changing relations of numerous variables—technological, psychic, social, and intellectual. There is no single cause of war. Peace is an equilibrium among many forces. Change in any particular force, trend, movement, or policy may at one time make for war, but under other conditions a similar change may make for peace. A state may at one time promote peace by armament, at another time by disarmament; at one time by insistence on its rights, at another time by a spirit of conciliation. To estimate the probability of war at any time involves, therefore, an appraisal of the effect of current changes upon the complex of intergroup relationships throughout the world.[1] Certain relationships, however, have been of outstanding importance. Political lag deserves attention as an outstanding cause of war in contemporary civilization.

1. POLITICAL LAG

There appears to be a general tendency for change in procedures of political and legal adjustment to lag behind economic and cultural changes arising from intergroup contacts.[2] The violent consequences of this lag can be observed in primitive and historic societies,[3] but its importance has increased in modern times. The expan-

[1] Above, chap. xxxvi, sec. 4.

[2] Above, chap. xxv, secs. 3 and 4; chap. xxxvi, sec. 4a.

[3] Above, Vol. I, chap. xv, sec. 2a. Sociologists have used the term "cultural lag" to refer to the differential rates of change in different aspects of a culture (below, Appen. XXXV, n. 45) and have emphasized especially the lag of social or adaptive changes behind technological changes and the social disorganization which results (see W. F. Ogburn and M. F. Nimkoff, *Sociology* [Boston, 1940], pp. 865, 884 ff.). Political lag may be considered a lag in the change of certain aspects of intergroup distance behind change in other such aspects, but it can also be considered an instance of cultural lag. Contacts between groups of different culture result in interchange of objects, procedures, and ideas, many of which are new in the receiving group and have the same effect as inventions or technological changes. The socially disorganizing effect is likely, how-

sion of contacts and the acceleration of change resulting from modern technology has disturbed existing power localizations and has accentuated the cultural oppositions inherent in social organization.[4] World-government has not developed sufficiently to adjust by peaceful procedures the conflict situations which have arisen. Certain influences of this political lag upon the severity and frequency of wars will be considered in the following paragraphs.

War tends to increase in severity and to decrease in frequency as the area of political and legal adjustment (the state) expands geographically unless that area becomes as broad as the area of continuous economic, social, and cultural contact (the civilization). In the modern period peoples in all sections of the world have come into continuous contact with one another. While states have tended to grow during this period, thus extending the areas of adjustment, none of them has acquired world-wide jurisdiction. Their growth in size has increased the likelihood that conflicts will be adjusted, but it has also increased the severity of the consequences of unadjusted conflicts. Fallible human government is certain to make occasional mistakes in policy, especially when, because of lack of universality, it must deal with conflicts regulated not by law but by negotiation functioning within an unstable balance of power among a few large units. Such errors have led to war.[5]

War tends to increase both in frequency and in severity in times of rapid technological and cultural change because adjustment, which always involves habituation, is a function of time. The shorter the time within which such adjustments have to be made, the greater the probability that they will prove inadequate and that violence will result. War can, therefore, be attributed either to the intelligence of man manifested in his inventions which increase the number of contacts and the speed of change or to the unintelligence of man which retards his perception of the instruments of regulation and adjustment necessary to prevent these contacts and changes

ever, to be attributed to the sending state, resulting in an international conflict situation. Since procedures of international adjustment lag behind the need for them, such conflicts may become aggravated and sentimentalized into war. See W. F. Ogburn, *Social Change* (New York, 1922), p. 247.

[4] Above, Vol. I, chap. xv, sec. 4f.   [5] Above, chap. xxix, sec. 2.

from generating serious conflicts. Peace might be kept by retarding progress so that there will be time for gradual adjustment by natural proccsscs of accommodation and assimilation, or peace might be kept by accelerating progress through planned adjustments and new controls. Actually both methods have been tried, the latter especially within the state and the former especially in international relations.[6]

Sovereignty in the political sense is the effort of a society to free itself from external controls in order to facilitiate changes in its law and government which it considers necessary to meet changing economic and social conditions. The very efficiency of sovereignty within the state, however, decreases the efficiency of regulation in international relations. By eliminating tensions within the state, external tensions are augmented. International relations become a "state of nature." War therefore among states claiming sovereignty tends to be related primarily to the balance of power among them.[7]

Behind this equilibrium are others, disturbances in any one of which may cause war. These include such fundamental oppositions as the ambivalent tendency of human nature to love and to hate the same object[8] and the ambivalent tendency of social organization to integrate and to differentiate at the same time.[9] They also include less fundamental oppositions such as the tendency within international law to develop a world-order and to support national sovereignty[10] and the tendency of international politics to generate foreign policies of both intervention and isolation.[11] Elimination of such oppositions is not to be anticipated, and their continuance in some form is probably an essential condition of human progress.[12] Peace, consequently, has to do not with the elimination of oppositions but with the modification of the method of adjusting them.[13]

With an appreciation of the complexity of the factors involved in the causation of war and of the significance of historic contingency

---

[6] Above, chap. xxviii, nn. 1 and 2; sec. 4b, c. Ogburn and Nimkoff (*op. cit.*, p. 889) point out that it is usually more difficult to retard the leading than to accelerate the lagging element.

[7] Above, chap. xx, sec. 2; chap. xxiv, sec. 3.

[8] Above, chap. xxxiii, sec. 1.   [11] Above, chap. xxi, secs. 2 and 3.

[9] Above, chap. xxviii, sec. 3c.   [12] Above, chap. xxvi, sec. 1.

[10] Above, chap. xxiv, sec. 3.   [13] Above, chap. xxv.

in estimating their influence, caution is justified in anticipating re-
sults from analytical formulations of the problem. An effort will,
however, be made to draw together some of the conclusions arrived
at in the historical and analytical parts of this study.

Warfare cannot exist unless similar but distinct groups come into
contact. Its frequency and its intensity are dependent upon the
characteristics of the groups and are roughly proportionate to the
rapidity with which these contacts develop so long as the groups re-
main distinct and self-determining. However, when these contacts
have passed a critical point of intensity, sympathetic feelings and
symbolic identifications tend to develop among individuals of dif-
ferent groups sufficiently to permit the functioning of intergroup
social, political, and legal institutions, adjusting conflicts and broad-
ening the area of peace. The smoothness of this process is greatly
influenced by the policies pursued by groups and the degree of the
consistency of these policies with one another.

It is in the relation of political groups to one another and to their
members and in the relation of group policies to one another and to
the world-order that the explanation of war is to be found. War may
be explained sociologically by its function in identifying and pre-
serving political groups, psychologically by the conflict of human
drives with one another and with social requirements, technological-
ly by its utility as a means to group ends, and legally by inadequacies
and inconsistencies in the law and procedure of the whole within
which it occurs.[14]

2. SOCIOLOGICAL FUNCTIONS OF WAR

Animal warfare is explained by the theory of natural selection.
The behavior pattern of hostility has contributed to the survival of
certain biological species, and consequently that behavior has sur-
vived. In the survival of other species other factors have played a
more important role. The peaceful herbivores have on the whole
been more successful in the struggle for existence than have the
predators and parasites.[15]

Among primitive peoples before contact with civilization warfare
contributed to the solidarity of the group and to the survival of cer-

[14] Above, Vol. I, chap. ii, sec. 5; Vol. II, chap. xxxiv, n. 35.
[15] Above, Vol. I, chap. v, sec. 2.

tain forms of culture. When population increased, migrations or new means of communication accelerated external contacts. The warlike tribes tended to survive and expand; furthermore, the personality traits of courage and obedience which developed among the members of these tribes equipped them for civilization.[16]

Among peoples of the historic civilizations war tended both to the survival and to the destruction of states and civilizations. Its influence depended upon the stage of the civilization and the type of military technique developed. Civilized states tended to fight for economic and political ends in the early stages of the civilization, with the effect of expanding and integrating the civilization. As the size and interdependence of political units increased, political and economic ends became less tangible, and cultural patterns and ideal objectives assumed greater importance. Aggressive war tended to become a less suitable instrument for conserving these elements of the civilization. Consequently, defensive strategies and peaceful sentiments developed, but in none of the historic civilizations were they universally accepted. War tended toward a destructive stalemate, disintegrating the civilization and rendering it vulnerable to the attack of external barbarians of younger civilizations which had acquired advanced military arts from the older civilization but not its cultural and intellectual inhibitions.[17]

In the modern period the war pattern has been an important element in the creation, integration, expansion, and survival of states. · World-civilization has, however, distributed a singularly destructive war technique to all nations, with the consequence that the utility of war as an instrument of integration and expansion has declined. The balance of power has tended to a condition such that efforts to break it by violence have increasingly menaced the whole civilization, and yet this balance has become so complex and incalculable that such efforts have continued to be made.[18]

3. PSYCHOLOGICAL DRIVES TO WAR

Human warfare is a pattern giving social sanction to activities which involve the killing of other human beings and extreme danger

---

[16] Above, Vol. I, chap. vi, sec. 3.

[17] Above, Vol. I, chap. vii, sec. 4. [18] Above, Vol. I, chap. x.

of being killed. At no period of human development has this pattern been essential to the survival of the individual. The pattern is a cultural acquisition, not an original trait of human nature, though many hereditary drives have contributed to the pattern. Of these, the dominance drive has been of especial importance.[19] The survival of war has been due to its function in promoting the survival of the group with which the individual identifies himself and in remedying the individual problem arising from the necessary repression of many human impulses in group life. The pattern has involved individual attitudes and group opinion. As the self-consciousness of personality and the complexity of culture have increased with modern civilization, the drive to war has depended increasingly upon ambivalences in the personality and inconsistencies in the culture.[20]

A modern community is at the same time a system of government, a self-contained body of law, an organization of cultural symbols, and the economy of a population. It is a government, a state, a nation, and a people.[21]

Every individual is at the same time subject to the power and authority of a government and police, to the logic and conventions of a law and language, to the sentiments and customs of a nation and culture, and to the caprices and necessities of a population and economy. If he fights in war, he does so because one of these aspects of the community is threatened or is believed by most of those who identify themselves with it to be threatened. It may be that the government, the state, the nation, and the people are sufficiently integrated so that there is no conflict in reconciling duty to all of these aspects of the community. But this is not likely because of the analytical character of modern civilization which separates military and civil government, the administration and the judiciary, church and state, government and business, politics and the schools, religion and education. Furthermore, it may be that the threat is sufficiently obvious so that no one can doubt its reality, but this is also seldom the case. The entities for whose defense the individual is asked to enlist are abstractions. Their relations to one another and the con-

[19] Above, Vol. I, chap. vi, sec. 4, n. 135; Vol. II, chap. xxxiv, n. 30.

[20] Above, Vol. I, chap. xiv; Vol. II, chap. xxxiii.

[21] Above, Vol. I, chap. ii, sec. 5b.

ditions of their survival are a matter of theory rather than of facts. People are influenced to support war by language and symbols rather than by events and conditions.[22]

It may therefore be said that modern war tends to be about words more than about things, about potentialities, hopes, and aspirations more than about facts, grievances, and conditions. When the war seems to be about a particular territory, treaty, policy, or incident, it will usually be found that this issue is important only because, under the circumstances, each of the belligerents believed renunciation of its demand would eventually threaten the survival of its power, sovereignty, nationality, or livelihood. War broke out in 1939, not about Danzig or Poland, but about the belief of both the German people and their enemies that capacity to dictate a solution of these issues would constitute a serious threat to the survival of the power, ideals, culture, or welfare of the group which submitted to this dictation.[23]

When a buffalo is attacked by a hungry lion, there is no doubt about the immediate survival problem involved for both the lion and the buffalo, however remote may be the bearing of the incident upon the survival of the species of buffalo and lion. Somewhat more remote is the bearing upon his own or his tribe's survival when a primitive tribesman goes on the warpath to avenge an intertribal murder, to vindicate a taboo, or to fulfil a ritual; but the relationship seems clear to the tribesman because the requirement of tribal mores in the situation has the aspect of a fact. The tribe consists in the unquestioned reality of these customs and in the conviction that it would cease to exist if they were neglected.

Even more remote from the needs of the individual and the state was the bearing of a campaign to expand the Roman frontier into Gaul, the Moslem frontiers into Africa, or the Christian frontiers into Palestine. The meaning of Rome, of Islam, or of Christendom had to be understood by a considerable public. The importance that they increase in territory, population, and glory had to be inculcated by education, even though the willingness to support the campaign, derived from a belief in the survival value of such ex-

---

[22] Above, chap. xxvii, sec. 3.   [23] Above, chap. xxx, secs. 2 and 4.

pansion, was buttressed by the prospect of immediate rewards to the active participants.

In the modern situation far more conceptual construction is necessary to make war appear essential to the survival of anything important. War, therefore, rests, in modern civilization, upon an elaborate ideological construction maintained through education in a system of language, law, symbols, and ideals. The explanation and interpretation of these systems are often as remote from the actual sequence of events as are the primitive explanations of war in terms of the requirements of magic, ritual, or revenge. War in the modern period does not grow out of a situation but out of a highly artificial interpretation of a situation. Since war is more about words than about things, other manipulations of words and symbols might better serve to meet the cultural and personality problems for which it offers an increasingly inadequate and expensive solution.[24]

4. TECHNOLOGICAL UTILITY OF WAR

The verbal constructions which have had most to do with war in the modern period have been those which center about the words "power," "sovereignty," "nationality," and "living." These words may, respectively, be interpreted as attributes of the government, the state, the nation, and the people. By taking any one as an absolute value, the personality may be delivered from the restlessness of ambivalence and from the doubts and perplexities which arise from the effort to reconcile duty to conflicting institutions and ideals, particularly in times of rapid change.[25] While the relation of war to the preservation of any of these entities requires considerable interpretation, the validity of the interpretation varies with respect to the four entities.

The power of the government refers to its capacity to make its decisions effective through the hierarchy of civil and military officials. In a balance-of-power structure of world-politics even a minor

---

[24] This applies more to the initiation of war than to defense by the victim or its neighbors after invasion has begun, but even in the latter case there is sometimes a considerable margin for interpretation. The consequences of unresisted invasion are not always clear.

[25] Above, chap. xxxiii, sec. 3.

change in the relative power position of governments is likely to pre-. cipitate an accelerating process, destroying some of the governing élites and augmenting the power of others. If a government yields strategic territory, military resources, or other constituents of power to another without compensating advantage, it is quite likely to be preparing its own destruction. The theory which considers war a necessary instrument in the preservation of political power is relatively close to the facts. The most important technological cause ⁓of war in the modern world is its utility in the struggle for power.[26]

The sovereignty of the state refers to the effectiveness of its law. This rests immediately on customary practices and on the prestige and reputation for power of the state rather than upon power itself. Sensitiveness about departures from established rules about honor and insult to reputation has a real relation to the preservation of sovereignty. A failure to resent contempt for rights or aspersions on prerogatives may initiate a rapid decline of reputation and increase the occasions when power will actually have to be resorted to if the legal system is to survive. Thus in the undeveloped state of international law self-help and the war to defend national honor have a real relation to the survival of states.[27]

Nationality refers to the expectation of identical reactions to the basic social symbols by the members of the national group. It has developed principally from common language, traditions, customs, and ideals and has often persisted through political dismemberment of the group. While national minorities have usually resisted the efforts of the administration and the economic system of the state to assimilate them, these influences may in time be successful. Thus, the use of force to preserve the power of the government and the sovereignty of the state supporting a given nationality may be important to the preservation of the latter. War, however, is less certainly useful to preserve nationality than to preserve power or sovereignty.[28]

Living refers to the welfare and economy of a people. The argument has often been made that war is necessary to assure a people an area sufficient for prosperous living. Under the conditions of the

[26] Above, chap. xx, sec. 3.
[27] Above, chap. xxiii, sec. 5.   [28] Above, chap. xxvii, sec. 1.

modern world this argument has usually been fallacious. The problem of increasing the welfare of a people has not depended upon the extension of political power or legal sovereignty into new areas but rather upon the elimination of the costs of war and depression, improvements in technology and land utilization, and a widening of markets and sources of raw materials far beyond any territories or spheres of interest which might be acquired by war. Population pressure, unavailability of raw materials, and loss of markets more frequently result from military preparation than cause it. While it is true, in a balance-of-power world, economic bargaining power may increase with political power, yet it has seldom increased enough to compensate for the cost of maintaining a military establishment, of fighting occasional wars, and of impairing confidence in international economic stability. Through most of modern history people, even if conquered, have not ceased to exist and to consume goods. Recent tendencies toward economic self-sufficiency and toward the forced migration, extermination, or enslavement of conquered peoples have, however, added to the reasonableness of war for the preservation of the life of peoples.[29]

Modern civilization offers a group more alternatives to war in most contingencies than did earlier civilizations and cultures.[30] Resort to war, except within the restricted conception of necessary self-defense,[31] is rarely the only way to preserve power or sovereignty and even more rarely the only way to preserve nationality or economy. War is most useful as a means to power and progressively less useful as a means to preserve sovereignty, nationality, or economy. That economic factors are relatively unimportant in the causation of war was well understood by Adolf Hitler:

> Whenever economy was made the sole content of our people's life, thus suffocating the ideal virtues, the State collapsed again. . . . . If one asks oneself the question what the forces forming or otherwise preserving a State are in reality, it can be summed up with one single characterization: the individual's ability and willingness to sacrifice himself for the community. But that these virtues

[29] Above, chap. xxxi, sec. 1; chap. xxxii, sec. 1.

[30] Above, chap. xxii, sec. 6; chap. xxxi, n. 11.

[31] Above, Vol. I, chap. xiii, n. 59; chap. xxiii, sec. 1; below, Appen. XXX, n. 13.

have really nothing whatsoever to do with economics is shown by the simple realization that man never sacrifices himself for them; that means: one does not die for business, but for ideals.[32]

5. LEGAL RATIONALITY OF WAR

Which of these entities for which men fight is most important for men? Is there any criterion by which they may be rationally evaluated? Political power has been transferred from village to tribe, from feudal lord to king, from state to federation. Is it important today that it remain forever with the national governments that now possess it? The transfer of power to a larger group, the creation of a world-police, whether under a world federation or empire adequate to sanction a law against aggression, appears a condition for eliminating the first cause of war.[33]

Legal sovereignty also has moved from city-state to empire, from baronial castle to kingdom, from state to federation. To the individual the transfer of authority over his language and law to a larger group, while it has brought nostalgia or resentment, has assured order, justice, and peace in larger areas and has increased man's control of his environment, provided that authority has been exercised with such understanding and deliberation as to avoid resentments arising to the point of revolt.[34]

Nationality, in the broadest sense of a feeling of cultural solidarity, has similarly traveled from village to tribe, city-state, kingdom, nation, empire, or even civilization; but, when it has become too broad, it has become too thin to give full satisfaction to the human desires for social identification and distinctiveness. There is no distinctiveness in being a member of the human race. Few would contemplate a world of uniform culture with equanimity. Geographical barriers and historic traditions promise for a long time to preserve cultural variety even in a world-federation, though modern means of communication and economy have exterminated many quaint customs and costumes. The need of cultural variety and the love of distinctive nationality suggests that a world police power is more likely to

[32] *Mein Kampf* (New York, 1939), pp. 199–200.

[33] Above, chap. xxi, secs. 2 and 5.

[34] Above, chap. xxiv, secs. 2 and 5.

be effective if controlled by a universal federation rather than by a universal empire.[35]

The area from which individuals have obtained their living has expanded from the village to the tribal area to the kingdom and empire, until, in the modern world, most people draw something from the most remote sections of the world. This widening of the area of exchange has augmented population and standards of living. Diminution of this area, such as occurred when the Roman Empire disintegrated into feudal manors, has had a reverse effect. The economist can make no case for economic walls, if economy is to be an instrument of human welfare rather than of political power, except in so far as widespread practices on the latter assumption force the welfare-minded to defend their existing economy through utilizing it temporarily as an instrument of power.[36]

It may be questioned whether a rational consideration of the symbols, for the preservation of which wars have been fought, demonstrate that they have always been worth fighting for or that fighting has always contributed to their preservation. The actual values of these entities as disclosed by philosophy and the actual means for preserving them as disclosed by science are, however, less important in the causation of war than popular beliefs engendered by the unreflecting acceptance of the implications of language, custom, symbols, rituals, and traditions. It is in the modification of these elements of national cultures so that they will conform more precisely to the ends accepted by modern civilization and to the means likely to secure those ends that a more peaceful world-order can gradually be developed.[37] Such a work of education and propaganda cannot be effective unless it proceeds simultaneously in all important national cultures. A minimum acceptance by all of certain world-standards is the price of peace. The definition and maintenance of such standards require the co-operation of international education, international jurisprudence, international administration, and international politics.[38]

[35] Above, chap. xxvi, sec. 6; chap. xxvii, sec. 6.

[36] Above, chap. xxxii, secs. 1, 3d, 4c; below, Appen. XXVI, nn. 3 and 35.

[37] Above, chap. xxx, sec. 4.

[38] Above, chap. xxix; chap. xxx, secs. 1c and 2; chap. xxxiii, sec. 3.

PART IV
THE CONTROL OF WAR

CHAPTER XXXVIII

SYNTHESIS AND PRACTICE

ANALYSIS exhibits the relationship of symbols to one another, to phenomena, and to those who use them.[1] In the analysis of social problems the relationship of symbols to the writer and to the reader cannot be wholly excluded from a discussion of the other two relationships.[2] In the analysis of war attempted in this study it has not been possible to exclude consideration of the control of war and the objectives of that control, although the emphasis has been upon trends and prediction.[3]

Synthesis manipulates symbols and alters their relationship to the things symbolized and to the persons using the symbols so as to realize or to create phenomena. In the social sciences the phenomena to be realized or created are social objectives, and so unpredictable are the conditions which may be encountered that logical synthesis can hardly be separated from practice. In dealing with physical and biological phenomena, applied science and art go hand in hand, but in such fields, including engineering, agriculture, and medicine, it is possible so to define objectives and conditions that a theoretical exposition can precede constructive activity. An engineer can produce a blueprint of a bridge with all details described before the work begins.[4]

Planning of a social construction in this sense is impossible for two

[1] These have been called, respectively, syntactic, semantic, and pragmatic relations. Above, chap. xxviii, n. 58; below, Appen. XXXVII.

[2] Above, chap. ii, sec. 2; chap. xvi; Appen. XXV, sec. 2.

[3] Above, Vol. I, chap. ii, sec. 4. As an illustration of the impossibility of excluding evaluations from the most objective sociology see the discussion of "best" and "satisfactory" adjustment and of social "lag" and social "disorganization" in W. F. Ogburn and M. F. Nimkoff, *Sociology* (Boston, 1940), pp. 882–93.

[4] This is probably less true in the fine arts. The artist's or poet's conception of the completed work is very vague at first and develops with the progress of the work. See Henry James's discussion of the author's *donnée* in beginning a novel (*Notes on Novelists* [New York, 1916], pp. 394 ff.; *The Art of the Novel* [New York, 1937], pp. xvi, 308 ff.).

reasons: the objectives may be expected to change with experience and favorable opinion which is the major condition for success cannot be predicted far in advance. The social planner is faced by a problem like that of an architect asked to design houses, in accord with specifications which will be changed every week, to be constructed of mud which will wash away with the rain, in a region where a heavy rain is expected every month. Under such conditions detailed engineering plans would not pay.

The control of war involves, therefore, a synthesis of (1) planning and politics. In this synthesis (2) principles of social action must be considered, and (3) ends and means must be intelligently discriminated.

1. PLANNING AND POLITICS

A recent proposal in large-scale international planning suggests an analogy between social and mechanical inventions. The user of an automobile, it is suggested, does not need to understand its mechanism. If he can see the completed machine in operation, he can appreciate its advantages and accept it. So, it is argued, the average man does not need to know about the process or principles of building a new international order. He can leave that to the social inventors and give his approval when he sees it working.[5] The analogy fails because no large-scale social invention can work unless the people affected by it are convinced that it will work *before they see it working*. Otherwise their skepticism or hostility will kill it. No less important than the useful parts of social institutions, as Bagehot pointed out in reference to the British constitution, are the "dignified parts" which give "force" to the "efficient parts."[6] Social inventions have little value unless in the process of developing them social interest is aroused and general confidence in their adequacy is established. Social innovation and planning are, in fact, arts—of which the arts of social education and propaganda are parts no less important than the arts of political organization and administrative management.[7]

[5] Clarence Streit, *Union Now* (New York, 1939), p. 216.

[6] Walter Bagehot, *The English Constitution* (New York, 1893), pp. 72–73.

[7] This is to some extent true of mechanical inventions. They will not usually be used without advertising (Ogburn and Nimkoff, *op. cit.*, pp. 822 ff., 859 ff.).

Jean Jacques Rousseau in 1763 extolled the Abbé Saint-Pierre's project for perpetual peace (1713), ostensibly based on the "grand design" of King Henry IV and Sully (1608). He added, however, that "there is only one thing the good Abbé has forgotten—to change the hearts of princes." Rousseau then compares the political method by which, he said, Henry IV and Sully had attempted to achieve their plan, cut short by Henry's assassination, with the literary method of Saint-Pierre, unfavorably to the latter.

> There are the means which Henry IV collected together for forming the same establishment, that the Abbé Saint-Pierre intended to form with a book. Beyond doubt permanent peace is at present but an idle fancy, but given only a Henry IV and a Sully, and permanent peace will become once more a reasonable project.[8]

Conditions have changed in a century and a half. The hearts of masses of men are now as important as those of princes. Archibald MacLeish in 1938 challenged the question, "Shall we permit poetry to continue to exist?" by discussing the question, "Will poetry permit us to continue to exist?" "The crisis of our time," he writes, "is one of which the entire cause lies in the hearts of men," and only poetry can cure this "failure of desire" because "only poetry, exploring the spirit of man, is capable of creating in a breathful of words the common good men have become incapable of imagining for themselves."

> The economists . . . . cannot help us. Mathematicians of the mob, their function is to tell us what, as mob, we *have* done. . . . . When they try to build their theories out beyond the past, ahead of history, they build like wasps with paper. And for this reason: their laws come after, not before, the act of human wishing, and the human wish can alter all they know. . . . . Only poetry that

---

[8] *Extrait du projet de paix prepétuelle*, printed in part in W. E. Darby, *International Tribunals* (London, 1904), p. 120. Rousseau indorsed Saint-Pierre's analysis of the state of Europe (see above, Vol. I, Appen. III, n. 42) and also his remedy. Rousseau believed the confederation proposed "would surely attain its object, and would be sufficient to give to Europe a solid and permanent peace" and that it was to "the interest of the sovereigns to establish this confederation, and to purchase a lasting peace at such a price." He adds, however, that "it must not be said that the sovereigns will adopt this project (who can answer for another man's sanity?), but only that they would adopt it if they consulted their true interests. . . . . If . . . . this project remains unexecuted, it is not because it is at all chimerical; it is that men are insane and that it is a kind of folly to be wise in the midst of fools" (Darby, *op. cit.*, pp. 110, 114, 120). See also E. D. Mead, *The Great Design of Henry IV* (Boston, 1909), p. xviii.

waits as men wait for the future can persuade them. . . . . Poetry alone imagines, and imagining creates, the world that men can wish to live in and make true. For what is lacking in the crisis of our times is only this: this image. Its absence *is* the crisis.[9]

Always the social plan must be desired by the influential affected by it. Before the prescription will do the patient any good, the social doctor must convince the patient what it is to be well, that he wants to get well, and that the prescription will help him to that end. Always the plan must be sufficiently flexible to permit of adaptation to changing social desires. A civilized society has many different potentialities of development.

A social plan can, therefore, only include a broad statement of objectives, a brief exposition of conditions to be met and methods to be pursued, and a more detailed description of the personnel and powers of an organization to do the work. This organization must synthesize knowledge and persuade opinion as it progresses.[10]

[9] Friends of the Library, *The Courier* (University of Chicago), No. 10, May, 1938. MacLeish continues: "The failure is a failure of desire. It is because we the people do not wish—because we the people do not know what it is that we should wish—because we the people do not know what kind of world we should imagine, that this trouble hunts us. The failure is a failure of the spirit: a failure of the spirit to imagine; a failure of the spirit to imagine and desire. Human malevolence may perhaps have played its part. There are malevolent men as there are stupid men and greedy men. But they are few against the masses of the people and their malevolence like their stupidity could easily be swept aside if the people wished: if the people knew their wish. . . . . Never before in the history of this earth has it been more nearly possible for a society of men to create the world in which they wished to live. In the past we assumed that the desires of men were easy to discover and that it was only the means to their satisfaction which were difficult. Now we perceive that it is the act of the spirit which is difficult: that the hands can work as we wish them to. It is the act of the spirit which fails in us. With no means or with very few, men who could imagine a common good have created great civilizations. With every means, with every wealth, men who are incapable of imagining a common good create ruin. This failure of the spirit is a failure from which only poetry can deliver us. In this incapacity of the people to imagine, this impotence of the people to imagine and believe, only poetry can be of service. For only poetry of all those proud and clumsy instruments by which men explore this planet and themselves, *creates the thing it sees.*"

[10] See Harlow S. Person, "The Human Capacity To Plan," *Plan Age*, IV (January, 1938), 12 ff. The President's Committee on Administrative Management (*Report Submitted to the President and to the Congress in Accordance with Public Law, No. 739* [74th Cong., 2d sess. (Washington, 1937)], p. 28) thought of planning activities as functioning between administrative management, on the one hand, and policy determination, on

Karl Mannheim, discussing whether a science of politics is possible, defines politics as concerned "with the state and society in so far as they are still in the process of becoming. . . . . Is there a science of this becoming, a science of creative activity?"[11] In the ordinary sense of science he thinks not, but he believes a theory of the subject may develop as a function of the process itself.

The dialectical relationship between theory and practice insists on the fact that, first of all, theory, arising out of a definite social impulse, clarifies this situation, and in the process of clarification reality undergoes a change. We then enter a new situation out of which a new theory emerges.[12]

Symbolic exposition and the actual application of the symbols to the phenomena must proceed together in the process of social synthesis. In this sense Mannheim thinks there may be a science of politics.

The world of social relations is no longer insulated on the lap of fate but, on the contrary, some social interrelations are potentially predictable. At this point the ethical principle of responsibility begins to dawn. Its chief imperatives

the other. The planning organization "takes an over-all view from time to time, analyzes facts and suggests plans to insure the preservation of the equilibrium upon which our American democracy rests." It discovers duplications and oppositions among the activities of local, state, and national agencies, and of the different national departments. "It cannot be too strongly emphasized that the function of the proposed Board is not that of making final decisions upon broad questions of national policy—a responsibility which rests and should rest firmly upon the elected representatives of the people of the United States." This concept of planning as a glorified administrative activity concerned mainly with national resources is to be distinguished from the concept of comprehensive political decisions organizing national economy over a period of years, such as the Soviet "five-year plans." "The economic life of the U.S.S.R. is defined and directed by the State plan of national economy in the interests of the increase of the public wealth, the constant raising of the material and cultural level of the toilers, the strengthening of the independence of the U.S.S.R. and the strengthening of its defensive ability" ("Constitution of the U.S.S.R., 1936," Art. 11, *International Conciliation*, No. 327, February, 1937, p. 144). Under the first concept, "planning" is limited to criticism of a process developed from numerous initiatives; under the second, it creates the process itself by concentrating all initiative at one point. Under both concepts, the planner utilizes knowledge of the past and present but, in the one case, in order to harmonize the more serious conflicts which have developed from the past and, in the other, in order to predetermine the future (see above, chap. xxxiii, n. 76; below, Appen. XXXVIII).

[11] *Ideology and Utopia* (New York, 1936), p. 100.

[12] *Ibid.*, p. 112.

are, first, that action should not only be in accord with the dictates of conscience but should take into consideration the possible consequences of the action in so far as they are calculable, and, second, ... that conscience itself should be subjected to critical self-examination in order to eliminate all the blindly and compulsorily operative factors.[13]

Social synthesis is, therefore, history in the making. It is to be written in human behavior and social institutions, not in books.[14]

While the present writer does not go so far as to deny the possibility of an analysis of politics, he agrees that synthesis is a problem for statesmen rather than for writers. This section of the book will, therefore, be short.

2. PRINCIPLES OF SOCIAL ACTION

Certain postulates of social action so obvious as to be truisms are worth recording because, in constructing programs of international reform, they have often been forgotten.

a) We must start from where we are.—Neither nations nor international institutions which exist can be ignored, for the fact of their existence gives evidence of loyalties. Persons with loyalties will retaliate if their symbols are devalued. This retaliation may itself cause violence and failure of the program which is responsible for that devaluation. Action for peace should therefore proceed by the co-ordination rather than by the supersession of existing institutions. New institutions should only be established with the initial participation of all whose good will is essential for their functioning. Those left out at the beginning are likely to organize in opposition.

b) We must choose the direction in which we want to go.[15]—This can-

---

[13] *Ibid.*, pp. 146 and 171.

[14] It therefore resembles the historical dialectic of Hegel and Marx (above, Vol. I, Appen. IV, n. 12).

[15] The objectives of a reform of wide scope cannot be envisaged as a goal to be achieved at a future time but rather as a direction of movement so long as certain conditions prevail. It is not necessary and may not be desirable or possible to choose the direction of society as a whole but only of the particular aspect of society involved in the proposed reform. It may very well be that social change as a whole is a natural process superior to the planning of any of its members and that the direction of this change at any time is the resultant of the interaction of numerous competing and conflicting ideals, movements, plans, inventions, contacts, and random activities, thus resembling organic evolution (above, Vol. I, chap. v, sec. 4; Appen. VII, nn. 53, 75, 76,

not be discovered by science or analysis. It is an act of faith.[16] Presumably, democratic societies wish the control of war to be in the direction of international peace, but of peace conceived as a state of order and justice. The positive aspect of peace—justice—cannot be separated from the negative aspect—elimination of violence. Peaceful change to develop law toward justice and collective security to preserve the law against violence must proceed hand in hand.[17]

The aim must be narrowed, however, if action is to be effective. No one organization or movement can embrace all reforms. International peace does not imply the elimination of all conflict or even of all violence. Forms of conflict, such as political and forensic debate, as well as economic competition and cultural rivalry, may be

and 79). Lesser objectives may be achieved by planning for them, and their achievement affects the direction of social change as a whole; but the total effects can seldom be estimated in advance (see above, chap. xxx, sec. 4; below, Appen. XXXVIII). See also A. L. Lowell, "An Example from the Evidence of History," in *Factors Determining Human Behavior* ("Harvard Tercentenary Publications" [Cambridge, Mass., 1937]), pp. 119 ff.

[16] The objectives of a minor reform may be scientifically demonstrated to be a means to a greater reform, but there is always a point beyond which science cannot go in the ascending hierarchy of values. Historians and sociologists have sometimes suggested that the direction of "progress" is the direction of "history," of "evolution," or of "social trends." This, however, is to identify progress with change and to deny the efficacy of social control (see above, Vol. I, chap. iii, sec. 3; Carl Becker, "Progress," *Encyclopaedia of the Social Sciences;* "Committee Findings," *Recent Social Trends* [New York, 1933], I, xiii). If a person is traveling to an upstream town, he will not make "progress" by drifting with the current. This, of course, does not mean that one can ignore the current, whatever one's destination. The study of social trends is necessary in determining practical means to social ends, but it cannot provide the ultimate ends. It is in this sense that Ogburn and Nimkoff's (*op. cit.*, p. 876) distinction between "observational" and "fantasy" ideas is significant. Assertions that the ultimate goal of social control is to be found in the prescriptions of a particular religion, in a particular utopia or myth, in particular poetic or philosophical expositions, in particular concepts, such as that of harmonious integration of all parts of a culture (see *ibid.*, pp. 882–85), or in the ideals or practices actually prevalent in a particular civilization—all rest on faith inaccessible to scientific proof. Science may be able to estimate the actual influence of these different faiths in a given society, and doubtless the influence of the prevalent ideals and practices will usually be important (above, n. 7).

[17] Above, chap. xxx, sec. 1d. Some writers have insisted that peace is not an objective but a resultant. The goal is the good society, and peace comes as a by-product (*ibid.*, n. 56). This is simply another way of saying that peace as an objective must be conceived positively.

essential to a progressive world. Internal violence, such as crime, mob violence, and insurrection, are local problems in the world as it is. International peace might be achieved even though many economic and political ills remained. The elimination of war involves continual judgment as to the importance of abuses and of proposals for reform in relation to the objective of positive peace.

c) *Cost must be counted.*—It is the vice of war that it seldom compares its costs with its achievements. Efforts to control war should not make the same mistake. Programs for dealing with war may be of varied degrees of radicalness.[18] But every social change involves some cost. If a program for establishing positive peace is to be effective, first things should be dealt with first. The degree in which the basic structure of international relations may be affected in the long run cannot be envisaged in the early stages, and attempts to envisage them would arouse unnecessary opposition. Social costs are relative to social attitudes, and few reforms can progress if the changes which may be involved in the distant future are measured in terms of contemporary social values. Great changes may develop if those concerned calculate only the advantages and the costs of the step immediately at hand. When that is achieved, the advantages and costs of the next step can be appraised.[19]

d) *The time element must be appreciated.*—War might be defined as an attempt to effect political change too rapidly.[20] Social resistance is in proportion to the speed of change. A moderate infiltration of immigrants or goods or capital will not cause alarm, but let a certain threshold be passed and violent resistance may be anticipated.[21] Cherished institutions and loyalties can peacefully pass away through a gradual substitution of other interests, loyalties, and institutions, but gradualness is the essence of such a peaceful transition.

[18] Above, Vol. I, chap. ii, sec. 2.

[19] The unexpectedness of, and opposition to, the remote consequences of many reforms provides a major source of the conservative's skepticism of all reforms (above, n. 15).

[20] Above, chap. xxviii, sec. 4b.

[21] H. D. Lasswell, *World Politics and Personal Insecurity* (New York, 1935), pp. 174 ff.

The establishment of positive peace requires many important social changes, because war is an institution which penetrates comprehensively and deeply in the modern political world. Consequently, organizations working on the problem must not become impatient. This is not to say that on occasion it may not be expedient or necessary to seize a favorable tide for a long advance. Such an opportunity may be presented by the plastic condition of many institutions after a war. The appreciation of occasions and the adjustment of the speed of movement to the character of such occasions are the art of statesmanship.[22]

3. ENDS AND MEANS

War may be explained from different points of view.[23] What is treated as an unchangeable condition from one point of view may be a variable to be changed from another point of view. This is due to the fact that few social conditions are really unchangeable; consequently, the distinction between constants and variables becomes a question of policy and strategy—a distinction between ends and means.[24]

Positive peace may be sought by a more perfect balance of power, by a more perfect regime of international law, by a more perfect world-community, or by a more perfect adjustment of human attitudes and ideals. These different forms of stability cannot, however, be developed simultaneously. Policies promotive of one may be detrimental to another.[25]

The military point of view assumes that international law, national policies, and human attitudes will remain about as they are. Attention should be concentrated on the balance of power which will usually be stabilized by maintaining the freedom of states to make temporary alliances, to increase armaments, and to threaten inter-

---

[22] "There is a time factor in international relations and it may be called decisive. The fatal words in international relations are 'too late.' What is done is of less importance than when it is done. Acts which can be effectual at one time may be useless two years later" (Nathaniel Peffer, "Too Late for World Peace," *Harper's,* June, 1936; see also John Jay, *The Federalist,* No. 64 [Ford ed.; New York, 1898], pp. 429–30).

[23] Above, chap. xxxiv.

[24] Above, Vol. I, chap. ii, secs. 2 and 3; Vol. II, chap. xvi; Appen. XXV, sec. 3.

[25] Below, Appen. XLIV.

vention as the changing equilibrium requires. Permanent alliances and unions, conceptions of aggression, disarmament obligations, systems of collective security, and economic interdependencies interfere with this liberty of state action and hamper the rapid political maneuvers necessary to maintain the balance.[26]

The legal point of view, while assuming the permanent existence of states and the persistence of existing human attitudes, seeks to limit national policies, including balance-of-power policies by rules of law. Such rules in the international field are certain to be influenced by the principles of justice and the procedures for administering justice accepted by the developed systems of private law. International law, therefore, tends to regard many actions essential to maintaining the balance of power as unjust and to develop world-government in its place. This involves a reinterpretation of state sovereignty so as to permit rules of international law directly applicable to individuals.[27]

The sociological point of view tends to hold that law and armies are consequences of the more fundamental aspects of culture. Of the latter, nationalism is outstanding in present civilization. Efforts to increase the stability of the world-community should, therefore, be directed against the symbols of nationalism. Sociologists, however, are thoroughly aware of the obstacles which the processes of social integration and personality formation offer to plans and propaganda for substituting a world-myth for national myths.[28]

The psychological point of view considers armies, international law, and national policies as derivative phenomena and devotes primary attention to changing human attitudes by education. Educators are, however, aware that certain changes in international law are essential if education is to develop attitudes appropriate to peace universally, that the growth of economic and cultural internationalism tends to facilitate such a program, that wide diffusion of attitudes conducive to positive peace involves important changes in the national cultures, and that educational efforts to promote peace can be regarded as successful only if they induce general

---

[26] Above, chap. xx, sec. 2; chap. xxi.

[27] Above, chap. xxiv, secs. 4 and 5; chap. xxv.   [28] Above, chap. xxviii.

reductions in national armaments and general abandonment of aggressive policies.[29] The success of effective peace education tends to render the balance of power less stable and, therefore, requires the substitution of a very different world political structure.

Faced by the general difficulties of large-scale social change and by the particular conflicts of objectives and methods, of ends and means, in approaches to international justice and order, what should be the program of the statesman anxious to eliminate war? The subject will be divided into two chapters dealing, respectively, with steps to prevent immediate wars and with steps to modify world-order so that wars will become less probable.

[29] Above, chap. xxx, sec. 2; chap. xxxiii, sec. 5.

CHAPTER XXXIX

THE PREVENTION OF WAR

THE analysis in this study suggests that the prevention of war involves simultaneous, general, and concerted attacks on educational, social, political, and legal fronts. Policies directed toward a military balance of power, toward political and economic isolation of the great powers, or toward conquest of all by one give no promise of stability in the modern world. Policies directed toward these objectives are more likely to contribute to war than to prevent it.[1]

The moving ideals and beliefs held by large groups might be examined to discover whether it is possible to interpret and organize them so that adherents of all might continually advance toward realization of their ideals through dialectics rather than through war. This is a philosophic and educational problem.[2]

The unsatisfactory conditions afflicting a majority of the human race might be examined to discover whether changes in economic and social institutions and policies in many sections of the world or in the world as a whole might not ameliorate these conditions or provide avenues of escape other than war. This is an economic and administrative problem.[3]

The methods of securing and maintaining political power might be examined to ascertain whether the efficiency of those methods which do not depend upon external enemies and irresponsible control of armaments might be so increased that a federal organization of all nations could be achieved without organizing the world for war against the planet Mars. This is a military and political problem.[4]

---

[1] Above, Vol. I, chap. xii, sec. 4c; chap. xxxiv, sec. 5a. Much of this chapter is from an article by the author on "The Causation and Control of War," *American Sociological Review*, III (August, 1938), 461 ff.

[2] Above, chap. xxx, secs. 1c, d, and 4; chap. xxxiii, secs. 2b and 3.

[3] Above, chap. xxxi, sec. 5; chap. xxxii, secs. 3c and 4.

[4] Above, chap. xxii, secs. 4 and 6; chap. xxvi, sec. 4; chap. xxix, sec. 5.

The principles, sources, and sanctions of international law might be examined to ascertain whether that law might be developed substantively and procedurally, better to assure its application in international controversies without violent self-help, better to reconcile the continually changing interests of states and individuals, better to assure the orderly modification of rules and rights whenever they get out of harmony with changing conditions, and better to realize the fundamental standards of modern civilization. This is an ethical and legal problem.[5]

The difficulty of finding points at which the results of theoretical studies along these lines might be injected into the onward rush of politics can be illustrated by a description of certain practical problems which have confronted statesmen in recent years—those of (1) the aggressive government, (2) the international feud, (3) the world-crisis, and (4) the incipient war.

I. THE AGGRESSIVE GOVERNMENT

In a legal sense the word "aggressor" refers to a government which has resorted to force contrary to the international obligations of the state.[6] Here the term is used in the sociological sense and refers to a government which, because of its internal structure or its environmental conditions, is likely to resort to force.[7] Herbert Spencer distinguished the military state, which compels internal order and external defense by subordinating the economic, social, and political life to the needs of the army, from the industrial state, which persuades internal order and external defense by subordinating the army to the needs of social service, economic prosperity, individual

---

[5] Above, chap. xxiii, sec. 8; chap. xxiv, secs. 4 and 5.

[6] Above, chap. xxiii, sec. 8.

[7] Above, Vol. I, chap. ix, sec. 1a; chap. x, n. 32; chap. xii, sec. 1d; Vol. II, chap. xxii, sec. 3e; chap. xxvii, nn. 39 and 40. Besides the legal and sociological uses, the term "aggression" is also used by military men to refer to offensive tactical or strategic movements (the attack) as distinguished from the defense, and it has been used in disarmament conferences to refer to weapons or arms particularly useful in such movements (Marion W. Boggs, *Attempts To Define "Aggressive Armament" in Diplomacy and Strategy* ["University of Missouri Studies,"] Vol. XVI, No. 1 (Columbia, Mo., 1941)] pp. 41 ff., 66, 81 ff.). Thus governments, policies, acts, movements, and instruments have been referred to as "aggressive," but with important differences in moral connotation.

initiative, and international conciliation.[8] .The difference is only relative because all states have both productive and military organs, and in most the leadership is sometimes in one, sometimes in the other. Furthermore, aggressiveness is immediately a characteristic of a government rather than of a people. A people may rapidly substitute a peaceful for an aggressive government, but the type of government undoubtedly tends in time to infect the people.[9]

Many past as well as contemporary political organizations can be placed with reasonable assurance in one or the other category, just as many animals can be classed as predaceous or herbivorous, even though some, like man, manifest both characteristics. The sheep, like the meek; prefer to inherit the earth, and they can do so more comfortably if they eliminate the wolves—a consummation which will do them no obvious harm if they devise adequate means of birth control.

How can aggressive governments be identified and eliminated? Statistical studies indicate that some governments have fought more frequently and have spent a larger proportion of their resources on war and armaments than have others. Political studies suggest that war and the army play a much larger role in the power-maintenance devices of certain governments than of others. Sociological studies suggest that military activities play a more important part in the culture of some governing élites than of others. Probably criteria could be set up to identify the aggressive governments at any time by utilizing figures of the kind mentioned, supplemented by analytic-descriptive materials relating to the degree of centralization and totalitarianism.[10]

The more the control of human activities is concentrated in government and the more government is centralized, the more society approaches a despotism, a "directed society." It has been said that "a directed society must be bellicose and poor. . . . . A prosperous

<hr>

[8] Above, Vol. I, chap. vi, n. 25; chap. x, n. 32; Vol. II, chap. xxii, n. 37.

[9] Above, chap. xxii, sec. 1.

[10] Above, n. 7; Alfred Vagts, *A History of Militarism* (New York, 1937); Hans Speier, "Militarism in the Eighteenth Century," *Social Research*, III (August, 1936), 304 ff.

and peaceable society must be free.''[11] This does not say that de-
mocracies are always prosperous and peaceful. Furthermore, no
actual governments are either pure despotisms or pure democracies.
Some central direction is essential for all government. If properly
qualified, however, there is much truth in the proposition. Despot-
ism makes for poverty by hampering the economically most efficient
division of labor and the rapid adaptation of productive forces to
changing wants. It makes for bellicosity because effective planning
requires an objective no less tangible and comprehensible than the
defeat of an enemy. Poverty makes for despotism because the poor
lack in self-confidence and tend blindly to follow a leader; it makes
for bellicosity because the poor are so miserable that they can easily
be persuaded to violence. Bellicosity makes for despotism because a
unified command is the secret of military success. It makes for pov-
erty because in war and in war preparation production must be di-
verted from consumption goods to armaments, and international
trade must be subordinated to national self-sufficiency. The more
complex the organization, the more varied and variable the wants
of a society, the more certain is this relationship. It may be that in
a relatively undeveloped country, such as Russia and most colonies,
an efficient despotism can for a time increase wealth by establishing
improved techniques which have been developed elsewhere. Where
wants change very slowly, despotisms may rely upon custom and
find it less necessary to utilize coercion and military preparedness to

[11] Walter Lippmann, *The Good Society* (Boston, 1937), p. xii; see also *ibid.*, pp. 89 ff.
There is much ambiguity in the words "directed," "planned," "dictatorship," and
"despotism." See comments by George Soule ("Must Planning Be Military?" *Plan
Age*, IV, No. 1 [January, 1938], 1 ff.), attacking Lippmann's thesis, and Hans Speier
("Freedom and Social Planning," *American Journal of Sociology*, XLII [January, 1937],
463 ff.), supporting Lippmann with qualifications. Jacob Viner states: "Two related
theses of the liberal tradition in Anglo-American thought have been: first, that under a
system of free individual enterprise a higher level of economic well-being was attainable
than under any other form of economic organization; and second, that a society or-
ganized on the economic basis was the only one compatible with the maintenance of
political democracy." He considers it not impossible to sustain this tradition by aban-
doning government aid to monopoly and preferable to do so because "its only practica-
ble alternative [is] a comprehensively planned economy under which . . . . 'All our hairs
would be numbered, and all gray' " ("The Short and the Long View in Economic Pol-
icy," *American Economic Review*, XXX [March, 1940], 11). See also above, chap. xxii,
sec. 3e; chap. xxxii, secs. 2 and 4.

maintain their power. Such primitive conditions no longer exist in many of the world's great communities.

The problem of eliminating aggressive governments is less difficult than the sheep's problem of eliminating wolves, because no people is invincibly aggressive. The wolf cannot change its nature, but the people afflicted by an aggressive government suffer from a disease rather than from an inherent characteristic. This conclusion is suggested by the variability of the degree of aggressiveness in the history of all peoples. The disease is a result of the interaction of internal and external conditions. In time of general war, depression, and disorder all peoples tend to become aggressive; in long periods of peace most peoples tend to become peaceful and industrial; but the tradition of military prestige, aristocratic social organization, political autocracy, and a geographical situation inviting invasion render certain peoples more susceptible to the disease.[12]

A people thus susceptible, after emerging from the despotism of a war, may for a time emphasize industry in order to recuperate, but with the inevitable post-war depression its government will resort to saber-rattling as a method of diverting the attention of its people from "hard times." This will necessitate preparedness as a means of defense, of relieving unemployment, and of prestige, and parades to further divert attention from economic ills. Military preparedness, however, requires political preparedness by concentration of authority; economic preparedness by the diversion of trade to those areas capable of control in time of war; and psychological preparedness by censorship and propaganda of the military spirit among the population. All these factors augment the depression. The people must be told to draw their belts tighter, to give up butter for guns, and to prepare more intensively for war. All activities within the state tend to be evaluated in terms of their contribution to its military power. National power supersedes national prosperity as the goal of statesmanship. The vicious circle continues through the interaction of the forces making for internal revolution and those making for external war.

If war can be staved off and the despotism has not become too inflexible, the vicious circle may be broken through the insistence by

[12] Above, Vol. I, chap. ix, sec. 1a; Vol. II, chap. xxx, sec. 3b; chap. xxxiii, n. 81.

the population that conciliatory policies be pursued in order that production may increase and taxes decline. The wisest policy open to other governments is probably to attempt to stave off war by skilful diplomacy which mollifies without yielding to threats and by a convincing expression of determination to apply sanctions against governments guilty of overt aggressions. Diplomacy should aim to isolate the aggressive government both from its own people and from other governments rather than to make a counteralliance against it. The latter policy tends to consolidate the aggressive government with its people[13] and to group all the great powers into two hostile alliances.[14] It may be more expedient to offer opportunities for external commerce to groups subject to the aggressive government than to isolate them economically if this can be done without greatly aiding the military preparation of that government. A program of political isolation of the aggressive government, economic collaboration with its people, and the threat of collective sanctions against overt acts of aggression is more likely to break the vicious circle than a program of counteralliances, economic isolation, and threats of preventive war.[15]

The distinction between international police or sanctions against aggression and counteralliances against aggressive states with threats of preventive war must be emphasized. This distinction is possible through the establishment, by general treaties, of clear juridical definitions and international procecures to identify and deal with acts of aggression.[16] In the same way economic sanctions against *governments* found guilty of aggression must be distinguished from national policies of economic discrimination against *states*. In other words, aggressive states must be treated as sick or unsocial and brought back into normal life, unless the governments are proved to have committed acts of aggression, in which case international sanc-

[13] Above, chap. xxiv, sec. 3c.

[14] Above, chap. xx, sec. 4(6).

[15] The United States policy in relation to Japan from 1937 to 1941 departed from this policy in that it included no commitments for effective sanction and it contributed vast quantities of oil and iron to Japanese military preparation. By encouraging and aiding Japanese militarists, it contributed to war and was as bad as the European policies of counteralliance which preceded World Wars I and II.

[16] Above, n. 6.

tions should apply, but so far as possible only against the government with the object of assisting the people to get rid of it.[17]

The objection often made that programs of continuing trade with a population whose government has an aggressive character will assist the aggressive government in its preparedness program and thus render it more powerful militarily, while important, is not always controlling.[18] By becoming dependent upon distant sources of raw materials and markets, the aggressive government becomes more vulnerable to economic sanctions. Furthermore, internal interests against war will be established, not to mention the influence of foreign trade in raising the standard of living. The value of such a program in curing aggressiveness may therefore be greater than its disadvantages in contributing to the military power of the potential aggressor if that contribution is not large. The difficulty is often encountered that the aggressive government itself raises barriers to trade as a military preparation.

Once a government has passed the critical point of policy, after which it evaluates economic opportunity solely as a contribution to military preparedness and evaluates foreign concessions solely as evidences of weakness, there is a danger that conciliatory policies by others may stimulate a government's aggressiveness. Concessions to Germany before Hitler and to Japan or Italy before 1931 might have prevented the severe attacks of aggressiveness with which these peoples were subsequently afflicted. The results of the Munich conference suggest that in 1938 such concessions aggravated the situation.[19]

2. THE INTERNATIONAL FEUD

It is obvious that certain pairs of states are more likely to get into war with each other than are other pairs. A war between Afghanistan and Bolivia would be more surprising than one between Albania

[17] Above, chap. xxv, sec. 3, nn. 63 and 64.

[18] Above, n. 15. The general advantage of creating confidence in the continuous access to markets and sources of raw materials until a government is definitely guilty of aggression is important (see attitudes of Cobden and Hull, above, chap. xxxvi, sec. 2).

[19] See Q. Wright, "The Munich Settlement and International Law," *American Journal of International Law*, XXXIII (January, 1939), 12 ff. See also above, n. 15; below, chap. xl, sec. 1a.

and Bulgaria. That territorial propinquity is not the only factor influencing such expectation is suggested by the consideration that today no one anticipates a war between Canada and the United States or between Virginia and Pennsylvania, although within a century and a half both of the latter wars have occurred. Geographic, commercial, cultural, administrative, and ideological factors, perhaps susceptible of statistical measurement, may throw light upon the probability of any given pair of states getting into war;[20] but more important than any of these are factors of world-politics concerning the probable orientation of each member of a given pair on opposite sides or the same side in a general war[21] and factors of historic animosity.

The latter constitutes the problem of the international feud, a phenomenon exhibited in the state of intermittent war between Rome and Carthage for two centuries, between England and France for five centuries before 1815, between Great Britain and Ireland since the time of Henry II, between France and Germany since the Thirty Years' War, between England and the United States for a century and a quarter after 1775, and between China and Japan since 1894.[22]

These feuds grow in part from the value to a government for internal political purposes of maintaining an external enemy against which the fears, ambitions, and military preparedness of its population can be mobilized and in part from the sentiment of revenge natural in a population which has been the victim of war. This sentiment is often kept alive by dramatic accounts of the invasions and barbarities of past wars in popular histories, if not by the insistent demands for the recovery of unredeemed territories.[23]

Such feuds tend to become more intense with time because each successive war adds new fuel to the fire. Some, however, have ended or at least have become much reduced in virulence. Great Britain and France were never at war from 1815 to 1941 and were several

[20] See above, chap. xxxv, sec. 4; chap. xxxvi, sec. 1; below, Appen. XL.

[21] Above, chap. xxxvi, secs 1 and 4e.

[22] See above, chap. xxxv, n. 45; chap. xxxvi, nn. 9 and 10.

[23] Above, chap. xxviii, sec. 1a(i).

times allies. The United States and Great Britain have on the whole been friendly since 1898. Great Britain and Scotland did not end their long feud by the union of 1603, but after the failure of the Jacobite movement in the eighteenth century the feud gradually subsided.

International feuds have sometimes ended by conquest of one state, as in the case of Carthage; sometimes by a development of great disparity in the power of the two states, as in the case of England and Scotland; and sometimes by political union or federation, although the Anglo-Irish feud has withstood all these remedies. Sometimes they have ended by a shift in the balance-of-power situation so that both parties to the feud become more alarmed at a third state. The rise of Russia and Germany as military powers contributed greatly to the ending of the long Anglo-French feud.[24] The rise of the German and Japanese navies contributed to the ending of the Anglo-American feud.[25] The making of arbitration and disarmament agreements and the diplomatic settlement of old claims were other factors terminating these feuds. From the standpoint of peaceful international relations, it is clear that such methods should be utilized for terminating feuds in preference to the method of creating new feuds.[26]

3. THE CRISIS PERIOD

Statistical compilations of battles during the last four centuries disclose the gradual emergence of a fifty-year fluctuation in the intensity of war. This fluctuation has been attributed to fading social memory with the passage of a generation, to long economic fluctuations, to the lag of national policies and constitutions behind changing international conditions, and to the tendency of unsettled disputes to accumulate, aggravating the relations of states.[27]

[24] Consummated by the "diplomatic revolution" of 1902 eventuating in the Anglo-French Entente.

[25] After the Venezuelan episode of 1896. The change was manifested in the conclusion of the Hay-Pauncefote Treaty, which permitted the United States to build and fortify the Panama Canal independently, in the collaboration in World War I, in the disarmament agreements based on the principle of equality, and in the collaboration in World War II.

[26] Below, chap. xl, sec. 1b.

[27] Above, Vol. I, chap. ix, sec. 2d; Vol. II, chap. xxii, sec. 2; chap. xxxvi, sec. 3.

These fluctuations arise from many factors which vary from instance to instance, but they have a typical character because the critical points are determined by the political exigencies of governments. After a necessary period of post-war reconstruction, more protracted in modern industrial nations than formerly, there comes a secondary post-war depression producing internal unrest. All governments tend to seek a remedy in concentration of national authority for relief, programs of self-sufficiency for protection, and a preparedness program to relieve unemployment and to provide for defense. This characteristic is particularly evident in states traditionally susceptible to aggressiveness, but it is manifested to some extent in all states. This tendency toward military and isolationist programs is likely to produce a realignment of alliances and disturbances to the balance of power, marking the transition from a post-war period to a mid-war period. The latter is likely to last for ten or fifteen years and to be characterized by fluctuations in the system of alliances, imperial wars, and minor civil wars. Gradually, however, the great powers tend to take positions on one side or the other of two hostile alliances, and with the solidification of such a bilateral balance of power the mid-war period changes into a pre-war period. The political alignments being established, each group calculates the influence of time upon its prospects in a war which is now considered inevitable. The side against which time runs will sooner or later precipitate a war on the hypothesis that if it does not act now it will certainly be defeated. This course of development can be detected in the relations of European states from 1815 to 1854, in the relations of the states of the United States from 1815 to 1860, and in the relations of European states from 1870 to 1914.

There were similar developments from 1920 to 1939, but the course of events was greatly accelerated. The Peace of Versailles, which did not in substance compare unfavorably with the conditions imposed by the victor in other general wars, was deprived of its most ameliorating feature when the United States, by its refusal to ratify, seriously weakened general confidence both in the treaty and in the League and stimulated an intransigent spirit in France. Feeling itself betrayed, France proceeded to interpret the reparation and military clauses of the treaty in a way to frustrate economic and

psychological recovery in Germany. In spite of these misfortunes, aggravated by the refusal of Great Britain to accept the logical development of the League idea in the Geneva Protocol, a post-war era of peace and good feeling was ushered in by the Locarno agreements of 1926. The unfortunate attitudes of France and the United States, however, persisted and prevented the economic and political disarmament necessary to perpetuate the Locarno spirit. The failures of the economic conferences of 1927 and 1933, of collective action in the Manchurian case, and of the disarmament conference of 1932 aggravated the economic and political crises which had begun in 1930.

As a reaction to prolonged economic and political insecurity, economic and political nationalism and self-sufficiency developed in all countries with varying degrees of intensity. This reaction prevented recovery from the normal post-war depression and eliminated the usual mid-war period. A pre-war period at once began in which political alignments with a view to war rapidly shattered all effective action toward international political co-operation, augmented the expectation of war, and induced a panic flight of states into political and economic nationalism, manifested among the satisfied by policies of isolation and among the unsatisfied by policies of aggression. The vigor of the dissatisfied powers in military, economic, and political preparations for war was exceeded only by the fatuousness of the democracies in yielding to threats and sacrificing both justice and strategic position for the sake of appeasement at the expense of weaker powers.

The new world-war really began with the Japanese invasion of Manchuria in 1931. It rapidly spread to Ethiopia, Spain, China, Austria, Czechoslovakia, Albania, Lithuania, Poland, France, England, the northern countries, the Balkans, Russia, the Middle East, and the United States, at which stage the far eastern war became united with the European war. After most of Latin America had entered the war or broken relations, the war was practically universal. The unsatisfied powers—Japan, Italy, and Germany—combined at first in the "Anticommunist Pact" and then in the "Axis" —always kept the initiative, while the democracies, notably the United States, appeared to be hardly aware of what was happening. In any case they proved incapable of any policy other than retreat,

isolation, and rearmament. Their methods contributed to the destruction of the system of collective security and to the building-up of a bilateral balance of power, moving irresistibly toward a broadening and intensifying of war.[28]

Wars involving great powers have always spread rapidly because they threaten the balance of power. It is very rare in the last three centuries that any great power has succeeded in keeping out of a war in which there was a great power on each side and which lasted for over two years. The position of lesser neutrals is different because, if in the vicinity of a great power, entry into the war might mean suicide; but even such states frequently have been drawn in. The United States was drawn into the Napoleonic Wars and into World Wars I and II. In the mid-century period of wars it fought its own Civil War.[29]

The problem of preventing the recurrence of such fluctuations or of preventing their eventuation in war is important. With improved military techniques, especially the aircraft and submarine, capable of reaching over or under battle lines to the civilian population and to commerce and industry, and with military propaganda and mobilization of all human and economic resources for military purposes, war has exhibited a long-run trend of increasing destructiveness of life and property in spite of its declining frequency. Successive periods of battle concentration in modern civilization have tended to be more serious.[30] Past civilizations have witnessed a similar augmentation of the destructiveness of war and have generally succumbed as a result.[31] Modern civilization, however, differs from past ones in

[28] See Bernadotte Schmitt, *From Versailles to Munich, 1918-1938* ("Public Policy Pamphlets," No. 28 [Chicago, 1938]); W. H. C. Laves and Francis O. Wilcox, *The Middle West Looks at the War* ("Public Policy Pamphlets," No. 32 [Chicago, 1940]); R. L. Buell, *Isolated America* (New York, 1940); Eduard Beneš *et al., International Security* (Chicago, 1939).

[29] Above, Vol. I, chap. ix, sec. 3e.

[30] Above, Vol. I, chap. ix, sec. 3; chap. x, sec. 3; chap. xii, secs. 1 and 2. The trend has not been continuous. The nineteenth century was the least warlike. The eighteenth was probably less warlike than the seventeenth. The twentieth was most warlike of all. See above, Vol. I, chap. x, sec. 2.

[31] Above, Vol. I, chap. vii, sec. 3c.

that it is world-wide, and thus its destruction would be more catastrophic to the human race.

Proposals frequently made by military men and international lawyers for limiting methods of war or for localizing war seem to have little chance of success. Modern nations at war will use all their resources for victory and will pay little attention to rules of good faith, honor, or humanity. It does not seem likely that modern states will be able to revert to the old system of small professional armies whose activities might be kept within bounds. A nation in arms, goaded by suffering and propaganda, will tend toward absolute war when it fights.[32] For similar reasons great states at war will pay little attention to neutrals. Large neutrals will be subjected to vigorous propaganda, and the war spirit will grow in response to inevitable indignities and apprehension of the possible effects of the war upon the balance of power until they enter on one side or the other. If small neutrals do not enter, they will be invaded or coerced into subordination to the needs of one or both belligerents.[33]

Nations desiring peace must rely on prevention rather than on neutrality. As there seems little hope of smoothing out business cycles except through appropriate government control of currency, banking, taxation, and corporate organization to prevent privilege and monopoly and to preserve numerous competing units in industry, so there seems little hope of smoothing out the war cycle in the family of nations except through international organization to frustrate aggression, to provide peaceful machinery converting the balance of power from a military to a political equilibrium, and to prevent too great concentrations of political power. But there is a danger of carrying the process too far. As the need to regulate economic monopoly has tended toward overconcentration of national sovereignty, so the need to regulate national sovereignty may lead to overconcentration of world-sovereignty.[34]

There is another danger. Organized efforts to prevent economic crises may have sometimes staved off minor depressions only by so rigidifying economic processes that a more serious depression has

[32] Above, Vol. I, chap. xii, sec. 4a.

[33] Above, Vol. I, chap. xii, sec. 4c.   [34] Above, chap. xxxvi, sec. 3.

eventually occurred. International organization, effective to prevent small wars and to stave off large wars, may so rigidify the *status quo* that eventually there will be a world-war. History suggests that men may have a choice between frequent small wars or infrequent large wars.[35] To avoid this dilemma, international organization must be developed to facilitate peaceful change in political structure and the distribution of power when such changes are demanded by the differential rates of economic and social change in different parts of the world. An international organization devoted solely to the preservation of a given *status quo* cannot preserve permanent peace.[36]

States which rely solely on their own resources for defense against potential enemies cannot be expected voluntarily to accept political readjustments which, however demanded by justice or economic conditions, will have the consequence of weakening their military position and strengthening that of potential enemies. Consequently, willingness to accept a system of peaceful change is dependent upon general confidence in a system of collective security. If the states are convinced that they cannot be deprived of their rights by violence, they may be willing to yield certain rights in the interests of justice, especially if the world-community is organized to exert political pressure to that end.[37]

4. THE INCIPIENT WAR

At any moment observation of the policies of aggressive states which have morally revolted from the restraint of international law and treaty, of the course of international feuds perpetuating venom in the minds of populations, and of the gradual passage from a mid-war to a pre-war period may suggest points of tension which may easily become war. Diagrams indicating the changing attitudes of one people toward the symbols of other states have been made.[38]

---

[35] Above, Vol. I, chap. vii, sec. 3*a;* chap. ix, sec. 3; chap. xii, sec. 1.

[36] Above, chap. xxv, secs. 2 and 4; chap. xxvi, sec. 4; chap. xxix, sec. 5.

[37] Above, chap. xxi, sec. 5*b, d;* chap. xxv, sec. 3; below, chap. xl, sec. 1*c.*

[38] Above, chap. xxxvi, sec. 2; below, Appen. XLI, Figs. 45–48, 50.

A compilation of such diagrams for all the great powers might graphically exhibit the state of international weather at any moment.

Such indications of the rise and fall of hostile attitudes can be related to incidents and conditions in the cultural, economic, political, and juridical realm. As diplomatic controversies become more numerous, incidents become more violent, political crimes are committed, merchant vessels are attacked, or battleships are bombed, and the graph of hostile attitudes of one population to the other, as indicated by the press, exhibits marked changes for the worse. A storm center is gathering. It is not possible to predict when war will occur precisely. Through the observation of such facts it is possible to see danger signs, but the diagnosis does not suggest a clear remedy.

Isolation of the two states in dispute from the rest of the world may result in a settlement; but, if they are states which have been in traditional feud, it is not likely to. If one is militarily more powerful than the other, such localizations of the controversy will encourage the more powerful to resort to threats or arms in full assurance that its victim will not receive outside aid. The consequence, illustrated by the Munich settlement of 1938, will be a general weakening of respect for treaties and international law, and the feud will continue.

On the other hand, intervention by outside states may aggravate the matter. There is a presumption that *ad hoc* intervention will be in the interest of the interveners rather than of the states originally in dispute, and there may be interveners on both sides. The original disputants may resent intervention, especially the more powerful of the two, and the result may be a generalization of war, as in the Danzig dispute of 1939, or a temporary ending of the controversy with increased resentment on both sides.

Resort to procedures which have become habitual through international institutions appears more hopeful. The League of Nations functioned well in twenty political controversies before 1929,[39] though it did not grapple effectively with the major needs of political change, especially in the matter of armaments. After the depression of 1930 certain aggressive states revolted from international order

[39] Below, chap. xl, sec. 1d; Appen. XXXIV, Table 65.

partly because they considered legal procedures too slow. Other states manifested weakness in applying the Covenant. As a consequence the League ceased to function effectively in political matters. Perhaps if all the great powers had been in the Council, habituated to procedures of investigation and consultation upon the first signs of aggression even by a great power, the results would have been different. In such circumstances peaceful change in the interest of dissatisfied great powers and consonant with accepted standards of justice might have proceeded sufficiently rapidly to alleviate aggressive tendencies before they had come to dominate in the policy of those states.

CHAPTER XL

TOWARD A WARLESS WORLD

THE treatment of particular situations threatening war—the aggressive state, the international feud, the crisis period, and the incipient war—should be directed not only toward remedying the immediate situation[1] but also toward a solution which would contribute to a pattern of world-relations in which war is less implicit. Frequently the most obvious remedy for a threatening situation will make it worse in the long run.[2]

a) Treatment of aggressors.—One way of dealing with an aggressive government is to let it have its way. Even such a government will usually prefer to avoid fighting[3] if it can get all it wants by mere threats of war. This method of treating aggression by nonresistance or appeasement, illustrated in the Munich settlement of September, 1938, tends to increase the general prospect of war.[4]

Appeasement is likely to make the aggressive state more aggressive. The aggressor's success in utilizing threats of violence will stimulate him to utilize the same methods again. The argument is often made by nonresisters that generosity stimulates generosity and that the aggressor will reciprocate to such treatment by becom-

---

[1] Above, chap. xxxix.

[2] Jacob Viner, while noting that the short-run solution is not always defective in the long run (see above, chap. xxxviii, n. 19), urges the advantage of a theory, which alone can disclose long-run consequences, in advising on immediate policy ("The Short View and the Long in Economic Policy," *American Economic Review*, XXX [March, 1940], 5).

[3] Not always, because it may think the prestige gained by victory in a small war will help it to win without a large war later (above, chap. xxiii, nn. 83 and 86).

[4] The popular military interpretation that Britain gained a year of time for its military preparation overlooks the fact that Germany did so also and that Germany's rate of military production during the year was greater than Britain's; that appeasement lost allies in Europe, lost moral support throughout the world, and disintegrated the world-community.

ing docile and law-abiding.[5] Doubtless generosity may have that effect under certain circumstances, but it may be questioned whether either the aggressor or anyone else would characterize the sacrifice of someone else's rights under threats of violence as generosity. A voluntary rectification of inequities in peaceful times may establish a worthy precedent, prevent the development of potential aggression, and stabilize the community of nations. But the same cannot be said of retreat before threats of violence at the expense of those who have right but not power on their side.[6]

Such a policy tends to stimulate aggression by others. Instead of deterring, it encourages potential aggressors. Successful crime tends to spread. The League's weakness in the face of Japan's aggression in Manchuria in 1931 encouraged Mussolini to aggress against Ethiopia in 1935. This in turn encouraged Hitler to violate Locarno in 1936. The success of this episode precipitated further aggression by the Axis powers in Spain, China, Austria, Czechoslovakia, Lithuania, Albania, Danzig, and Poland in the following years.

A policy of appeasement will create bitterness and the seeds of aggression in its victims. Important populations in China, Ethiopia, Spain, Austria, Czechoslovakia, Lithuania, and Albania had, in 1939, not only a sense of material loss and of national wrongs to be rectified but a sense of injustice and betrayal which encouraged them to expect rectification of these wrongs only by violence which they prepared to use when the occasion was presented. The fact that some of the aggressors felt themselves the victims of injustice in the settlement after World War I does not in any way mitigate the dangers flowing from new injustices. Two wrongs do not make a right.

Finally, appeasement of aggressors tends to destroy confidence in the possibility of justice in international affairs throughout the community of nations. It induces all states to revert to exclusive reliance on their own defenses and on special alliances. Armament races and a diminution of the authority of international law and of

[5] L. F. Richardson, *Generalized Foreign Politics* ("British Journal of Psychology: Monograph Supplements," Vol. XXIII [Cambridge, 1939]), p. 7; above, chap. xxxvi, sec. 2.

[6] Above, Vol. I, chap. xii, sec. 3*d*.

all international institutions follow. Writing in January, 1939, before the German absorption of Czechoslovakia and Memel, before the German demand in regard to Danzig, before the victory of Franco in Spain, before the Italian seizure of Albania, and before the Japanese blockade of Tientsin, the writer summarized the consequences of the Munich agreement thus:

> The International Commission, in which British and French influence appears to have been negligible, gave Hitler without plebiscite substantially what he had demanded at Godesberg, including Czechoslovakia's important defenses and industrial areas and 750,000 Czech-speaking citizens, many of whom were obliged to flee without their possessions. Czechoslovakia yielded further territory to Poland and Hungary and subordinated its policy to the will of Germany, which immediately proceeded to economic negotiation with Yugoslavia, Bulgaria and Turkey, to dictatorial demands with respect to the armament, policy, and governments of Great Britain and France, and to increased persecution of minorities within its territory. The principal powers proposed increases of armament. Japan launched a successful attack on Canton. Great Britain concluded the pending agreement with Mussolini, recognizing the latter's conquest of Ethiopia, though Italian troops had not been withdrawn from Spain. Through successive stages in dealing with the Sudeten problem the powers had proceeded from acts which were merely impolitic, to acts which were positively illegal and finally to acts which suggested panic—*Facilis descensus Averni*.[7]

It is not certain that war against the aggressors would on this occasion have contributed to a better world-order. It is possible that a firm and united stand against proposed aggressions would have avoided sacrifice either of peace or of justice.

b) Treatment of international feuds.—The "natural" solution of international feuds through conquest of one by the other or by the development in each of fear for a more powerful third state have little to commend them as methods of stabilizing peace. Collective pressures toward a settlement of all grievances might be more satisfactory, as illustrated, for instance, in the League's successful action

---

[7] Virgil, *Aeneid*, Book vi, l. 126. In his radio address of October 26, 1938, President Roosevelt commented on some of the consequences: "It is becoming increasingly clear that peace of fear has no higher or more enduring quality than peace of the sword. There can be no peace if the reign of law is to be replaced by a recurrent sanctification of sheer force. . . . . You cannot organize civilization around the core of militarism and at the same time expect reason to control human destiny" (Department of State, *Press Releases*, October 29, 1938). Q. Wright, "The Munich Settlement and International Law," *American Journal of International Law*, XXXIII (January, 1939), 29.

in 1925 in stopping the developing feud between Greece and Bulgaria. This stopped an armament race between the countries and resulted in a progressive diminution of the Bulgarian military budget during the next six years from 9.65 to 7.43 million American gold dollars.[8]

c) Treatment of international crises.—The "natural" method of dealing with the periodic international crisis is for the states not immediately involved to scatter for shelter like a flock of chickens when two of their number get into a fight.[9] This policy of pacifist isolationism was practiced by most of the states after the crisis of 1936, precipitated by Hitler's invasion of the Rhineland and the League's abandonment of sanctions in the Ethiopian case. The policy was especially defended by the northern neutrals of Europe and by the United States, which reverted to policies of neutrality.[10] Former President Hoover, in an address of March 31, 1938, upon his return from Europe explained the crisis situation there, saying:

> Every phase of this picture should harden our resolve that we keep out of other people's wars. Nations in Europe need to be convinced that this is our policy. . . . . In the larger issues of world relations, our watchword should be absolute independence of political action and adequate preparedness.[11]

This policy, by which each country seeks to preserve its own peace by isolating itself from the crisis, if pursued generally, tends both to intensify the crisis and to accentuate the characteristics of the world's political structure favorable to wars.

The aggressors immediately responsible for the crisis will be stimulated to continue their aggressions because they will be convinced that no united opposition to them will be organized and that they can plunder their weaker neighbors without difficulty.

[8] Richardson, *op. cit.*, p. 8.

[9] Above, chap. xxxv, sec. 5*b*.

[10] Above, chap. xxv, sec. 5. The Soviet Union adopted this policy after the "Munich settlement," manifested especially in its nonaggression pacts with Germany and with Japan in 1939 and in 1940.

[11] Royal Institute of International Affairs, *Bulletin of International News*, XV (April 23, 1938), 56; League of Nations Association, *Handbook of International Relations* (New York, 1939), pp. 720 and 723; see also W. N. Hogan, "The Problem of Nonbelligerency since the World War" (manuscript, University of Chicago Library, 1939); above, chap. xxi, sec. 3*a*.

In so far as aggressions have been the consequence of unredressed inequities in the past, the prospects of redress will be diminished, because the neutral powers, while ready to sacrifice weaker powers to the aggressor, will augment their armament and may even band together to defend their own possessions against the aggressor.

The movement toward isolation and reliance on self-defense alone tends toward a general heightening of economic barriers and a general increase of armament, thus lowering standards of living, augmenting international anxieties, and increasing the world tension level. The prestige of international institutions will be reduced; general confidence in international co-operation, international law, and international justice will decline; the social and intellectual solidarity of the nations will diminish; and a trend may be set in motion which will gradually reduce the means of international communication and exchange. Such a development might eventuate in a vast diminution of the world's standard of living and population. The consequent unrest may result in a general revolt against political institutions and in the destruction of civilization. The beginnings of such a process could be observed in the 1930's,[12] and its history from beginning to end can be observed in the general flight to isolation of the sections of the Roman Empire in the fourth and fifth centuries A.D. followed by the Dark Ages.[13]

If, instead of striving for isolation, those not immediately involved in a widespread crisis follow the lead of the dynamic aggressor like jackals, each hoping to share in the booty, the result will be war, because the wealthy intended victims will eventually resist. If, somewhat more sophisticated, like a herd of quarreling apes, they momentarily forget their quarrels in accord with the precepts of balance-of-power politics and collaborate against an outside invader, little more contribution will be made toward a more peaceful world under present conditions of continuous material interdependence. The only policy which men have found capable of securing peace in times of crisis is that of rallying behind law and procedures of enforcement which have been prepared in advance. Conditions may

[12] Above, Vol. I, chap. xiv.

[13] Clive Day, A History of Commerce (New York, 1907), p. 29; above, Vol. I, chap. vii, sec. 2b; Vol. II, chap. xxvi, sec. 2a.

have existed when states, because they lacked contacts, intelligence, and solidarity, could not do better than imitate the chicken, the jackal, or the ape; but conditions of communication now justify behavior more like that of men.[14]

In crisis situations the policies of states not immediately threatened might be supposed to give an adequate consideration to the long-run tendencies of action, but such states have tended toward policies of irresponsible neutrality. In proportion as the crisis deepens, states behave in ways which are considered necessary for the immediate security of each but which, like a panic in a theater fire or a stock-market collapse, actually involve all in common ruin.

Crisis situations might be used to promote united efforts to remedy genuine grievances and to establish universal principles. On such occasions rapid progress might be made toward permanently stabilizing peace if suitable leadership were followed, as it was in the United States in 1787. On the other hand, failure to follow such leadership may mean a long-time worsening of the situation, as happened after World War I.[15]

d) Treatment of incipient wars.—The "natural" policy of states in an unorganized community is to ignore controversies endangering peace or, if a "vital interest" is involved, to intervene. Such policies are likely to leave the situation worse than before.[16] Political controversies, however, provide an opportunity to utilize institutions of pacific settlement and thus to contribute in the long run to the organization of peace. Of the sixty-six political controversies which came before the League of Nations from 1920 to 1939, fifty-five were dealt with successfully either by the League organs or by other agencies, and, of the eleven which were not peacefully settled, eight occurred after 1935.[17]

[14] International and simian behavior is strikingly similar. Above, Vol. I, Appen. VII, n. 51; see also above, chap. xxi, sec. 3a; chap. xxv, sec. 5b; below, chap. xxxv, n. 52.

[15] D. F. Fleming, *The United States and the League of Nations, 1918–1920* (New York, 1932); *The United States and World Organization, 1920–1933* (New York, 1938); above, chap. xxxix, n. 28.

[16] Above, chap. xxxix, sec. 4.

[17] Below, Appen. XXXIV.

2. THE STRUCTURE OF PEACE

These illustrations suggest that it is the "natural" tendency of governments to deal with immediate issues of war and peace by methods which make the general world-structure less stable. The result has been the perpetual recurrence of war in the world. Statesmen have, when confronted by crises, usually turned the rudder the wrong way if their object was to bring the world to a harbor of political stability.[18]

In this sense peace may be considered artificial and war natural.[19] The ships of state have for so large a proportion of the time been tossed upon stormy seas that even the broadest chraacteristics of a peaceful port elude the imagination of statesmen.[20] What are the characteristics of that port? Can it be sufficiently identified so that if the desire is present, progress can be made toward reaching it? What sort of a structure, to change the metaphor, should the engineers of peace try to build in order to increase stability?

Plans for improving European or world organization have been produced with increasing frequency for the last three centuries, all built upon appreciation of the need to decrease the lag of international solidarity behind technological interdependence.[21] With this lag, Rousseau pointed out in the middle of the eighteenth century, the condition of the European people was worse than if they were completely isolated.[22] The clock of science and technology cannot easily be turned back. The only way to close the gap is to develop international and supranational institutions able to adopt individual attitudes, social symbols, public opinions, and public policies in every part of the world to modern conditions.[23] Political myths must be conformed to economic realities;[24] political nationalism must be adjusted to technological internationalism.[25]

[18] Richardson, *op. cit.*, p. 83; above, chap. xxxvi, n. 25.

[19] See above, chap. xxx, sec. 1d, on meaning of "peace."

[20] Above, chap. xxxviii, n. 9.

[21] Above, Vol. I, Appen. III, sec. 4; Vol. II, chap. xxxvii, sec. 1.

[22] *Ibid.*, n. 42.

[23] W. F. Ogburn and M. F. Nimkoff, *Sociology* (Boston, 1940), pp. 889 ff.; above, chap. xxviii, nn. 63 and 64.

[24] Francis Delaisi, *Political Myths and Economic Realities* (New York, 1927).

[25] Eugene Staley, *World Economy in Transition* (New York, 1939).

Most of the proposals for improving world-organization have, according to the analysis here presented, suffered from both structural and functional defects. Structurally they have inadequately balanced educational and investigatory competencies, political and legal jurisdictions, legislative and executive powers, and regional and universal responsibilities. Functionally they have not provided adequate procedures for measuring and changing the representation of peoples and governments, for determining and dealing with basic offenses against world-order, for assuring popular support to world-institutions, and for relating the organization of peace to the basic values of modern civilization.[26] These defects will be discussed successively, indicating at the same time the positive characteristics of a peaceful world-order.

The tactics and strategy by which progress may be made will not be discussed. Every world-crisis should be handled with an eye to progress toward a more adequate world-organization. Times of peace and prosperity are adapted to solidifying the world-institutions which have been established and the world-symbols which have been accepted. Times of tension and depression produce crises and wars during which active efforts should be made not only to prevent a backsliding toward excessive localism, nationalism, and regionalism but to achieve new advances in the direction desired. When all symbols and institutions are being weighed in the balance and viewed with skepticism, an opportunity is offered to the forces of peace no less than to those of war. The League of Nations would not have been achieved at all had not Wilson seized the disillusionment of war to win acceptance for new symbols of world-unity. In the period of peace which followed, statesmen did much, but not enough, to stabilize the meaning of these symbols and to augment their power. The opportunity may be presented after World War II to make another long stride in advance. The appropriate form of action and the appropriate moment to act, however, cannot be predicted long

[26] For study of many of these problems see Commission To Study the Organization of Peace, "Preliminary Report," *International Conciliation*, No. 369, April, 1941; Clarence Streit, *Union Now* (New York, 1939); Percy Corbett, *Post-war Worlds* (New York: Institute of Pacific Relations, 1942); Henri Bonnet (ed.), *The World's Destiny and the United States* (Chicago: World Citizens Association, 1941); see also above, chaps. xxv, xxvi, and xxix.

in advance. It is to be hoped that statesmen may arise capable of seizing the opportunity with a clear understanding of the direction in which the world should go.

a) Investigatory and educational competencies.—It would generally be recognized that the Secretariat was the most indispensable agency of the League of Nations. Its capacity to examine world-problems from a world point of view, to assemble information, and to produce feasible plans of action was demonstrated. No progress toward peace can dispense with such an agency, though it may be suggested that, useful as its economic and statistical investigations have been, its studies should be devoted in larger measure to objective examination of changes in the attitudes and opinions within the world's population. Solidarity of opinion is more important than solidarity of technology and should be developed first if peace is to be secured.[27] Changing expectations of war, changing opinions in one nation about another, changing attitudes of unrest (local and general), and changing allegiances to the major, social, and political symbols—these things can be roughly measured.[28] Up-to-date and accurate charting of these changes provides the indispensable data for peace action. To provide such materials, the secretariat should have adequately equipped agents in all sections of the world analyzing the press, the activities of pressure groups, general opinion, and expert opinion and submitting their findings at frequent intervals by wire or radio to the central office. The opportunity to make such scientific investigations of attitude and opinion in all sections of the world should be a first requirement of an effective international organization.

Any official body tends to become juristic rather than scientific— to prepare briefs expository of existing rights and obligations rather than to prepare studies elucidating unsatisfactory or dangerous conditions and suggesting new methods and treatments.[29] The analysis presented in this study suggests that common intellectual understanding of world-problems will not contribute to peace unless ac-

[27] Above, chap. xxxvi, sec. 4.

[28] Above, chap. xxxv.

[29] See Q. Wright, *Mandates under the League of Nations* (Chicago, 1930), pp. 229 and

companied by a broadening of attitudes from the national to the world horizon. International education must accompany or even precede international research. If it does not, the fruits of research may prove in part esoteric and in part grist for the nationalist lawyers. The world-secretariat must understand the problems of the world, but it must also educate the world in the attitudes necessary to solve these problems. It must also discover and inform the world of the consequences of alternative programs for handling problems as they arise.

To organize a world-secretariat that would be loyal to world-interests, intellectually adequate, sufficiently representative to give all nations a sense of participation, and sufficiently alert to national attitudes to provide an inside liaison with the national governments is not easy. This problem troubled the League of Nations' Secretariat. Some difficulties could be more easily solved if the Secretariat were considered more scientific and less political, as is the International Labour Office. In general, it would appear that scientific qualifications should take priority over representative qualifications, although efforts should be made to recruit personnel from as many divergent races and nationalities as possible.[30]

The greatest weakness of the League Secretariat was its want of access by right to the public in all sections of the world. Its publications were distributed widely but in small quantities. Some important states were not members of the League, and those that were did not in general permit "Radio Nations" adequate access to their publics. An effective world-order requires that the findings of a central scientific agency, as well as the political and legal findings of other world-agencies, be rapidly disseminated to the world-public. Doubtless this would involve some control of the form and contents of those findings through the political agencies of the world-order. But here, again, difficulties would be less if the world-secretariat were considered primarily scientific and educational rather than political. In such circumstances the nationalistic anxiety of govern-

[30] See Salvador de Madariaga, *The World's Design* (London, 1938), pp. 27 ff.; Sir Arthur Salter, *The United States of Europe and Other Essays* (New York, 1933), pp. 125 ff.; Helen Moats, "The Secretariat of the League of Nations" (manuscript, University of Chicago Library, 1936).

ments toward opening their publics to the propaganda implicit in findings on international questions might be reduced.[31]

b) *Legal and political jurisdictions.* —Under the League Covenant submission of controversies to legal adjudication was optional (Art. 13); but, if controversies were not so submitted and were politically important, they had to be submitted to political consideration by the League Council or Assembly (Art. 15).[32] Determination of whether the dispute was justiciable was therefore left to agreement of the parties in dispute.

The optional clause of the Statute of the Permanent Court of International Justice (Art. 36), accepted by most members of the League in 1929, reversed this procedure, requiring disputes concerning legal claims to be submitted to the Court, which could decide, upon unilateral application, whether a dispute was within that category. The Court, however, was open only to states or members of the League, not to individuals, corporations, or international organizations. The latter were occasionally able to bring their problems before the Court through the device of advisory opinions.[33]

Neither of these systems for distinguishing between political and juridical questions was without difficulty.[34] The system of the Covenant made it possible for an intransigent state to avoid adjudication altogether, thus preventing law from acquiring authority. The system of the optional clause, on the other hand, made it possible for a state with a good legal case to oppose modification of its right, although in equity its case might not be good. It is true, sys-

[31] The educational activities of the League centered in the Committee on Intellectual Cooperation, the Institute of Intellectual Cooperation in Paris, and the International Studies Conference. The activities of the first of these agencies tended to be esoteric and of the last to manifest irreconcilable nationalistic attitudes (above, chap. xxxiii, n. 78).

[32] The Council, however, could not consider on its merits a dispute which it found, on a legal basis, arose out of a matter "solely within the domestic jurisdiction" of one of the parties (Art. 15, par. 8).

[33] Several problems of the International Labour Organization and one of the European Commission of the Danube were thus submitted (*Advisory Opinions*, Nos. 1, 2, 3, 13, 14).

[34] See Paul Guggenheim, "Legal and Political Conflicts in the League of Nations," in *The World Crisis*, by the professors of the Graduate Institute of International Studies (London, 1938), pp. 200 ff.; above, chap. xxvi, sec. 4; below, Appen. XXXIII.

tems of private law are thus weighted in favor of the *status quo*, since every plaintiff is entitled to bring his case to court. But in such systems the community has a more intense social solidarity than does the community of nations. Under such conditions it is possible to develop legislative procedures assuring that law will approximate justice as the latter is interpreted by the public opinion of the community.

The difficulty might be moderated by giving a permanent court of international justice a broader equity jurisdiction. A court with competence to decide cases *ex aequo et bono*, giving full consideration to such equitable principles as abuse of rights, breaches of good conscience, and a want of clean hands by the plaintiff, might in practice modify rights under strict law when justice demands and gradually liberalize the law.[35] It is believed that such a development would be desirable, though at present it may be doubted whether many states would accept the compulsory jurisdiction of a world-court with such an enlargement of the sources upon which it could base its decision.[36] It cannot be supposed, however, that, even with such a change, the court could greatly modify the application of the law in a particular case. Equitable jurisdiction could scarcely be a substitute for political legislation.[37]

A further development would be to open the court to individuals who claim that national legislation or administrative action has deprived them of rights to which they are entitled under treaties or international law. Such a procedure, analogous to that found in many federal constitutions, would tend toward acceptance of juristic monism. This position holds that national laws contrary to international law are null and void and recognizes the international

[35] Jan Hostie, "International Law and Equity" (address to Peace and Disarmament Committee of the Women's International Organizations [Geneva, December, 1939]); H. Lauterpacht, *The Function of Law in the International Community* (Oxford, 1933).

[36] Max Habicht, *The Power of the International Judge To Give a Decision ex aequo et bono* (London: New Commonwealth Institute, 1935). By resort to "general principles of law" available to it as a source (Statute, Art. 38), the World Court may utilize equitable principles. See concurring opinion by Judge Hudson, in the Meuse case, Judgment No. 25, and H. Lauterpacht, *The Development of International Law by the Permanent Court of International Justice* (London, 1934).

[37] William G. Rice, Jr., "Judicial Settlement in World Affairs," *International Conciliation*, No. 369, April, 1941, pp. 505 ff.

status of individuals. While it may be expected that such a principle will develop slowly, a start might be made by permitting resident aliens to appeal directly to an international court on alleging a "denial of justice." Maritime cases arising under the general law might also be subject to appeal to the international tribunal, thus extending to civil admiralty cases the international jurisdiction proposed for prize cases in the Hague Convention of 1907.[38]

Unquestionably, a judicial development of international law would proceed much more rapidly if the principles of that law could be authoritatively established in connection with claims of individuals which usually have less political importance than cases between states. Furthermore, such a procedure would make states more continuously aware of international law and less likely to encroach upon it by legislative or administrative acts whose purpose is primarily domestic.[39]

With certain changes strengthening the position of law in the community of nations and thereby stabilizing the *status quo*, the opportunity should be given to states with grievances for which the law clearly offers no relief to bring their cases before such a political body as the Council or Assembly of the League of Nations. It is desirable, however, that such a political competence should not be based on a phraseology which implies that a state must first threaten to break the peace before it can invoke that political procedure.[40] Furthermore, unless the fundamental values of modern civilization are widely understood and accepted, such a political body would have no standards of policy or ethics to justify it in transcending the existing law. In such circumstances it would tend in serious cases to yield to the demands of the more powerful state.[41]

c) *Executive and legislative powers.*—The League Covenant pro-

[38] Above, chap. xxiv, sec. 3a, d; below, Appen. XXXII.

[39] Such a procedure would make the doctrine of "incorporation" of international law into municipal law more effective (above, chap. xxv, n. 29).

[40] This seems to be implied by Article 11 (see International Studies Conference, *Peaceful Change* [Paris: International Institute of Intellectual Cooperation, 1938], discussion by Dr. Berber [Germany], Lord Lytton [Great Britain], and Q. Wright [United States], pp. 464–81). See above, chap. xxv, n. 77.

[41] Q. Wright, "International Justice," in C. F. Wittke (ed.), *Toward International Organization* (New York, 1942).

vided explicit guaranties against territorial changes by violence. In other respects its weight was in the direction of political adjustment rather than preservation of the *status quo*. The Covenant even provided for political consideration of demands for territorial or treaty change, but an authoritative decision could not be made. The acceptance of the optional clause modified this balance, as did the exclusion of domestic questions from the competence of the Council and the Assembly.[42]

The development of controversy between so-called "revisionist" and "*status quo*" powers resulted in a wide discussion of this problem without definite conclusions. The controversy centered around territorial changes, though its scope was actually much broader. It dealt, in fact, with the relative roles of legislative and executive authority in international government.[43]

So long as there is no adequate collective-security system and the existence of states depends solely on their own armaments and the balance of power, any state subject to demands for territorial cession must pay more attention to the influence of such a change upon its power position than upon the equity of the demand per se. Poland was obliged to subordinate consideration of the justice of Germany's demands for Danzig, based upon the principle of self-determination, to consideration of the influence this cession would have in augmenting the prestige and aggressiveness of Germany, weakening the morale of Poland, sapping confidence in French and British guaranties, and thus leading to further demands and a gradual dismemberment of Poland. In short, no system for peaceful territorial change appears to be possible until states are assured that collective security is so reliable that only claims which are based on justice as interpreted by international bodies can ever be successfully promoted.[44]

[42] Above, n. 34.

[43] See International Studies Conferences on *Collective Security* (Paris, 1935) and *Peaceful Change* (Paris, 1937); Q. Wright, "Article 19 of the League of Nations Covenant and the Doctrine Rebus sic Stantibus," *Proceedings of the American Society of International Law, 1936*, pp. 55 ff.; H. Lauterpacht, *The International Problem of Peaceful Change: The Legal and Procedural Aspects* (London: International Studies Conference, 1937); above, chap. xxv, sec. 4; chap. xxix, sec. 5c, d.

[44] F. S. Dunn, *Peaceful Change* (New York, 1937), p. 12; above, chap. xxxvii, sec. 4.

General pledges of collective action, economic or military, against states guilty of aggression are not likely to be sufficiently reliable to give a sense of security in times of tension. This is because the hazards of states, especially those neighboring a powerful aggressor, are likely to be so great that they will neglect their obligations. Furthermore, the immediate costs to all may be very great, and there is likely to be a general moral reluctance to hold the population of the aggressor state responsible for the acts of the government. Though sanctions do not necessarily mean war, there is certain to be danger when the aggressor is powerfully armed.[45]

On the other hand, no system of world-order is possible without some protection of the members against violent breaches of that order. The problem of determining the aggressor has not proved difficult when international procedures have been available under which provisional measures, such as an armistice, can be promptly proposed and when states have pledged themselves to recognize that the state refusing to accept such measures is the aggressor. Resorts to violence contrary to specific international obligations are thus considered aggression, irrespective of the merits of the claims which the aggressor has sought to promote. Aggression, therefore, does not refer to the objectives of a state's policy but to the methods used in promoting those objectives. It is not determined by the offensive or defensive character of a state's tactics or strategy at a particular moment. Aggression in the legal sense differs, therefore, from the meaning of the word in either the political or the military sense.[46] Aggression is "a resort to armed force by a state when such resort has been duly determined, by a means which that state is bound to accept, to constitute a violation of an obligation."[47]

Qualitative and quantitative disarmament, reducing the power of rapid attack; development of procedures authorizing provisional measures with respect to military movements; development of the theory that aggressions are acts of governments, not of states, and that sanctions should be directed only against governments and

[45] Above, chap. xxv, sec. 3; chap. xxix, sec. 5c.

[46] Above, chap. xxxix, n. 7.

[47] Harvard Research in International Law, "Draft Code on Aggression," *American Journal of International Law*, XXXIII (suppl., 1939), 847; above, chap. xxiii, sec. 8.

those elements of the population which support them; more effective use of propaganda to unify the forces of the world-order and to disunite the population subject to the aggressor government; immediate and general embargoes of all war materials destined for the use of the aggressor government; and perhaps eventual establishment of a world-police, monopolizing control of bombing planes, are steps which together might render aggression impracticable. Aggression would be further deterred if the moral urge for it were reduced by the development of equitable and political procedures capable of modifying rights in cases of substantial merit.[48]

There will always be some dissatisfaction in the distribution of the world's territory because of historical grievances, changing economic needs, and the sentiment of minorities in areas of mixed population. Any system of collective security which so stabilizes the territorial *status quo* that peaceful rectification is deemed impossible will be subjected eventually to attack by coalitions of the dissatisfied. Practical security, therefore, requires effective procedures for changing the *status quo* when justice or wise policy demands. Such changes are essentially political, and the justice of demands cannot be based on any precise rule or principle but on vague standards accepted by world-opinion and on a practical appreciation of the changing technological, economic, social, and political conditions of the world and of the area in question. They must, therefore, be determined by a body representative of contemporary world-opinion rather than by any sort of equity tribunal or expert commission, however helpful the advice of such bodies may be. Some such procedure as that envisaged in Article 19 of the Covenant is therefore suggested. There might, however, be a possibility of authoritative decision in case the vote is adequate (probably more than a mere majority) and in case certain legal safeguards have been observed such as compensation to the ceding state and perhaps acceptance of the change by the population of the area in question.[49]

Changes in general law are, however, to be preferred to changes in specific rights. The latter type of changes, particularly when the

[48] Above, chap. xxv, sec. 3; chap. xxix, sec. 5.

[49] Wright, "Article 19 of the League of Nations Covenant, etc.," *op. cit.*, pp. 65 ff. ; International Studies Conference, *Peaceful Change*, pp. 531-33, 538-39.

rights in question are territorial, is at best disturbing, and consequently the demands for them should be reduced to a minimum. Effort to reduce the psychic, political, economic, and technological distances between territorial boundaries, if in the order named, might increase international solidarity and reduce tensions.[50] This might be done by international guaranties of basic human rights, including rights of minorities, by facilitating travel, by lowering barriers to trade and capital movements, and by assuring defense through international sanctions and police. International legislation should attempt to attain such objectives by general rules rather than by transferring particular rights or regulating particular boundaries.

More adequate procedures for such general legislation might be developed by modifying the *liberum veto* in international conferences and by according representation, at least to discuss, to international unions and perhaps other bodies, such as commercial, industrial, and labor associations, when matters of peculiar interest to them are being considered. Experiments in this direction have been made in the International Labour Organization and certain other international unions.

By gradual modification of procedures for securing rights against violence, for preventing aggression, for transferring rights, and for modifying international law, a better balance between law and change might be established in the world-society.[51]

d) Regional and universal responsibilities.—The importance of geography has been reduced by modern inventions, decreasing the time of travel, transport, and communication, but the significance of geography with respect to cultural distinctiveness, military strategy, political interests, and public administration is likely to continue indefinitely.[52] There will continue to be nationalities giving distinctiveness to areas whose population has cultural characteristics and historic memories in common. The effective military action of states will continue to be confined to limited regions outside their frontiers.

[50] Above, chap. xxxvi, sec. 4.

[51] Q. Wright, "Fundamental Problems of International Organization," *International Conciliation*, No. 369, April, 1941, pp. 477–81.

[52] Q. Wright, *Mandates under the League of Nations*, p. 268.

Land armies will continue to be difficult to transport to distant areas. This geographical limitation has always applied less to navies, though they have become increasingly dependent upon bases, and it will probably become even less important with the development of aviation. It is likely, however, that effective military action of most states will for a long time be confined to limited geographical regions.[53]

Tradition, trade, and strategy will continue to induce each state to be more interested in the events in some external areas than in others, and in those areas where its interest is greatest it will be prepared to assume larger responsibility than in others.

The administration of most activities increases in efficiency if it monopolizes an area. Officials are more efficient when they become accustomed to local conditions; communication is easier when only one language need be considered; and limits of jurisdiction are more easily marked by lines on a map than otherwise. Thus administrative hierarchies will continue to be geographically divided. World-administration is likely to be conducted in large measure by the co-ordination of national and local administrations.

It is, however, true that many services, especially postal and electrical communication, maritime and aviation regulation, epidemiological and narcotics control, scientific standards and statistics, and peace and the prevention of war should be world-wide. With the present range of armed forces the absolute sovereignty of continental regions, of a union of democracies, a union of Soviet republics, or a union of Fascist states would prove as dangerous to peace as is the absolute sovereignty of nations today. Any absolute sovereignty which is less than universal must have frontiers on land or sea, on the other side of which will lie potentialities of war.

In principle, therefore, an organization of peace must be world-wide. Realistic consideration must, however, be given to the geographic variations referred to. Responsibilities in respect to sanctions and power in respect to legislation must be varied according to such regional interests.[54]

[53] Above, Vol. I, chap. xii, sec. 1c, d.
[54] Q. Wright, "Fundamental Problems, etc.," op. cit., pp. 472–77.

3. THE FUNCTIONING OF PEACE

World-organizations cannot acquire vitality unless their functioning is important to people. People want recognition, security, response, and new experience.[55] World-institutions may be related to these wants by according appropriate representation to groups, by preventing fundamental transgressions against world-order, by becoming identified with the larger self of the individual, and by facilitating the search for, and diffusion of, new values.

a) World-representation.—Although there has been a trend toward a development of minimum world-standards in science, in law, and even in cultural and political institutions, there are still vast variations in the economic standards, intelligence, culture, and awareness of world-problems of the masses in different sections of the world. A system of world-legislation, giving equal votes to units of population, would not be more satisfactory than one giving equal votes to states. It is unlikely that a universal pattern of representation can for a long time be recognized. The International Labour Organization, which bases representation upon the principal labor and employer organizations, as well as the government in each state, has a system, more satisfactory for its purposes, than was the system adapted by the League, based on exclusive representation of governments, satisfactory for its purposes.[56]

Until the virulence of nationalism has been reduced, nation-states will probably continue to be the units of representation when major political problems are dealt with, though even on such problems some of the representatives might be elected by the peoples or

[55] William I. Thomas, "The Persistence of Primary Group Norms in Present Day Society," in R. E. Park and E. W. Burgess, *Introduction to the Science of Sociology* (2d ed.; Chicago, 1924), p. 489. These "wishes" may be related, respectively, to the aggressive (dominance and independence), timorous (self-preservation and territory), affectionate (sex and society), and adventurous (activity and food) drives (above, Vol. I, chap. xi, n. 17; below, Appen. XXXIX).

[56] Above, chap. xxvi, sec. 4. See also H. H. Laughlin, "Rating the Several Sovereign Nations on a Basis Equitable for the Allotment of Representatives to a World Parliament," *Scientific Monthly* (December, 1916); League of Nations, "Memorandum from Austria, May 11, 1926," *Report of the Committee on the Composition of the Council* (Legal, 1926, V.16), pp. 132 ff.

the parliaments instead of being appointed by the governments.[57] On many matters organizations other than states with a technical, political, or economic interest in the subject matter might have independent representation to debate if not to vote. Important groups would thus be given a satisfying sense of world-recognition.

Special conferences appropriately organized functionally and in some cases regionally would probably prove more satisfactory for dealing with many subject matters than a universal parliament of man.[58] For the central problem of peace, however, which concerns political controversies, political change, and sanctions against aggression, a universal organization is necessary, though in some cases its function would be to supervise regional and functional organizations and to maintain peace among them. The transition from security by balance of power to security by collective police has to be made all at once. Gradual development of collective security, applied among countries especially vulnerable to invasion, is likely to prove a delusion and a snare. Those who rely on collective security prematurely may cease to exist. While certain continental areas such as Europe may be best secured by an international police force, the world as a whole might be organized by a collective system based on obligations of the great powers to contribute naval and air forces in defined emergencies.[59]

b) World-crimes.—A world-community cannot function without widespread awareness of its existence, but that awareness cannot be maintained without an objective definition of the acts, whether by individuals or by governments, deemed to threaten the existence of the members and of the community. A state in large measure defines its character by the way in which it convinces its members that

[57] President Wilson said it was in order to make this possible that the Covenant provided for three delegates from each state in the Assembly (David Hunter Miller, *The Drafting of the Covenant* [New York, 1928], II, 562). See also G. M. Bergman, "The Role of the National Legislature in International Organization" (manuscript, University of Chicago Library, 1942).

[58] James T. Shotwell thought the League of Nations might develop from a league to enforce peace to a league of conferences (*On the Rim of the Abyss* [New York, 1936], p. 343).

[59] Q. Wright, "Peace and Political Organization," *International Conciliation*, No. 369, April, 1941, pp. 457 ff.; above, chap. xxv, n. 49.

their security depends upon it. The most important manifestation of this method is the criminal code, in which the state announces the transgressions against which it protects its activities and its subjects and thereby asserts what acts threaten its own existence.

While beginnings have been made in the legislation of most states toward defining "offenses against the law of nations" by individuals, such as piracy, attacks upon public ministers, insults to foreign sovereigns, offenses against foreign currency, and offenses against neutrality and the peace of foreign states, these have in the main developed for purposes of national security rather than for defending the individual and the community of nations.[60]

There has also been a beginning in the League of Nations Covenant, the Pact of Paris, and other general treaties toward defining acts of governments and states deemed to be breaches of the peace of the world or threats thereto, subjecting the violator to international sanctions.[61] The definition of such offenses has, however, been very narrow. In general, only military aggression has been denounced. Acts which may be equally destructive of world-order, such as arbitrary raising of commercial barriers, augmentation of military forces, or dissemination of ideas immediately inciting to disturbances of world-peace,[62] have not been specified as crimes or subjected to sanctions.

Such a code should relate to the behavior of individuals and of governments rather than of states,[63] and it clearly should be confined to acts whose noxious influence is immediate. An attempt to denounce all acts which might eventually endanger the world-community would be to eliminate liberty and progress. No definition of the offenses which should be included in such a code will be attempted, but it may be suggested that neglect of certain of its responsibilities

[60] Q. Wright, "The Outlawry of War," *American Journal of International Law*, XIX (January, 1925), 80–83; League of Nations, *Report of Committee for the International Repression of Terrorism* (Legal, 1936, V.2).

[61] Above, n. 47.

[62] See Q. Wright, "International Law and Commercial Relations," *Proceedings of the American Society of International Law, 1941*, pp. 30 ff.; Vernon Van Dyke, "The Responsibility of States for International Propaganda," *American Journal of International Law*, XXXIV (January, 1940), 58 ff.

[63] Above, chap. xxiv, sec. 3c.

by a government might be included as well as positive acts.[64] Future historians may record that negligence by the United States government during the 1920's and by the British government during the 1930's crippled the world-order and encouraged aggression by the Japanese, Italian, and German governments in the latter decade. A world criminal code should condemn acts of criminal negligence as well as of criminal aggression.

c) *World-citizenship.*—The basic defect in the structure of the world before World War II was the lack of consciousness in the minds of individuals that they were related to the world-community. They lived in a world in which the way of life of most people was affected by economic, political, and cultural conditions in the most distant countries. One's wardrobe contained silk from Japan, wool from Australia, and lace from France. One's breakfast table had coffee from Brazil or cocoa from the Gold Coast. One's automobile contained rubber from the East Indies, manganese and chromite from Russia, nickel from Canada, and tin from Malaya. One's news was loaded heavily with items from Czechoslovakia, China, and Spain. One's favorite literature, drama, art, and music might be provided by Englishmen, Germans, Frenchmen, Italians, Japanese, or Chinese. One might have personal friends or profound sympathies in London, Palestine, or Berlin. One was aware that a war anywhere would modify the cost and availability of goods, would modify national laws and liberties, and would spread eventually, leading to regimentation of one's activities or conscription of one's self or neighbors to overseas combat, or even to subjection to the hum and occasional crash of bombing enemy aircraft overhead.[65]

The world was a unit in that events in every part of it affected

[64] International law recognizes a "want of due diligence" by a state in exercising its authority in its territory as a basis of international responsibility when this negligence results in injury to another state. A more serious type of negligence is the failure to cooperate in sustaining world-order, though criminal punishment is hardly applicable to this offense which lies in the political and moral realm. Dante was shocked at "that caitiff choir of the angels, who were not rebellious, nor were faithful to God; but were for themselves." Neither heaven nor hell would have them—without hope of death, mercy and justice disdained them, all ignored them (*Inferno*, Book iii, ll. 37–50). See Q. Wright, "Repeal of the Neutrality Act," *American Journal of International Law*, XXXVI (January, 1942), 22.

[65] Above, chap. xxix, sec. 2.

each individual in it; but social, economic, and political thinking and institutions regarded the individual not as member of the world-community but only of his own country. He was bound only by its laws and conceived of himself as responsible only for its behavior. His country was a member of the community of nations, governed by international law, but he himself was a member only of his national community.[66]

The fact that the political attention of each individual was concentrated on his own country alone meant that politically he ignored the profound effect of the behavior of his own country and other countries upon the life of the world-community as a whole. He looked upon the world outside of his own nation as an environment which, like the weather, could only be submitted to and could not be controlled or which, like a wild beast, could only be hunted but not tamed. He did not conceive of it as part of the great community to which he belonged—as, indeed, part of his larger self.

National governments, though responsible for the foreign policies of their countries to the community of nations and international law, were responsible for their offices to their own people alone. They were obliged to be more concerned with the source of their power than with the source of their responsibilities, and in any crisis they naturally preferred the wishes of the national constituency to the welfare of the human race. With the conditions of thought, symbolic structures, and institutions which limited the political horizon of the average individual to the home territory, these wishes of the national constituency were usually narrow, self-centered, and unaware of the tendency of world-events. Under such conditions adherence of governments to international law and treaties was at best precarious. Governments had to respond to the immediate fears, greeds, habits, and fantasies of a parochial-minded population and could not be relied upon to observe international law, to respect international agreements, or to pursue foreign policies for the long-run welfare of the world-community, especially when hard pressed by economic crises and threats of war.[67]

.It was primarily this situation which caused the failure of the in-

---

[66] Above, chap. xxiv, sec. 3a; chap. xxv, sec. 2, n. 53.

[67] Above, chap. xxix, sec. 5.

stitutions of world-order created after World War I. The League of Nations, the International Labour Organization, the Pact of Paris, and the Permanent Court of International Justice respected the legal sovereignty of states, but they assumed that the community of nations was superior to the nation. They instituted advanced procedures of international action but were unable to function adequately because the governments did not consider the authority of their principles and procedures superior to the authority of national tradition and national opinion. The United States upset the balance of the peace which it had contributed to making by refusing to enter the League of Nations and departed from the spirit of the Washington far eastern settlement by ignoring Japanese sentiments and needs in regard to immigration and trade. France, shell-shocked by the war and disappointed in the guaranties it had expected from England and the United States, used its dominant position on the continent of Europe to render the German Republic unlivable and preferred its Italian understanding to its League obligations in the Ethiopian affair. Great Britain faltered in League obligations in the Manchurian crisis of 1931 and the Ethiopian crisis of 1935 as well as in the Czech crisis of 1938. The Soviet Union contributed nothing to support the institutions of world-order until threatened by the aggressions of Nazi Germany and of Japan after 1933. Japan, Italy, and Germany brazenly violated obligations under the League of Nations Covenant, the Pact of Paris, and other treaties after 1931.[68]

These things can be observed historically, deplored morally, and condemned legally, but politically one must realize that statesmen, in many instances at least, could not do otherwise. They were bound to put the conception of the national welfare held by the less literate masses of their populations ahead of any conception of world-welfare which they or the general opinion of the literate from all countries might have held.

This situation, so blighting to the authority of world-institutions today, is the same which led to the collapse of the Holy Roman Empire of the Middle Ages, of the Germanic Confederation of 1815, and of the United States under the Articles of Confederation. The reali-

[68] Above, chap. xxix, sec. 4; chap. xxxix, n. 28.

zation of this situation led the historian Freeman to conclude during the American Civil War that federal government was inevitably an unsatisfactory and unstable form of government. The realization of the weakness of confederation has led British imperial statesmen to insist that, in spite of the virtually sovereign status accorded to the dominions, the British commonwealth of nations continues, bound together not merely by the imperial conferences but also by the common allegiance to the Crown of all individuals within it, whether English, Scotch, Canadian, Irish, Australian, or Indian—an allegiance symbolized by the exercise of all executive authority in the name of the Crown whatever may be the government politically responsible. A similar insight provided the remedy for the weak confederation in the case of the United States when the constitutional fathers determined to form a more perfect union in 1787.[69]

As the British commonwealth is based upon a common allegiance to the Crown, as the United States of America translated the unworkable Articles of Confederation into a workable constitution by establishing a direct relationship between the people of the United States and the government of the United States, so the inadequately organized family of nations today must translate itself by establishing a relationship between the people of the world and the world-institutions. It is not to be assumed that a verbal transition is in itself sufficient. The United States had to go through nearly a century of political controversy and civil war before it was certain that the union was of the people as well as of the states.[70]

d) *World-welfare.*—This discussion rests upon the assumption that peace cannot be approached directly but is a by-product of a satisfactory organization of the world. The direct approach to peace is certain to result in retreats before threats of violence, grave injustices, and the perpetuation or aggravation of conditions in which permanent peace is impossible. Peace movements go into reverse in times of crisis. They strive for isolationism or tolerate injustice and thus, instead of strengthening, weaken the world-community.[71] On the other hand, support for particular treaties or in-

[69] Above, chap. xxii, sec. 4b; see also Sir Cecil J. B. Hurst, *Great Britain and the Dominions* (Chicago, 1928), pp. 51 ff.

[70] Above, chap. xxiv, n. 68.   [71] Above, chap. xxx, secs. 1d and 2b.

stitutions may result in creating overconfidence in the efficacy of those institutions, when, in fact, they lack authority because the opinion of the world is not behind them. China, Ethiopia, and Czechoslovakia, by overreliance upon the League of Nations and collective security, suffered injustices which a more correct appreciation of the actual reign of nationalism in world-affairs might have prevented. Institutions, however desirable in themselves, cannot undertake responsibilities beyond their power to achieve. Responsibility without power is as dangerous as power without responsibility. The League suffered from one and the nations from the other. A world-structure must be created in which power and responsibility go hand in hand.[72]

In proportion as individuals in all the countries of the world rise to an appreciation of their own interest in and relationship to the world-community, institutions suitable for performing the functions of the world-community will be created and will develop a power which will enable them to meet their grave responsibilities. In recent years, however, the idea that individual welfare and human progress are ideals to be striven for has been challenged. Since the era of world-contact began at the time of the Renaissance with the discoveries and the spread of knowledge by the printed word, governments have usually attempted to justify themselves on the ground that they were increasing the freedom and welfare of those whom they governed and that, by their co-operation with other governments, they were advancing the freedom and welfare of the human race. Nationalism itself was supported on the theory that it enabled governments better to accomplish these results.[73] On the other hand, there have from time to time been governments which have denied these premises and have asserted that they exist not to advance the welfare of the governed or of the human race but only to advance the power of a particular nation, race, or class and to maintain the position of those who at the moment are controlling that group.[74]

The fact must be faced that this latter philosophy asserted by

[72] Above, chap. xxix, sec. 1.

[73] Above, Vol. I, chap. viii, sec. 2; Vol. II, chap. xxvii, sec. 5c, d.

[74] Above, Vol. I, chap. xiv, sec. 5.

powerful governments in World War II cannot be reconciled with a peaceful world. The present wide acceptance of this philosophy is a consequence of the grave crises of revolution, economic disorganization, and fear of invasion which developed after World War I, but that very acceptance has tended to perpetuate these conditions. The democracies are challenged to restore general allegiance to the philosophy of human progress and human welfare which the great thinkers—religious, philosophical, and political—of all regions and all ages of civilization have accepted. An organization to prevent war must accept the philosophy that institutions are to be judged by the degree in which they advance human freedom and welfare and that the special aims of nation, state, government, or race are subordinate. At the same time it need not deny that the maintenance of a great variety of nations, governments, races, and peoples throughout the world makes for human welfare. Such an organization need express no preference for uniformity over variety but must assert that whatever group distinctiveness is to be prized and augmented must be justified because of its contribution to the progress of humanity as a whole. In the continuous struggle to realize the philosophy of unity in diversity, under changing conditions, individuals and groups may satisfy the wish for ever newer experience.[75]

[75] Above, chap. viii, n. 94.

APPENDIXES

‧

APPENDIX XXV

THE APPLICATION OF SCIENTIFIC METHOD TO SOCIAL PROBLEMS

For the purposes of science the roles of imaginative hypothesis, logical analysis, observation, experiment, measurement, and mathematical formulation vary according to the subject matter dealt with. A particular configuration of these procedures constitutes a scientific method.

Every scientific method begins by defining a problem. A limited group of interrelated factors must be isolated from all others. This is a work of imaginative ingenuity in conceiving hypotheses and is peculiarly difficult in the social sciences because of the contingency of events and the universal interrelatedness of factors.

The problem must then be analyzed. Constant and variable factors must be distinguished. Sometimes certain variable factors may be treated as parameters, that is, they may be considered constant for the purposes of studying the relations of other variables and then given a different value for successive investigations.[1] Analysis is very difficult in the social sciences because of the influence of human purposes and the universality of change in social conditions.

The next step is to solve the problem by verifying or rejecting hypotheses. Evidence must be accumulated from observation, records, and experiment[2] to ascertain the actual influence of changes in each of the variables upon the others. This inductive work is especially difficult in the social sciences because of the resistance of the materials to manipulation and exact measurement and because of the lack of constant factors or conditions.

Finally, the solution must be formulated briefly and accurately so that the quantitative value of any one factor can be easily determined from knowledge of the quantitative values of the others. This work of mathematical formulation and deduction is extremely difficult in the social sciences because of the contingency of known upon unknown factors and because of the universal interrelatedness of all factors. The number of variables and relationships often surpasses the power of mathematics.

The difficulty encountered in applying scientific method to social phenomena may, therefore, be especially attributed to the problems of contingency, of purpose, of universal change, and of universal interrelatedness. These difficulties

[1] The variation of parameters is dealt with by the method of indeterminate or diaphantine equations.

[2] These manipulative activities may be called "scientific technique" in distinction from the logical activities constituting "scientific method" (above, chap. xix, n. 1).

stem from the fact that the problem of social science is to discover the conse- quences of social activity which is in considerable measure unpredictable. The problem of natural science is to discover the consequences of the relationship of natural entities which can sometimes be manipulated but cannot be influenced. Such consequences can often be predicted with considerable accuracy. Social activity, however, is a problem-solving activity, the consequences of which seem to be influenceable and are therefore imperfectly predictable. "A problem is not a problem unless the solution involves effort and is subject to *error*, features, or notions which are absolutely excluded from mechanical process or positive cause and effect." While there may be a problematic element in biology or even in physics, that element is so much more important in the social sciences that the difference in degree becomes almost a difference in kind.[3]

I. CONTINGENCY

The problem of contingency arises if numerous factors are ignored in the formulation of a proposition. Such a proposition is entirely valueless unless the influence of these factors can be assumed to be so slight as to be of negligible im- portance. In the social sciences the undefinable variables are usually so numer- ous and in the long run so important that such an assumption is seldom possible unless the study is confined to a limited area and period of history. Thus if the influence of the variation of armaments upon international politics is being con- sidered, it may be practical to ignore differences in standards of law, political sentiment, economic technology, etc., among the instances considered if the generalization is confined to a few years of, say, nineteenth-century European history but not if the generalization is intended to be applicable to China, Latin America, and ancient Rome. Thus generalizations in the social sciences usually state or imply as a condition a particular time, often the present, and a particular geographical location.[4]

Unconsidered variables may intervene between a cause and its effect, thus disappointing the expectation of a generalization. When all the factors in a problem can be considered, as is sometimes approximately true in the physical sciences, the influence of time either will be included as a constant or will be in- cluded among the measurable variables, which then become rates of change. Thus causes and effects, means and ends, become mathematical functions of each other, and time is eliminated as an independent factor, serving merely to indicate the direction of change. In the social sciences, however, all the factors cannot be defined; consequently, many factors not considered in the generaliza- tion are, in fact, actually changing in unspecified ways, and the longer the time, the more likely that some of these changes will be important. Time, considered as the sum of these undefined variables, becomes an independent factor, and during the period of time or lag between a change in a causal variable and the expected change in an effect variable such unconsidered changes may interfere

---

[3] Frank Knight, "Social Science," *Ethics*, LI (January, 1941), 136. Above, chap. xvi.

[4] See Alfred Marshall, *Principles of Economics*, I (London, 1891), 85–86, 166.

with the expected effect. Consequently, in the social sciences it can be said only that specified causes *tend* to produce specified effects or that specified means or procedures *tend* to produce specified ends or objectives.[5]

Contingency, therefore, makes it necessary in the social sciences to select the time and place for which generalizations are intended to be valid and to specify the degree of validity expected. Carelessness in expressing the duration intended is most common. Assuming that the present is the point of central interest, are we making generalizations that are expected to be valid for a year, for a decade, for a century, or for a millennium ahead?

Descriptive types of analysis, however useful for immediate practice, can be of little aid for the long-term predicting and controlling of war. On the other hand, philosophical types of analysis, useful for contemplating human destiny in millenniums, can be of little aid in dealing with war in the generations immediately ahead. The middle time period, that which is interested in the period from one to a hundred years ahead, appears to characterize the scientific point of view in the social studies.[6]

This middle time period may be broken into a number of periods, for each of which distinctive materials and types of formulation may be pertinent. For predicting or controlling war within a year seasonal changes, the movements of public opinion, and the utterances of statesmen become significant. Many institutions and personalities can be assumed constant which in dealing with a decade would probably change radically. In dealing with periods of a generation or a century, on the other hand, the role of seasonal and personal factors can be ignored. There will be a succession of summers and winters and many shifts in the weather of opinion. While Hitler and Mussolini will no longer be influential, it is impossible to say who will. It may be, however, that the fundamental needs of human beings and the efficiencies of social organization will in that period of time exercise an influence upon human behavior, because of man's irrepressible

[5] "Other things being equal" is always assumed in social scientific formulations (*ibid.*, p. 85; Karl Diehl, "Economics: The Classical School," *Encyclopaedia of the Social Sciences*, V, 352). This is also true but in lesser degree of the natural sciences. Charles Peirce "once remarked that in the exact sciences of measurement, such as astronomy, no self-respecting scientist will now state his conclusions without their coefficient of probable error. He added that, if this practice is not followed in other disciplines, it is because the probable errors in them are too great to be calculated. The ability of a science to indicate the probable errors of its measurements was thus taken by Peirce as a sign of maturity and not of defect. By his remark Peirce therefore wished to indicate that for the propositions in the most developed empirical sciences, no less than for those in the affairs of everyday life, no finality is obtainable, however well they may be supported by the actual evidence at hand. . . . . The long history of science and philosophy is in large measure the history of the progressive emancipation of men's minds from the theory of self-evident truths and from the postulate of complete certainty as the mark of scientific knowledge" (Ernest Nagel, *Principles of the Theory of Probability* ["International Encyclopedia of Unified Science," Vol. I, No. 6 (Chicago, 1939)], pp. 1–3). See also above, Vol. I, chap. viii, sec. 2c, d.

[6] Above, Vol. I, chap. ii, sec. 3; Vol. II, chap. xxxvi, n. 11.

rationality. Thus the longer the period contemplated, the less important is the role of particular individuals, parties, and institutions, and the more important is the role of the persistent requirements of human biology and of social organization. It must never be forgotten, however, that irrationality (as judged by present standards) and inventiveness are also permanent human characteristics. Consequently, there will always be a large margin of error in long-term predictions which are based on the assumption that in the long run men will rationally adopt the most efficient techniques now known in the service of human and social needs and ideals now considered fundamental.

Within the span of this middle time period the rhythm of political and economic fluctuations is important. Institutions, organizations, customs, laws, behavior patterns—the relationships with which the social sciences mainly deal —may be radically changed, but the life-expectation of these relationships varies greatly. They are never concrete entities, capable of examination, dissection, combination, and weighing in a laboratory, as are the animals, chemicals, or objects of the natural scientist, nor are they abstract ideas without definite time or space localization such as the philosopher and mathematician deal with. They have universal as well as particular aspects, subjective as well as objective aspects, purposive as well as historic aspects. Their study must combine the methods of the scientist, the philosopher, the humanist, and the historian.[7]

The interplay of empirical and rational methods has figured in the progress of the natural sciences and of philosophy. Advances have been made in physics by pure mathematical analysis as well as by experimentation.[8] So also logic and philosophy have been aided by progress in the natural sciences.[9] But pre-eminently in the social sciences different methods must be combined in every study.

2. PURPOSE

The problem of purpose arises if human ends or objectives figure in a proposition whether as causal variables or as constant conditions. If the expectations, aspirations, or hopes of the future are among the causes of that future, if from the material point of view the effect (means) precedes the cause (end), it is impossible to eliminate the investigator's wishes from the investigation. In such circumstances the investigator's attitude toward the objective may influence its effect in the future. If the assumptions upon which a generalization is based include matters of custom, opinion, faith, or policy, the generalization will remain true only so long as those assumptions are sustained by the inertia, propaganda, and other social controls of the group.[10]

Francis Bacon attributed the bareness of scientific inquiry in his time to the effort to impose the investigator's mind on nature and to be satisfied with ex-

[7] Above, Vol. I, Appen. IV, sec. 1; Vol. II, chap. xxviii, sec. 3; Appen. XXXV.

[8] N. Rashevsky, *Mathematical Biophysics* (Chicago, 1938), p. 1.

[9] Nagel, *op. cit.*, p. 75.

[10] Above, Vol. I, Appen. IV, secs. 2 and 3.

planations in terms of purpose.[11] Modern scientists have usually emphasized the importance of eliminating the subjective attitudes of the investigator from his study. The investigation, it is said, should be motivated by curiosity or the impartial love of truth, not by a desire for practical results.[12] The natural sciences owe their tremendous advances during the last three centuries in part to this attitude, manifested by the separation of the pure from the applied sciences. Pure scientists made generalizations about "natural," i.e., nonhuman sequences of events without any bias as to whether they were desirable or useful. Afterward the applied scientists, inventors, and engineers found that some of these generalizations could be put to the service of man. Nature was conquered by being obeyed. The generalizations about electricity could be relied upon, whether the electricity was in the clouds, in a laboratory, or in a motor. The fact that a scientist had made these generalizations made no difference to the electricity.

This, however, is not true if the subject matter about which a generalization is made is influenced by the generalization, as it often is in the subject matter of the social sciences. Heavenly bodies ignore Newton, but investors do not ignore a business index. Thus in the social sciences, because of the high degree of artificiality or human controllability of most of the assumptions behind the relations studied, generalizations, whether sound or not and whatever the motivations which may have led to their formulation, may become widely accepted and so influence the future. The degree of social acceptance of a generalization bearing upon a social problem thus often becomes a factor in the problem itself.[13] Once the assumptions upon which a generalization depends have been disclosed,

[11] *The Great Instauration*, Preface; *Advancement of Learning*, Book III, chap. iv; *Novum organum*, Aphorisms, Book I, chap. iii. Bacon, however, excepted sciences dealing with the intercourse of man with man from the generally corrupting influence of "final causes" upon science (*Novum organum*, Book II, chap. ii). Frank Knight (*op. cit.*, p. 128) similarly emphasizes the distinction between the natural and social sciences: "The fundamental revolution in outlook which represents the real beginning of modern natural science was the discovery that the inert objects of nature are not like man, i.e., subject to persuasion, exhortation, coercion, deception, etc., but are 'inexorable.' The position which we have to combat seems to rest upon an inference, characteristically drawn by the 'best minds' of our race, that since natural objects are not like men, men must be like natural objects."

[12] *Collected Papers of Charles Sanders Peirce*, ed. Charles Hartshorne and Paul Weiss, I (Cambridge, Mass., 1931), 32, sec. 75; see also Marshall, *op. cit.*, pp. 93–94.

[13] "A prediction generally accepted becomes a new factor in shaping group psychology. A widespread belief that a business revulsion or a business recovery is to begin six months hence would be a powerful agent for making the revulsion or recovery begin today" (P. G. Wright, "Causes of the Business Cycle," *Journal of American Bankers Association*, XV [February, 1923], 532). See also Garfield Cox, "Forecasting, Business," *Encyclopaedia of the Social Sciences*, VI, 253. "A philosophy may indeed be a most momentous reaction of the universe upon itself. It [the universe] may . . . . possess and handle itself differently in consequence of us philosophers, with our theories, being here" (William James, *A Pluralistic Universe* [New York, 1912], p. 317).

political battles will be precipitated about their perpetuation or modification. The generalization will remain applicable only if the advocates of these assumptions win in this debate.[14] Consequently, the social scientist, in making a generalization, is not free to be irresponsible as is the astronomer in generalizing about the heavenly bodies. He must consider what is desirable for the future as well as what is probable. He cannot wholly separate the true from the good or pure science from applied science.[15]

In the social sciences, therefore, the distinction between the disinterested, theoretic, contemplative, and predictive point of view, on the one hand, and the interested, practical, manipulative, and control point of view, on the other, is less applicable than in the natural sciences. The social sciences must be pure and applied at the same time. They must formulate their problems not only in terms of cause and effect but also in terms of means and ends. They must consider that, while the application of means *causes* ends to be realized, the means are applied only *because* ends are desired.[16]

The progress of social science in a society is therefore itself one of the important conditions affecting the behavior of that society. The more backward societies, guided mainly by custom, are more susceptible of pure scientific study than the advanced societies guided by social science.[17] Among the latter, formu-

[14] Provided these assumptions are matters of public attitude susceptible of change by discussion (above, n. 10). While this is true of most generalizations in social science, some generalizations, such as the law of diminishing returns, may rest on no such assumptions (see Z. Clark Dickinson, "The Relations of Recent Psychological Developments to Economic Theory," *Quarterly Journal of Economics*, XXXIII [May, 1919], 379).

[15] Writers have distinguished pure and applied sociology (Lester Ward, *Pure Sociology* [New York, 1903]; *Applied Sociology* [Boston, 1906]), political science and politics (J. W. Garner, *Political Science and Government* [New York, 1928], p. 2), and economic principles and economic problems (E. R. A. Seligman, "Economics," *Encyclopaedia of the Social Sciences*, V, 346), but the "pure" theory in these fields has never been free from opinion (below, n. 24).

[16] See Dickinson, *op. cit.*, p. 358; Peirce, *op. cit.*, I, 40, sec. 97. Even the "pure" natural scientist, though free to be uninterested in the practical applications of his results to human welfare, is obliged to frame his propositions in terms of prediction or control, because only such formulas are susceptible of verification by scientific method. It is true that the validity of scientific propositions can also be tested by the congruity of their logical consequences with observations and records of the past, provided those records are not the ones upon which the proposition was developed. A scientific proposition cannot be proved by taking out of a hat a rabbit which was put into it. Thus even when past observations are used for proof, the proposition must be in the form of a statement looking toward consequences. Because of this characteristic of the natural sciences and because of their reliance upon experiments involving manipulation and artificial devices, some regard mathematics as the only really "pure" science.

[17] This is the basis for the distinction between social anthropology and sociology. Among backward peoples and lower classes objective conditions determine the standards of living, while among more advanced peoples and classes the standard of living tends to determine their conditions (see "Standards of Living," *Encyclopaedia of the*

lations are likely to be useful for prediction only in so far as they are based upon social controls which will actually be applied in the society, and which are likely to endure because they are generally believed to tend toward acceptable conditions. Scientific generalizations and propaganda are, therefore, closely related. "Natural law" in human affairs proves to be merely established custom, belief, opinion, or policy accepted at the time as axiomatic. Both "natural law" and legislation are therefore subject to continuous change by discovery, education, invention, and propaganda. The "natural" and the "artificial" are indistinguishable.[18] If "pure" scientific formulations concerning social problems are valid only so long as the assumptions on which they are based are sustained by social controls, it follows that the causes of war among advanced societies include the failure of the society to maintain conditions of peace. The analytical and practical study of war cannot be sharply distinguished.[19]

Linguists consider that feelings, attitudes, purposes, beliefs, and other states of mind influence culture and society only as they are manifested in its continually changing language. The forms and meanings of language have, they believe, a one-to-one relationship with the "subjective" or "mental" aspects of culture. Language can be studied objectively, and the relations of its changes to changes in social phenomena can be dealt with by scientific method. Thus "science can account in its own way for human behavior—provided, always, that language be considered as a factor and not replaced by the extra-scientific terms of mentalism."[20]

Language, however, does not have this one-to-one relationship with the states of mind that influence culture and society, unless it is considered to include not only words but all other symbols of communication and the sciences of syntax, grammar, logic, and mathematics; of semantics and lexicography; and of pragmatics, rhetoric, and dialectics, which ascertain the meanings of symbols and words in relation to one another, to the things designated, and to their users. The language about any problem would then add so many variables to its analysis that the problem would remain indeterminate.[21]

Social Sciences, citing Simon Patten). The determining influence of geography, climate, vegetation, and other aspects of the physical environment has tended to decline with the progress of civilization. Above, Vol. I, chap. vi, n. 15; Appen. VII, sec. 4c; Vol. II, chap. xxxi.

[18] See above, chap. xvi, nn. 1 and 2.   [19] Above, Vol. I, chap. ii, sec. 4.

[20] Leonard Bloomfield, *Linguistic Aspects of Science* ("International Encyclopedia of Unified Science," Vol. I, No. 4 [Chicago, 1939]), p. 13.

[21] Charles W. Morris, *Foundation of the Theory of Signs* ("International Encyclopedia of Unified Science," Vol. I, No. 2 [Chicago, 1938]), pp. 3 ff. The social sciences probably advance satisfactorily in many fields even though they accept subjective purposes and attitudes as causative factors. Recent studies of public opinion and propaganda suggest, however, that in some fields it may be desirable to substitute for such factors complete analyses of the symbols by which these states of mind are transmitted (above, chaps. xxx and xxxiii; below, Appen. XXXVII).

3. UNIVERSAL CHANGE

The problem of universal change arises if there are no constants in the propositions dealt with. In such a situation it is difficult to measure the phenomena studied, because measurement assumes a measuring rod which is constant. While the doctrine of relativity assumes universal change even in the physical sciences, for most purposes the speed of light, the length of the platinum iridium meter rod at St. Cloud, the pull of gravitation on the earth's surface, the distance between points on the earth's surface, the expansion of mercury with changes of temperature, the properties of the elements and of their chemical combinations, and many other things can be considered constant and used to measure variables. In the social sciences, while there are standards used for measurement, such as mortality tables for measuring life-expectation, gold for measuring economic value, the man of normal prudence for measuring abnormal behavior, the well-governed state for measuring denials of justice, and battleship tonnage for measuring naval power, it is obvious that these standards themselves change in meaning or in value within relatively short periods of time.

Furthermore, if there are no constants, it is difficult to assign any limits to the causes of a phenomenon. The physicist or chemist does not deny that the properties of matter, the distribution of heavenly bodies, the law of gravitation, and many other constant conditions enter into the total causation of a given effect; but, because they are constants, he can ignore them. He can, therefore, distinguish between the total causes of phenomena and the partial causes or the causes of differences and deal only with the latter. In a given study he can ignore a vast body of properties or states and of scientifically established interactions or laws stating persistent relationships among variables and concentrate attention on the few properties or relationships which account for peculiarities which he observes within this frame of reference.[22]

In the social sciences, however, there are only a few relatively persistent relationships between variables, and there are even fewer states or properties of social entities which can be relied on to remain constant for any length of time.[23] The assumption of the economic man, the sovereign state, the isolated community, or the perfect market as the constant of a formulation often becomes so remote from reality, so neglectful of the essential elements in any practical situation presented, that propositions accepting this assumption are of little value.[24]

The assumption of constants, however, both for purposes of measurement and for segregating problems, seems to be essential to any scientific progress. Because he admits that there are few real constants in the social sciences—that,

---

[22] Nagel, *op. cit.*, p. 25.   [23] Above, Vol. I, chap. ii, sec. 2.

[24] John Stuart Mill contrasted the "truths of the pure science" of economics with the "practical modifications" and "disturbing causes" which always affected them in practice (see Diehl, *op. cit.*, p. 352).

in fact, there is merely a history of continuous change stemming from the total antecedent situation both subjective and objective—the social scientist must postulate constants.[25]

4. UNIVERSAL INTERRELATEDNESS

The problem of universal interrelatedness arises if the phenomena within a broad field of interest cannot be grouped into distinguishable subject matters each capable of study by specialized methods. While there are numerous over-lappings in biology, physics, chemistry, and other disciplines of the natural sciences, a considerable division of labor has been found possible by the creation of specialized disciplines.[26]

There are, it is true, a number of traditional disciplines in the social sciences, and it might be supposed that the subject matters dealt with and the methods applied by these disciplines are distinct. It is believed that such an assumption has little support. The traditional social disciplines—economics, sociology, and political science—are unities in the sense that each has a history, a literature, a body of workers, academic departments, and to some extent a terminology; but it is doubtful whether each has a distinctive method or deals with a distinctive subject matter.[27]

This seems to flow from the fact that all social events, institutions, culture patterns, and personalities, in a given time and area, are functions of one another. No classification of events by the statistician, of institutions by the political scientist or economist, of attitudes by the anthropologist or sociologist, or of personalities by the psychologist can carve out a field unaffected by all the rest. Even the efforts of the geographer and the historian to draw spatial and temporal boundaries become increasingly meaningless with the progress of communication and historical self-consciousness. This difficulty in establishing specialized subject matters and methods may be illustrated by the two oldest social disciplines—economics and politics.

Under the head "Economics" the *Encyclopaedia of the Social Sciences* states:

The line of demarcation between the subject matter of economics and that of other social scientific disciplines is very shadowy, and no mention is made of a special

[25] If he wants his propositions to be verifiable, he must, therefore, attempt to realize his postulates in the society dealt with (above, nn. 10 and 14).

[26] The classification of subject matters was considered the first step in scientific activity by Francis Bacon, Auguste Comte, and Herbert Spencer. The boundaries between all disciplines tend to disappear with the progress of science (see above, chap. xvi, n. 8).

[27] Anthropology deals with a fairly distinctive subject matter (primitive peoples), and statistics utilizes a fairly distinctive method, as do several of the historical sciences, such as archeology, epigraphy, numismatic, paleography, and diplomatic. Education, social psychology, social geography, and international relations are beginning to have a status as social disciplines, but they constitute arbitrary groupings of practical problems rather than clearly defined methods or subject matters. See above, chap. xviii.

methodology. . . . . Economics . . . . has suffered more than any other discipline from the malaise of polemics about definition and method. Economics was defined as a science of wealth and as a science of welfare; it was spoken of as centering about the business enterprise and as including the entire range of economic behavior; it was declared to be essentially abstract and deductive or essentially empirical and descriptive; it was proclaimed by some as a science and by others as an art.[28]

The same publication can find no better definition for the term "politics" than "the entire field of *political* life and behavior"[29] and writes of political science:

Since classical antiquity there has been handed down an extensive body of theory and knowledge which is today subsumed under the category of political science. It would be impossible, however, to formulate any precise definition of either the content or the method of this peculiarly comprehensive discipline. For in the designation political science neither the concept political nor the concept science has any fixed connotation; in other words, the discipline is lacking in either a clearly delimited set of problems or a definitely prescribed methodology.[30]

The practice in liberal societies of placing business, government, religion, and education under separate institutions offers a basis for distinguishing certain of the social disciplines, but these divisions are not found in all societies and are never perfectly maintained.

Each of the social disciplines centers about certain characteristic assumptions and principles. But, though generally known to the professional expounders of the discipline, they are seldom accepted by all of them. While these assumptions and principles indicate the nucleus of a discipline at a given time, they do not define its boundaries. Over a period of time even the nucleus may shift to other assumptions and principles.[31]

Even if a satisfactory scientific demarcation of the social sciences is not possible, scientific progress is probably promoted by maintaining the historically separated disciplines, each schooled in a group of problems, a body of literature, and a point of view. If a division of labor does not exist in nature, it may be well to facilitate specialization by making use of the artificial divisions which history has deposited, provided boundaries are continually overstepped, a spirit of cooperation prevails, and new sciences are permitted to develop by hybridization.[32] The artificiality of these boundaries suggests that, for a complete solution, many problems must be dealt with by more than one discipline.

[28] V, 344.

[29] XII, 224.

[30] *Ibid.*, p. 207.

[31] Knight (*op. cit.*, p. 132) suggests a classification of the social sciences based upon the various aspects of man's existence—biological, social, purposive, and purposively organized.

[32] There may be an analogy between the conditions favorable to scientific progress and those favorable to social and organic evolution. See above, chap. xxiv, n. 47.

APPENDIX XXVI

THE ANALYSIS OF WAR BY ECONOMISTS

The connotations of the word "economic" in popular language have been numerous. "Economics" was used by Aristotle to refer to the household as opposed to "politics," which referred to the state. To Carlyle and Ruskin economics was the "dismal science" dealing with material and sordid human motives as opposed to spiritual and noble motives. Economics is also associated with money and wealth, with goods and services, with efficient and thrifty management, and with the utilization of limited resources.[1]

Economics as a science is accredited with ten schools in the *Encyclopaedia of the Social Sciences*,[2] but, of these, the physiocrats, socialists, and romanticists, to which may be joined the mercantilists, the Manchester school, and the Fascists, did not attempt any distinction between economics and other social sciences. Each of these schools of thought constituted a philosophy, a science, and a religion covering the whole of social life and supporting characteristic public policies.[3] They perhaps should be classified as schools of social policy rather than of economics. None of them had a definite theory of war except the socialists, who insisted that war as well as other evils grew from the struggles of economic classes manifested in modern times by the phenomena of capitalism and imperialism. The physiocrats wanted a "natural" or free development of agriculture and assumed that this policy would increase prosperity everywhere and make for cosmopolitanism and peace. The mercantilists assumed the inevitability of international power politics with occasional wars and were interested in preparing particular states for victory. For this they urged that the multifarious economic regulations of the Middle Ages be modified in order that economic activities might contribute the utmost to national power. The Manchester school shared the views on war as on economic theory of the classical school and urged free trade in the interests of peace and of national and world prosperity. The romanticists and universalists, with their metaphysical hierarchy of wholes united by services, looked toward the elimination of hostilities in a harmonious spiritual

[1] According to H. D. Lasswell (*World Politics and Personal Insecurity* [New York, 1935], p. 141), "economic conditions are the relations of persons to goods and services; economic considerations are subjective adaptations to economic conditions."

[2] V, 344.

[3] See "Economic Policy," "Economics," "Fascism," "Mercantilism," and "Socialism," *Encyclopaedia of the Social Sciences*. Edmond Silberner (*La Guerre dans la pensée économique du xvi⁰ au xviii⁰ siècle* [Paris, 1939]) contrasts the bellicosity of the mercantilists who aimed at national political supremacy with the pacifism of the liberal economists who aimed at national material welfare.

union of all humanity. The fascists combined mercantilism and socialism into an intensive nationalism, conducting economy through functional corporations and continually preparing for war, which was considered both desirable and inevitable.

Of the remaining economic schools, the historical and institutional differed mainly in the local situations in which they developed and so can be grouped together. Both were reactions, one in Germany and the other in America, against the abstractions of classicism. Each insisted upon the influence of concrete social institutions. Six distinct conceptions of the scope and method of economics remain.

a) The classical school of Adam Smith, Ricardo, and the Mills centers its thought upon *economic activity*, distinguished from other human activity, as work or labor is distinguished from play or leisure. The production of wealth resulting from labor is economic activity, as distinguished from the consumption of wealth resulting in enjoyment or satisfaction. Thus the attention of these writers has been directed to the supply of rather than the demand for goods and services. They have attributed economic value, primarily, to the cost of production, which arises from the fact that men usually prefer leisure to labor. Insistence upon division of labor and exchange in a free market as the best means of minimizing these costs has been their most important contribution to thought.

The assumption that the individual's desire to escape from labor or to minimize his economic activity is a more fundamental motive than his desire for goods and services seems to have had an influence upon the pacifism of most of the classical economists. Adam Smith emphasized the comparatively low rewards people are willing to take for their labor when they consider that the occupation is agreeable or honorable, when it is easy to learn, when employment is regular, when the position involves no great trust or responsibility, and when there is a possibility even though not a probability of rewards far in excess of the labor. Thus investment in lotteries and enlistment as soldiers or seamen is popular, he said, because of the normal overestimate, especially by the young, of their ability and luck.

Without regarding the danger, however, young volunteers never enlist so readily as at the beginning of a new war; and though they have scarce any chance at preferment, they figure to themselves, in their youthful fancies, a thousand occasions of acquiring honor and distinction which never occur. These romantic hopes make the whole price of their blood. Their pay is less than that of common laborers, and in actual service their fatigues are much greater.[4]

Aware of the scarcity of goods and services, the classicists thought of war as an instrument for acquiring them, but the labor and hardship of war at once entered into their minds, if not into the minds of the romantic recruits, and were seen to surpass any probable gain. Adam Smith assumed that it was the "first duty of the sovereign to protect the society from the violence and invasion of other independent societies" and that this "can be performed only by means of a

[4] *The Wealth of Nations* (1838 ed.), Vol. I, chap. x, Part I, p. 49.

military force." He did not discuss why such attacks should be launched by the others, but he seemed to assume they would usually be initiated by barbarous or poverty-stricken nations or insurgents to despoil the wealthier. In his discussion of military matters, however, he dealt mainly with the varying costs of defense in different types of society and emphasized the superior efficiency but greater expense of specialized standing armies in contrast to militias for this purpose and with the consequent advantage of the "opulent and civilized" empires over the "poor and barbarous" nations, since the former would adopt that specialization and would equip their armies with modern arms.[5]

Later writers of the classical school paid little attention to war in their theoretical discussions. In practical politics they generally opposed heavy military expenditures and imperial adventure and urged freer trade as the road both to prosperity and to peace. Cobden ceaselessly reiterated these policies in the House of Commons. British classical economists generally opposed the Crimean and the Boer wars and deplored the development of protectionism and colonial preferences before and after World War I.[6]

In recent years publicists of the classical economic tradition like Francis Hirst, Norman Angell, and Lionel Robbins have insisted that the cost of modern war is always beyond any possible economic gains. There has, therefore, been among such writers a tendency to attribute war either to uneconomically minded patriots and publics with visions of glory or unreasonable fears[7] or to the propaganda of special economic interests, such as war traders, bankers, colonial concessionaires, or foreign investors, which might gain by war at the national expense, especially in times of depression, when their profits from normal peace activities were declining.[8]

The Marxists, who in their theoretical foundations rested in large measure upon classical economics, developed this thesis in their theory that the capitalist class is a specialized exploiting interest which may gain at the public expense by war. The exploitation of labor diminishes the domestic market and engenders a steady pressure of the capitalists for new markets and raw materials abroad, according to one interpretation of Marxist theory. According to another interpretation, capitalism develops monopolies which can profit by extending their exclusive control of resources and markets into undeveloped areas. Whether imperialism is a defense from underconsumption or an urge for higher profits, it results in political encroachment, political rivalry, and war. War in the capi-

[5] *Ibid.*, Vol. V, chap. i, Part I, p. 319.

[6] Above, chap. xxx, n. 95; chap. xxxii, n. 53; chap. xxxiii, n. 68; chap. xxxvi, nn. 26 and 27; see also Deryck Abel, "Economic Causes of the Second World War," *International Conciliation*, No. 370, May, 1941, pp. 537 ff.

[7] Norman Angell, *The Great Illusion* (London, 1910) and *The Unseen Assassins* (London, 1932); Lionel Robbins, *The Economic Causes of War* (London, 1939).

[8] John A. Hobson, *Imperialism* (New York, 1902); F. W. Hirst, *The Political Economy of War* (London, 1915).

talistic period becomes in Marxist theory simply an extension of the normal methods of economic competition.[9]

The Marxian theory, however, goes further and relates war in all forms of society to the economic competition between classes, in which the dominant class exploiting the others takes the initiative. All wars they consider fundamentally class wars which become international only because the dominant class in each area needs to expand in order to maintain its dominance and its opportunity to exploit lower classes. Only in the classless society, they think, can war be eliminated. Marx noted that the capitalistic age was, in fact, inaugurated in the post-Renaissance period by the rising national governments for the purpose of military preparation. Thus capitalistic production began in war economics rather than in peace economics but was presently taken over by the bourgeois, who instituted capitalistic competition.[10]

Recent classicists have criticized the Marxist theory, showing that capitalistic production does not necessarily lead to underconsumption; that economically minded financiers and businessmen have usually been against war or war-breeding diplomacy; that a careful historical examination of instances of "economic imperialism" shows in the majority of cases that the economic interests involved, instead of pushing governments toward belligerency, were unwillingly drawn into expansionist schemes by the patriotic arguments of governments; that an examination of the motives of the people and classes actually pushing for war would seldom justify a characterization of these motives as economic; and, finally, that the political influence of the direct economic beneficiaries of war has been greatly exaggerated.[11]

The classicists have therefore in general insisted that war is not a consequence of economic activity but an impediment to and frustration of economic activity, arising from noneconomic enterprises and ambitions.

Some of them, however, utilizing neoclassical rather than strictly classical assumptions, have noticed that economic activity may be directed not toward the production of goods and services useful in the sense of increasing human welfare but toward the augmentation of political power, and in this latter sense economic activity may menace the peace. They have, therefore, distinguished welfare and peace economics from power or war economics and have recognized that in all states in time of war and in certain states at all times much or most economic activity is "war economics." They therefore recognize that the generalization just stated is true only with the assumption, tacitly made by most writers of the classical school, that a free economy exists in which everyone works only to in-

[9] Robbins analyzes the various Marxist theories from the classical point of view (*op. cit.*, pp. 19 ff.).

[10] Karl Marx, *Critique of Political Economy* (2d ed.; New York, 1904), p. 306.

[11] Above, chap. xxxii, sec. 3.

crease his own command of goods and services.[12] Under these conditions only a welfare economy can exist, at least for a society of "economic men." With the political direction of much of economic activity under war or totalitarian conditions, economy tends to become "war economics." When certain states adopt policies of conquest or autarchy, for whatever reason, others may be justified, even from the welfare point of view, in doing the same.[13]

b) The mathematical school centers its interest on prices or values in exchange and treats as economic all the factors normally responsible therefor. Subjective values or utilities are among these factors, and their analysis constitutes much of the activity of this school. Its most comprehensive development has been by the Lausanne school of Walras and Pareto, who sought to state the relationship of all the factors responsible for the price structure in simultaneous equations. These factors involve the quantities, rates of production, rates of consumption, marginal utilities, marginal costs, etc., of the various types of goods and services in a market, the relations of which at any moment constitute an economic equilibrium. These writers have not attempted to deal with war by the mathematical method. Pareto, however, dealt with it in his sociology which concerned the nonrational drives ("residues" and "derivatives") motivating the élites. War results especially from the absoluteness of the "residues" of the "lions." This type of élite has such belief in ideals ("persistence of aggregates") that it is ready to use force to attain them. Gradually the maintenance of these aggregates is taken over by the analytically minded "foxes" who do not believe in them, and, as these aggregates gradually disintegrate, the way is paved for a new set of lions and more wars. Assuming that economic analysis concerns the conditions of price equilibriums from which the factor of war is excluded, the mathematical school regards war as a dynamic factor outside of economics, disturbing the equilibrium.

Economists of all schools have at times resorted to mathematical reasoning when dealing with prices, production, trade, population, employment, or other statistical variables. Their interest in the temporal fluctuations of these variables has led to theories of business cycles which some have related to wars. Kondratieff, for instance, finds that wars occur at the peaks and revolutions at the bottoms of the long economic cycles which he discovered of some fifty years' duration. War has also been related to overpopulation, to differential rates of population growth, to overproduction, to disharmony between agricultural and industrial rates of production, and to other statistical indices. While

[12] Eugene Staley, *Raw Materials in Peace and War* (New York, 1937), chap. iii. Z. Clark Dickinson has noted the criticisms of "the classical economists' assumption that self-interest in the pursuit of wealth is a general human characteristic" ("The Relation of Recent Psychological Development to Economic Theory," *Quarterly Journal of Economics*, XXXIII [May, 1919], 392).

[13] Robbins, *op. cit.*, pp. 70 ff.

there have been efforts to demonstrate the mathematical regularity in these fluctuations, these efforts have not been very successful. On the whole, study of these relationships has been more satisfactorily approached by the historical method.

Mathematical economists have tended to treat war as a dynamic and unmeasurable factor which may grow out of the tensions arising from conditions of economic disequilibrium, and which, by destroying population, commodities, and industrial plant, may restore economic equilibrium but at the same time is likely to provide the seeds of an eventual new economic disequilibrium. Some of them have attempted to broaden the factors entering into the economic equilibrium so as to include these dynamic factors in the analysis. The analysis will then, it is hoped, reveal the process by which economic equilibrium through its inherent character changes regularly and predictively in time, moving through periods of prosperity and depression, tranquillity and tension,.peace and war.[14] It cannot be said that as yet these efforts have been very successful in demonstrating either that economic fluctuations are functions of regular variables or that wars are functions of economic fluctuations.[15]

c) The marginal utility school, including Jevons, Menger, Böhm-Bawerk, and others, treats economic values as flowing from the individual's comparison of the utility to himself of commodities of varying degrees of scarcity. Although inheriting the individualism of the classical school, these writers reverse the classical position with regard to the central theme of economics. Instead of the supply of goods and services, the demand for goods and services is to them the heart of economic activity.[16] Instead of costs, utilities are to them the major factor in economic analysis. This school differs from the institutional and historical schools in insisting that economic activities originate in and are sustained by the inducement of individual desires rather than by the pressures of social custom or political organization. Thus economics and politics are distinguished according as social behavior is approached from the point of view of the individual or of the community, somewhat as Aristotle distinguished economics or household management from politics or state management.

Although writers of this school deal mainly with the relations of subjective values to prices, they have stimulated the psychological study of subjective values by members of the ethical and psychological schools, and they also have paved the way to the analyses of the mathematical and neoclassical schools. They themselves dealt very little with the problem of war, though the implication of their theory would regard war, if wanted by individuals for any reason, as a· utility susceptible of economic analysis.

[14] "Economics," *Encyclopaedia of the Social Sciences,* V, 367.

[15] Above, chap. xxxii, sec. 3c; chap. xxxvi, sec. 3.

[16] The mathematical and neoclassical schools give equal weight to supply and demand.

d) The socio-ethical school, which groups together such diverse writers as Carlyle, Ruskin, J. A. Hobson, Clay, Rodbertus, Adolph Wagner, and Leon Bourgeois, was developed in a more objective manner by the "psycho-economists," including such writers as Veblen, Simon Patten, Max Handman, Z. C. Dickinson, and Carlton Parker. All these writers are interested in the classification of human motives and incentives, some of which they characterize as "economic." They thus differ from the marginal utility school, which regards all individual motives as equally economic. Some, like Ruskin and Carlyle, criticize individualistic utilitarianism by distinguishing the desire for the individual's material comforts or satisfactions, considered "sordid," from his desire to submerge himself in the cause of religion, social reform, imperial expansion, etc., considered "noble." Some have distinguished the desire for goods and services which can be exchanged (the acquisitive instinct) from the desire for things which cannot, such as a tranquil mind, joy in work or craftsmanship, a high character, a sense of adventure, a conviction of exemplary behavior, or a consciousness of devotion to a great cause or to accepted loyalties. This parallels the well-known distinction between personal and proprietary rights in law.[17] Some have distinguished desires consciously and rationally pursued from reflex, instinctive, spontaneous, and impulsive behavior, the extremists almost concluding that the rational type of motives is so rare as to be unimportant.[18] More commonly economic motives have been said to refer to the desire for the necessities of life as distinguished from luxuries.[19] Bread-and-butter motives are said to be economic motives. To economize is to buy only necessities, to be frugal. Economics thus has to do with food, clothing, shelter, and other material necessities of existence, while its securities and refinements are dealt with by sociology, politics, the humanities, and the fine arts. Many have, however, qualified this distinction by the conception of a standard of living determining what are necessities in a particular class or culture. Thus the economic motives are said to be the desire for those things essential for the individual's standard of living.

Difficult as it is to distinguish egoism from altruism, exchangeable from nonexchangeable satisfactions, rational intentions from irrational motives, necessities from luxuries, the standard of living from superfluities, dependent as all these distinctions are upon types of culture, there are theories of war based upon them. Men, it is said, will fight rather than starve. They may even fight rather than reduce their standard of living. As primitive nomads fight for cattle and pastures, it is assumed that civilized nations fight for markets, raw materials,

[17] J. W. Salmond, *Jurisprudence* (London, 1902), p. 253.

[18] See Dickinson, *op. cit.,* p. 397.

[19] E. R. A. Seligman ("Economics," *Encyclopaedia of the Social Sciences,* V, 345) considers economics a "social scientific discipline concerned with the relation of man to man arising out of processes directed to the satisfaction of material needs."

agricultural lands, and other necessities to sustain life and habitual standards.[20] This school of welfare economics tends to think that if everyone in the world could be provided with an equal and satisfactory standard of living, war would disappear.[21] It should be pointed out, however, that some take the opposite view, holding that men never fight for bread and butter but only for great ideals.[22]

The more recent psychological economists have tended to avoid either extreme. They have made it clear that in fact men may want intensely the adventure, excitement, and risks of war, the identification of themselves with a great and victorious state, and the satisfaction of the sentiment of loyalty or the release of suppressed impulses, and thus may be acting "economically," in the sense of the marginal utility school, in preferring these values to such values as wealth and prosperity.[23] The "economic" value of war may in some situations be even greater than that of material goods and services because of the variety, contrariety, and, some might say, irrationality of the wants of some people at all times and of most people under certain conditions.

e) The institutional and historical schools characterize as economic certain institutions and practices such as business, transportation, agriculture, and banking. These are distinguished from religious, political, scientific, educational, and social institutions. The criterion apparently is that economic institutions function for the most part in the production of goods, while with noneconomic institutions productive activities are a minor element. The institutional school, therefore, resembles the classical school, though, in treating institutions and organizations as having a life of their own and shaping human behavior by custom, coercion, and propaganda as well as by promises of reward, they part company with the individualism of the classicists. In emphasizing the variety of human motives other than the pursuit of goods and services, they resemble the socio-ethical and psychological schools, which they join, in criticizing the classical theory of motivation. The socialists have borrowed something from the historical school in their theory of economic determinism which holds that the basic institutions shaping social life have been the technique of production and the self-conscious classes of producers. Marxists have found capitalistic institutions, especially the free market, economic competition, foreign investments, monopolistic corporations, and class organizations to be causes of war.[24] The Fascists and National Socialists, though not opposed to war, have suggested that the

[20] Frank H. Simonds and Brooks Emeny, *The Great Powers and World Politics* (New York, 1937), pp. 31 ff., 147 ff.; John Bakeless, *The Economic Causes of Modern War* (New York, 1921).

[21] Carl Alsberg, in *Problems of the Pacific, 1926* (Chicago: Institute of Pacific Relations, 1927), p. 317.

[22] See Heinrich von Treitschke, *Politics* (New York, 1916), pp. 1 and 67; Adolf Hitler, *Mein Kampf* (New York, 1939), p. 200.

[23] Dickinson, *op. cit.*, p. 400.   [24] Above, nn. 9–11.

unco-ordinated institutions of democratic liberalism are a cause of war as are also the international institutions proposed by socialists and pacifists because they reduce the solidarity of national communities.[25] The defenders of liberalism, on the other hand, have found that the consolidation of economic and political institutions in the totalitarian state, whether communist or nationalist, is a cause of war.[26] The diversity of these opinions indicates that the historians and institutionalists have not developed a generally acceptable theory of the relationship between particular institutions and war. They have sought to show by historical investigation the economic and other consequences of particular institutions at particular times but have hesitated to generalize.

f) The neoclassical school of Alfred Marshall, Pigou, and Keynes draws from the classical, marginal utility, and mathematical schools but is characterized by practical interests. It has tended to identify economic methods with efficient methods or at least with deliberate and calculated methods, a connotation of the term which has never been absent since the time of Aristotle and is to be found in all the modern schools of economics. Marshall, it is true, insisted that economics should be organized as a pure science rather than as a practical art. Nevertheless, throughout his writings he assumes that "practical issues . . . . supply a chief motive in the background to the work of the economists."[27] The aim of economics, therefore, is to teach men how to act "economically."[28] The economic mind deliberates upon relative values, adapts means to ends, and secures most valuable ends at least cost. Economic methods can be applied to any ends, whether in the realm of art, of religion, of politics, or of production. Economics can be applied to play as well as to work, to leisure as well as to production, to public as well as to private objectives, to war as well as to peace.[29]

For this school of thought the "economic" causes of war would be the circumstances which justified a calculation that in a given country in a given situation resort to war would be the cheapest means for accomplishing an end which its population considered of pre-eminent value.

As the costs of war increase and cheaper means become available for achieving important public ends, war will become less and less "economic" in the sense of this theory. War would tend not to have economic causes and to arise only because of the frequent disposition of men not to calculate and not to manage their affairs "economically." There is probably a disposition on the part of most

[25] Hitler, *op. cit.*, pp. 195 ff.

[26] Walter Lippmann, *The Good Society* (Boston, 1937).

[27] Alfred Marshall, *Principles of Economics* (London, 1891), p. 95.

[28] Frank Knight, "Bertrand Russell on Power," *Ethics*, XLIX (April, 1939), 269–70; "Some Notes on the Economic Interpretation of History," in *Studies in the History of Culture* (Menasha, Wis., 1942), pp. 221 ff.; Max Handman, "War, Economic Motives, and Economic Symbols," *American Journal of Sociology*, XLIV (March, 1939), 629; Dickinson, *op. cit.*, p. 381.

[29] See above, n. 23.

economists at the present time to consider modern wars as uneconomic on this ground. The reformist bias of the Cambridge school as well as their implication that economics has to do with means rather than with ends has led them to emphasize this position.

John Maynard Keynes, for example, defines "the economic problem" as "the problem of want and poverty and the economic struggle between classes and nations." Considering, as he does, that "the problem of life and of human relations, of creation and behavior and religion," are the "real problems" of civilization, he insists that economic problems are merely means to the end of reducing the costs of civilization in human misery, so that progress may be more efficient.[30] The peace problem might also be looked upon as a problem of cutting the costs of civilization, but, in fact, Keynes looks upon it as distinct from the economic problem. In our age of abundance he considers the economic problem susceptible of solution, provided there are "no important wars and no important increases in population." Of the peace problem he has little to say beyond that he would like "to take risks in the interest of peace just as in the past we have taken risks in the interest of war." He would not want "these risks to assume the form of an undertaking to make war in various hypothetical circumstances," but he would like "to give a very good example in the direction of arbitration and of disarmament, even at the risk of being weak." It is thus clear that to him the peace question lies in the realm of politics rather than of economics.[31]

The word "economics" as used by the various schools of thinkers has a variety of meanings—productive activities, measurable interests, individual values, material or acquisitive motives, business institutions, and efficient methods. Under one concept or another nearly all the factors which have ever been suggested as causes of war may be subsumed. Thus, if the analyses of all schools are added together, economic factors include all factors. In fact, however, economists have generally considered that the causes of war lay outside their field. Whatever may be the scientific conception by which the various schools have sought to delimit the field of economics, actually most writers have thought of economic activity as those utilizations of limited resources (goods and services) which individuals embark upon after some calculation of the relative value of their various wants.[32] Economic activities are to be distinguished from activ-

[30] J. M. Keynes, *Essays in Persuasion* (London, 1931), p. vii.

[31] *Ibid.*, pp. 330, 366, 373. It is also clear that Keynes, like many of his compatriots, during the 1930's was unwilling to have his country assume adequate political responsibilities.

[32] Alfred Marshall considered economics a study of "man's action in the ordinary business of life" dealing with "that class of motives which are measurable" for the sake of knowledge "which may help to raise the quality of human life" (*op. cit.*, I, 1, 54, 73). Frank Knight defines economic behavior as "a particular form of rational deliberative or problem-solving activity or *conduct*," concerned with the problem of "using given means to realize given ends" ("Social Science," *Ethics*, LI [January, 1941], 135–36).

ities involving only the use of apparently unlimited resources[33] and from activities unreflectively embarked upon because of emotion, inertia, or compulsion.[34] Economics considers the influence upon human action of the niggardliness of nature as distinct from the inadequacy of institutions and the influence of anticipated concrete rewards as distinct from the influence of propaganda, habit, and threats. Economists have thought that the influence of political institutions and of nonrational motives has been dominant in the causation of war. War, they think, can properly be said to have economic causes only if the government that undertakes it has deliberately concluded, after canvassing the facts, that the difference between its probable costs and benefits in terms of the goods and services available to the people is more favorable than would be the case if war were avoided. Such a calculation has rarely been made and has probably never been the main reason for initiating war by one relatively powerful state of modern civilization against another. In such wars any calculation would have such a margin of error as to be worthless.[35]

[33] Such as land and timber to the pioneer; sun and air to most people (see above, chap. xxxii, n. 3).

[34] Such as spontaneous play of children, necessary flights from disaster, and customary observance of rituals.

[35] Clearly no such calculation can be made at all except within a time period of a few years, but the value of war in modern times, if thought of in economic terms at all, sets the high costs which it is recognized will be endured for decades against benefits which it is hoped will accrue through centuries. The tendency of publicists to emphasize the economic causes of war during the 1920's abated in the 1930's. "The role of economic factors in the peace failure of 1919-39 was not of first importance. Political and psychological considerations played a more active part. . . . . Considered absolutely economic factors are no longer direct causes of war" (International Consultative Group of Geneva, "Causes of the Peace Failure, 1919-1939," *International Conciliation*, No. 363, October, 1940, p. 346). See also Walter H. C. Laves and Francis O. Wilcox, *The Middle West Looks at the War* ("Public Policy Pamphlet," No. 32 [Chicago, 1940]).

APPENDIX XXVII

THE ANALYSIS OF WAR BY POLITICAL SCIENTISTS

The meaning of the word "politics" is no more definite than that of the word "economics." The words "politics," "policy," "political," "politician," "polity," "police," "polite," and "politic" have the same root but varied connotations. They all have something to do with πόλις, the Greek word for city, equivalent to the modern state; but they include activities, interests, values, human types, institutions, and methods having implications all the way from the use of force to its reverse, from the highest ethical standards to the lowest.

It is less easy to divide political scientists than economists into definite schools of thought, each exhibiting a certain homogeneity. There have, however, been characteristic conceptions of the subject by different writers, and these differences will here be denominated as schools, somewhat parallel to the various schools of economics.

a) The classical school of Aristotle, Bodin, Montesquieu, De Tocqueville and Treitschke is interested in the ends of the state and in the forms of government for achieving them. Political values to them refer to state welfare as distinguished from economic values which refer to individual or family welfare. The relation between the two has been generally recognized whether the particular writer thinks that the state is for man or that man is for the state. Political scientists of this school have usually followed the comparative method and have considered the state's first function to assure security from internal sedition and external invasion. Some have assumed that general security depended upon the superiority of the coercive power of the community as compared with its members and that maintenance of this superiority required that the group be morally united and militarily prepared. These assumptions support the conviction that the end of the state is the continuous development of its own power.[1] Others, assuming that general security depends upon general consent of the people to the laws and general loyalty to the community, consider that expansion of the liberty of the governed under laws supported by common consent is the end of the state.[2] These attitudes tend, respectively, toward approval of military absolutism and of constitutional democracy. Adherents of the classical school tend

---

[1] H. von Treitschke, *Politics* (New York, 1916), I, 63; see also J. W. Garner, *Political Science and Government* (New York, 1928), p. 71.

[2] Aristotle *Politics* v. viii; Woodrow Wilson, *The State* (Boston, 1895), p. 597; Garner, *op. cit.*, p. 72.

to find the seeds of war in the spirit and in the forms of states and of govern-
ments, admitting with Montesquieu that there generally is a reciprocal relation-
ship between the two.[3]

b) *The practical school,* made famous by Machiavelli but represented in an-
tiquity by Protagoras and in contemporary times by Hitler and Mussolini, inter-
prets politics as the process of acquiring, maintaining, and expanding power and
political science as the exposition of that process. Politics is guided by expe-
diency and efficiency rather than by justice or ethics. Modern writers have some-
times separated political science concerned with what the state is from political
philosophy concerned with what it ought to be.[4] Political historians, like Thucyd-
ides and Polybius, who describe actual processes of power-building and dissolu-
tion; geopoliticians, like Ratzel and Haushofer, who relate geography to power-
building; and public administrators, like Hamilton and Bismarck, who are con-
cerned with the management of power, usually belong to this school.

Political scientists of this school have been interested in examining the vari-
ous devices—symbol formation, propaganda, conciliation of groups, corruption,
coercion, threats, and services—by which individuals, parties, or states have
under different historical and geographical conditions risen to power and leader-
ship.[5] Of these various methods, some writers have characterized as pre-emi-
nently "political" the prudent, shrewd, artful, and "politic" handling of affairs.
They have distinguished the "politician" from the honest businessman, the
blunt and forceful soldier, the ardent and naïve reformer, by the dexterity,
suavity, or even shadiness of his transactions. Other writers, however, have con-
sidered the use of threats, coercion, and "police" as characteristic of "politics,"
because the state ordinarily claims a monopoly of force, while business enter-
prises, churches, social climbers, and educational administrators also use di-
plomacy and artfulness. Some have distinguished political from economic meth-
ods in that they pay greater attention to results and lesser attention to costs.
The ends of the state have been considered absolute, while those of business are
relative. Politics therefore requires the extravagant expenditure of resources
when its ends are in jeopardy, whereas the end of business consists in maintain-
ing the relativity of costs to earnings. Political methods have also been dis-
tinguished from juristic methods in that greater attention is paid to objectives
and less to procedures. The essence of justice lies in the fairness of the proce-
dures, but, since the aim of politics is power, the method tends to be judged only
by its success. He who is successful has at least for the moment the power to
decree his own innocence.[6] It has been recognized that procedural limitations

[3] Montesquieu contrasted the principles (spirit) and the nature (form) of govern-
ments (*L'Esprit des lois,* Book iii, chap. i) and the relation of each to defensive (Book ix)
and offensive (Book x) force.

[4] H. Sidgwick, *Elements of Politics* (London, 1891), p. 7; Garner, *op. cit.,* p. 10.

[5] Machiavelli, *The Prince* (1513); C. E. Merriam, *Political Power* (New York, 1934).

[6] Above, chap. xxix, sec. 1.

are less effective in politics than in economic competition or juristic litigation. The end is more often taken as justifying the means. This is especially true in international politics, where force and fraud have been characteristic political methods.

From this point of view the political causes of war reside in the activities of dictators, demagogues, patriots, crusaders, politicians, statesmen, and other holders of or seekers for power who believe, with considerable historical justification, that threats of war or even war itself is under certain circumstances a useful instrument for achieving their ends. The seekers of power often find life too short to gain their objectives by persuasion. The holders of power cannot be sure that war will continue available as an instrument unless they stimulate within the population they govern a fear of invasion or sedition, a military spirit, and preparedness for war. This stimulus is provided by military education, military economy, and militant diplomacy. These methods become secondary causes of war, perhaps driving the leader to use military methods under domestic pressure when the international situation does not seem to warrant it.[7]

c) *The juristic school* of political science, including such writers as Grotius, Vattel, Austin, Duguit, Burgess, and Willoughby, has sought to define the state in terms of sovereignty and to specify the relations of its departments, functionaries, and citizens in a system of public law. This school, treating the state more abstractly than the classical school, has been interested in the reconciliation of order with liberty, of sovereignty with justice, and of efficient administration with protection of private rights. They have distinguished the state and the government; the executive, the legislative, and the judicial departments of the latter; the political and the administrative organs; the central and the local governments, defining the power of each and setting one against another in systems of checks and balances so as to prevent government from becoming tyrannous without impairing efficiency.

Writers of this school have naturally extended their conception of political order and public law to the international field. They have tended to find the causes of war, whether civil or international, in the lack of a system of public law and political organization adequate to control the methods of political power-seekers and economic profit-seekers, to adjust controversies without violence, and to keep law in harmony with changing social and economic conditions.[8]

d) *The psychological school* of politics has interested itself in political motives —those psychological dispositions which relate the individual personality to the symbols of political power. The psychological connotation of the word "political" is found in most extradition treaties which recognize that homicide and

[7] Frederick L. Schuman, *War and Diplomacy in the French Republic* (New York, 1931), pp. 401 ff.

[8] Clyde Eagleton, *Analysis of the Problem of War* (New York, 1937); William Ballis, *The Legal Position of War: Changes in Its Practice and Theory from Plato to Vattel* (The Hague, 1937).

robbery take on a different character if they are "political offenses," in the sense that they were motivated by loyalty to a political group.

Hobbes, Locke, Hume, Rousseau, Bagehot, and Wallas were of this school. They attempted to organize the insights of the practical school concerning political behavior by use of general concepts of human nature. Different writers have detected a wide variety of motives involved in such behavior—fear, greed, loyalty, honor, ambition, pride, aggressiveness, sympathy, awe, reverence—but usually fear has been put first as the dominant political motive. Hobbes and Locke both thought it was the fear arising from the universal insecurity of men in a "state of nature" which drove them to accept the "social contract," exchanging all or some of their liberty for the security of government. Fear is appealed to in the characteristic political institutions of criminal law and war. The wish for security or escape from fear has been recognized by all as one reason for political obedience. The state which influences behavior by fear has been distinguished from the business enterprise which induces behavior by greed. The economic motives which stem from the needs for food, clothing, and shelter, ordinarily procurable by individual effort, may be contrasted with the political motives which stem from the needs for security, protection, and peace obtainable only by group control of its members through the organization of authority. The older political scientists of this school have discussed whether men are by nature belligerent or peaceful, whether they want security more than prosperity or power, and whether men resort to war because of their fears, their hungers, or their ambitions.[9]

Modern psychological investigation has disclosed the complexity of human motives, their conditioning to symbols through education and propaganda, and the variety of responses, stimulated in different personalities at different times and in different contexts by such political symbols as patriotism, nationalism, internationalism, socialism, fascism, communism, liberty, equality, law, order, democracy, revolution, justice, the United States, Germany, the League of Nations, humanity, neutrality, the king, the Grand Old Party, the enemy, etc. War, therefore, is said to be caused by processes of education and propaganda, creating patterns of political behavior common to large groups. These patterns are stimulated by group symbols whose distinctiveness may be accentuated by opposing them to the symbols of other groups. In the absence of universal myths and symbols sustaining a world-authority, the opposition of group symbols to one another tends to become absolute and to lead the governments which depend upon them into hostilities.[10]

e) *The institutional school*, to which may be assigned Gierke, Stubbs, Maitland, Freeman, Bryce, and Lowell, is closely related to both the classical and the juristic schools. It has centered attention upon those institutions which are dis-

[9] Graham Wallas, *The Great Society* (New York, 1917), reviews the opinions of the "habit," "fear," "happiness," "love," and "thought" philosophers.

[10] H. D. Lasswell, *World Politics and Personal Insecurity* (New York, 1935), p. 237.

tinguished as political because their objective is to maintain law and order, justice and peace. Economic institutions, designed to produce and distribute wealth and prosperity; religious institutions, designed to develop and establish spiritual and moral values; and learned institutions, designed to develop and disseminate knowledge and appreciation of the arts and sciences, lie, therefore, outside the realm of politics except in so far as they are collective personalities subject to its jurisdiction in enforcing law and preserving order.

These distinctions, however, are not easy to make in practice. Obviously the functions of the state, the business corporation, the church, and the university are not in fact so narrowly confined as here suggested. Each encroaches upon the domain of the other, and at times the state has tended to absorb all of them. Some have distinguished political institutions as those with a monopoly of the power to kill—internally in the execution of criminal law, externally in war.[11]

The institutional approach has usually been dominated by the spirit of observation rather than of criticism, of development rather than analysis. Writers of this school have been interested in the origin and history of political institutions and in their resemblance to and difference from nonpolitical institutions, without attempting to differentiate the types with logical precision. Within this school war has often been attributed to encroachments, whether of states upon the activities of one another, of the state upon business, religion, or education, or of other institutions upon the state. It is clear that political institutions have been at least in recent times the immediate warmakers, but students of political institutions have differed as to the influence on war and peace of the integration or disintegration of national and world institutions.[12]

f) The statistical school has been a late development in political science because of the resistance of most political phenomena to measurement. In recent years, however, successful attempts have been made to measure fluctuations in the intensity of public opinion toward given symbols, variations in the interest in political practices, changes in the relative power and importance of states, fluctuations in the influence of opinion nuclei in legislative and electoral bodies, and changes in the areal differentiation and distribution of political phenomena.[13] The interests of this school merge into those of the political economist in population, trade, and vital statistics.

It can scarcely be said that this school has a distinctive conception of politics. It is characterized by the distinctiveness of its method. Writers with this interest have, however, often related political phenomena, including war, to differences in

---

[11] Above, chap. xxii, n. 5.

[12] E. A. Freeman, *History of Federal Government* (London, 1893), pp. 42 ff.; above, chaps. xxii (sec. 3e), xxviii, and xxix.

[13] Stuart A. Rice, *Quantitative Methods in Politics* (New York, 1928); H. F. Gosnell, *Why Europe Votes* (Chicago, 1930); above, chaps. xxxv and xxxvi; below, Appens. XL and XLI.

public opinion. These differences are often explained by geographical and historical factors as well as by propagandas.[14]

It appears that the word "political" has been used with as broad and varied meanings as has the word "economic." Each has been used in enough senses to be comprehensive of all factors influencing social behavior, including the initiation and conduct of war. There does, however, seem to be a dominant usage applying "economic" to activities calculated from the wants of the individual and "political" to activities resorted to for increasing the power of the group.[15] Economics deals with behavior in pursuit of material welfare, especially if individualistic, calculated, and deliberate, while politics deals with behavior in pursuit of power, especially if collective and emotional. War can therefore be said to have political causes if initiated by a government or a faction with the object of maintaining or increasing its power whether or not the means are adapted to that end. Most modern wars have had such an origin. On the other hand, the influence of economic processes, as here defined, has usually been remote or indirect. As the words are commonly understood, therefore, it would seem that political causes are usually much more important than economic causes of war. Political scientists have more commonly considered war in their field than have economists.

[14] Above, chaps. xxx and xxxv.

[15] According to Lasswell (*op. cit.*, pp. 141–42), "when individuals evaluate their environment in terms of their fighting effectiveness in relation to it, political considerations are involved; the threat value of their environment (viewed by an observer who arrived at an appraisal) is the political condition." He adds that "the correlative nature of the economic and the political forbid their too rigorous separation" and that politics "as the analysis of the conditions and the calculations of fighting effectiveness" is only one branch of politics in the more general sense of "the analysis of the value patterns in general."

APPENDIX XXVIII

THE ANALYSIS OF WAR BY SOCIAL PSYCHOLOGISTS

Social psychologists have approached their subject from the points of view of the group and of the individual. While at times there has been controversy as to which is prior, resembling the medieval controversy between realists and nominalists on the question of universals, recent social psychologists have minimized this controversy. They have conceived culture as a characteristic of the group, manifested, however, only in the behavior of individuals. On the other hand, they have conceived personality as a characteristic of the individual, developed and manifested, however, only in group relations.[1] Culture and personality are, therefore, merely different approaches to the study of the same thing. Personalities and cultures exist only because there is continual interaction of individuals in the group. Social psychology deals with the individual's behavior patterns viewed as a product of his group and with the group's culture viewed as a manifestation of the behavior of its members.[2]

Social psychology became a recognized discipline in the 1880's and has subsequently developed six schools of thought. The folk psychologists and the crowd psychologists have tended to assume the priority of the group; the personality analysts and the behaviorists have tended to assume the priority of the individual. Psychological measures have tried to quantify attitudes without any assumption as to whether they should be characterized as functions of the individual or of the group. Social interactionists have described and explained attitudes and actions in terms of the interaction of individuals within the group and in different groups.[3]

While none of these schools has displayed complete homogeneity on the subject of war, the general character of the contributions of each toward explaining war may be summarized.

[1] Louis Wirth, "Social Interaction: The Problem of the Individual and the Group," *American Journal of Sociology*, XLIV (May, 1939), 966. There are concepts of personality differing from the sociological concept (see E. Sapir, "Personality," *Encyclopaedia of the Social Sciences*). See also below, Appen. XXXV, nn. 7 and 8.

[2] "Social psychology is the study of the behavior of individuals in their reactions to other individuals and in social situations" (S. H. Britt, *Social Psychology of Modern Life* [New York, 1941], p. 5). See also L. L. Bernard, "Social Psychology," *Encyclopaedia of the Social Sciences*, XIV, 151.

[3] Bernard, *op. cit.*

a) Folk psychologists, like Wundt and Durkheim, have utilized ethnological and linguistic materials to explain the origin of social groups and their variations. They thought of a social group as something with a life of its own, as the manifestation of the collective mind or *Volksgeist.* This way of thinking has led to the interpretation of war as a struggle for existence between groups, of which races were considered the most important, by Ratzenhoffer and Gumplowicz.[4] Each group, having its reactions determined by its own history and institutions, is only to a limited extent capable of adjusting them if they are obstructed by the activities of other groups. Self-preservation and expansion, according to some writers of this school, are the dominant group reactions; consequently, international relations become inevitably a balance of power. This theory assumed a degree of integration of the individual in the group and an identification of the individual with a single group which has rarely existed in fact. The more social groups overlap one another, through the fact that each individual is loyal to many symbols—nation, church, occupation, class, literature, art—the less will this assumption of group behavior be realized. The effort of a totalitarian state to direct the loyalties of individuals to one symbol—the state—is an effort to realize the conditions of inevitable war.

b) Crowd psychologists, such as Le Bon and Waelder, have distinguished crowds, mobs, or masses from normal associations. In "mass" situations the individual is hypnotized and dominated by the group; in associational situations, on the other hand, the group is merely a co-operative venture of its members to achieve their purposes. When a member of a mass, the individual becomes entirely the instrument of the group, and man is for the state; when a member of an association, on the other hand, the group is an instrument of its members, and the state is for man. Waelder interprets masses as the consequence of regression in which the individual has abandoned the effort to integrate his personality through conscience and, for certain purposes, has reverted to the conditions of early infancy in which the suggestions of the parent are blindly followed. An external agency, a leader, or a myth is followed without reference to conscience, as the infant follows the parents' command. In masses the personality is, therefore, split, and the group can engage in acts contrary to the normal conscience of its members.[5]

The necessity arising from an emergency, especially that of external defense, requires the temporary dominance of group leaders. Consequently, sovereign groups which can survive only through readiness for self-defense must have to some extent a mass character and may occasionally regress to conditions of collective psychosis. Waelder explains the origin of regression less by the selfish interest of the élite or leaders than by the desire of the average man to regress because of laziness. "The majority of people are loath to grow up. Maturity is

[4] See above, chap. xxxii, n. 2.

[5] Robert Waelder, "Psychological Aspects of War and Peace," *Geneva Studies,* X, No. 2 (May, 1939), 17 ff.

a burden. . . . . Responsibility for one's self is a burden. . . . . Effective thinking is painful."[6]

The problem of war is, from this point of view, identical with the problem of democracy and of ethics—to eliminate masses and to make all groups associations. "While no psychological law is violated when we entertain this possibility," writes Waelder, "it is far from the reality of the present."[7]

The alternatives—a world-myth, converting the whole of humanity into a mass,[8] or a stalemated balance of power resulting from a general perception of the great risks of war under modern military techniques[9]—are, however, no less difficult to achieve. Are they real alternatives? May it not be possible to develop a myth, supporting not dogmas but procedures, so flexible as to permit expert action to deal with exigencies as they arise but so rigid as to prevent encroachment on fundamental human interests? Such a myth would, in fact, be a scientific constitution of the society, but it is clear that it would have to contain in itself procedures for its own modification with changing conditions.[10]

This approach, explaining the function in social organizations of myth, conflict, regression, and irrational behavior, has undoubtedly contributed much toward the understanding of war and has laid bare the most fundamental difficulties in eliminating it. It is difficult for large groups to maintain unity as national associations free of mass characteristics. It is also difficult for the world as a whole to become a mass. In a universal group the elements of external fear and the sharp delimitation of the "we" group are necessarily lacking. A universal group must rest upon the rational support of a universal public opinion, but that support usually dissolves before the attacks of lesser masses highly charged with emotion.[11]

c) Personality analysts as well as crowd psychologists have owed much to

[6] *Ibid.*, p. 44.

[7] *Ibid.*, p. 52; above, chap. xxxiii, sec. 3. Graham Wallas attempts to show how social thought, will, and happiness might be rationally organized in *The Great Society* (New York, 1917).

[8] Francis Delaisi (*Political Myths and Economic Realities* [New York, 1927]) believes that myths are necessary for the integration of modern societies, because order presupposes prompt obedience, and this cannot be assured by rational understanding when society has become so complex that only a very small proportion of the population can have knowledge of its structure and functioning. To the same effect H. D. Lasswell writes (*World Politics and Personal Insecurity* [New York, 1935], p. 237): "The consensus on which order is based is necessarily non-rational; the world myth must be taken for granted by most of the population."

[9] Above, chap. xx, sec. 4.

[10] Karl Mannheim envisaged the possibility of a "science of politics" but only in a relative sense (*Ideology and Utopia* [New York, 1936], pp. 146 ff.), as did Graham Wallas (above, n. 7).

[11] Above, chap. xxx.

Freud. They have used observations of primitive peoples and the results of psychoanalytic interviews to explain the readiness of civilized adults to go to war. By social conditioning, the individual identifies himself with the state and projects the aggressions (developed in most cultures from the ambivalences and frustrations growing out of parental discipline) upon an external enemy.[12]

Analysts have interested themselves particularly in the characteristics of élites—the processes by which élites of new types are continually rising in the social pyramid and the extent to which the group owes its character and behavior to the élites at any moment in control. The writings of Pareto, Mosca, Lasswell, Merriam, and others have indicated the extent to which leadership may result from overcompensation of a sense of inferiority and the varying skills which may be utilized to attain leadership, such as aggressiveness, skill in negotiation, skill in symbol manipulation and propaganda, sense of justice, etc. Efforts to describe the characteristics of élites and leaders as to age, education, physical characteristics, and skills have indicated their variable character.

. Types of élite in control of a given group at a given time result from the interplay of many factors, but social institutions undoubtedly have an influence. Democracies, for example, may tend to throw the manipulator, the negotiator, or the orator to the front, while autocracy may throw the military strategist, the propagandist, or the paranoiac to the front. Thus there is continuous interplay between internal conditions and external pressures shaping the type of élite. The latter in turn influences forms of government and foreign policy.

There is, consequently, a tendency for conditions of unrest favorable to the rise of aggressive leadership to be perpetuated because of the activities of those leaders in seeking to continue the conditions in which they thrive. Conversely, the conditions of domestic and international tranquillity, favorable to leaders who have risen because of their justice, will similarly be perpetuated because those leaders will have a strong self-interest in such a perpetuation.

It is, however, easy for a single leader to manufacture unrest, while it requires the co-operative activity of all to create tranquillity. Consequently, when autocratic and democratic states are in contact, the leaders of the former, usually the aggressive type, have an advantage in perpetuating conditions on which they thrive. Tyrannies in one state can threaten war and provide the condition under which tyranny will spring up in neighboring states. Because of this, peace requires an organization of conditions favorable to the rise of a just and reasonable élite throughout the entire area of contact. It requires today an organization of the entire world for peace and justice.[13]

[12] E. F. M. Durbin and John Bowlby, *Personal Aggressiveness and War* (New York, 1939); Britt, *op. cit.*, pp. 204 ff.; Kimball Young, "The Psychology of War," in J. D. Clarkson and Thomas C. Cockran (eds.), *War as a Social Institution* (New York, 1941), pp. 4 ff.

[13] Above, chap. x, sec. 4; chap. xi; chap. xxii, sec. 2; chap. xxxiii, sec. 1; Britt, *op cit.*, pp. 274 ff.

d) Behaviorists, given this name by John B. Watson, have, like the personality analysts, emphasized the individual rather than the group. They have interpreted the group as the consequence of the circularity of the stimulus response mechanism by which reaction patterns are transmitted by communication from one member of the group to another and back again, growing by repetition. To the behaviorists instruments of communication are the key to social psychology. As the individual response is a function of the nerve tissues connecting sense organs with muscles, so social responses are the consequence of language, press, and radio connecting a leader or center of social stimulation to hundreds or millions of symbol-conditioned individuals.

This school of thought bears a resemblance to the associationist utilitarians of the nineteenth century in its emphases upon the prediction and control of human actions. It differs, however, in that it explains human behavior by conditioned reflexes stimulated by the presentation of symbols instead of by associations guided by rational self-interest.

Comparative and genetic psychology has interested the behaviorists. Examination of the situations in which primates and children fight has suggested the roles of dominance, of intrusion, and of frustration in war.[14]

The study of the sources of news, of propaganda technique, of instruments of communication, and of symbolic constructions has thrown light upon the technique by which masses are conditioned for war.[15] Studies of the great propagandas in the United States for independence, for union, and for world-order, each of them culminating in war, have shown how the intensification of attitudes on varying subjects may lead to war[16] and how the disparity between symbols and conditions following the war may lead to a temporary rejection of those symbols. Thus during "the critical period" (1783–89), "the period of reconstruction" (1865–73), and the period of "back to normalcy" (1920–27) the symbols associated with the names of Washington, Lincoln, and Wilson seemed to be forgotten.[17]

These excessive oscillations illustrate the need for moderation in all propagandas and of measures to preserve a continuous conformity between symbols and conditions if peace is to be preserved and progress toward conditions favorable to peace is to be continuous. They also indicate a need for balance between

[14] Durbin and Bowlby, *op. cit.;* Britt, *op. cit.*, pp. 261 ff.

[15] H. D. Lasswell, *Propaganda Technique in the World War* (London, 1927).

[16] Philip Davidson, *Propaganda of the American Revolution* (Chapel Hill, N.C., 1941); P. G. and E. Q. Wright, *Elizur Wright* (Chicago, 1937); W. Schuyler Foster, "How America Became Belligerent," *American Journal of Sociology*, XL (January, 1935), 464 ff.; F. L. Paxson, *American Democracy and the World War* (2 vols.; Boston, 1936–39).

[17] John Fiske, *Critical Period of American History, 1783–1789* (Boston, 1892); William A. Dunning, *Essays on the Civil War and Reconstruction* (New York, 1931); D. F. Fleming, *The United States and the League of Nations, 1918–1920* (New York, 1932); *The United States and World Organization, 1920–1933* (New York, 1938).

the freedom of the individual to criticize the group and of social controls to maintain group unity.

e) Psychological measurers have contributed to the study of war by devising methods of poll, newspaper, and questionnaire analysis for indicating the variations of the opinions of different classes of the population toward peace, war, states, nations, races, and other symbols of international importance. They have also devised methods for indicating the direction, intensity, homogeneity, and continuity of the opinions of one group toward the symbols of another.

From such methods temporal, spatial, and class variations of opinion can be indicated more precisely than they can by the political methods, known to all politicians, such as elections, parliamentary votes, analyses of propaganda materials, study of pressure groups, and general political observations. The latter methods must, of course, supplement more refined methods of precise measurement. Results of the latter type of study suggest the possibility of charting trends of opinion. If conducted on a large scale in the world's principal populations, such charts might have a predictive and control value.[18]

f) Social interactionists have emphasized the importance of the interplay between the individual's expectations from others of the group and the group's concept of the individual's role in the group in creating the individual's personality and the group's culture. Interpretations respecting expectations and roles may differ, giving rise to conflict within the group, but such differences are more likely between individuals of different groups. Social interactionists have, therefore, treated conflict as an important type of interaction manifested in situations as different as family brawls, strikes, religious controversy, litigation, revolution, and war. They have indicated the significance of out-group conflict in developing and maintaining in-group solidarity.[19]

Social psychologists in general appear to support the hypothesis that wars arise (i) from too exclusive a concentration of individual loyalties upon the symbols and cultures of a single group; (ii) from the inertia of individuals inducing them to eschew individual responsibility and regress to a condition of blind acceptance of a leader or a myth for guidance in group situations; (iii) from characteristics of early education creating ambivalences and the projection of aggressive sentiments upon foreign nations; (iv) from the functioning of intergroup conflict in maintaining intragroup solidarity; (v) from the opportunity of leaders and élites of aggressive disposition, relying for their position upon conditions of unrest, disturbance, and anxiety, to perpetuate those conditions by unilateral action; and (vi) from the opportunity provided by new means of communication to encourage regressive tendencies in large populations and to in-

[18] Above, chap. xxxiii, sec. 2; chap. xxxv, sec. 4; below, Appen. XLI.

[19] Wirth, *op. cit.;* Georg Simmel, "The Sociology of Conflict," trans. Albion W. Small, *American Journal of Sociology,* IX (1903–4), 490–525, 672–89, 798–811; Robert E. Park and Ernest W. Burgess, *Introduction to the Science of Sociology* (Chicago, 1924), pp. 574 ff.; above, chap. xxvi, sec. 1.

duce conditions of mass psychosis uninfluenced by the rational consequences of war or the normal consciences of individuals.

These considerations suggest as the remedy for war the enlargement of individual responsibility for action, individual liberty of expression and communication, educational systems minimizing repressions, and an organization of the world-community so as to favor the perpetuation of élites utilizing justice and conciliation rather than élites relying upon mass loyalty and fear of aggressions.[20] Social psychologists believe that such an organization of the world-community requires some sort of world-myth—but one maintaining it as an association rather than as a mass.[21]

[20] Above, chap. xxvi, sec. 1; chap. xxxiii.

[21] Above, chap. xxx.

APPENDIX XXIX

CONDITIONS OF A STABLE BALANCE
OF POWER

Assuming that governments act to increase their power and to defend themselves, that capacity to attack and to resist are functions of the relative power and the degree of separation of states, that power and degree of separation can be measured, and that governments pursue balance-of-power policies intelligently, what are the conditions which will maximize stability?[1]

It is clear that, with the above assumptions, stability tends to increase in proportion to the capacity of the most vulnerable government in the system to resist its most powerful neighbor.[2]

With only two governments in the system, the capacity of the weaker to resist aggression by the stronger is proportional to the degree of separation of the two (S), *minus* the disparity of their powers $(P_n - P_1)$. If we represent resistance by the letter R, and indicate the states by subsymbols, n for the strongest state and 1 for the weakest, the resistance of the weakest is indicated by the formula

$$R_1 = S_{n \cdot 1} - (P_n - P_1) \, .$$

The capacity of the stronger to attack the weaker will be proportional to its superiority of power *minus* the degree of separation from the weaker. Representing attack by the letter A, we have the formula

$$A_n = (P_n - P_1) - S_{n \cdot 1} \, .$$

Now it is clear that stability increases as the capacity of the weakest to resist is greater than the capacity of the strongest to attack. Conditions are stable if

$$A_n - R_1 < 0$$

or, substituting,

$$2(P_n - P_1 - S_{n \cdot 1}) < 0 \, .$$

---

[1] See above, chap. xx, sec. 2. This assumes that power can be measured without distinguishing between attacking and defending power, an assumption which is not entirely true (see above, chap. xxi, sec. 4e).

[2] By making different assumptions, Richardson (below, Appen. XLII) reaches a very different conclusion, i.e., that stability tends to increase in proportion to the rate of disarmament and of satisfaction of political grievances.

Obviously this is impossible if there are no natural barriers of separation, i.e., if $S_{n \cdot 1} = 0$, because, by assumption, it is impossible for $P_n - P_1$ to be negative. Thus two unequal governments unseparated by geographic barriers and isolated from all others constitute a completely unstable system. The stronger will at once conquer the weaker. A balance of power can exist only if the power of the two is equal.

If a third government enters into the picture, however, stability may be possible. For such a government can help the weaker and, upon our assumptions, will do so if the weaker is attacked by the stronger. The capacity of one government to help another depends both upon its capacity to assist the defense of that government directly by sending troops to the menaced frontier and upon its capacity to help that government indirectly by diverting the aggressor through an attack upon one of the latter's frontiers. The capacity to give direct help increases with the helping government's power and diminishes with the degree of separation of its frontier from the government helped. Its capacity to give indirect help increases with its power and diminishes with the degree of its separation from the frontiers of the aggressing government. Thus, representing the capacity to help by H, and the third government by the subsymbol 2, we have

$$H_{2 \cdot 1} = (P_2 - S_{2 \cdot 1}) + (P_2 - S_{2 \cdot n}) = 2P_2 - S_{2 \cdot 1} - S_{2 \cdot n} .$$

There is stability if the strength of the attack is less than the strength of the defense *plus* the strength of the help:

$$A_{n \cdot 1} - (R_{1 \cdot n} + H_{2 \cdot 1}) < 0 .$$

That is, if $2(P_n - P_1 - P_2) - (2S_{n \cdot 1} - S_{2 \cdot 1} - S_{2 \cdot n}) < 0$.

If all the governments are adjacent to one another without substantial barriers, so that the separations are zero, then there is stability if the power of the weakest and its ally is greater than the power of the strongest government. In fact, there would be instability if the power of these two is appreciably greater, because they might then combine and attack the strongest government with success. Thus with only three states, without substantial separation, stable equilibrium requires that the above formula equal zero. Separation of the strongest from the weakest government tends to increase stability, but separation of the third government from either tends to diminish it.

As the number of governments increases, the possibility of stable equilibrium increases, because additional states can throw their weight on one side or the other as the occasion demands, and with the varying degrees of power and separation of these governments there should always be a possibility of perfect equilibrium. This may be represented by the formula

$$A_{n \cdot 1} - R_{1 \cdot n} \mp H_{2 \cdot 1} \mp H_{3 \cdot 1} \mp H_{4 \cdot 1} \ldots \mp H_{n-1 \cdot 1} = 0 .$$

Substituting, we get

$$2(P_n - P_1 - S_{n.1}) - (2P_2 - S_{2.1} - S_{2.n}) \mp (2P_3 - S_{3.1} - S_{3.n}) \ldots.$$
$$\mp (2P_{n-1} - S_{n-1.1} - S_{n-1.n}) = 0,$$

or

$$2(P_n - P_1 - P_2 \mp P_3 \ldots. \mp P_{n-1}) - (2S_{n.1} - S_{2.1} - S_{2.n} \mp S_{3.1} \mp S_{3.n}$$
$$\ldots. \mp S_{n-1.1} \mp S_{n-1.n}) = 0.$$

With the possibilities of combination here present there can always be an equilibrium, unless the power of the strongest government is greater than that of all the others put together, and even then there may be equilibrium if the strongest government is relatively isolated and the weaker ones, particularly those nearest the stronger, are in close contact with their neighbors.

APPENDIX XXX

ANALYSIS OF THE LEGAL CHARACTER
OF VIOLENCE

The legal character of violence has varied greatly in different times and places. Violence of many forms and with many motives has at times been permitted by law or even institutionalized as a legal procedure. The progress of civilization has, however, tended toward the legal prohibition of one sort of violence after another.[1]

In advanced legal systems acts of violence authorized by the group (police and punishment) are distinguished from those not authorized. While in such systems violence not publicly authorized has usually been regarded as crime, this is not true in many primitive legal systems. Privately initiated violence for revenge or retribution (feuds), for honor (duels), or for popular justice (lynching and insurrection) has often been permitted, or even established, in such institutions as outlawry, blood revenge, judicial combat, hue and cry, and authorized rebellion. International law is a primitive system of law, and its treatment of war has some analogy to these institutions.

While violence, injuring the person or property of other members of the community solely to satisfy the impulse or interest of the doer, has usually been regarded as criminal, exceptions have been made in the cases of irresponsibility and necessity and also in certain privileged relationships such as the power of the father, husband, or master and the prerogatives of soldiers and sailors in war. Modern law, both municipal and international, has tended to eliminate the latter type of exceptions. The child, wife, and servant have been accorded the fundamental rights of normal persons by legislation and international convention, and modern military forces have been required to act in the interest of the government, not in the personal interest of its own members.[2]

The conception of injury to other members of the community has varied greatly in different cultures, especially according as the culture is dominantly co-operative or competitive. The definition of crime has, therefore, been by no means uniform.[3]

[1] See above, Vol. I, chap. vii, sec. 7.

[2] See above, Vol. I, chap. vii, n. 173; chap. xiii, n. 4.

[3] Margaret Mead, *Cooperation and Competition among Primitive Peoples* (New York, 1937); Thorsten Sellin, "Crime," *Encyclopaedia of the Social Sciences;* George W. Kirchwey, "Criminal Law," *Encyclopaedia of the Social Sciences;* S. H. Britt, *Social Psychology of Modern Life* (New York, 1941), pp. 43 ff.

Table 64 attempts a classification of the legal position of violence according to its motivation and to its legal treatment. In general, the crimes, practices, and institutions referred to are those of municipal law. War, which appears four times in column 4—national war (10), just war (16), duel war (22), and civil war (28)—has been an institution of both municipal law and international law, as have the institutions of reprisals (16), of soldiers' rights (32), and of privateering (34). Many of the other institutions have analogies or have been given some recognition in international law, as indicated in the notes.

The legal position of a practice may be very different from the points of view of international law and of municipal law. War has figured under municipal law as an institution of undoubted legality to maintain national law and authority (10). International law, however, applying, by analogy, the municipal law treatment of self-interested violence by its subjects, should regard war as a crime (30). Its legal position has tended to be influenced by these conflicting positions. "From being a right and then a fact war had become a crime."[4]

The physical parity or disparity of the opposing participants in violence has undoubtedly had an influence upon their legal status with respect to that participation.[5] When there has been great physical disparity, as in the relations of a strong state and its subjects, the law has tended to accord a very unequal legal status to the participants. Violence by the overwhelmingly powerful against the weak has been law enforcement.[6] Violence by the weak against the overwhelmingly powerful has been crime.[7] From the municipal law point of view, war has been primarily a relation in which the government exercises exceptional control over its subjects.[8] Its initiation and prosecution have, therefore, been considered law enforcement, while any resistance thereto by the subject has been considered crime. When, on the other hand, there has been comparative equality in the physical power of the participants in violence, as has been true of private fights in a weakly organized society, then the law has tended to accord equal legal status to the participants. The resort to violence has been recognized as a fact to which the law must adjust itself,[9] or it has been regulated as a legal institution which accords to the participants equal rights.[10] In some of these situations the law has in principle favored one of the participants.[11]

War, from the point of view of international law, has generally implied an equal status to the participants because the community of states has been weaker than the states. The state's resort to war has not been regarded as vio-

[4] Above, Vol. I, chap. xiii, sec. 1d.

[5] Above, chap. xvii, sec. 3.

[6] Cf. Table 64, nn. 7, 8, 9.

[7] Such as violent acts by individuals treated as acts against the state. Cf. Table 64, col. 2.

[8] Above, chap. xvii, sec. 4; cf. Table 64, n. 10.   [10] Table 64, col. 4, except n. 8.

[9] Table 64, col. 3, except nn. 7 and 9.   [11] Table 64, nn. 13 and 26.

lence against the peace and order of the community of states but as violence against the other state, and international law has treated it as a fact or as a legitimate procedure.[12] Only if a community of nations has become overwhelmingly superior in power to the member-states has it been able to consider resort to violence by any of the latter as a crime directed against the community and to oppose such acts by its own law-enforcing power.[13]

[12] Table 64, nn. 10, 16, 22, 28.

[13] This was the theory of the League of Nations sanctions. War was to become aggression to be suppressed by the community of nations. The Pact of Paris sought to develop the same theory but provided no obligatory sanctions.

TABLE 64

THE LEGAL CHARACTER OF VIOLENCE

Motive of Initiator of Violence[1] (1)	Violence Forbidden by Most Advanced Systems of Law[2] (2)	Violence Permitted by Some Systems of Law[3] (3)	Violence Institutionalized by Some Systems of Law[4] (4)
Maintenance of law and political authority[5]	Police or military action not justified by the circumstances resulting in homicide, personal or property injury, invasion, or hostilities (manslaughter, murder, assault and battery, aggression)[6]	Police action necessary to maintain order and to prevent and detect crime[7] Military action necessary to enforce law, suppress insurrection, repel invasion, and protect national interests abroad[9]	Criminal procedure and punishment[8] War as an instrument of national policy[10]
Self-preservation and retribution[11]	Acts in connection with feud or self-help not justified by "defensive necessity" resulting in homicide, personal or property injury, invasion, or hostilities (manslaughter, murder, assault and battery, aggression)[12]	Self-defense in presence of immediate necessity or imminent felony[13] Self-help to gain retribution or recover property, retaliation[15]	Outlawry rendering the outlaw generally liable to attack[14] Blood revenge, reprisals, and "just war"[16]
Defense of honor and prestige[17]	Duel, challenge, or "resort to war" in breach of law resulting in homicide, personal or property injury, threat, invasion, or hostilities (murder, attempt at murder, duelling, aggression)[18]	Duel to defend honor[19] Duel of champions to settle international controversy[21]	Judicial combat as a method of trial[20] War as the ultimate procedure for settling international disputes[22]
Promotion of social and political justice[23]	Mob violence, political assassination, rebellion, insurrection, or intervention resulting in homicide, personal or property injury, invasion, or hostilities (manslaughter, murder, treason, sedition, aggression)[24]	Lynching or vigilantism to administer "popular" justice[25] Rebellion, insurrection, political assassination to bring about political or social change[27]	Hue and cry to apprehend criminals and to suppress crime[26] Military resistance to constituted authority and civil war[28]
Response to individual impulses and interests[29]	Act of a responsible person or government with criminal intent resulting in homicide, personal or property injury, invasion, or hostilities (manslaughter, murder, mayhem, rape, robbery, arson, kidnapping, assault and battery, aggression)[30]	Acts of violence under irresistible impulse, duress, or privileged self-interest[31] Acts of acquisitive violence without criminal intent[33]	Soldiers' "rights" after taking fortified place by storm[32] Privateering and prize money[34]

[Notes to Table 64 on p. 1396]

NOTES TO TABLE 64

1. For meaning of "motive" see Vol. I, Appen. VIII. The first of these motives is usually regarded as a justification of violence, the last only rarely, and the intermediate three occasionally.

2./ Advanced systems of law presume violence to be illegal unless under public authority to maintain law. Violence by private persons and governments may usually be justified if in necessary self-defense./ The Pact of Paris and other international instruments have attempted to advance international law to this position (Q. Wright, "Meaning of the Pact of Paris," *American Journal of International Law*, XXVII [January, 1933], 39 ff.; "The Concept of Aggression in International Law," *ibid.*, XXIX [July, 1935], 373 ff.; Harvard Research in International Law, "Draft Convention on Aggression," *American Journal of International Law*, XXXIII [suppl., 1939], 823). Violence has been defined as "the *illegal* employment of methods of physical coercion for personal or group ends" (Sidney Hook, "Violence," *Encyclopaedia of the Social Sciences*). A usual sanction against violence less than criminal punishment is the refusal to enforce contracts made under duress or rights acquired by crime, in accord with the maxim *ex injuria jus non oritur*. "It is clear that the law is that no person can obtain or enforce any rights resulting to him from his own crime; . . . . the human mind revolts at the very idea that any other doctrine could be possible in our system of jurisprudence" (*In the Estate of Cora Crippen* [1911], P. 108). This principle is, however, still incompletely recognized in international law (Max Radin, "Duress," *Encyclopaedia of the Social Sciences*; below, n. 10).

3. Legal tolerance of violence is a sign of the weakness or backwardness of a system of law if this tolerance goes beyond the first three cases in this column. In these cases the law does not require or protect violence but excuses it if indulged in by officers or private individuals.

4./The institutionalization of violence is characteristic of primitive or backward systems of law such as traditional international law./ In these cases violence is required or protected by law, thus distinguishing them from the cases in column 3. Only the first case in the column is generally accepted in advanced systems of law. Coercion to enforce law is regarded as so self-evidently necessary that it is not regarded as "violence" at all. In international relations war as a legal institution has at times served all the motives in this column, but most commonly it has been regarded as an instrument of national policy or of international justice or as an international duel.

5. These have been regarded as the primary functions of government, and force has been regarded as an essential sanction for both except among extreme philosophical anarchists (see W. Y. Elliott, "Force, Political," *Encyclopaedia of the Social Sciences*; Oscar Jászi, "Anarchism," *Encyclopaedia of the Social Sciences*).

6. The common law, differing from systems derived from Roman law, does not consider the orders of superior military or executive authority as a justification for police or military action in suppressing crime or mob violence. *Respondeat superior* applies only if the person ordered to use violence owed an absolute duty of obedience and so could be considered to act under compulsion (F. Wharton, *A Treatise on Criminal Law* [Philadelphia, 1880], sec. 94). The soldier or policeman may be liable if the circumstances did not justify the order or if it was in violation of explicit legal guaranties prohibiting searches and seizures without warrant or prohibiting certain methods of compulsion (*Ex parte Milligan*, 4 Wall. 2 [1866]; *Boyd v. United States*, 116 U.S. 616 [1886]; *Rex v. Pinney*, 5 C. and P. 254; A. V. Dicey, *Introduction to the Study of the Law of the Constitution* [8th ed.; London, 1915], pp. 284 ff., 301 ff., 512 ff.). In accord with this theory persons engaged in aggression against a foreign state or violating the law of war should be guilty of crime even though ordered to so act by their governments, but this has not been accepted by international law unless the violence was obviously unjustifiable (Wharton, *op. cit.*, sec. 283; *U.S. Rules of Land Warfare, 1917*, sec. 366: "Case of Dithmar and Boldt, German Reichsgericht [July 16, 1921]," *American Journal of International Law*, VI [1922], 708; H. W. Briggs, *The Law of Nations* [New York, 1938], pp. 767 and 773).

7. Disciplinary punishment administered by military or civil officers upon their inferiors is usually permissible under military and administrative law if within the scope of authority and in accord with established procedure (Wharton, *op. cit.*, sec. 1568). Police action to control the general public is usually subject to more elaborate legal regulation. Torture to induce confessions is forbidden in advanced systems of law. The extension of governmental functions and the use of the motorcar by criminals has tended toward an expansion and centralization of police action in all countries (Bruce Smith, "Police," *Encyclopaedia of the Social Sciences*). International police action has been organized to preserve order in certain areas and on the high seas. Beginnings have been made to organize such action to prevent aggression under Article 16 of the League of Nations Covenant (Hans Wehberg, *Theory and Practice of International Police* [London, 1930]). The Pact of Paris permits but does not require the parties to engage in sanctions against a party guilty of aggression (Q. Wright, "Permissive Sanctions against Aggression," *American Journal of International Law*, XXXVI [January, 1942], 103; below, nn. 14, 25, and 26).

8. The objective of criminal punishment has tended from vengeance, expiation, and retribution to prevention, deterrence, reformation, and social defense, though most systems of criminal law are still based on the theory of retribution (Wharton, *op. cit.*, sec. 10; Sir James Fitzjames Stephen, *A General View of the Criminal Law of England* [London, 1863], p. 99). The method of trial has tended from violence to extract confession (torture) or a plea (*peine forte et dure*) or to manifest divine judgment (ordeal), to inquisitorial or litigious procedures to elucidate evidence, with protection of the accused from violence and self-incrimination (H. C. Lea, *Superstition and Force* [4th ed.; Philadelphia, 1894]; "Ordeal," "Peine Forte et Dure," "Torture," *Encyclopaedia Britannica* [14th ed.]; U.S. Constitution, Fourth to Eighth Amendments; Stephen, *op. cit.*, pp. 10–30). The method of punishment has tended from outlawry, corporal punishment, and execution to fine and imprisonment (see Hans von Hentig, "Punishment," and G. W. Kirchwey, "Capital Punishment," *Encyclopaedia of the Social Sciences*; H. E. Barnes, *The Story of Punishment* [Boston, 1930]; F. H. Wines, *Punishment and Reformation* [New York, 1919]). The international procedure under Article 16 of the League of Nations Covenant has been considered a preventive rather than a punitive measure (above, n. 7).

9. These describe the purposes for which the executive is authorized to use the militia and the military forces in the United States (Constitution, Art. I, sec. 8, cl. 15; F. T. Wilson, *Federal Aid in Domestic Disturbances* [57th Cong., 2d sess.; Sen. Doc. 209 (Washington, 1903)]; Q. Wright, "The United States Government and the State Militia," *Report of the Efficiency and Economy Committee of the State of Illinois* [Springfield, 1915], pp. 889 ff.; *Control of American Foreign Relations* [New York, 1922], pp. 305 ff.; J. R. Clark, *Right*

To Protect Citizens in Foreign Countries by Landing Forces [3d ed.; Washington: Department of State, 1933]). The use of military force to prevent aggression in violation of international obligations was expressly permitted under the League of Nations Covenant, Art. 16, and inferentially permitted under the Pact of Paris (above, n. 7).

10. War is an accepted institution in the municipal law of most states. Constitutions usually specify procedures for establishing its beginning and termination (Q. Wright, *Control of American Foreign Relations*, pp. 284 ff.; D. C. Poole, *The Conduct of Foreign Relations under Modern Democratic Conditions* [New Haven, 1924], pp. 165 ff.). The international legal justification of war for "reason of state" was a product of the Renaissance (Luigi Sturzo, *The International Community and the Right of War* [New York, 1930]). Sixty-three states formally renounced the use of war as an instrument of national policy in the Pact of Paris in 1928 (Q. Wright, "Meaning of the Pact of Paris," *op. cit.*). While numerous treaties have formally limited the freedom of states to initiate war (Harvard Research on International Law, *op. cit.*), customary international law, which during the nineteenth century had regarded the existence of war as a fact outside of legal control, has been slow to accommodate itself to these changes (Q. Wright, "Changing Concepts of War," *American Journal of International Law*, XVIII [1924], 755 ff.; "The Outlawry of War," *ibid.*, XIX [1925], 176 ff.; "The Present Status of Neutrality," *ibid.*, XXXIV [1940], 391 ff., 403 ff.). It is controversial whether international law has withdrawn its support from territorial changes and treaties made under the duress of war (Radin, *op. cit.*, V, 289–90; Q. Wright, "The Stimson Note of January 7, 1932," *American Journal of International Law*, XXVI, 342; Harvard Research on International Law, *op. cit.*, pp. 889–96; H. Lauterpacht in Q. Wright *et al.*, *Legal Problems in the Far Eastern Conflict* [New York: Institute of Pacific Relations, 1941], p. 139).

11. Self-preservation has been considered the basic natural right (Hobbes, *Leviathan*, chap. xiv; W. E. Hall, *International Law* [8th ed.; Oxford, 1924], p. 65), though it has been subject to varied interpretations (H. M. Kallen, "Self-preservation," *Encyclopaedia of the Social Sciences*), and retribution has been considered the original idea of justice (A. R. Radcliffe-Brown, "Law, Primitive," *Encyclopaedia of the Social Sciences*, IX, 203). Justice has subsequently had many interpretations (Georges Gurvitch, "Justice," *Encyclopaedia of the Social Sciences*).

12. The plea of defensive necessity must be proved as a fact in court, although some writers have considered that in international affairs the state resorting to defensive measures can be its own judge not only in first instance but finally—a theory which would destroy any legal limitations upon the use of violence (J. L. Brierly, *The Law of Nations* [2d ed.; Oxford, 1936], pp. 255–59; Q. Wright, "Meaning of the Pact of Paris," *op. cit.*, pp. 45–47; Dicey, *op. cit.*, pp. 490 and 543; Wharton, *op. cit.*, sec. 95).

13. Violence in self-defense has been generally justified *under natural law when courts are lacking or inadequate* (Grotius, *De jure belli ac pacis*, Book I, chap. iii, title 2, sec. 2; title 3, sec. 5), but its scope has steadily narrowed with the progress of law by the requirement of actual necessity and judicial interpretation (*ibid.*, Book II, chap. i, title 3, sec. 7; above, n. 12) and by the exclusion of the plea as a justification for injury to the innocent (*Reg.* v. *Dudley and Stephens*, 14 Q.B.D. [1884], 273; *United States* v. *Holmes*, 1 Wall. Jr. 1; J. W. Garner, *International Law and the World War* [London, 1920], II, 201; C. C. Hyde, *International Law*, [Boston, 1922], II, 790).

14. "Generally speaking, the weaker the system of law enforcement, the more readily it resorts to outlawry." Recognized in most primitive societies and subjecting the outlaw to killing with impunity in fourteenth-century England, in the late Middle Ages, outlawry could be pronounced only against debtors and presumed criminals who failed to appear in court after summons and extended only to confiscation of goods. It was abolished by legislation in most European states in the seventeenth and eighteenth centuries (T. F. T. Plucknett, "Outlawry," and Eberhard von Kunssberg, "Law, Germanic," *Encyclopaedia of the Social Sciences*). The Pact of Paris, intended to "outlaw war," has been held to subject the aggressor resorting to violence contrary to its provisions to hostilities or any lesser attack by other states, thus eliminating most of the neutral duties of nonparticipants (John Dewey, "Outlawry of War," and S. O. Levinson, "Aggression, International," *Encyclopaedia of the Social Sciences*; Buda-Pest Articles of Interpretation of the Pact of Paris," *International Law Association Proceedings, 38th Session, 1934*, pp. 4 ff.; Harvard Research on International Law, *op. cit.*, pp. 823 ff.; Q. Wright, "The Outlawry of War," *op. cit.*, p. 76; "Meaning of the Pact of Paris," *op. cit.*, pp. 59 ff.; "The Present Status of Neutrality," *op. cit.*, pp. 401 ff.; "Repeal of the Neutrality Act," *op. cit.*, pp. 8 ff.; below, nn. 25 and 26).

15. These uses of violence have been considered permissible under natural and international law (Grotius, *op. cit.*, Book II, chap. i, titles 11–14; Ellery Stowell, *Intervention in International Law* [Washington, 1921], p. 11; Q. Wright, "The Outlawry of War," *op. cit.*, p. 91). They have been recognized in primitive communities (H. S. Maine, *Early History of Institutions* [New York, 1875], Lecture 9; T. E. Holland, *Jurisprudence* [Oxford, 1910], pp. 319–20; J. L. Laughlin, "Anglo-Saxon Legal Procedure," in H. Adams *et al.*, *Essays on Anglo Saxon Law* [Boston, 1876], pp. 183 ff.; below, n. 16) and in backward civilized communities, such as Corsica, the Kentucky mountains, and Chicago gangsterdom, where feuds abound (Jacques Lambert, *La Vengeance privés et les fondement du droit international public* [Paris, 1936]; H. D. Lasswell, "Feuds," *Encyclopaedia of the Social Sciences*). Early Roman law permitted the husband to kill an adulterer caught in the act and to punish the wife at discretion (Wharton, *op. cit.*, sec. 1718). These freedoms have been denied in developed legal systems, and the League of Nations Covenant and the Pact of Paris have sought to forbid reprisals in international law (Q. Wright, "Opinion of Commission of Jurists in Janina-Corfu Affair," *American Journal of International Law*, XVIII [1924], pp. 536 ff.; "Meaning of the Pact of Paris," *op. cit.*, pp. 59 ff.). "Self-help is the very thing which the Covenant is aimed at discouraging, for war is the normal form and result of international self-help" (Sir John Fischer Williams, *Some Aspects of the Covenant of the League of Nations* [Oxford, 1934], p. 312; see also Charles de Vischer, *The Stabilization of Europe* [Chicago, 1924], p. 133).

16. Blood revenge has been an accepted institution in most primitive legal systems (R. Thurnwald, "Blood Vengeance Feud," *Encyclopaedia of the Social Sciences*). The *Fehde* was not eliminated in Germanic law until 1495 (Josef L. Kunz, "The Law of Nations, Static and Dynamic," *American Journal of International Law*, XXVII [1933], 633). The status of blood revenge in feudal Japan is indicated in the story of Kazuma's revenge: "Whilst they were resting in the tea-house, the governor of the castle town arrived, and,

asking for Matayemon, said—'I have the honour to be the governor of the castle town of Todo Idzumi no Kami. My lord, having learnt your intention of slaying your enemy within the precincts of his citadel, gives his consent; and as a proof of his admiration of your fidelity and valour, he has further sent you a detachment of infantry, one hundred strong, to guard the place; so that should any of the thirty-six men attempt to escape, you may set your mind at ease, for flight will be impossible.' When Matayemon and Kazuma had expressed their thanks for his lordship's gracious kindness, the governor took his leave and returned home." This accords with the legacy of Iyeyasu: "In respect to revenging injury done to master or father, it is granted by the wise and virtuous [Confucius] that you and the injurer cannot live together under the canopy of heaven. A person harbouring such vengeance shall notify the same in writing to the Criminal Court; and although no check or hindrance may be offered to the carrying out his desire within the period allowed for that purpose, it is forbidden that the chastisement of an enemy be attended with riot. Fellows who neglect to give notice of their intended revenge are like wolves of pretext, and their punishment or pardon should depend upon the circumstances of the case" (Lord Redesdale, *Tales of Old Japan* [London, 1908], p. 62). Private reprisals against foreigners were an accepted institution in the municipal law of most modern states (U.S. Constitution, Art. I, sec. 8, cl. 11; *Moore's Digest*, VII, 122) and in the early history of modern international law (Grover Clark, "The English Practice with Regard to Reprisals by Private Persons," *American Journal of International Law*, XXVII [1933], 694). Public reprisals have continued to be recognized (Q. Wright, *Control of American Foreign Relations*, pp. 293 ff.; Hyde, *op. cit.*, pp. 172 ff.). War as an institution, whether of municipal law or of international law, has most commonly been considered an instrument of justice—in primitive societies to gain retribution from an offending tribe and in civilized societies to rectify violated rights under international law (Joachim von Elbe, "The Evolution of the Concept of the Just War in International Law," *American Journal of International Law*, XXXIII [1939], 665 ff., 685). Grotius justified war under the law of nature, the law of nations, and the gospels (*op. cit.*, Book I, chap ii), provided it is initiated by proper authority for a just cause. Revenge, commonly motivating primitive war, and national policy, commonly motivating modern war, were not considered "just causes"; but defense against illegal aggression, recovery of rights illegally withheld, and punishment of serious violators of law were (*ibid.*, chap. i). Institutions of self-help have been abolished in modern legal systems. "As the extent and effectiveness of royal justice increase after the Norman Conquest we still find repeated and anxious condemnation of those who take the law into their own hands. Whoever asserts his right without due process of law puts himself in the wrong: *iniuste quia sine iudicio*" (Sir Frederick Pollock, *The Genius of the Common Law* [New York, 1912], p. 39). Private reprisals (by the Declaration of Paris, 1856 [Hyde, *op. cit.*, II, 194, 390 ff.]) and perhaps even public reprisals and war (above, nn. 5, 10, 15) have been abolished in international law.

17. High regard for honor and prestige have been a development of social stratification, and the use of violence to defend them has been characteristic of conditions in which public authority gives inadequate protection (T. V. Smith, "Honor," *Encyclopaedia of the Social Sciences*; Stowell, *op. cit.*, p. 13).

18. In modern systems of law the plea that personal injury was inflicted in a duel will not be a defense, and in many jurisdictions the challenge or acceptance of a challenge to a duel constitutes a criminal offense even if no one is injured (Coke, *Institutes*, III, 157; Wharton, *op. cit.*, secs. 1767 ff.). "The rule that a deliberate intent to fight with deadly weapons is malicious, and that as a consequence, death inflicted in a duel is murder, is remarkable as an instance in which the law has had a great influence in bringing about a change in the moral sentiment of the country, and the rather, because convictions for murder, by duelling were almost unknown. Had it been once conceded that to kill in a duel is not murder, duels would have been sanctioned by practice much longer" (Stephen, *op. cit.*, p. 120). The legal outlawry of war, considered as an institutionalized international duel, has been justified on the same theory. "The closest historical analogy to war is the duel, 'duellum' and 'bellum' both originally meaning war. . . . . It was as late as 1850 before the duel was pronounced murder in the last of our States, and thus outlawed. The practice of duelling is now extinct because it is plain murder under our laws. . . . . The abolition of the institution of war by outlawry will tend to crystallize international public opinion in favor of peace, and to the branding of militarists as criminals" (S. O. Levinson, *Outlawry of War* [67th Cong., 2d Sess.; Sen. Doc. 115 (Washington, 1922)], pp. 8 and 12; see also John Dewey, "If War Were Outlawed," *New Republic*, April 25, 1923). In case the fight is not intended to be deadly, as in a boxing match, injury or death may be regarded as accidental and not a crime, but only if the sport is legal. Killing in a prize fight is manslaughter at common law, the intent to kill present in a duel being absent (Wharton, *op. cit.*, secs. 371 ff.).

19. The duel of honor, though analogous to revenge feuds in certain primitive communities and earlier civilizations, arose in modern civilization, in Renaissance Italy, through a development of the Germanic trial by combat. Its trend in Europe was toward a declining mortality and a declining legality. Opposed by canon law from the first, it was legally abolished in most European countries in the sixteenth century but continued to be practiced, especially in France in the seventeenth century and with less mortality in England in the eighteenth century. It continues to be permitted in the German army (W. D. Wallis, "Duelling," *Encyclopaedia of the Social Sciences*; F. R. Bryson, *The Sixteenth-Century Italian Duel* [Chicago, 1938] Wharton, *op. cit.*, secs. 176 ff.).

20. The judicial combat closely related to the ordeal was established by law in certain German countries and was widely used to determine certain types of offenses in the Middle Ages. Papal sanction was withdrawn in the ninth century. Most European states abolished it in the thirteenth and fourteenth centuries, but it was not formally abolished in England until 1819 (Von Kunssberg, *op. cit.*; Bryson, *op. cit.*, Introd.; Wallis, *op. cit.*).

21. The duel of champions has been a more widespread practice than the duel of honor or the judicial combat and is recorded in the contest of David and Goliath, Hector and Achilles, etc. (Bryson, *op. cit.*, Introd.; Wallis, *op. cit.*). Grotius approved it as a means of avoiding war (Book II, chap. xxiii, title 10) but was more doubtful of its use to end war. "If the issue at stake . . . . is worthy of war, we must strive with all our strength to win. To use a set combat as an evidence of a good cause, or as an instrument of divine judgment, is unmeaning, and inconsistent with the true sense of duty" (*ibid.*, Book III, chap. xx, title 43, sec. 3).

22. While war has been justified "for reason of state" (above, n. 10) and as self-help to obtain justice against another state (above, n. 16) or against the complainants' own government (below, n. 28), it has also been justified both in municipal law and in international law as the ultimate procedure for settling international disputes, both legal and political, *ultima ratio regum* in this sense resembling a duel. "Wars are

the highest trials of right when princes and states shall put themselves upon the justice of God for deciding their controversies" (Francis Bacon, *Works* [Montague ed.], V, 384). ". . . . The litigation of nations . . . ." (Holland, *op. cit.*, p. 398). See also Kunz, *op. cit.*, p. 634; Von Elbe, *op. cit.*, p. 684; Q. Wright, "Changes in the Conception of War," *op. cit.*, pp. 757 and 762.

23. Social and political justice, "higher law," or "natural law" are concepts often used to justify the neglect of ordinary legal rules, whether to enforce the "higher" standard in particular instances or to rectify the social and political order (Gurvitch, "Justice" and "Natural Law," *Encyclopaedia of the Social Sciences*).

24. Systems of law have never tolerated the use of violence by individuals or groups to enforce conceptions of justice contrary to the positive law itself. In ancient societies the law was considered to embody justice. In modern states legislative procedures are considered equal to all necessary reforms, and the rebel, however "high" his motives, is condemned as a conspirator or traitor if he resorts to violence. International law has, however, in modern times recognized that if rebellion is of sufficiently formidable size to constitute "insurrection," participants observing the rules of war should not be treated as criminals but as insurgents. If the rebellion has been generally recognized as civil war, such participants have the status of belligerents entitled to exercise belligerent rights at sea even against neutral commerce (Hyde, *op. cit.*, I, 77 ff.). It has also considered "political offenders," difficult as the term is to define (Max Lerner, "Political Offender," *Encyclopaedia of the Social Sciences*), different from ordinary criminals and has usually exempted them from extradition and allowed them asylum in embassies and foreign public vessels (J. B. Moore, *Digest of International Law*, IV [Washington, 1906], 332 ff., 766 ff.). International law, in this respect, is a "higher" law above municipal law. In ancient, contrary to modern, practice political offenders were more readily extradited than ordinary criminals, and the same practice has been supported by some recent publicists (see G. F. de Martens, *Précis de droit international*, sec. 4, cited by Moore, *op. cit.*, p. 767).

25. These methods have been supported by popular sentiment in many communities where justice is inadequately administered by public authority, as in frontier California (vigilantism), or where its standards do not conform to local ideas, as in southern lynchings. The medieval German *Vehmgericht* and the Spanish Santa Hermanadad may have accorded legal recognition to such practices (F. W. Coker, "Lynching," *Encyclopaedia of the Social Sciences*). The permission which has been implied from the Pact of Paris for parties to take coercive measures against a state recognized to have violated that instrument prior to determination of aggression by formal international process is similar ("Buda-Pest Articles of Interpretation of the Pact of Paris," *op. cit.*). If action must be withheld until the aggressor has been determined by appropriate process, the situation resembles the medieval institution of outlawry (above, nn. 7 and 14). Such determination is insisted upon by the Harvard Research Draft Convention on Aggression (Art. 1[c], pp. 872 ff.), but it has been contended that in the absence of more formal procedure, general recognition of aggression is adequate (Q. Wright, "Present Status of Neutrality," *op. cit.*, pp. 402–4; "The Lend-Lease Bill and International Law," *American Journal of International Law*, XXXV [April, 1941], 305 ff.).

26. This institution of the common law and early statutes (13 Edward I, St., 2, 1285) required all persons to engage in the pursuit and arrest of a felon, once the hue and cry was raised by a peace officer or a private person, and any injury to the felon in the process was justifiable (Blackstone, *Commentaries*, IV, 293 ff.; Stephen, *op. cit.*, pp. 25–29). An analogous process, less dependent on formal procedures and more dependent on spontaneous general reactions of peoples against aggression than were the procedures under Article 16 of the League of Nations Covenant, has been urged in international relations. "There have been periods in the history of nations when in the absence of legal tribunals, in the absence of an organized police force, the sense of mutual obligation, which lies at the root of every legal system, has been so strongly developed that an act of violence done to the person or property of one member of the community has been resented as a wrong to all its members. In such a case neutrality is impossible. It is a disgrace, a crime. The hand of every man is against the wrong-doer. He becomes an outlaw. No-one may feed him or succour him or assist him to escape. Everyone must join in his arrest and punishment. . . . . . To this strong sense of mutual obligation we owed in this country what is known as the 'hue and cry,' long regarded as an effective deterrent against crimes of violence. From it arose on the other side of the Atlantic that system of communal justice which, however rough and ready, contributed so largely to the establishment of law and order in the Western part of the American Continent. From it legal tribunals and an organized police force will readily develop. Without it no reign of law is possible" (Lord Parker of Waddington, House of Lords debate, March 19, 1918; Sir Alfred Zimmern, *The League of Nations and the Rule of Law, 1918–1935* [London, 1936], pp. 175 ff.; Charles Hamill, "War and Law," *Michigan Law Review*, XVI [1917], 13 ff.). Action based on general recognition of a breach of the Pact of Paris would accord with this conception. "If we cannot trust to the good will and good faith of the peoples of the world expressing the common purpose and judgment through law, the only means of expression the world has discovered for all other disputes, no political machinery will work and the world is doomed to war and doomed by war" (John Dewey, *Outlawry of War* [67th Cong., 2d sess.; Sen. Doc. No. 115 (Washington, 1922)], p. 4). The "hue and cry" differs from "outlawry' in that it is immediate and preventive rather than deliberate and punitive, and from vigilantism in that it is instituted, not merely tolerated, by the law (above, nn. 14 and 25).

27. Such violence has been justified on grounds of "natural law" by revolutionists ("The tree of liberty must be refreshed from time to time by the blood of patriots and tyrants" [Jefferson]; "Whenever any form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it and to institute new Government" [Declaration of Independence, July 4, 1776]) and by some jurists. "If rulers responsible to the people . . . . transgress against the laws and the state, not only can they be resisted by force, but, in case of necessity, they can be punished with death" (Grotius, *op. cit.*, Book I, chap. iv, title 8; see also Gurvitch, "Natural Law," *op. cit.*). International law has tolerated revolution by its attitude toward insurgents and political offenders (above, n. 24) and its acquiescence in the recognition of revolutionary governments successful in fact (Secretary of State Adams to President Munroe, August 24, 1818, *Moore's Digest*, I, 78; Q. Wright *et al.*, *Legal Problems in the Far Eastern Conflict* [New York: *Institute of Pacific Relations*, 1940], p. 181), in spite of occasional assertions of the doctrine of legitimacy and of occasional treaty obligations not to recognize revolutionary governments (E. M. Borchard, in Q. Wright *et al.* *op. cit.*, pp. 157 ff.). International war, usually undertaken in practice to change existing international law, or rights under that law, has sometimes been regarded as analogous to revolution or rebelilon against the community

of nations (Kunz, "The Problem of Revision in International Law," *American Journal of International Law*, XXXIII [1939], 47; Von Elbe, *op. cit.*, p. 685; Q. Wright, "Article 19 of the League of Nations Covenant," *Proceedings of the American Society of International Law, 1936*, pp. 62 and 64; E. D. Dickinson, "The Law of Change in International Relations," *Proceedings of the Institute of World Affairs, 1933*, XI, 175).

28. Revolt against lawful authority was institutionalized in Magna Carta, which expressly authorized the barons and others acting with them, in case the king transgressed the charter and did not correct the transgressions within forty days, to "distress and injure him in any way they can; that is by seizure of the king's castles, lands, possessions and in such other ways as they can until it shall have been corrected according to their judgment, saving his person, and that of his queen and those of his children" (G. B. Adams and H. M. Stephens, *Select Documents of English Constitutional History* [New York, 1906], pp. 51–52). This article (61) was omitted from reissues of Magna Carta after 1215. This provision is not unique. Grotius justifies attack upon a king "if in the conferring of authority it has been stated that in a particular case the king can be resisted," citing historic instances from Hungary (1604), Brabant (1339), and Burgundy (1468) (*op. cit.*, Book I, chap. iv, title 14). Such provisions have some analogy to the treaty guaranties, sanctioned by military force, against the transgression of international covenants (Q. Wright, "Collective Rights and Duties for the Enforcement of Treaty Obligations," *Proceedings of the American Society of International Law, 1932*, pp. 102 ff.; above, nn. 7 and 8). Rebellion, whatever its purpose or status in municipal law, may acquire the status of "war" in international law through general recognition of the rebels as belligerents (above, n. 24).

29. These motives, though often referred to as explanations of violence, are seldom used to justify it. While liberalism recognizes the wisdom of giving much freedom to the individual, the object of criminal law has been to prevent individual impulses and interests from generating antisocial violence. Even such impulses and interests have been given some immunity in extreme cases in most systems of law.

30. Violence, resulting in injury to persons or property in modern systems of law, becomes crime only when committed with "criminal intent" or "malice" which "may be rebutted by proof that the person who did the act could not know that it was wrong, or could not help doing it." Pleas of infancy, insanity, and irresistible impulse (duress and necessity) may therefore be a defense (Stephen, *op. cit.*, pp. 91 ff.). If the state under international law were regarded as analogous to the individual under municipal law, resort to war by a state on its own responsibility should be regarded as a crime unless irresponsibility or necessity is proved (above, n. 10).

31. Criminal law deals skeptically with irresistible impulses. It must be proved that a particular impulse "was irresistible as well as unresisted. . . . . If the impulse was resistible, the fact that it proceeded from disease is no excuse at all. . . . . The great object of the criminal law is to induce people to control their impulses and there is no reason why, if they can, they should not control insane impulses as well as sane ones" (Stephen, *op. cit.*, p. 95; Wharton, *op. cit.*, sec. 43). This legal theory of responsibility which assumes a dualism of will and impulse differs notably from psychological theories of normal and abnormal behavior which stress physiological and environmental influences (Joseph Jastrow, "Abnormal Psychology," *Encyclopaedia of the Social Sciences*, I, 366 ff.). Crime under the duress of a third party has frequently been excused (Radin, "Duress," *op. cit.*), though the defense of *respondeat superior* has been variously interpreted (above, n. 6). Under most systems of primitive law and under early Roman law a father could kill or abandon his newborn child. Under many systems of law violence against children, wives, slaves, seamen, or other dependents is permitted. Advanced legal systems tend to reduce such freedoms (Wharton, *op. cit.*, secs. 374, 1563 ff.). This trend of municipal law away from family or group solidarity to individual responsibility is paralleled by a trend of international law away from the complete liberty of the state to exercise violence internally. International standards have gradually been developed protecting resident aliens, minorities, aborigines, or even individuals generally from unjust or inhumane treatment by the state within whose jurisdiction they reside (E. M. Borchard, *Diplomatic Protection of Citizens Abroad* [New York, 1919], secs. 7 and 9; *Proceedings of the American Society of International Law, 1939*, pp. 51–94; Clyde Eagleton, *The Responsibility of States in International Law* [New York, 1928], pp. 220 ff.; Stowell, *op. cit.*, pp. 51 ff.; Grotius, *op. cit.*, Book II, chap. xxv, title 8).

32. The license given to soldiers for several days after taking a fortified place by storm was justified as a "military necessity" to strike terror into the enemy, but it also may have been a reward to the soldiers (T. A. Walker, *A History of the Law of Nations* [Cambridge, 1899], pp. 191–92). Such practices were disapproved by the publicists and have been prohibited by the modern law of war (*Hague Convention on Rules of Land Warfare, 1907*, Art. 23 [c], [d]), though they persist in such instances as the debauch of the Japanese soldiery on taking Nanking in 1937 (Shuhsi Hsu, *The War Conduct of the Japanese* [Shanghai, 1938], pp. 93 ff.).

33. Acquisition is said to be the motive for 75 per cent of crime (malice 15 per cent, lust 10 per cent [Jastrow, *op. cit.*, I, 367]), and when it is the motive of violence, as in robbery, irresponsibility is less easy to prove than when passion is the motive. Acquisitive offenses not involving violence, like theft, are difficult to define because one person may take another person's property with many intentions, only a few of which are criminal (Stephen, *op. cit.*, pp. 125 ff.). Economic distress has rarely been accepted in law as a defense for acquisitive crime (Radin, "Duress," *op. cit.*, V, 288).

34. Privateering was the institution by which shipowners, equipped with letters of marque and reprisal from the state, were entitled to seize enemy and certain neutral vessels at sea for personal profit in time of war or even, under the practice of private reprisals, in time of peace. This institution was abolished by the Declaration of Paris in 1856; but, for years after, naval forces of most countries continued to gain "prize money" or a percentage of the value of captures. This has now been largely abolished, as have other personal perquisites of soldiers and sailors in war. The object of these institutions in war was to stimulate action against the enemy by the offer of personal profit. In time of peace the institution was one of remedial self-help (above, n. 16; Vol. I, chap. vii, n. 156).

APPENDIX XXXI

ILLUSTRATIONS OF THE DUEL

The following episodes from childhood, contemporary international relations, and sixteenth-century Italy illustrate the same procedure under varying conditions of formalization. In each case the phenomena of giving the lie, name-calling, increasing tension stimulated by mutual incitement, interims of caution and *détente*, expressions of self-confidence and of contempt for the enemy, challenge, and ultimatum are to be observed. In the first two the big-brother threat plays a part.

The boy fight is the least formalized and proceeds the most rapidly, occupying only a few minutes. The greater speed of movement toward the battle may be accounted for by the lesser risks involved in that event.

The international duel is somewhat formalized through diplomatic etiquette and the rules of international law, but these do not elaborate the precise significance to be attached to remarks or the responses expected in the various stages of insult, challenge, acceptance, and preparation. Furthermore, the expression of national attitudes is by no means confined to diplomacy in the present world of press and radio. Under other conditions the *pourparler*'s of war have proceeded with formalities more resembling the sixteenth-century duel. Under present conditions, however, war has a closer resemblance to the boy fight. The enormously greater risks involved, however, induces a more cautious and leisurely procedure.

The Italian duel is the most formal of all these illustrations, so formal that it evaporates in an endless argument on who insulted who, who challenged, who accepted the challenge, if there was one, and whose turn it was to make the next move.

Each of the episodes illustrates the desire of each participant to reconcile his behavior with prevailing standards and neutral opinion, to preserve his prestige or reputation for being a ready and dangerous fighter, and to avoid, if possible, the risks to prestige and the sacrifices of life, limb, and property which would be involved in an actual fight. Efforts to bluff, terrorize, or placate the enemy are made by each, with pauses to size up the effect of these efforts upon the enemy's morale, to judge of his actual fighting capacity, and to shatter his nerves.[1] The

[1] The techniques of the war of nerves include "the shrewd interplay of suspense, crisis, and fear of war followed by release of tensions, alleviation of the crisis, and the rise again of hope that a 'peace in our time' would be found..... For the individual this sets up uncertainty, alternation of emotions of fear and hope, and is analogous to the type of conditioning which the laboratory psychologists induce in animals in order to

fight finally occurs when each is convinced that no other means exists to pre-
serve prestige.'

Formalization of the duel is the product of the unheroic desire of each to sub-
stitute argument for fighting—a result achieved in the substitution of the law
court for the duel. Formalization of the duel is a step in the direction of that sub-
stitution, which actually eliminated the Italian duel in the course of time.

A BOY'S DUEL[2]

Presently Tom checked his whistle. A stranger was before him—a boy a
shade larger than himself. A new-comer of any age or either sex was an impres-
sive curiosity in the poor little shabby village of St. Petersburg. This boy was
well dressed, too—well dressed on a week-day. This was simply astounding.
His cap was a dainty thing, his close-buttoned blue cloth roundabout was new
and natty, and so were his pantaloons. He had shoes on—and it was only Fri-
day. He even wore a necktie, a bright bit of ribbon. He had a citified air about
him that ate into Tom's vitals. The more Tom stared at the splendid marvel, the
higher he turned up his nose at his finery and the shabbier and shabbier his own
outfit seemed to him to grow. Neither boy spoke. If one moved, the other
moved—but only sidewise, in a circle; they kept face to face and eye to eye all
the time. Finally Tom said:

"I can lick you!"

"I'd like to see you try it."

"Well, I can do it."

"No, you can't, either."

"Yes I can."

"No, you can't."

"I can."

"You can't."

"Can!"

"Can't!"

An uncomfortable pause. Then Tom said:

"What's your name?"

" 'Tisn't any of your business, maybe."

"Well I 'low I'll *make* it my business."

"Well why don't you?"

"If you say much, I will."

"Much—much—*much*. There now."

make them neurotic and hence incapable of habitual and intelligent behavior. The
thesis of invincibility, fearful power, and the open threats of force are [also] highly
effective" (Kimball Young, "The Psychology of War," in Jesse D. Clarkson and
Thomas C. Cochran [eds.], *War as a Social Institution* [New York, 1941], p. *14*).

[2] Mark Twain, *The Adventures of Tom Sawyer* (New York, 1903), pp. 7-11.

"Oh, you think you're mighty smart, don't you? I could lick you with one hand tied behind me, if I wanted to."

"Well why don't you *do* it? You *say* you can do it."

"Well I *will*, if you fool with me." .

"Oh yes—I've seen whole families in the same fix."

"Smarty! You think you're *some*, now, don't you? Oh, what a hat!"

"You can lump that hat if you don't like it. I dare you to knock it off—and anybody that'll take a dare will suck eggs."

"You're a liar!"

"You're another."

"You're a fighting liar and dasn't take it up."

"Aw—take a walk!"

"Say—if you give me much more of your sass I'll take and bounce a rock off'n your head."

"Oh, of *course* you will."

"Well I *will*."

"Well why don't you *do* it then? What do you keep *saying* you will for? Why don't you do it? It's because you're afraid."

"I *ain't* afraid."

"You are."

"I ain't."

"You are."

Another pause, and more eyeing and sideling around each other. Presently they were shoulder to shoulder. Tom said:

"Get away from here!"

"Go away yourself!"

"I won't either."

So they stood, each with a foot placed at an angle as a brace, and both shoving with might and main, and glowering at each other with hate. But neither could get an advantage. After struggling till both were hot and flushed, each relaxed his strain with watchful caution, and Tom said:

"You're a coward and a pup. I'll tell my big brother on you, and he can thrash you with his little finger, and I'll make him do it, too."

"What do I care for your big brother? I've got a brother that's bigger than he is—and what's more, he can throw him over that fence, too." [Both brothers were imaginary.]

"That's a lie."

"*Your* saying so don't make it so."

Tom drew a line in the dust with his big toe, and said:

"I dare you to step over that, and I'll lick you till you can't stand up. Anybody that'll take a dare will steal sheep."

The new boy stepped over promptly, and said:

"Now you said you'd do it, now let's see you do it."

"Don't you crowd me now; you better look out."

"Well, you *said* you'd do it—why don't you do it?"

"By jingo! for two cents I *will* do it."

The new boy took two broad coppers out of his pocket and held them out with derision. Tom struck them to the ground. In an instant both boys were rolling and tumbling in the dirt, gripped together like cats; and for the space of a minute they tugged and tore at each other's hair and clothes, punched and scratched each other's nose, and covered themselves with dust and glory. Presently the confusion took form, and through the fog of battle Tom appeared, seated astride the new boy, and pounding him with his fists.

"Holler 'nuff!" said he.

The boy only struggled to free himself. He was crying—mainly from rage.

"Holler 'nuff!"—and the pounding went on.

At last the stranger got out a smothered "Nuff!" and Tom let him up and said:

"Now that'll learn you. Better look out who you're fooling with next time."

AN INTERNATIONAL DUEL[3]

Germany occupied Czechoslovakia on March 15, 1939, and on March 31 Great Britain and France declared guaranties of Polish independence.

Poland.—We have just seen a state fall because it relied on negotiations instead of on its own strength. Poles understand the tragic example of Czechoslovakia; therefore Poland is ready for war, even against the strongest adversary [*Polska Zbrojna* (army organ), March 25].

Germany.—Cases of German women and children being beaten and ill-treated are becoming more and more frequent, and German property has been damaged. It is astonishing that Polish authorities should hitherto have failed to suppress the anti-German agitation of the Western League, which constituted a disturbing factor in relations with Germany [German press, March 27].

---

[3] The German-Polish crisis, which began on March 15, 1939, eventuated in war on September 1, 1939. An effort has been made to reproduce the text, sometimes with abbreviation, of every statement indicative of an attitude by one country toward the other, printed during this period in the chronology of the *Bulletin of International News* (published bi-weekly by the Royal Institute of International Affairs, London). The more important documents and speeches have been corrected, and in some cases extended, from the texts printed in the Polish and German white books (*Official Documents concerning Polish-German and Polish-Soviet Relations, 1933–1939* [Republic of Poland, Ministry for Foreign Affairs (London: Hutchinson & Co., 1940)]; *Documents on the Events Preceding the Outbreak of the War*, compiled and published by the German Foreign Office, German Library of Information [New York, 1940]). These modifications did not substantially change the sense of the material in the chronology. While these contemporary press reports may not be in all cases accurate, they represent the attitudes of the contestants as they appeared to the publics of the two countries and of the world at the time.

Poland.—For our frontiers, or our independence, or our honor, we will fight, and we know how to fight for victory till our last breath [General Skwarcynski, March 28].

Germany.—Certain forces in Poland appear to have rejected the policy of understanding which was agreed upon when the 1934 Treaty was signed. It seems as though no serious restraint is now placed on those in Poland who delighted in agitating against everything German and as though Poland no longer set the same store as before on Germany's friendship [*Diplomatisch-politische Korrespondenz*, March 28]. ·

Poland.—The German Official News Agency representative at Bydgoszcz (Bromberg) was arrested for reporting false information about the treatment of Germans in Poland [Polish press, April 3].

Germany.—Poland, by negotiating an alliance with Great Britain, would thereby become a guilty partner in an attempt to set Europe in flames . . . . and would expose herself to the fate of other nations which have let themselves be misled by the horse dealers of the democratic West. That is not a threat, but a prudent military political reckoning [*Volkischer Beobachter*, April 7].

Poland.—Many complaints have reached the country from Poles in Germany regarding their treatment, especially in Silesia, where many have recently been arrested for no offense except their nationality. There has also been much comment on the provocative behavior of Germans living in Poland. In case of need the whole Polish people would fight for Polish liberty and independence [*Polska Zbrojna*, April 11].

Germany.—With sovereign disdain we watch their hysterial clamor, and this disdain is shared by the whole German people, who feel that they have been raised by the *Führer* back into that position in the world which is Germany's due. The Reich stands in the shadow of the German sword [Goebbels, April 19].

Poland.—We have shown toward Germany our wish for an understanding and our good will in the highest degree, but we categorically reject all one-sided decisions violating our interests. We shall never agree to our "living space" becoming a part of the German "living space." We shall never purchase good-neighborly relations with Germany at the price of unilateral concessions, political isolation, and the abandonment of real independence [*Gazeta Polska*, April 26].

Germany.—I have made a concrete offer to the Polish government concerning Danzig. I will reveal this offer to you, members of the Reichstag, and you yourselves shall judge whether it does not represent the greatest concession conceivable in the interests of European peace. . . . . The Polish government have rejected my offer. I sincerely regretted this incomprehensible attitude on the part of the Polish government. But that is not the decisive factor. Far worse is the fact that Poland, like Czechoslovakia a year ago, now believes, under the pressure of lying international agitation, that she must call up troops, although

Germany on her part has not called up a single man and has not thought of taking any kind of action against Poland. As I have said, this is in itself very regrettable, and some day posterity will decide whether it was really right to refuse this proposition, which I make once and only once. Germany's alleged aggressive intentions, a mere figment of the international press, led, as you know, to the so-called guaranty offers and to Poland's incurring an obligation for mutual assistance, which would compel her under certain circumstances to take military action against Germany. . . . . This obligation is contrary to the agreement which I made with Marshal Pilsudski some years ago. I therefore look upon that agreement as having been unilaterally infringed by Poland and thereby no longer in existence [Hitler, Reichstag speech, April 28].

Poland.—More reservists were called up, and extensive troop movements took place [Polish press, April 29].

Germany.—The old exponents of the policy of encirclement are once more active—the people who, in 1914, for example, knew nothing but hate. They are the same international clique of warmongers who carried on their dirty work then. I know you love peace. I also know that a certain international gutter press lies day in and day out, agitates for war, casts suspicion on you, and defames you [Hitler, address to Hitler Youth, May 1].

Poland.—The German Reich has taken the mere fact of the Polish-British understanding as a motive for the breaking off of the pact of 1934. . . . . I will take the liberty of referring jurists to the text of our reply to the German memorandum. . . . . The Reich government, as appears from the text of the German memorandum, made its decision on the strength of press reports, without consulting the views of either the British or the Polish governments as to the character of the agreement concluded. It would not have been difficult to do so, for immediately on my return from London I expressed my readiness to receive the German ambassador, who has hitherto not availed himself of the opportunity. To make a proper estimate of the situation, we should first of all ask the question, what is the real object of all this? . . . . The question of the future of Danzig and of communication across Pomorze, it is still a matter of unilateral concessions which the government of the Reich appear to be demanding from us. A self-respecting nation does not make unilateral concessions. . . . . Peace is certainly the object of the difficult and intensive work of Polish diplomacy. Two conditions are necessary for this work to be of real value: (1) peaceful intentions and (2) peaceful methods of procedure. If the government of the Reich are really guided by those two preconditions in relation to this country, then all conversations, provided, of course, that they respect the principles I have already enumerated, are possible. . . . . Peace is a valuable and desirable thing. Our generation, which has shed its blood in several wars, surely deserves a period of peace. But peace, like almost everything in this world, has its price, high but definable. We in Poland do not recognize the conception of "peace at any price." There is only one thing in the life of men, nations, and states which

is without price, and that is honor [Foreign Minister Beck, address in the Seym, May 5].

Germany.—German papers did not publish Colonel Beck's speech until eight hours after its conclusion. Headlines referred to "Polish terrorist acts," "German houses attacked," "Poles display blind lust of destruction," "Germans insulted and maltreated." Berlin described the speech as "superficially clever but fundamentally unwise." Beck had become an instrument of Polish chauvinism [German press, May 5].

Poland.—Much indignation was expressed by the press at the campaign alleged to be carried out against Poles in German Silesia and elsewhere, which included expulsions of Poles from East Prussia and the placing of their estates under German "guardianship" [Polish press, May 9].

Germany.—In their relations with Poland matters had now reached a deadlock because Poland did not want the question of Danzig and the Corridor solved. Instead, she had mobilized, and her press attacked Germany in a megalomaniac fashion. These developments were regarded in the Reich with absolute calm [Goebbels, in *Volkischer Beobachter*, May 13].

Poland.—It was not Poland's fault that relations with Germany were not altogether satisfactory [*Kurjer Poranny*, May 17].

Germany.—Germany had paid for a historic error—the Thirty Years' War—by the loss of the world-domination which belonged by right to it. . . . . German rearmament was begun in 1933, continued in 1934, intensified in 1935, accelerated furiously in 1936; in 1937 all national forces were mobilized, and in 1938 the first great blows were struck. The suggestion that it could all have been done by negotiation was enough to make one laugh. . . . . In September war had just been avoided. If we had not risked something, we would have won nothing. We had luck because we had the trust of the people. God helped us. He would not have helped us if we had not deserved it. I am tempted in this regard to believe rather in a Germanic God than a Christian one. We are working not for the next world but for this. We believe in force. [Goebbels, address at Cologne, May 19].

Poland.—Five divisions of troops were reported to be concentrated in the Corridor in the neighborhood of Danzig [Polish press, May 19].

Germany.—Poland's quarrelsomeness has proved in recent weeks to be steadily on the increase. Insults to Germany and its leadership are daily occurrences. The persecution of the Germans is increasing. . . . . The political blank check which the Western Powers have given to Poland has led to a degree of unreasonableness which is beginning to assume dangerous proportions (*Diplomatische Korrespondenz*, June 12].

Poland.—The German charge that Poland's attitude re Danzig has stiffened since the British pledges to her is untrue. The German government must know that all the trouble in Danzig is the result of those elements very near to the German government [Foreign Office communiqué, June 14].

Germany.—Your determination to return to the Great Mother of our common Fatherland is strong and invincible. . . . . The Poles know they are wrong, and because of that they resort to abuse. They demand from Germany East Prussia and Silesia. . . . . Germany, however, does not have to take Polish bragging seriously, and despite the blank check given by Great Britain she regards the speechifying of London and Warsaw as noisy shadow-boxing, meant to conceal with many words a deficiency of power and determination. . . . . So German men and women of Danzig, you may look to the future with confidence. The National-Socialist Reich stands at your side [Goebbels, speech in Danzig, June 17].

Poland.—The bloodless victories of Germany have come to an end. If she does not give up her demands, she must risk war. Neither Goebbels nor Hitler, were they to make many speeches, can change the situation by talking alone, and a war is in the first place dangerous and risky for Germany [*Kurjer Czerwony*, June 19].

Germany.—Rumors were current that 600,000 reservists had been called up [German press, June 29].

Poland.—Poland will certainly continue to maintain the legal and peaceful basis for her action in regard to Danzig in full agreement with the other governments which were just as interested as Poland in preventing any sort of *Ersatz-Anschluss* of the Free City. The government voted 55 million zlotys for additional expenditure by the Ministry of War [*Gazeta Polska*, July 7].

Germany.—The report that 1,200 men of the Kondor legion had arrived in Danzig was formally denied in Berlin [German press, July 12].

Poland.—The political atmosphere shows some relaxation, but this means no real change. We say openly that we have no confidence. We suspect that the present lull and easiness is only illusory, purposely arranged by foreign propaganda [*Express Poranny*, July 12].

Germany.—The Reich, while making uncompromisingly its demand that Danzig should return to Germany, is absolutely opposed to a warlike solution. Herr Hitler and the government are of opinion that Danzig itself is not an object for barter; it must therefore return to Germany unconditionally. They are convinced that the question can be solved peaceably and intend that it shall so be solved [Propaganda Ministry, July 21].

Poland.—The pacific pronouncement made in Berlin does not cause surprise Such pronouncements generally mean that Germany has in mind some change in the map of Europe. No matter in what form Germany seeks to incorporate Danzig, such an attempt will be considered in Poland as a flagrant breach of the *status quo* and evoke the appropriate response. Poland will use all peaceful methods to try to settle the Danzig question, but if the Germans insist on realizing their plan of incorporating Danzig in the Reich, Poland will be forced to resort to arms, knowing she is fighting not for Danzig but for her own independence. It is not Poland who is presenting claims, and therefore it is not Poland

who should make concessions. All appeals for the maintenance of peace should be addressed to Berlin, not Warsaw [Polish authoritative statement, July 21].

Germany.—Germany rejects Polish claims to German territory, denounces Polish ill-treatment and imprisonment of German-speaking people, and accuses Polish customs officers of espionage and political activities [*Lokalanzeiger*, August 1].

Poland.—Poland has defined her attitude in a clear and unambiguous manner in regard to Danzig, which has been linked to Poland for centuries and which constitutes a lung of our economic organism. It is not we who started the Danzig question. It is not we who are breaking our engagements. Our measures will be exactly adopted to suit the measures of the other side. Danzig is Polish and shall remain Polish [Marshal Smigly-Rydz, address at Cracow, August 6].

Germany.—The Marshal's repudiation of any aggressive intentions is obviously intended for the democratic world-press. General Sosnowski's statement published only the evening before the Cracow speech, declaring that after a victory in the coming war Poland would become a great power with a great mission to fulfil, is sufficient to prove Poland's aggressive intentions toward Germany [*Volkischer Beobachter*, August 7].

Poland.—Extensive German troop movements along the Polish Silesian frontier are creating great nervousness among the local German inhabitants [*Wieczor Warszawski*, August 7].

Germany.—Vigorous anti-Polish press campaign accompanying visit of Herr Forster [Danzig Nazi] to Hitler at Berchtesgaden, referring to German-Polish frontier incidents, ill-treatment of 18 members of the German People's block at Katowice, and shooting of a German farmer's boy by a Polish sentry while crossing the frontier in the course of his duties [German press, August 11].

Poland.—The authorities are taking severe measures to check German propaganda aimed at undermining the currency. Four German soldiers in transit across the Corridor had abused their railway passes by taking photographs of the frontier bridge at Tczew. They were made to leave the train and were sent back to Germany [Polish press, August 13].

Germany.—The German minister of the interior gave orders for the use of German spelling of Polish place names in all correspondence with Poland. The Polish Minister of the Interior retaliated with an order that all letters thus addressed from Germany should be returned to the senders. The German-Polish frontier in Silesia was closed to local traffic [German press, August 15].

Poland.—Inquiry into the recent clash near Rudo Slonska in Silesia led to the discovery in Silesia of a widespread espionage organization concerned in the passage of military information to a foreign organization. In consequence several dozen members of the German minority and German citizens in Poland were arrested and several of the offices of the Jungdeutsche Partei and the Gewerkschaft der Deutschen Arbeiter were provisionally closed. The entire Silesian frontier was closed until the German closure of the frontier near Katowice was

either satisfactorily explained or rescinded [Polish official communiqué, August 16].

Germany.—Reports of terrorization and mass arrests of Germans in Polish Silesia. Thousands of German refugees are pouring across the frontier into Germany [German press, August 17].

Poland.—Poland sharply protests the German press reports of maltreatment of the German minority in Poland. If this campaign continues, the government will be compelled to publish particulars of the treatment accorded to the Polish minority in Germany [Foreign Office spokesman, August 18].

Germany.—Nonaggression Pact with Russia announced. Reports that strong concentrations of Polish troops have come into position on the Moravian frontier, that bridges have been mined, tank blocks placed in position, and all defensive preparations made. Similar preparations are reported on the Silesian frontier [German press, August 21].

Poland.—Colonel Beck has been assured by the British and French ambassadors that the policies of their respective governments remained unchanged [Polish press, August 22].

Germany.—Press reports of feverish military activity on the part of Polish forces across the frontier, a Polish attempt to starve Danzig out, and Polish terrorism in Posen and West Prussia [German press, August 23].

Poland.—It has been officially denied that any extraordinary military activity is taking place on the Polish side of the German frontier [Polish Foreign Office, August 23].

Germany.—Nonaggression Pact with Russia signed in Moscow. Report current in Berlin that Germany and Russia have agreed to partition Poland, Germany receiving Danzig, the Corridor, and western Silesia, while Russia obtains eastern Poland up to the "Wilson line" [German press, August 24].

Poland.—Three classes of reservists—those aged 27, 28, and 29, numbering some 500,000—are called to the colors. All civil servants have their leaves stopped. The Warsaw wireless exhorts the people to keep calm. German press and wireless allegations that Poland is encircling Danzig with military forces, that the army is getting out of control and planning a Danzig coup, and that the Danzig-Polish frontier has been closed—are firmly denied. Poland protests against the invasion of Polish territory by a German patrol [Polish press, August 24].

Germany.—Reports of Polish mobilization amounting to a preparation for an offensive, Polish terrorism of the German minority, and inability of the Polish government to control the army. Thirty Germans are alleged to have been machine-gunned at Lodz for refusing to fight for Poland [German press, August 25].

Poland.—Reports of serious incidents on the Silesian frontier at Szyglowic, official Polish protests against these incidents, and Polish fire on German plane

flying over the forbidden zone around the Hell peninsula [Polish official report, August 25].

Germany.—Herr Hitler addresses some four hundred members of the Reichstag in a speech inspired by the gravity of the situation [German press, August 27].

Poland.—Government protests to the German government against the attacks at Zworice and elsewhere. The entire frontier with Germany is closed to rail traffic [Polish official reports, August 27].

Germany.—In the east the roads are filled with transports for reservists of all classes, and Berlin is denuded of private cars, lorries, and other vehicles. Travel abroad is impossible and most of the fast expresses and international trains are canceled. The last reserves of elderly men have been called up. Ration cards for food, textiles, and shoes have been issued to the Berlin population to insure just distribution between rich and poor, to demonstrate Germany's determination to win her right to guard her economic freedom, and to frustrate any efforts to starve her by a hunger blackade. The rations will enable Germany to hold out for years [German official reports, August 28].

Poland.—Many towns near the German frontier have been partially evacuated and large numbers of foreigners have left Warsaw and other centers for home [Polish press, August 28].

Germany.—The world now knows the German demands; Danzig and the Corridor must return to Germany. In the last forty-eight hours the German people, in view of the acute danger to their compatriots in Poland, have been put to a severe test of patience, and the powers of encirclement are responsible for the condition of affairs [German press, August 29].

Poland.—Fresh military measures are being taken in view of the German occupation of Slovakia, but reports that general mobilization is about to be ordered is categorically denied. The police have surrounded the German consulate at Teschen and Lwów, in retaliation for the German action at Breslau and Moravská Ostrava [Polish official announcements, August 29].

Germany.—Herr Hitler signed a decree setting up a council of Ministers for the Defense of the State. Herr von Ribbentrop read over to the British ambassador late at night the sixteen points of a proposed plan for the settlement of the dispute with Poland, but told him that they were not being communicated to him or to the British government officially, as it was already too late, owing to the failure of the Polish plenipotentiary to arrive [Berlin press reports, August 30].

Poland.—Several months ago Germany started an aggressive policy against Poland. The press campaign, the menacing utterances of responsible German statesmen, the systematic provocation of frontier incidents, and the ever increasing concentration of mobilized armed forces on the Polish frontiers are evident proof of this. Finally the activities directed on the territory of the Free

City of Danzig against the indisputable rights and interests of Poland, and Germany's obvious territorial ambitions with regard to the Polish state, leave no doubt about the fact that Poland is threatened. Taking account of these facts, especially after the entry of German troops into the territory of Slovakia, a neighboring state, the Polish government, having already taken preliminary measures, is obliged today to reinforce its security by means of the defensive military dispositions which the situation demands. The policy of the Polish government, which is not and never has been animated by aggressive designs with regard to any other state, remains unchanged. A desire for loyal collaboration with all states, which found expression in the reply sent by the President of the Polish Republic to the President of the United States, characterizes the tendencies of Polish policy [Polish official communiqué, August 30].

Germany.—The government handed the sixteen-point proposals to the Polish ambassador late at night, and at the same time the official wireless service announced that the Reich government regarded them as rejected. The news agency published a message from Breslau alleging that the wireless station at Gleiwitz had been attacked that evening by Poles, who invaded the studio, but were soon driven out with fatal losses. A later message said the attack had apparently been the signal for a general attack by armed Poles at two further points of the frontier. Severe fighting was going on [German official reports, August 31].

Poland.—The railway and telegraph and telephone services were taken over by the War Ministry and general mobilization began [Polish press reports, August 31].

Germany.—The Polish state has refused the peaceful settlement of relations which we desired and has appealed to arms. Germans in Poland are persecuted with bloody terror and driven from their houses. A series of violations of the frontier, intolerable to a great power, prove that Poland is no longer willing to respect the frontier of the Reich. In order to put an end to this lunacy, I have no other choice than to meet force with force from now on. The German army will fight the battle for the honor and the vital rights of reborn Germany with hard determination. I expect that every soldier . . . . will ever remain conscious that he is a representative of the Nazi Greater Germany [Hitler, proclamation to the Army, September 1].

Poland.—President Moscicki broadcasts a proclamation announcing the German attack and appealing to all citizens, convinced that the whole nation will rally round the supreme commander of the armed forces and give a proper reply to the aggressor, as it has so often done in the past. It is stated officially in Warsaw that the German report of the invasion by Polish divisionist bands near Gleiwitz is a tissue of lies. The Poles have made no attack anywhere [Polish official communiqué, September 1].

On September 1 at about 5:30 A.M. hostilities were begun by the German forces bombing Katowice, Kraków, Tczew (near Danzig), and Tunel, while at

the same time ground forces moved against Zakopane (from Slovakia), Grudzi-ądz (from East Prussia), Poznán (from Pomerania), and Lubliniec Tarnowskie, and Góry (from Silesia). Warsaw was raided several times, but most of the bombers were chased away by Polish fighters and by gunfire. At Katowice, German aircraft arrived in squadrons of fifty every half-hour, and there were many casualties.

A SIXTEENTH-CENTURY ITALIAN DUEL[4]

Cesare Fregoso and Cagnino Gonzaga were both members of the order of Knights of the King of France and at war under his authority.

Fregoso declared that Gonzaga, writing to a third party, had reflected upon Fregoso's honor. Thereupon Fregoso, on January 2, 1537, without the permission of his general sent to Gonzaga a *cartello* which declared that as many times as he had spoken, caused to be spoken, written, or caused to be written, to the prejudice of his opponent's honor, so many times he had lied in his throat; and that, if he denied it, he lied again. Fregoso added that he would not write abusively, since this would be the action of one who was envious, malignant, and base; but he reserved the right, if his opponent did not shirk his obligations, to "speak with weapons in hand."

To this Gonzaga replied, in the same month, that for the present he would ignore the introduction to Fregoso's letter but that he accepted the challenge.

After the lapse of more than two years, Fregoso supported his cause by publishing favorable statements made by distinguished lords. The first, which appeared in April, 1539, was that of the King of France. Another was written in July of the same year by the Marquis del Vasto. He held that Fregoso's *mentita* had been valid and hence had given dishonor to Gonzaga (who should therefore have issued a challenge to defend his honor, but he had not done so).

Opinions were given by Alciato and Socino. Both favored the cause of Gonzaga, holding he had accepted Fregoso's challenge but that Fregoso had failed to suggest the weapons.

Alciato first stated the arguments for Fregoso. If, as appeared from Fregoso's *cartello*, Gonzaga had accused him to a third party, this was worse than if the accusation had been made to Fregoso himself. In either case, moreover, Fre-

---

[4] Frederick R. Bryson, *The Sixteenth-Century Italian Duel* (Chicago, 1938), pp. 157–60. According to the practice, a duel should proceed by five stages: (1) A insults B, (2) B challenges A, (3) A accepts B's challenge, (4) B arranges place, time, judges, and arms satisfactorily to A, and (5) the combat takes place according to these arrangements. The first three of these events might give rise to questions, even if, as was usually the case, they took place by written communications (*cartelli*). Were A's utterances an insult to B? Was B's statement an insult or a challenge? Did A accept a challenge or make a challenge? Until these questions were solved, the duel might be stalled because each would claim that his honor was still intact and would remain so until the other had made the next move. These problems gave rise to learned disquisitions by the experts as indicated in this illustration.

goso's *mentita* would make him (Fregoso) the challengee. He did not become the challenger, furthermore, by the mere fact of his mentioning that he reserved the right to "speak with weapons in hand," for this did not imply the question of the choice of arms. His giving the lie, also, was not conditional: he wrote as one to whom the fact that he had been offended was a certainty; and his phrase "as many times as you have spoken, etc.," referred not to the fact of the offense but to its frequency.

In spite of all this, however, Alciato believed that the party who was challenged was Gonzaga. Whatever Fregoso's *cartello* might be as to its form, there was no doubt of its meaning. This could not be changed without the consent of both parties. Since the function of the challenged party was to stand on the defensive, moreover, Fregoso seemed to be the challenger because he had said, "If there be no shirking on your part." Although it had been held, furthermore, that the *attore* as to the offense was not necessarily the *attore* as to the duel, yet in case of doubt the challenger was the party who had given an insult by the first *cartello*, unless it appeared that he himself had peviously been insulted. So the challenger was the one who had disturbed the other's peace. The party who was challenged, on the other hand, was the one who was contented with his present state. But Fregoso's reference to reserving the right to "speak with weapons in hand" showed that he wished to resort to arms. He could not be "contented," moreover, because his opponent, by accepting the offer to fight, had placed upon him the onus, the burden of proof. It would be superfluous, also, for a challenged party to say, as did Fregoso, that he wished to "speak with weapons in hand." But since superfluity of words in *cartelli* was never to be presumed, it must be held that Fregoso had chosen to seek a decision not by the civil law but by the duel; and this choice was the function of the challenger. As for the suggestion that Fregoso's words, "If you deny it, you lie again" placed the onus upon Gonzaga, the latter might have considered the conditional clause to be ambiguous: it might have meant, "If you deny that you said," "If you deny that you lied when you said," etc. Since Fregoso could have expressed himself more clearly, his opponent should have the benefit of the doubt. As for Gonzaga's failure to mention in his *cartello* that he had been given the lie, there were two explanations: in the first place, he may have considered it unsuited to his rank to use many words and, second, it was necessary only that he should show regard for his honor, and this he did by agreeing to fight. Since after choosing the duel, moreover, a man could not give part of his proof by means of the civil law, Fregoso could not prove legally that Gonzaga had assailed his honor by a letter written to a third party and also prove in the duel that his opponent had lied: the two proofs must be simultaneous. With regard to this letter, furthermore, Fregoso was debarred from producing it in a court of law; and, if he had opened it without permission, he could not be heard concerning its contents and was liable to prosecution.

Similar reasons were stated by Socino. He held that, since there was no evidence that Gonzaga had reflected upon Fregoso's honor, the latter's giving the lie was not the resentment of an accusation, and hence his opponent had no cause to give proof. If, moreover, Fregoso had said simply, "You lie," and had not mentioned weapons, he could, to be sure, have claimed the privilege of being the challengee; but his desire to "speak with weapons in hand," and his preceding words, constituted an affront: they meant, "I will speak insults." Since, furthermore, Fregoso had allowed two years to pass without protesting against the alleged attack upon his honor, this was a case of silence giving assent. As for Gonzaga, he could have resented Fregoso's *mentita* by replying, "You lie in saying that I lie"; then Fregoso, having to prove that Gonzaga had lied, would have been compelled to be the challenger. But he was not the less so under the actual circumstances, for Gonzaga's silence was simply the middle course between assent and contradiction; he showed prudence when he neither confessed nor denied an accusation which had not been made specific. As to the opinion of the King of France, it should not be considered; since he had not given to Gonzaga an opportunity to be heard in his own behalf, the opinion would have been invalid even if the king had been the natural lord of both parties.

Apparently the duel never took place.

APPENDIX XXXII

THEORIES OF STATE RESPONSIBILITY UNDER INTERNATIONAL LAW

Three basic theories as to the nature of the state and of the community of nations have been described as (a) international monism, (b) national monism, and (c) dualism.[1] They assume, respectively, that the state or its government is responsible as an agent of the community of nations, that the state is not responsible at all, and that the state is responsible as a member of the community of nations.

a) *International monism* holds that the state is a fictional person or corporation which owes its existence to recognition by the community of nations. The state's powers are derived from international law, which is the law of the community of nations. This theory is compatible with either a democratic or an autocratic concept of the state.

According to the democratic concept, government is of the people, by the people, and for the people. The people are both the members and the beneficiaries of the state and also the source of its government's authority. The autocratic theory makes the ruler the sole member and beneficiary of the state. In that case, however, instead of a corporation aggregate the state becomes a corporation sole.

Whether the state is a democracy or an autocracy, under the international monistic theory the competence of its members or rulers to make a constitution and to enact and enforce municipal law is no greater than the scope of the state's jurisdiction under international law. Thus any law or act of a legislative body or an officer beyond the state's jurisdiction is in principle *ultra vires* and so null and void. It should be regarded as an ineffective act of the agent or officer and not an act of the state at all.[2]

It would appear that under this theory the state can do no wrong. If wrong is done, it should be attributed to the government or officer who has wrongfully exercised power in its name. The state, therefore, should never be responsible

---

[1] See Ruth D. Masters, *International Law in National Courts: A Study of the Enforcement of International Law in German, Swiss, French and Belgian Courts* (New York, 1932), pp. 12–13; Karl Strupp, *Eléments de droit international public, universel, européen, et américain* (Paris, 1930), p. 21.

[2] Josef L. Kunz, "The 'Vienna School' and International Law," *New York University Law Quarterly Review*, XI (March, 1934), 27 ff.; P. B. Potter, "Relative Authority of International Law and National Law in the United States," *American Journal of International Law*, XIX (April, 1925), 315 ff.; above, chap. xxiv, sec. 3c.

under international law. If there is any responsibility, it should belong to the government or official to whom the act is to be attributed.[3] This theory, suggestive of the legal position of the crown in British law and of the sovereign state in American law, encounters serious difficulties.

Practical difficulties[4] in the theory of the irresponsibility of the British crown and of the American state have led to its modification through such procedures as petition of right and courts of claims.[5] The theory, however, still supports the political responsibility of ministers for giving bad advice to the crown in England[6] and the legal responsibility of officers for *ultra vires* acts injuring individuals in both England and the United States.[7]

In theory a similar irresponsibility might seem to belong to all corporations created under systems of municipal law which accept the fictional theory of corporate personality. "It is the law which determines who should act for a corporation, or within what limit this activity must be confined, and any act which lies beyond these legally appointed limits will not be imputed to the corporation, even though done in its name and in its behalf."[8]

In practice, however, systems of municipal law have usually recognized the civil responsibility of corporations and to some extent their criminal responsibility. This inconsistency, which seems to make the innocent beneficiaries of the corporation vicariously responsible for *ultra vires* acts of the officers, has been explained by suggesting that "although the representatives of a corporation are in form and legal theory the agents of that fictional person, yet in substance and fact they are the agents of the beneficiaries. A company is justly held liable for the acts of the directors because in truth the directors are servants of the shareholders."[9]

The doctrine of *ultra vires* acts, furthermore, would not in any case apply to wrongful acts of omission, the results of which can properly be attributed to the corporation, and it should not apply to wrongful acts of the officer in pursuance of

[3] This would seem to deny the jural personality of the state in international law.

[4] The difficulty lies in the fact that if no one is responsible, the administration will become tyrannical, and if the officer alone is responsible, he may not be financially able to pay adequate damages, and he may have acted in good faith. Thus the theory is likely to result in injustice to both the injured party and the officer. Civil-law systems have usually recognized state responsibility for private injuries committed in its service.

[5] Sir William Anson, *The Law and Custom of the Constitution* (3d ed.; London, 1908), II, Part II, 298 ff.; E. M. Borchard, "Governmental Responsibility in Tort," *Yale Law Journal*, XXXVI (1926), 1 ff., 757 ff., 1039 ff.

[6] Anson, *op. cit.*, II, Part I, 5 and 42; A. L. Lowell, *The Government of England* (New York, 1912), I, 27 ff.

[7] Anson, *op. cit.*, II, Part I, 46 ff.; J. P. Hall, *Constitutional Law* (Chicago, 1910), p. 370; *Osborne* v. *United States Bank*, 9 Wheat. 738, 842–44.

[8] J. W. Salmond, *Jurisprudence* (London, 1902), p. 353.

[9] *Ibid.*

a power legally belonging to the corporation, even if the method employed was legally prohibited. "The corporation is responsible not only for what its agents do, being thereunto lawfully authorized, but also for the manner in which they do it. If the agents do negligently or fraudulently that which they might have done lawfully and with authority, the law will hold the corporation answerable."[10]

This reasoning makes it possible to reconcile the theory of international monism with the practice of holding states responsible,[11] but that theory is less easy to reconcile with the practice whereby national courts consider municipal law superior to international law[12] and with the absence of an international authority to nullify national laws beyond the states' competence under international law.[13] Adherents of the monistic theory, in order to realize their assumption that the family of nations is a real society, have usually supported a general responsibility of states to co-operate in opposing serious offenses against the community of nations as a whole.[14]

  b) *National monistic theory* holds that the state is a real person[15] which owes

[10] *Ibid.*, p. 356.

[11] "Since the acts of the agent are for the benefit of the state, and not for personal motives, the state should be prepared to assume the consequences of these acts" (Clyde Eagleton, *The Responsibility of States in International Law* [New York, 1928], p. 210).

[12] National courts usually interpret municipal law in accord with the state's obligations under international law and treaties if possible, but clear national statutes or executive declarations on political questions have generally been enforced by national courts even if in conflict with international law. C. M. Picciotto, *The Relation of International Law to the Law of England and of the United States of America* (New York, 1915); Masters, *op. cit.;* Q. Wright, "The Legal Nature of Treaties," *American Journal of International Law,* X (October, 1916), 706 ff.; "Conflicts of International Law with National Laws and Ordinances," *ibid.,* XI (January, 1917), 1 ff.; "International Law in Its Relation to Constitutional Law," *ibid.,* XVIII (April, 1923), 237; *Control of American Foreign Relations* (New York, 1922), pp. 170 ff. Potter (*op. cit.*) was able to find some cases suggesting the priority of international law.

[13] The sanctions of international law may eventually induce a state to bring its statutes and policy into conformity with international law, but the process is political rather than juridical and the time may be very long. See *Ex parte Larucea,* 249 Fed. Rep. 981 (1917), and Q. Wright, "International Law in Its Relation to Constitutional Law," *op. cit.,* pp. 237 and 244.

[14] This was the theory of the League of Nations (see Eagleton, *op. cit.,* p. 225; George W. Keeton and Georg Schwarzenberger, *Making International Law Work* [London, 1939], pp. 50 ff., 62 ff.). Ellery Stowell (*International Law* [New York, 1931], pp. 72 ff.) believes this responsibility is recognized in the "right of intervention." W. E. Lingelbach ("The Doctrine and Practice of Intervention in Europe," *Annals of the American Academy of Political and Social Science,* XVI [July, 1900], 28–29) finds that European practice supports such a right.

[15] A "real" person is a sociological or biological unity which the law is obliged to recognize, while a "fictional" person is an entity accorded personality by a positive act

its existence, its powers, and its policies to its internal structure. The state, according to this theory, is an end in itself.

According to democratic theory, it exists because of the self-determination of its nationals, and its powers are limited only by the procedures of its own constitution. It exists for the benefit of its nationals, but, so far as international relations are concerned, the interests of the state and of its nationals are considered identical.[16]

The theory is not changed with respect to state responsibility in international relations if, instead of the democratic theory of the state, the autocratic interpretation is adopted. This holds that the state owes its existence to the authority of its ruler, whether that flows from divine right or from military power; that its powers are limited only by the will of the ruler; and that it exists for its own benefit or for the benefit of the ruler or of his dynasty.[17]

In either case the relation of the state to its government and officials, acting under color of its authority, resembles that of principal to agent in municipal law in the sense that the acts of the agent are attributable to the principal. Extreme interpretations of the national monistic theory tend toward totalitarian-

of the legal community. While an entity may have existed in a sociological or biological sense before this act, its claims were considered so unimportant by the community that the law could ignore it. The common-law theory of corporations paralleled the Roman law theory in regarding them as "fictional." Gierke and others have emphasized the "reality" of associations and the necessity that the law recognize them even though not instituted by any positive act (Otto von Gierke, *Political Theories of the Middle Ages*, trans. F. W. Maitland [Cambridge, 1900]). This idea has had some legal influence (*Taff Vale Railway Co.* v. *Amalgamated Society of Railway Servants*, L.R. [1900] A.C. 426). The constitutive (political) and declaratory (factual) theories of recognition in international law maintain, respectively, the "fictional" and "real" nature of the state (see Q. Wright, *Legal Problems in the Far Eastern Conflict* [New York: Institute of Pacific Relations, 1941], p. 118). Philosophically the fictional theory holds that legal rights flow from the whole to the parts, while the real theory holds that they flow from the parts to the whole. While the latter may seem more in accord with the democratic thesis, the early philosophers of democracy reconciled the two hypotheses by holding that, while "natural rights" are inherent in the parts, "civil rights" are the gift of the whole. The two are identified through the "social contract" whereby the whole, constituted by the agreement of the parts, is competent to make laws which bind the parts so long as it does not encroach upon their reserved natural rights (see John Locke, *Two Treatises of Government* [1689]; above, chap. xxii, n. 82). This resembles the "dualist" theory of international law (see below, sec. *c*).

[16] By the Rousseauan concept, which holds that the state is the embodiment of the "general will" of its members. This was not accepted by the democratic theorists, like Locke, who regarded some "natural rights" of individuals as reserved from state authority (above, n. 15).

[17] This theory was elaborated in the seventeenth-century doctrine of the divine right of kings and in the modern doctrines of Fascist and Nazi dictatorship.

ism and the organic theory of the state, in which the relation of the state to its government, to its officers, and even to its nationals approaches that of the body to its brain, stomach, hands, and cells.[18]

By utilizing the appropriate procedures of the constitution or, in an autocratic state, by gaining the consent of the ruler, laws can be changed without limit and the powers of officers indefinitely enlarged, retroactively as well as prospectively. By this theory, therefore, the state can do no wrong and is irresponsible. This irresponsibility of the state, however, results not from the theory that acts of agents or officers contrary to law are not attributable to the state[19] but from the theory that whatever the state wills is law. Justice Holmes accepted this theory when he wrote, "There can be no legal right as against the authority that makes the law on which the right depends."[20] Under this theory international law ceases to be law at all, and municipal law becomes the only source of legal responsibility. Municipal law can be indefinitely expanded by national legislative and constitution-amending authorities to legitimatize any action which has been or may be taken. Thus, not only is the state irresponsible but the officers may be made irresponsible.[21]

International lawyers have seldom gone this far explicitly, though they have done so implicitly. Many have denied international standards of responsibility and have held that the state's responsibility can only be judged by the standards of its own law.[22] They have held that responsibility cannot go beyond a duty

---

[18] Among primitive peoples and in the European Middle Ages the groups' responsibility for acts of its members has been accepted (Eagleton, *op. cit.*, pp. 6, 16 ff.), and in modern international and constitutional law the government is usually treated as an agent of the state (above, chap. xxii, nn. 2 and 42).

[19] Above, n. 3.

[20] *Kawananakoa* v. *Polyblank*, 205 U.S. 349 (1907). Holmes's statement was qualified so as to admit that even the authority which makes law in certain matters may be bound by law in others.

[21] Eagleton, *op. cit.*, p. 11; Percy Corbett ("Conflicting Theories of International Law," *Proceedings American Society of International Law, 1940*, p. 102) points out that the "positivistic school" of international law, which attributes international law to the consenting will of sovereign states, implies national monism and the repudiation of international law (see also comments, *ibid.*, p. 156).

[22] This juridical positivism was accepted by Vattel, who held that consent might be manifested expressly by treaty, tacitly by custom, or presumptively by reason (*Droit des gens*, Préliminaires, secs. 21–25). National courts have tended to accept this broad concept of consent (*The Paquete Habana*, 175 U.S. 677 [1900]; *West Rand Central Gold Mining Co.* v. *The King* [1905], 2 K.B. 391). Fascist, Nazi, and Communist writers have often considered express treaties the only source of international obligation. Positivists have tended to assume that the state may denounce treaties at discretion. Some positivists have considered that law can rest only on organized sanctions of the community. Consent of itself cannot create positive law. Consequently, international "law" is not positive law at all (John Austin, *Lectures on Jurisprudence* [4th ed.; London, 1911], I, 263 and 278).

of the state to grant aliens, legally within its territory, civil rights equal to those of nationals. The theory expounded by the Argentinian publicist Carlos Calvo asserts that an individual on taking up residence in a foreign country assumes the risk of his place of residence and has no recourse except to the local authorities.[23] With respect to acts outside its territory, national monists have held that, though the state is theoretically responsible for injuries to other states resulting from acts of its officers under color of its authority,[24] procedures for maintaining this responsibility are dependent upon consent of the delinquent state or upon self-help by the plaintiff state. State responsibility, therefore, has a moral or political rather than a legal character.[25] National monism denies that states are responsible to the community of nations as a whole, because it denies the existence of such a community. It insists that states may and usually should remain neutral even in the presence of grave violations of international law.[26] Co-operation in the enforcement of international responsibilities is not, therefore, to be presumed, and international law becomes a law of co-ordination rather than of subordination. These positions so attenuate the sanctions of international law as practically to destroy its legal character altogether.

c) *The dualistic theory* holds that the state is a real or *de facto* person because of the self-determination of its nationals or of its government but that it can become a legal or *de jure* person only by membership in the community of nations —a status which a new state may achieve through general recognition of its

[23] Eagleton, *op. cit.*, p. 208; E. M. Borchard, *The Diplomatic Protection of Citizens Abroad* (New York, 1919), pp. 792 ff., quoting C. Calvo, *Le Droit international théorique et pratique* (5th ed.; Paris, 1896), Vol. I, secs. 204 and 205; Vol. VI, sec. 256. International law has accepted a qualified interpretation of this theory in holding that local remedies must be exhausted before international remedies can be invoked.

[24] Eagleton, *op. cit.*, chap. iii; Borchard, *The Diplomatic Protection of Citizens Abroad*, pp. 177 ff.

[25] "The remedy for a violation of international duty toward aliens lies in a resort to diplomatic measures for the pecuniary reparation of the injury; and these measures may range from the diplomatic presentation of a pecuniary claim to war. Self-help, tempered by the peaceful instrumentalities of modern times, such as arbitration, is the ultimate sanction of international obligations. In this very fact lies the difficulty of the present subject, for powerful states have at times exacted from weak states a greater degree of responsibility than from states of their own strength" (Borchard, *The Diplomatic Protection of Citizens Abroad*, p. 178).

[26] E. M. Borchard and W. P. Lage (*Neutrality for the United States* [New Haven, 1937], p. 1) wrote: "In the rational days of the nineteenth and early twentieth centuries, the path of progress was deemed to lie in a firm abstention from the wars of other peoples. . . . . It was not assumed that, in a world of sovereign states, nations would or could discard the dictates of political self-interest and adopt the disinterested objective standards ordinarily associated with judicial bodies." This seems to suggest that in the "rational" days nations were irrational. See also above, chap. xxvi, sec. 3, and Q. Wright, "The Present Status of Neutrality," *American Journal of International Law*, XXXIV (July, 1940), 399.

statehood by the existing members of that community.[27] While this theory holds recognition to be a political act, it asserts that the members of the family of nations ought not to admit a new member until it meets accepted international standards of statehood such as capacity for self-government, for meeting international responsibilities, and for maintaining order and administering justice in its territory.[28]

Democratic dualism holds that the state's members are its nationals but that its beneficiaries include not only its nationals but also the community of nations. The state is at the same time an instrument of its nationals to promote their interests and an instrument of the family of nations to enforce its precepts within a specified area.[29]

This theory is not changed with respect to international responsibility if the *de facto* personality of the state is attributed to the power of the ruler who is regarded as its sole member and, apart from international responsibility, its sole beneficiary.

In either case a dualism of international law and municipal law exists. International law defines the powers and responsibilities, rights and duties, of the states; municipal law defines the powers and responsibilities, rights and duties, of governments, officers, nationals, and residents within the orbit of each state. As the sources and sanctions of these two laws are different, it may happen that officers and individuals will enjoy powers and rights under municipal law which under international law the state has no power to confer. Nevertheless, since the officer or individual is bound by municipal law, the principle *respondeat superior* properly applies and any action which that law authorizes or which is taken under color of its authority will engage the responsibility of the state.[30]

Dualism implies that conflicts between international law and municipal law should be settled through national legislation modifying municipal law to conform with international law, through diplomatic negotiation, conciliation, or consultation modifying international duties in conformity with national law, or through international adjudication or arbitration asserting the priority of international law. In proportion as the latter process is relied upon, dualism approaches international monism. In proportion as all these processes fail to effect an adjustment and violence results, dualism approaches national monism.

Democratic constitutions usually vest the authority to accept and interpret international responsibility in governmental agencies different from those vested with authority to enforce or fulfil such responsibilities. Thus the government may be unable to meet the international responsibilities of the state. This is

[27] See above, chap. xxiv; Q. Wright, *Legal Problems in the Far Eastern Conflict*, pp. 25 ff.

[28] W. H. Ritsher, *Criteria of Capacity for Independence* (Jerusalem, 1934); Q. Wright, *Legal Problems in the Far Eastern Conflict*, pp. 51 ff.

[29] Above, chap. xxii, sec. 1; Stowell (*op. cit.*) adopts this theory.

[30] Q. Wright, *Mandates under the League of Nations* (Chicago, 1930), pp. 282 ff.

true even when, as in the United States, treaties are theoretically, but not in all cases practically, rules of municipal law.[31]

Under autocratic constitutions the ruler is both the representative of the state in international affairs and the source of domestic law. Thus such inconsistencies are less likely, although even autocratic constitutions usually distinguish the ruler in his two capacities.[32]

The dualistic theory seems to account most completely for the responsibility of the state as it is actually recognized in international law. National courts usually enforce national law irrespective of the state's responsibility under international law, and international courts, ignoring national laws, enforce responsibilities under international law,[33] but the reconciliation of conflicts has been a political rather than a juridical process.[34]

The theory of group solidarity which originated in tribal ideas and persisted through the Middle Ages considerably influenced international law. Under this theory the state is responsible for injuries to other states resulting from acts not only of its officials but also of its nationals. The rise of liberalism and the demarcation of spheres appropriate for governmental and private action resulted in acceptance of the theory of fault—that the state is responsible only for its own faults and not for the faults[35] of individuals. Thus acts of nationals which the state could not have prevented, and which it was under no positive duty to prevent, have been held to involve no international responsibility.[36]

The rise of totalitarian regimes, tending to nullify the distinction between the spheres of governmental and of private action and broadening the effective control by the state of the action of its nationals, would on this theory broaden international responsibility. The state, which purports to control the behavior of its nationals in all respects, should itself be responsible for that behavior when

[31] Q. Wright, *Control of American Foreign Relations*, chap. i.

[32] Roscoe Pound, "Philosophical Theory and International Law," *Bibliotheca Visseriana* (Leiden, 1923), I, 71 ff.; Tatsuji Takeuchi, *War and Diplomacy in the Japanese Empire* (New York, 1935), pp. 436 ff.

[33] Above, n. 12; Q. Wright, *Control of American Foreign Relations*, p. 174.

[34] Above, n. 13.

[35] This theory was suggested by Grotius (see Eagleton, *op. cit.*, pp. 18 ff.).

[36] Under modern international law states have been held responsible to make reparation for injuries resulting from their omission to fulfil positive duties proscribed by general international law or valid treaties; from the wrongful acts of their officers within the color of their authority, including therein complicity and abuse of rights; and from negligence in the exercise of their jurisdictions by manifesting want of due diligence or a denial of justice in prevention or remedy. See Q. Wright, *Control of American Foreign Relations*, pp. 151 ff.; Eagleton, *op. cit.;* Harvard Research in International Law, "Draft Code on Responsibility of States for Damages in Their Territory to the Person or Property of Foreigners," *American Journal of International Law*, XXIII (spec. suppl.; April, 1929), 133 ff.

it injures others. But, on the other hand, the differentiation of conceptions with respect to the appropriate spheres of governmental action and with respect to the moral solidarity of mankind, accompanying the rise of Communist, Nazi, and Fascist regimes, has tended to decrease the degree of uniformity of cultural standards throughout the world upon which eventually all standards of international law must rest and to induce a general reversion to the theory of national monism and to the decline of the international responsibility of states.[37]

Dualism is a compromise between international and national monism, tending to shift toward the former in times of tranquillity and international co-operation favorable to the development of universal cultural standards. On the other hand, in times of hostility and intense nationalism, cultural standards tend to differentiate and dualism shifts toward national monism.[38]

Under the dualistic theory there is difficulty in developing effective procedures for enforcing the state's responsibility for international delinquencies injurious to other states and especially for enforcing a criminal responsibility for international delinquencies injurious to the family of nations as a whole. In practice, international responsibility has usually been of the civil type, implying a duty to repair the injury by pecuniary compensation, restoration of goods, or apology.[39] The idea of the criminal state hardly compatible with the idea of impartial neutrality has, however, been familiar since the time of Grotius and has been developed in the concept of aggression (resort to violence contrary to specific international obligations) since World War I.[40]

While the juristic ideal of logical consistency presses toward a realization of international monism and world-order, the fact of political and cultural diversity presses toward a realization of national monism and world-anarchy. The opposing pressures tend to maintain dualism. This might, however, rest upon processes of diplomacy, conciliation, consultation, and adjudication rather than upon reprisals and war for dealing with conflicts between international and municipal law.

[37] William T. R. Fox, "Some Effects upon International Law of the Governmentalization of Private Enterprise" (manuscript, University of Chicago Library, 1940); "Competence of Courts in Regard to Non-sovereign Acts of Foreign States," *American Journal of International Law*, XXXV (October, 1941), 632 ff.; Eagleton, *op. cit.*, p. 206.

[38] Dictatorship, intense nationalism, high tension levels, and war tend to be associated, as do democracy, liberalism, moderate tension levels, and peace (above, chap. xxii, sec. 2; chap. xxx, sec. 3b).

[39] Punitive damages, though seldom awarded by international tribunals, have often been demanded and obtained by strong states in dealing diplomatically with weak (Eagleton, *op. cit.*, p. 190).

[40] Harvard Research in International Law, "Draft Code on Aggression," *American Journal of International Law*, XXXIII (suppl.; October, 1939), 823; Eagleton, *op. cit.*, p. 208; Elihu Root, "The Outlook for International Law," *Proceedings of the American Society of International Law, 1915*, pp. 8–10.

APPENDIX XXXIII

LEGAL AND POLITICAL DISPUTES

The distinction between "legal" or "justiciable" and "political" or "non-justiciable" disputes has frequently figured in arbitration treaties, but its meaning is not clear. According to the theory accepted by the drafters of the statute of the Permanent Court of International Justice, international law is a complete system capable of solving any disputes between states submitted to the Court. The Court can never declare itself incapable of giving judgment on the ground that there are no rules applicable to the controversy. If it can find no rule established by treaty or custom, it must make deductions from general principles of justice or consult the learning of jurists and judges. From such broad sources a rule can always be found.[1]

With this conception a nonjusticiable dispute can mean only a dispute which one or both of the parties refuse to submit to adjudication either because of want of confidence in the Court or because one or both rely on some ground other than law. If, however, the parties by a general treaty have agreed to submit all "legal" or "justiciable" disputes to adjudication, with this interpretation of nonjusticiable disputes, they must mean either that they have abandoned these objections and are ready to submit all disputes whatever or that they are ready to submit all disputes except those which at any future time they do not wish to. The first would make the qualifications superfluous; the second would make the treaty meaningless.[2]

The distinction between justiciable and nonjusticiable disputes, however, becomes more intelligible if the positivist theory of international law is accepted. This holds that the international law binding a state consists only of those rules to which it has consented.[3] With this conception international law is not a

[1] Statute of the Permanent Court of International Justice, Art. 38; *Procès-verbaux des séances du comité (Comité consultatif de juristes) 16 juin–24 juillet 1920* ("Publications de la Cour permanente de justice internationale" [La Haye, 1920]); Antonio S. de Bustamente, *The World Court* (New York, 1925), p. 240.

[2] H. Lauterpacht, *The Function of Law in the International Community* (Oxford, 1933), p. 159.

[3] Lord Alverstone appeared to approach this point of view when he said that "the expression . . . . that the law of nations forms part of the law of England, ought not to be construed so as to include as part of the law of England opinions of text writers upon a question as to which there is no evidence that Great Britain has ever assented," though earlier in the same case he had said that to prove a rule of international law the evidence "must show, either that the particular proposition put forward has been recognized and

complete system. Many disputes may be incapable of legal solution because one or both of the parties have failed to consent to any rule on the subject. With such a conception a court would have to decline to give judgment on such a dispute submitted to it on the basis of a treaty which excepted political or nonjusticiable disputes.

The difference between the two conceptions of international law is, however, less than at first appears because of the usual recognition that the "consent" of every state may be presumed with respect to the general body of international law established by tradition. It is only a new rule which requires explicit consent. The general body of international law seems to include broad principles as well as concrete customs, together capable of solving any dispute between states.⁴ Thus it appears that even under the positivist theory few, if any, international disputes would prove unsusceptible of solution through the application of law.⁵ Consequently, the conception of a political or nonjusticiable dispute depends not on the objective character of the dispute but on the attitude of the parties. The typical political dispute, often called a *status quo* dispute, is one in which one of the parties wishes to change existing legal rights by appeal to nonlegal considerations of policy, economy, opinion, or morals, while the other demands the application of law.⁶

It is possible, however, that both parties may rest their claims on nonlegal grounds, in which case the dispute might be called an international political dispute in a narrower sense.⁷

---

acted upon by our own country, or that it is of such a nature, and has been so widely and generally accepted, that it can hardly be supposed that any civilized state would repudiate it" (*West Rand Central Gold Mining Co.* v. *The King* [1905], 2 K.B. 391, 406).

⁴ "Consent is the legislative process of international law, though it is not the source of legal obligation. A rule once established by consent (which need not be universal) is binding because it has become a part of the general law and it can then no longer be repudiated by the action of individual states" (H. A. Smith, *Great Britain and the Law of Nations* [London, 1932], I, 13; cf. G. H. Hackworth, *Digest of International Law* [Washington, 1940], I, 5).

⁵ The word "legal" before "disputes" in Art. 36 of the Statute of the Permanent Court of International Justice is, therefore, superfluous. All disputes before a court are "legal" disputes.

⁶ David Hunter Miller (*The Geneva Protocol* [New York, 1925], pp. 16 ff.) suggests that a *status quo* question such as a demand of a state that a boundary fixed by a valid treaty be changed "falls wholly outside any idea of justiciable questions in the international sense," not, however, in the sense that a court could not find a solution but in the sense that that solution would give no satisfaction to the demanding state.

⁷ Miller (*ibid.*, p. 15) cites as an international question "not in any way justiciable" that of "where the frontier between Poland and Russia should be drawn after the World War. That some frontier had to be drawn was obvious, but there was no possible legal

The distinction between "domestic" and international disputes, though sometimes confused with that between political and legal disputes, is in reality different. A domestic dispute is governed by international law in the sense that that law gives one state jurisdiction to decide the dispute. If a state interferes in a dispute which is "solely within the domestic jurisdiction"[8] of another, it violates the legal right of that state and thus precipitates a *status quo* dispute.

The category "international disputes" includes disputes which are "legal" in the sense that the parties have submitted them to adjudication, but it also includes disputes which are political in the sense that the parties have submitted them to some other international procedure, such as diplomacy, conciliation, mediation, or consultation. It has been suggested that for states parties to the optional clause of the World Court statute a strict interpretation of the League of Nations Covenant would have excluded any consideration of disputes by the Council under Article 15 of the Covenant because all disputes governed by international law should be submitted to the Court and all other disputes would be solely within the domestic jurisdiction of one party and so would be excluded from Council consideration by paragraph 8 of Article 15.[9]

This, however, overlooks the fact that a dispute can be adjudicated only if at least one of the parties submits it to the Court. It may happen that both parties prefer the political forum. It may even be that the parties have bound themselves to seek settlement by diplomacy, conciliation, or other nonjudicial

basis for determining where it should be drawn." The Paris Peace Conference, it is true, treated this as a political question, but it would seem that theoretically a court could have been seized of this question and, if it had, could have solved it juridically by considering the effect of the recognition of Poland in reviving old treaties and boundaries of the eighteenth century and the legal effect and meaning of the pertinent general principles announced in the Fourteen Points and accepted in the pre-Armistice agreement.

[8] This phrase of par. 8, Art. 15, of the League of Nations Covenant refers to disputes which are not only within the judicial jurisdiction of a state but also within its legislative and executive jurisdiction. There is, therefore, no basis for legal protest by other states however unjust or arbitrary the law or procedure applied. "As regards such matters, each state is sole judge" (*Tunis-Morocco Nationality Decrees* ["Publications of the Permanent Court of International Justice" (Leiden, 1923)], Ser. B, No. 4). In many exercises of its jurisdiction a state must observe treaties, or international law including, if a foreigner is involved, the rule that it must not "deny justice." Such cases are not "*solely*" within its domestic jurisdiction."

[9] J. L. Brierly, "Matters of Domestic Jurisdiction," *British Year Book of International Law, 1925*, p. 9. The Permanent Court of International Justice (*op cit.*) gave some justification for this opinion in the Tunis-Morocco nationality decrees case by making the nondomestic character of a dispute dependent upon the existence of international obligations with respect to its solution.

method before resorting to adjudication. Thus it cannot be said that all disputes are either international legal disputes or domestic disputes. No dispute is, strictly speaking, an international legal dispute until submitted to adjudication. A potential international legal dispute submitted to a political procedure is an international political dispute. Four types of disputes between states may, therefore, be distinguished:

1. International legal disputes, in which the parties submit to adjudication and base their claims on international law
2. International political disputes, in which the parties seek settlement by a political procedure and base their claims on nonlegal considerations
3. *Status quo* disputes, in which one party relies on international law and the other on nonlegal considerations
4. Domestic disputes, the solution of which international law leaves to one state; if another state intervenes, the dispute becomes a *status quo* dispute

The last two classes are those which most endanger the peace.[10]

[10] Brierly, *op. cit.*, p. 13.

APPENDIX XXXIV

POLITICAL DISPUTES BEFORE THE
LEAGUE OF NATIONS

The actual work of the League of Nations has been more administrative and investigatory than political, and the political work has taken the form of preventive and consultative activity more often than that of dealing with political controversies.[1]

Much of the time of the Secretariat, the Council, and the commissions was spent on administrative tasks, such as supervision of Danzig, the Saar Valley, and the mandated territories, and in dealing with minorities, governments given financial assistance, registration of treaties, and drug control. Some of this work involved important political controversies, but the League handled it as an administrative responsibility governed by the terms of treaties or other international instruments in force rather than as a political responsibility to settle international disputes.

The League also did a great deal of investigatory and advisory work through the "Technical Organizations." These included the relevant section of the Secretariat and commissions with occasional international conferences charged with such subjects as economic and financial relations, transit and communications, health, and intellectual co-operation. The work on slavery, white slavery, and child welfare was similarly handled. The International Labour Organization, though more independent than the "Technical Organizations" of the League, treated its problems in a similar manner. This work seldom involved serious political problems, or if it did, as in the problem of trade barriers, little of importance was accomplished.

The political work of a preventive character consisted in the preparation and conduct of diplomatic conferences with the object of developing international law and procedures of pacific settlement, of promoting disarmament, and of organizing collective security and peaceful change. These matters were often discussed in the Assembly and the Council and resulted in the formulation of some general treaties. They involved important political differences but were not treated as international disputes.

The League could be seized of political disputes under Articles 4, 10–17, or 19 of the Covenant, and often disputes were submitted under special treaties between the parties. Article 11, which pointed toward a conciliatory procedure,

[1] Secretariat of the League of Nations, *The Aims, Methods and Activity of the League of Nations* (Geneva, 1935); Denys P. Myers, *Handbook of the League of Nations* (Boston: World Peace Foundation, 1935).

TABLE 65

POLITICAL DISPUTES BEFORE THE LEAGUE OF NATIONS, 1920–39

1	2	3	4	5	6
1. Eupen and Malmedy.....	1920–21	C	4(4)	*Germany*-Belgium	+
2. *Enseli*...............	1920	C	10, 11(1)	Persia–*U.S.S.R.*	o
3. Aaland Islands..... ..	1921	C	11(2), 15(4), 17	Sweden-*Finland*	+
4. *Vilna*........	1920–31	C	15, 17, 11	Poland-*Lithuania*	—
5. Tacna-Arica..........	1920–21	A	19, 15	Bolivia, Peru-Chile	o
6. *Coto*.................	1921	C	4(4)	Costa Rica–Panama	o
7. *Albanian frontier*..	1921–24	C	11(1), 16	Albania-Yugoslavia, Greece	+
8. Austrian estates.........	1921	C	4(4)	Austria-Yugoslavia	+
9. Upper Silesia	1921–22	C	11(2)	Poland-*Germany*	+
10. Eastern Carelia....	1921–23	C	11(2), 17	Finland–*U.S.S.R.*	o
11. Insurance funds........	1921–25	C	T	France, Poland-*Germany*	+
12. Saar railroads........ .	1921–22	C	T	Saar-*Germany*	+
13. Burgenland.........	1922	C	T	Austria-Hungary	+
14. Bulgarian frontier .. .	1922	C	11(2)	Bulgaria-Rumania, Yugoslavia, Greece	o
15. Hungarian frontier..	1922	C	4(4)	Hungary-Yugoslavia	o
16. St. Naoum Monastery....	1922–25	C	11(2)	Yugoslavia-Albania	+
17. Salgo Tarzan	1923	C	T	Hungary-Czechoslovakia	+
18. Tunis nationality decrees.	1922	C	4(4)	Great Britain–France	+
19. Hungarian optants.... ..	1923–30	C	11(2), 13, T	Hungary-Rumania	o
20. Jaworzina	1923	C	11(2)	Poland-Czechoslovakia	+
21. *Corfu*........	1923	C	12, 15, 10	Greece-Italy	o
22. Memel..........	1923–32	C	11(2)	Lithuania-Powers	o
23. Koritza....	1924	C	11(2)	Albania-Yugoslavia	+
24. Ottoman public debt.....	1924–25	C	4(4)	Bulgaria, France, Greece-*Turkey*	+
25. *Mosul*.................	1924–26	C	T	Great Britain, Iraq-*Turkey*	+
26. Ecumenical patriarch....	1925	C	11(2)	Greece-*Turkey*	+
27. *Demir Kapu*..........	1925–26	C	10, 11(1)	Bulgaria-Greece	+
28. Maritza..	1926	C	11, 14	Greece-*Turkey*	o
29. Spheres in Ethiopia......	1926	C	4(4), 10	Ethiopia–Great Britain, Italy	+
30. Succession to railroads...	1926–35	C	T	Austria, Hungary–Little Entente	+
31. Danube Commission.. .	1926–33	C	T	Powers-Rumania	+
32. Albanian minorities	1924–28	C	11	Albania-Greece	o
33. Cruiser "Salamis"..... ..	1927–28	C	T	Greece-Germany	o
34. Bahrein Islands........ .	1927	C	4(4), 10	Iran–Great Britain	o
35. Szent-Gotthard arms.....	1928	C	T	Little Entente–Hungary	+
36. Unequal treaties.........	1929	A	19	China-Powers	o
37. *Gran Chaco*......	1928–35	C, A	4(4), 11, 15(4)	Bolivia-Paraguay	—
38. Rhodope forests.........	1930–34	C	T	Greece-Bulgaria	+
39. Austro-German Customs Union...............	1931	C	4(4), T	Great Britain, France-Austria	+
40. Bulgarian-Greek debts...	1931	C	T	Bulgaria-Greece	+
41. Iraq-Syrian frontier ...	1931–33	C	T	France–Great Britain	+
42. Liberia...............	1931–34	C	4(4)	Liberia-Powers	o
43. Finnish vessels.... .	1931–35	C	15, 11(2)	Finland–Great Britain	o
44. *Manchuria*.......... ..	1931–33	C, A	11, 10, 15(4)	China-Japan	—
45. Assyrians.	1932–37	C	4(4)	Great Britain–Iraq	o
46. Anglo-Persian Oil Co.....	1932–33	C	15	Great Britain–Iran	o
47. *Leticia*.................	1932–35	C	15(4)	Colombia-Peru	+
48. Arms smuggling....... .	1933	C	T	Little Entente–Austria	o
49. Swiss war losses... ...	1934	C	11(2)	Switzerland-Powers	o
50. Hungarian frontier... .	1934	C	11(2)	Hungary-Yugoslavia	o
51. Marseilles crime.........	1934–35	C	11(2), 10	Yugoslavia-Hungary	o
52. German rearmament.....	1935	C	11(2)	France, Italy, Great Britain–Germany	+
53. *Ethiopia*...............	1935–38	C, A	11, 12, 15(4), 16	Ethiopia-Italy	—
54. Iraq frontier...	1934	C	11(2)	Iraq-Iran	+
55. Burma frontier.........	1935	C	4(4)	Great Britain–China	+
56. Saar Valley.............	1935	C	4(4), T	League-Germany	+
57. Uruguay-Soviet relations.	1936	C	11(2)	U.S.S.R.–Uruguay	+
58. Rhineland occupation....	1936–38	C	T	France, Belgium-*Germany*	—
59. Jurists in Iraq...........	1936	C	4(4)	Iraq-Powers	+
60. *Spanish Civil War*.......	1936–39	C, A	11(1)	Spain-Italy, *Germany*	+
61. Alexandretta.............	1936–37	C	4(4)	Turkey-France	+
62. Partition of Czechoslovakia....................	1938	A	3(3)	Czechoslovakia-*Germany*	—
63. *China*..	1937–39	C, A	10, 11, 17	China-*Japan*	—
64. Aaland Islands..........	1939	C	T	Finland-Sweden	o
65. *Albania*...............	1939	C, A	10, 11, 17	Albania-*Italy*	—
66. *Russo-Finnish War*......	1939	C, A	11, 15	Finland–U.S.S.R.	—

+35, o 20, —11

These notes refer to the numbers at the top of the columns of the table.

1. The list is compiled from League of Nations, Information Section, *Essential Facts about the League of Nations* (Geneva, 1938), pp. 156 ff.; D. P. Myers, *Handbook of the League of Nations* (Boston: World Peace Foundation, 1935), pp. 298 ff.; League of Nations, *Monthly Summary*. Italics indicate that hostilities occurred.

2. The dates indicate the period during which the controversy was before League organs.

3. The letters indicate whether the controversy was considered by the Council or by the Assembly or by both.

4. The figures indicate the article and paragraph ( ) of the Covenant invoked. In some cases the League declined to apply the article invoked. The letter *T* indicates that a provision of a special treaty or agreement was invoked as the basis of League competence.

5. The states indicated are those primarily involved in the controversy. The ones italicized were not members of the League at the time of the controversy. The state invoking the League's procedure is put first, though in some cases a third state invoked the League s procedure.

6. A plus sign (+) indicates settlement of the dispute in accord with League procedures; a minus sign (−) indicates settlement by dictation of one of the parties contrary to League procedures; a zero (o) indicates no settlement at all or a settlement through some procedure outside of the League (diplomacy, mediation, council of ambassadors, special conference, etc.).

was used most frequently, and Article 19, which concerned revision of treaties and transfers of territory, was invoked hardly at all. In most cases the League dealt with political disputes by a quasi-judicial procedure in the Council or, if the case was very serious, in the Assembly.[2] The parties presented their arguments, the matter was discussed, and a *rapporteur* presented a report which was voted on. Unanimity was usually necessary for a recommendation unless the dispute came under Article 15, when the votes of the litigating states were not counted. Legal aspects of disputes were usually submitted to judicial authority, and special commissions were occasionally used. From 1921 to 1941 the Permanent Court of International Justice gave twenty-seven advisory opinions and thirty-two judgments, but only seven of the advisory opinions concerned political disputes before the League.[3] In three cases the League set up a special commission of jurists, and in eight cases it sent special commissions to the seat of trouble.

The League dealt successfully with thirty-five of the sixty-six political disputes before it (Table 65). Twenty disputes were transferred to other agencies. In eleven disputes the League failed, and these were the most serious ones. Fifteen of the sixty-six disputes involved hostilities, and, of these, the League dealt satisfactorily with four and failed in eight. Three were dealt with moderately successfully by other agencies. The League's experience indicates the extreme difficulty of dealing with serious political disputes without more authority than the League possessed.[4]

[2] T. P. Conwell-Evans, *The League Council in Action* (London, 1929); Margaret E. Burton, *The Assembly of the League of Nations* (Chicago, 1941), chaps. ix and x.

[3] Manley O. Hudson, *The World Court, 1921–1938* (Boston: World Peace Foundation, 1938); "The Twentieth Year of the Permanent Court of International Justice," *American Journal of International Law*, XXXVI (January, 1942), 5.

[4] See above, chap. xxix, secs. 4 and 5.

APPENDIX XXXV

THE DEFINITION OF CERTAIN SOCIO-
LOGICAL TERMS

The terminology of sociology has been somewhat unstable, though this condition has been to some extent remedied by the careful discussion of many sociological concepts in the *Encyclopaedia of the Social Sciences*. Sociological terms are, for the most part, also terms of ordinary conversation; consequently, establishment of their technical meaning is peculiarly difficult. In this book an effort has been made to use these terms consistently in the senses here indicated. In arriving at these definitions, Ogburn and Nimkoff (*Sociology* [Boston, 1940]) have been in the main followed, though with continual reference to Park and Burgess (*Introduction to the Science of Sociology* [2d ed.; Chicago, 1924]) and to the *Encyclopaedia of the Social Sciences*.

These terms have been classified according as they designate social entities, social processes, social forces, or social relations. Some terms are ambiguous in this respect. Thus an "institution" has sometimes been conceived as a social entity and sometimes as a social process. It has even been conceived as a social force or a nucleation of social relations. In general, however, a particular sociological term has been conceived as designating only one of these forms of social experience. A social entity has a life-history, occupies a definite space at any moment, and is thought of by analogy to the sensory experience of material things. A social process is a movement through typical stages from one social situation to another and is thought of by analogy to the intuitional experience of the duration of activity. A social force is a condition external to a social entity or a social process inducing or compelling changes and is thought of by analogy to the subjective experience of volition or will-power in achieving results. A social relation is a condition inherent in the existence of many social entities, accounting for social behavior and social changes and is thought of by analogy to the experience of intellectual analysis in understanding phenomena.

These four modes of conceiving sociological phenomena may be compared to the modes of scientific analysis—physicalism, behaviorism, operationalism, and mechanism[1]—and to the modes of legal analysis emphasizing, respectively, jural persons, jural procedures, jural interests, and jural relations.[2]

[1] Leonard Bloomfield, *Linguistic Aspects of Science* ("International Encyclopedia of Unified Science," Vol. I, No. 4 [Chicago, 1939]), p. 13. Combining "entities" and "processes" as "actual facts" these seem also to conform to Peirce's three modes of being (above, chap. xvi, n. 4).

[2] Q. Wright, *Mandates under the League of Nations* (Chicago, 1930), p. 287.

In the early history of a science attention has usually been concentrated upon description of the entities or things which the science deals with. Attention has later been shifted to processes and forces which account for the character and distribution of these entities at any time and which permit of rough predic-

TABLE 66

THE INTERRELATIONSHIPS AMONG CERTAIN SOCIOLOGICAL
AND BIOLOGICAL TERMS

	The Group in General	The Member of a Group	The Similarity Group	The Territorial Group	The Associational Group
Social entities[3]*	Group[4] Crowd[5] Mob[6]	Personality[7]	Culture[8]	Community[9] Public[10]	Society[11] Association[12] Organization[13] Institution[14]
Social processes[15]	Interaction[16] Integration[17] Differentiation[18] Collective behavior[19]	Unrest[20]	Progress[21] Diffusion[22] Assimilation[23]	Opposition[24] Competition[25] Rivalry[26] Conflict[27] Accommodation[28]	Co-operation[29] Labor in common Supplementary labor Division of labor
Social forces[30]	Social pressure[31]	Wish[32] Human nature[33] Attitudes[34]	Interest[35]	Public opinion[36]	Social control[37] Social symbol[38]
Social relations[39]	Social distance[40] Social change[41]	Status[42]	Cultural lag[43]	Social contact[44] Social isolation[45]	Social solidarity[46]
Biological entities	Aggregate	Individual organism	Species Race	Biocoenosis	Society Hive Colony Flock Herd
Biological processes	Migration Separation Differentiation	Activity Variation Mutation	Evolution Inbreeding Hybridization	Struggle Adaptation Selection	Symbiosis Commensalism Parasitism
Biological forces	Vital energy	Drives Morphological structure Morphological function	Instincts Reflexes	Habits	Societal behavior
Biological relations	Geographic distribution Geographic succession	Niche	Genetic relationship	Ecological relationship	Societal relationship

* These numbers coincide with text references to footnotes.

tion and control of their future. The maturity of a science has usually dealt with the analysis of fundamental relations permitting of greater abstraction, of measurement, and of more accurate prediction and control.

Table 66 indicates the relationship among these sociological terms and the relationship of each to certain biological terms. Many of these terms are related to others in ways which could not be indicated in the table. Emphasis upon

other connotations of a term might, in some cases, have justified a different position. The following notes supplement the table by giving more complete definitions.

SOCIAL ENTITIES[3]

A *group* is any collection or classification of personalities.[4]

A *crowd* is a group whose members are in close contact with one another and are influenced by the same symbols.[5]

A *mob* is a crowd in action.[6]

A *personality* is an individual viewed in relation to his social situation or the totality of the characteristics of an individual influencing his role in the social situation.[7]

[3] The types of social entities present some analogy to the types of biological entities (Vol. I, Appen. VII, sec. 4), though they differ in that social entities are such by virtue of psychological relations among the parts, while biological entities are such by virtue of physical relations among the parts. This distinction, however, is not absolute. Animal aggregations resemble human groups, crowds, and mobs. Individual animals resemble human personalities. Animal species resemble human cultures. Biological communities, or biocoenoses, resemble human communities and publics. Animal societies, colonies, hives, and herds resemble human societies, institutions, organizations, and associations (see Table 66). For a discussion of treatment of sociology from the point of view of social entities, structures, organisms, or organizations see articles in *Encyclopaedia of the Social Sciences* by G. Salomon ("Social Organism"), R. H. Lowie ("Social Organization"), and Talcott Parsons ("Society"). This emphasis has been largely superseded by that upon social processes by modern sociologists (below, n. 15).

[4] "The group is the most general and colorless term used in sociology for combinations of persons" (A. W. Small, *General Sociology* [Chicago, 1905], p. 495, quoted in R. E. Park and E. W. Burgess, *Introduction to the Science of Sociology* [2d ed.; Chicago, 1924], p. 198; see also *ibid.*, p. 163; Louis Wirth, "The Scope and Problems of the Community," *Publications of the Sociological Society of America*, XXVII [May, 1933], 62). Sapir suggests that "a group is constituted by the fact that there is some interest which holds its members together," but he classifies groups as "those physically defined, those defined by specific purposes and those symbolically defined" ("Group," *Encyclopaedia of the Social Sciences*). W. F. Ogburn and M. F. Nimkoff (*Sociology* [Boston and New York, 1940], pp. 10 and 245) generally prefer the "process" to the "entity" point of view and speak of "group life" rather than of "groups."

[5] Park and Burgess, *op. cit.*, p. 869; L. Wirth, "Social Interaction: The Problem of the Individual and the Group," *American Journal of Sociology*, XLIV (May, 1939), 971.

[6] Park and Burgess, *op. cit.*, p. 869.

[7] *Ibid.*, p. 70. Cases of dual personality indicate the dependence of personality upon the social situation (*ibid.*, pp. 69–70, 472 ff.). "The person is an individual who has status. . . . . Status means position in society. The individual inevitably has some status in every social group of which he is a member" (*ibid.*, p. 55). Sapir distinguishes the sociological from the philosophic, physical, psychophysical, and psychiatric meanings of personality ("Personality," *Encyclopaedia of the Social Sciences*). See also Wirth, "Social Interaction," *op. cit.*, p. 966.

A *culture* is a group whose members have many behavior patterns in common or the totality of the common behavior patterns of such a group.[8]

A *community* is the group consisting of substantially all the occupants of a socially defined area or "the total organization of the social life within a limited area."[9]

A *public* usually occupying a defined territory is a group whose members discuss the same symbols.[10]

A *society* is a group manifesting sufficient co-operation internally and sufficient opposition externally to be recognizable as a unity.[11]

[8] Ogburn and Nimkoff (*op. cit.*, p. 25), quoting R. Redfield. B. Malinowski defines culture as "social heritage" ("Culture," *Encyclopaedia of the Social Sciences*).

[9] Ogburn and Nimkoff, *op. cit.*, p. 395; Park and Burgess, *op. cit.*, p. 163. Proximity among human beings develops communication which implies social life, consequently "every community is a society but not every society is a community" (Wirth, "Scope and Problems of the Community," *op. cit.*, p. 63). But communities may differ in degree of socialization; consequently, "an aggregate may constitute a community without being a society"! (Wirth, "Ideological Aspects of Social Disorganization," *American Sociological Review*, V [August, 1940], 473). Sometimes emphasis is upon the organization, sometimes upon the social life, and sometimes upon the area. To emphasize these distinctions, the terms "organized community," "social community," and "geographical community" may be used (see E. C. Lindeman, "Community," *Encyclopaedia of the Social Sciences*).

[10] Ogburn and Nimkoff, *op. cit.*, p. 282; Park and Burgess, *op. cit.*, p. 869; H. D. Lasswell, *World Politics and Personal Insecurity* (New York, 1935), p. 83.

[11] Park and Burgess, *op. cit.*, p. 163; Wirth, "Scope and Problems of the Community," *op. cit.*, p. 63. The word "society," like the words "community," "culture," "organization," and "association," is often used abstractly to indicate a general social process or relation rather than a particular social entity (see Parsons, *op. cit.*). In the latter sense a society exists formally when it *is* recognized as such by others. Substantively, it exists when there is a sufficient degree of internal co-operation and external opposition so that it could be recognized by others. This distinction has been clearly appreciated in international affairs. In international law a state exists *de jure* when it has been recognized as a state by the existing members of the family of nations (L. Oppenheim, *International Law* [London, 1937], Vol. I, sec. 71). In international politics, on the other hand, a state exists *de facto* when it has been sufficiently organized internally and demarcated externally to be recognizable as a state (W. H. Ritsher, *Criteria of Capacity for Independence* [Jerusalem, 1934]; League of Nations, *Minutes of the Permanent Mandates Commission* [Geneva, 1931], XX, 228 ff.). Efforts have been made to formulate types of societies according to their degree of organization and segregation. Ferdinand Tönnies emphasized the distinction between *Gesellschaft* and *Gemeinschaft*. By the first he meant an "artificial" or contractual society. The members have separate and often conflicting interests but have agreed to act together for specified purposes, by specified procedures, usually only in a specified area, and for a specified period. *Gesellschaften* originate by a formal act, function only in respect to specified objectives, and are hampered by frequent controversy among the members as to the scope of the

An *association* is a society organized to achieve a limited purpose.[12]

An *organization* is a group with a social structure of subordination-super-ordination permitting it to function as a unit with respect to certain interests.[13]

society's objectives and their conflicting interests. Such societies include most associations and are illustrated in extreme form by political alliances among sovereign states and trade associations among competing firms. Such societies manifest the emergence of conscious social organization from a blind system of forces. By *Gemeinschaft* Tönnies meant a "natural" or customary society. The members assume that all have a general similarity of outlook, interest, and purpose and co-operate without conscious calculation. Such societies usually originate "naturally" because of the proximity or continuous communication among a number of persons. They function on all subjects of common interest and rely on harmonious and spontaneous collaboration when the existence or functioning of the society is threatened. Such societies include most communities and are illustrated by families, tribes, and nations. They have some of the characteristics of biological organisms in that the members, from closeness of contact, wealth of common experience, and often common heredity feel without analysis their mutual dependence and group loyalty. The two types are not in reality separated by sharp lines. Most societies have, in fact, aspects of both types. The state has been, respectively, put in each of these classes by advocates of the contractual and the organic theories. Believers in individual and human rights have favored the contractual theory, while believers in nationalism and sovereignty have favored the organic theory. The constitutions of most societies, whether associations or communities, have usually been defined in part by formal compacts and agreements and in part by custom and practice. Societies have grown, partly by conscious design and partly by unconscious development. They have generally recognized concrete purposes, but they have also recognized the possibility of wider co-operation toward universal ends. Objectively the members have manifested some interdependence of interest and similarity of behavior patterns, and subjectively they have usually been conscious of sentiments and purposes in common. The members of all societies exhibit both conflict and harmony, and thus the stability of the society results from a dynamic rather than from a static equilibrium. But though a sharp line cannot be drawn, the distinction is useful in that it emphasizes the wide range of intensity in degree of organization and solidarity among societies. It may lead to error, however, if it suggests that geographical communities necessarily under all conditions exhibit more solidarity than functional associations or that societies resting on custom and sentiment are necessarily "better" than societies resting on purpose and interest (see Q. Wright, *Mandates under the League of Nations*, pp. 268–73). Societies might be classified more scientifically by measuring their degree of solidarity by some appropriate criteria, such as the ratio of central to local and private expenditures (see L. Wirth, "Localism, Regionalism, and Centralization," *American Journal of Sociology*, Vol. XLII [January, 1937]).

[12] "Associations in contrast to social institutions are less universal and less permanent organizations" (Ogburn and Nimkoff, *op. cit.*, p. 555). See also Morris Ginsburg, "Association," *Encyclopaedia of the Social Sciences;* above, n. 11.

[13] "Organization is an effective group device for getting something done" (Ogburn and Nimkoff, *op. cit.*, p. 553). Elsewhere, Ogburn and Nimkoff use "organization" as roughly equivalent to a condition of dynamic equilibrium. "Society as a going con-

An *institution* is a group organized to further a permanent interest of a culture or the totality of behavior patterns within a culture related to one of its permanent interests.[14]

SOCIAL PROCESSES[15]

Interaction is the process by which social entities reciprocally influence one another.[16]

---

cern is an organization. The organization consists of habits and institutions, among which there is a fair degree of equilibrium" (*ibid.*, p. 878; see also below, n. 18). "Social organization is used in a broad sense by sociologists to cover any kind of social structure. Every human group is organized" (Lowie, *op. cit.*). Organization without the adjective "social," however, is usually related to government, implying subordination and superordination (see Walton H. Hamilton, "Organization, Economic," and H. Finer, "Organization, Administrative," *Encyclopaedia of the Social Sciences*). Organization is also used to designate the process by which an organization begins, develops, and functions.

[14] "Social institutions are organized, established ways of satisfying certain basic human needs" (Ogburn and Nimkoff, *op. cit.*, p. 555). See also Hamilton, "Institution," *Encyclopaedia of the Social Sciences*. Park and Burgess (*op. cit.*, p. 796) quote Sumner's description of an institution as consisting of a concept defining its purpose, interest, or function and a structure embodying its idea and furnishing the instrumentalities to put the idea into action.

[15] Modern sociologists have preferred to think in terms of processes rather than in terms of entities, forces, or relations. "The history of the social process concept is closely tied up with the history of the emergence of sociology as an autonomous study" (Max Lerner, "Social Process," *Encyclopaedia of the Social Sciences*). See also Park and Burgess, *op. cit.*, pp. 43–44. Herbert Spencer emphasized social processes in his application of the general theory of evolution and dissolution to society, but the processes which he emphasized—integration (see below, n. 17), differentiation (below, n. 18), dissipation (disintegration), aggregation (societal growth), and adaptation (adjustment to environment)—have in considerable measure dropped out of sociological terminology. They have a mathematical, physical, or biological rather than a sociological flavor (see L. M. Bristol, *Social Adaptation* [Cambridge, 1915], pp. 32 ff.). Park and Burgess (*op. cit.*, p. 663) distinguish the sociological term "accommodation" from the biological term "adaptation" (below, n. 28). Ogburn and Nimkoff (*op. cit.*, p. 344) regard "cooperation and opposition as the basic processes of group life" and regard competition, rivalry, and conflict as forms of opposition. They are careful, however, to emphasize that co-operation and opposition are not necessarily mutually exclusive (*op. cit.*, p. 347). Park and Burgess, on the other hand (*op. cit.*, p. 506), write "of the four types of interaction—competition, conflict, accommodation, and assimilation—competition is the elementary, universal and fundamental form," though it is often complicated with the other three. Competition may develop accommodation, assimilation, or conflict, and even conflict ends in accommodation (*ibid.*, p. 665; above, chap. xxxii, sec. 1a).

[16] Park and Burgess, *op. cit.*, p. 338.

Integration is the process by which the solidarity of a social entity is furthered.[17]

Differentiation is the process by which a social entity becomes distinguishable from its social environment.[18]

Collective behavior is the process by which a group changes as a unit.[19]

Unrest is the process within the personalities of a group which changes the structure and functioning of the group.[20]

Progress is the process by which a social entity, especially a culture, approaches the realization of its supreme values.[21]

Diffusion is the process by which culture traits are transmitted from one social entity to another.[22]

[17] In ordinary usage "integration" means the bringing of parts together into a whole. Herbert Spencer used it in his general theory of evolution to mean a movement from indefinite, incoherent homogeneity to definite, coherent heterogeneity (*First Principles*, p. 396). The word when used by modern sociologists seems to be related to the concept of social solidarity (below, n. 46, and H. D. Lasswell, "Conflict, Social," *Encyclopaedia of the Social Sciences*). Ogburn and Nimkoff use the word to refer to the closeness of interdependence of the parts of a society and distinguish it from organization, which refers to the equilibrium of parts resulting from a synchronization of their changes (*op. cit.*, p. 878). "The seriousness of the disorganization produced by unequal rates of change in the superorganic depends upon the closeness of integration of the different parts. If the parts of society were as closely integrated as the parts of a clock, the situation would be very serious" (*ibid.*, p. 885). See above, chap. xxviii, sec. 3c.

[18] "Differentiation" is often used to designate the increasing distinctiveness of a functional part of a group, as in specialization and division of labor, while "segregation" is used to designate the increasing distinctiveness of a group as a whole, often by spatial separation. Spencer used the term "differentiation" to express both ideas— movement toward greater complexity and definiteness (*Principles of Sociology*, pp. 471 and 596). The two ideas are really the same, because a functional part of a group is itself a group (Park and Burgess, *op. cit.*, p. 228). See above, chap. xxviii, sec. 3c.

[19] Modern sociologists avoid conceptions of social organism or social mind and interpret collective behavior as a consequence of interaction among individuals made possible by communication. Movements begin in unrest and develop through propagandas into institutions (Park and Burgess, *op. cit.*, p. 874).

[20] *Ibid.*, p. 866.

[21] Ogburn and Nimkoff, *op. cit.*, pp. 905–9; Park and Burgess, *op. cit.*, p. 962. Few modern sociologists would subscribe to Spencer's optimistic inference from the equilibrating tendency of evolution that "there is a gradual advance toward harmony between man's mental nature and the conditions of his existence," warranting the belief that "evolution can end only in the establishment of the greatest perfection and the most complete happiness" (*First Principles*, p. 517).

[22] Ogburn and Nimkoff, *op. cit.*, p. 781; A. L. Kroeber, "Diffusionism," *Encyclopaedia of the Social Sciences*.

Assimilation is the process by which the behavior patterns of two or more social entities approach identity.[23]

Opposition is the process by which social entities function in the disservice of one another.[24]

Competition is opposition among social entities independently striving for something of which the supply is inadequate to satisfy all.[25]

Rivalry is opposition among social entities which recognize one another as competitors.[26]

Conflict is opposition among social entities directed against one another.[27]

Accommodation is the process by which the opposition of social entities to one another is reduced.[28]

Co-operation is the process by which social entities function in the service of one another.[29]

---

[23] "Assimilation is the process whereby individuals or groups once dissimilar become similar; that is, become identified in their interests and outlook" (Ogburn and Nimkoff, *op. cit.*, p. 383). Park and Burgess (*op. cit.*, pp. 735–37) point out that while secondary contacts may promote accommodation, primary contacts and a common language are necessary for assimilation. Communication, institutions, suggestion, and cultural diffusion are processes of assimilation. The latter is to be distinguished from amalgamation, miscegenation, and hybridization, the biological process of race mixture. Conscious efforts at assimilation are sometimes called "acculturation" (*ibid.*, pp. 737–38).

[24] "When men strive against one another their conduct is labeled opposition" (Ogburn and Nimkoff, *op. cit.*, p. 344). Park and Burgess use "struggle" in about this sense (*op. cit.*, p. 574).

[25] Ogburn and Nimkoff, *op. cit.*, p. 346; W. H. Hamilton, "Competition," *Encyclopaedia of the Social Sciences*. Park and Burgess define competition as "interaction without social contact" (*op. cit.*, p. 506). See above, chap. xxxii, n. 16.

[26] "When there is a shift in interest from the objects of competition to the competitors themselves, rivalry results" (Ogburn and Nimkoff, *op. cit.*, p. 346). "Rivalry is a sublimated form of conflict where the struggle of individuals is subordinated to the welfare of the group" (Park and Burgess, *op. cit.*, p. 577).

[27] Rivalry may result in "antagonistic competition or social conflict." The ultimate object or "logical extreme of all conflict is the elimination of the competitors" (Ogburn and Nimkoff, *op. cit.*, p. 346). "Both competition and conflict are forms of struggle. Competition, however, is continuous and impersonal. Conflict is intermittent and personal" (Park and Burgess, *op. cit.*, p. 574). See also Ogburn and Nimkoff, *op. cit.*, p. 369; Lasswell, "Conflict Social," *op. cit.*

[28] "Accommodation is the term used by sociologists to describe the adjustment of hostile individuals or groups" (Ogburn and Nimkoff, *op. cit.*, p. 370). Park and Burgess (*op. cit.*, p. 665) contrast the sociological term "accommodation," implying changes in behavior, with the biological term "adaptation," implying hereditary changes in structure. Conscious accommodation is sometimes called "adjustment."

[29] Ogburn and Nimkoff (*op. cit.*, p. 344) emphasize the common goal of effort as the test of co-operation, but symbiosis or mutual aid seems to be a more general idea. There

SOCIAL FORCES[30]

Social pressure is the impact of the opinion of a group upon other social entities.[31]

Wishes are general objectives controlling the behavior of personalities.[32]

Human nature is the complex of sentiments and impulses characteristic of human beings as members of a group, not common to other animals and not peculiar to particular groups.[33]

may be co-operation even though the goals of the co-operators are different (see Park and Burgess, *op. cit.*, pp. 161 and 165). Co-operation may proceed by (1) labor in common or parallel action by many, (2) supplementary labor or united action by many, or (3) division of labor or differentiated and specialized action by many (Ogburn and Nimkoff, *op. cit.*, p. 345). As a practical movement, "co-operation" has emphasized a conscious setting of common goals for voluntary common action, thus opposing the "co-operation" which may arise from government compulsion or from free competition under a laissez faire economy (see Elsie Glück, "Cooperation," *Encyclopaedia of the Social Sciences*).

[30] "The idea of forces behind the manifestations of physical nature and of society is a notion which arises naturally out of the experience of ordinary man" (Park and Burgess, *op. cit.*, p. 435). This point of view has been more frequently adopted by historians and reformers than by sociologists, though social psychologists have utilized it. They have identified psychological elements as the basic social forces (*ibid.*, p. 437; L. L. Bernard, "Social Psychology," *Encyclopaedia of the Social Sciences*). Sociologists and others who have developed this point of view (Lester Ward, Simon Patten, T. N. Carver, J. Novicow, William James, Thomas Carlyle, Auguste Comte, E. A. Ross) are discussed by Bristol (*op. cit.*, pp. 221 ff.) under the heads "active material adaptation" and "active spiritual adaptation."

[31] "Pressure, as we shall use it, is always a group phenomenon. It indicates the push and resistance between groups" (A. F. Bentley, *The Process of Government* [Chicago, 1908], p. 258, quoted in Park and Burgess, *op. cit.*, p. 458). MacIver ("Pressures, Social," *Encyclopaedia of the Social Sciences*) distinguishes "social pressures" from "authoritarian controls." They include "mass social pressures directed against minorities . . . . and group social pressures emanating from particularist groups." See also Ogburn and Nimkoff (*op. cit.*, p. 287) on "Pressure Groups."

[32] Park and Burgess, *op. cit.*, p. 442, and quotations from E. B. Holt, J. B. Watson, and W. I. Thomas in *ibid.*, pp. 478–90. See also above, Vol. I, Appen. VIII.

[33] Human nature is the "explanation of behavior that is characteristically human." "Human nature, as distinct from the formal wishes of the individual and the conventional order of society, is an aspect of human life that must be reckoned with" (Park and Burgess, *op. cit.*, pp. 65 and 67). "By human nature we may understand those sentiments and impulses that are human in being superior to those of lower animals, and also in the sense that they belong to mankind at large, and not to any particular race or time. It means particularly, sympathy and the innumerable sentiments into which sympathy enters, such as love, resentment, ambition, vanity, hero-worship, and the feeling of social right and wrong. . . . . Human nature is not something existing separately in the individual, but a *group nature or primary phase of society*, a relatively

Attitudes are the behavior patterns of a personality with reference to an interest or a symbol.[34]

Interests are the objectives inducing the activity of social entities or the objectives highly valued in a culture.[35]

Public opinion is the expression of the attitude on controversial issues held by most of the members of a public and acquiesced in by substantially all.[36]

Social control is the conscious influence of one social entity upon another, especially of a community or society upon its members.[37]

Social symbols are emotionally charged signs of social values or interests.[38]

simple and general condition of the social mind. It is something more, on the one hand, than the mere instinct that is born in us—though that enters into it—and something less, on the other, than the more elaborate development of ideas and sentiments that makes up institutions" (C. H. Cooley, *Social Organization* [New York, 1909], pp. 28–30, quoted in Park and Burgess, *op. cit.*, p. 67). Graham Wallas minimizes the social element in human nature when he defines it as "the sum total of the human dispositions" (*The Great Society* [New York, 1917], p. 21).

[34] "The clearest way to think of attitudes is as behavior patterns or units of behavior" (Park and Burgess, *op. cit.*, p. 439). This is a little ambiguous. The attitude is the pattern or tendency to behave rather than the behavior itself. A person may act contrary to his attitude in order to deceive or in response to external pressures in a particular situation (see Bernard, "Attitudes, Social," *Encyclopaedia of the Social Sciences*, and above, Vol. I, Appen. VIII).

[35] "Interests are the simplest modes of motion which we can trace in the conduct of human beings" (Small, *General Sociology*, pp. 425 ff., quoted in Park and Burgess, *op. cit.*, p. 454). "When a number of men unite for the defense, maintenance or enhancement of any more or less enduring position or advantage which they possess alike or in common, the term interest is applied both to the group so united and to the cause which unites them" (R. M. MacIver, "Interest," *Encyclopaedia of the Social Sciences*). See also above, Vol. I, Appen. VIII.

[36] "Public Opinion can be said to exist only when a difference of opinion obtaining among the members of a public is a controversial matter" (Ogburn and Nimkoff, *op. cit.*, p. 284). "In order that it may be public, a majority is not enough and unanimity is not required, but the opinion must be such that while the minority may not share it, they feel bound by conviction not by fear to accept it" (A. L. Lowell, *Public Opinion and Popular Government* [New York, 1914], p. 15). See also Park and Burgess, *op. cit.*, p. 795; Wilhelm Bauer, "Public Opinion," *Encyclopaedia of the Social Sciences;* above, chap. xxx, n. 9.

[37] "Social control and the mutual subordination of individual members to the community have their origin in conflict, assume definite organized forms in the process of accommodation, and are consolidated and fixed in assimilation" (Park and Burgess, *op. cit.*, p. 785). See also Helen Everett, "Control, Social," *Encyclopaedia of the Social Sciences.*

[38] "Every society and every social group has, or tends to have, its own symbols and its own language. The language and other symbolic devices by which a society carries on its collective existence are collective representations" (Park and Burgess, *op. cit.*,

Social distance is the relation of social entities to others measuring the degree of their contact or isolation.[40]

Social change is the relation between different stages in the history of a social entity measuring the degree in which it is influenced by custom or by invention.[41]

p. 167). See also quotation from E. Durkheim (*The Elementary Forms of Religious Life* [New York, 1915], pp. 324 ff.) on social function of the concept (*ibid.*, p. 195). See also E. Sapir, "Symbolism," *Encyclopaedia of the Social Sciences*, above, chap. xxviii, sec. 5*b;* Appen. XXXVII.

[39] The explanation of observed facts in terms of relations between the simplest possible entities is the ideal of science. Physics formerly sought to explain everything by relations among atoms—now by relations among electrons, protons, neutrons, and positrons. Biology formerly sought to explain everything in its field by relations among cells—now by relations among protoplasmic molecules, of which possibly genes are a type. Sociology has sought to explain everything in its field by relation among social entities, though doubtless social entities can be explained by relations among the attitudes, interests, and culture traits of personalities or by the relations of signs used in a society to one another, to the things signified, and to the users (C. W. Morris, *Foundations of the Theory of Signs* ["International Encyclopedia of Unified Science," Vol. I, No. 2 (Chicago, 1938)], p. 42). Park and Burgess explain the transition from history to sociology in terms of the development of class names, or concepts, and laws, which are the expression of relationships. "The sociological point of view makes its appearance in historical investigation as soon as the historian turns from the study of 'periods' to the study of institutions. The history of institutions, that is to say, the family, the church, economic institutions, political institutions, etc., leads inevitably to comparison, classification, the formation of class names or concepts, and eventually to the formulation of law. In the process, history becomes natural history, and natural history passes over into natural science. In short, history becomes sociology" (*op. cit.*, p. 16). They illustrate by a diagram the transition from history, with its center of interest in the description of social entities and their changes; through anthropology, ethnology, folklore, and archeology, with their centers of interest in social processes; to sociology, with its center of interest potentially in social relations though, practically, still in social processes. From this may develop genuine applied sciences of politics, education, social service, and economics, with their center of interest in social forces. Practically, the disciplines which go under these names have had little foundation in a pure science of sociology but have developed directly from empirical history and experience in affairs (*ibid.*, p. 43).

[40] "The contacts of persons and of groups may be plotted in units of social distance" (Park and Burgess, *op. cit.*, p. 282; see also *ibid.*, p. 230). Ogburn and Nimkoff present a measurement of social distance of "Americans" from forty other nationalities and races (*op. cit.*, p. 388). Distance is the consequence of differentiation and segregation (above, n. 18; chap. xxxv, sec. 3).

[41] Ogburn and Nimkoff treat social change as a relation measured by the direction and rate of cultural growth and accumulation of one group compared with another

Social status is the relation, especially of superiority, equality, or inferiority, of a social entity to others manifested in behavior and recognized by the group of which all are members.[42]

Cultural lag is the relation of one trait to another within a culture measuring the difference in their rates of change.[43]

Social contact is the relation of social entities to each other, permitting social interaction.[44]

or of one stage in the history of a group compared with another stage (*op. cit.*, pp. 775 and 785), though elsewhere they seem to conceive of social change as a process by which a culture or society becomes different. Thus "the study of social change itself" is "contrasted with a description of changes that have already taken place" (*ibid.*, p. 773). Park and Burgess seem also to conceive social change as a process: "All more marked forms of social change are associated with certain social manifestations that we call social unrest. Social unrest issues, under ordinary conditions, as an incident of new social contacts, and is an indication of a more lively tempo in the process of communication and interaction. All social changes are preceded by a certain degree of social and individual disorganization. This will be followed ordinarily under normal conditions by a movement of reorganization. All progress implies a certain amount of disorganization" (*op. cit.*, pp. 54–55). Conceived as a social process, social change tends to become linked with the processes of progress and retrogression. "Change," write Ogburn and Nimkoff (*op. cit.*, p. 773), "is inevitable but it is not always favorable" (above, n. 21). It seems preferable to refer to "the process of social change" when that meaning is intended, using the term "social change" alone to refer to the relationship implied by the fact of differences in an entity at different times.

[42] "Status represents the position of the individual in the group. The term suggests, on the one hand, the idea of rank . . . . on the other hand, ... the idea of formalized behavior of some sort. . . . . A person's role in the group is the dynamic aspect of his status" (Ogburn and Nimkoff, *op. cit.*, pp. 306–7). "In a given group the status of every member is determined by his relation to every other member of that group" (Park and Burgess, *op. cit.*, p. 55). See also Max Radin, "Status," *Encyclopaedia of the Social Sciences*, and above, n. 7.

[43] "The strain that exists between two correlated parts of culture that change at unequal rates of speed may be interpreted as a lag in the part that is changing at the slowest rate, for the one lags behind the other" (Ogburn and Nimkoff, *op. cit.*, p. 886). See above, chap. xxxvii, sec. 1.

[44] "The simplest aspect of interaction, or its primary phase, is contact. . . . . Three popular meanings of contact emphasize (1) the intimacy of sensory responses, (2) the extension of contact through devices of communication based upon sight and hearing, and (3) the solidarity and interdependence created and maintained by the fabric of social life, woven as it is from the intricate and invisible strands of human interests in the process of a world-wide competition and cooperation. . . . . The use of the term 'contact' in sociology is not a departure from, but a development of, its customary significance. . . . . Members of a society spatially separate, but socially in contact through sense perception and through communication of ideas, may be thereby mobilized to collective behavior" (Park and Burgess, *op. cit.*, pp. 280–81).

Social isolation is the relation of social entities to others, preventing social interaction.[45]

Social solidarity is the relation of a group to its members, measuring the degree of their identification with it.[46]

[45] "In geography, isolation denotes separation in space. In sociology, the essential characteristic of isolation is found in exclusion from communication" (*ibid.*, p. 228). "The distinction between isolation and contact is not absolute but relative" (*ibid.*, p. 281).

[46] "Social solidarity is based on sentiment and habit. It is the sentiment of loyalty and the habit of . . . . 'concurrent action' that gives substance and insures unity to the state as to every other type of social group" (Park and Burgess, *op. cit.*, p. 759). There has been much discussion as to the importance of like-mindedness, of interdependence, of social organization, and of other factors in creating social solidarity (see above, n. 11, and chap. xxvii, sec. 3). One school of sociologists has sought to isolate a "feeling of solidarity" as the psychological basis of all social entities (see MacIver, "Sociology," *Encyclopaedia of the Social Sciences*, XIV, 239).

APPENDIX XXXVI

OPINIONS OF GOVERNMENTS WITH RESPECT TO FORMS OF INTERNATIONAL ORGANIZATION

The Sixteenth Assembly of the League of Nations withdrew sanctions against Italy on July 4, 1936, acknowledging thereby its failure to give Ethiopia the protection to which that state was entitled under the Covenant. At the same time a resolution was passed inviting the members of the League to submit proposals "to improve the application of the principles of the Covenant." Many states submitted such proposals,[1] and on October 9, 1936, a committee was authorized to study them. This committee appointed *rapporteurs* to deal with suggestions relating to universality, regionalism, sanctions (Art. 16), guaranties (Art. 10), mediation and intervention (Art. 11), peaceful change (Art. 19), and other questions concerning international organization and pacific settlement. The committee reported its progress on February 1, 1938, together with memorandums from the *rapporteurs* and the record of debates on the questions.[2]

Table 67 has been prepared from the opinions expressed by governments during the course of this investigation. In many cases opinions were more qualified than could be indicated in the table.[3]

States tended to consider universality unimportant if, like China, France, and the Soviet Union they considered sanctions important. On the other hand, states that wanted universality, as did Canada, Chile, the Netherlands, Norway, and Sweden, tended to consider sanctions unimportant, to acquiesce in the obsolescence of the League's coercitive authority, and to doubt the wisdom of regional security pacts. Many combinations of opinion were expressed in regard to Articles 10, 11, and 19. Great Britain, Norway, Canada, China, Colombia, and Estonia wanted to facilitate League intervention (Art. 11), but Great Britain wanted to hamper change (Art. 19), Norway to facilitate change (Art. 19), Canada to weaken sanctions (Art. 10), and China, Colombia, and Estonia to strengthen sanctions (Art. 10). Among the states that wanted to hamper League intervention (Art. 11), Hungary wanted to facilitate change (Art. 19), while Rumania and the U.S.S.R. wanted to hamper change (Art. 19).

[1] League of Nations, *Official Journal* (Spec. Suppl. No. 154, "Documents Relating to the Question of the Application of the Principles of the Covenant" [Geneva, 1936]).

[2] League of Nations, *Report of the Special Committee Set Up To Study the Application of the Principles of the Covenant* (Political, 1938, VII, 1).

[3] The material has been conveniently analyzed by S. Engel, "League Reform: An Analysis of Official Proposals and Discussions, 1936–1939," *Geneva Studies*, Vol. XI, Nos. 3–4 (August, 1940). See above, chap. xxix, sec. 4.

TABLE 67

Opinions of Governments with Respect to Forms of International Organization, 1937

Members of the League	2 Universality – Unimportant	2 Universality – Important	3 Regionalism – Desirable	3 Regionalism – Undesirable	4 Regional Security Pacts – Desirable	4 Regional Security Pacts – Undesirable	5 Sanctions (Art. 16) – Important	5 Sanctions (Art. 16) – Unimportant	6 League Is Now Coercitive – Yes	6 League Is Now Coercitive – No	7 Guaranties (Art. 10) – Strengthen	7 Guaranties (Art. 10) – Weaken	8 Intervention (Art. 11) – Less than Unanimity	8 Intervention (Art. 11) – Unanimity	9 Peaceful Change (Art. 19) – Less than Unanimity	9 Peaceful Change (Art. 19) – Unanimity	Total
Afghanistan							X										1
Albania										X							1
Argentina									X		X						2
Australia					X												1
Austria		X															1
Belgium		X								X			X				3
Bolivia					X												1
Bulgaria						X	X			X	X				X		5
Canada		X				X		X		X		X	X				6
Chile		X	X					X									3
China	X						X		X		X		X				5
Colombia	X		X				X		X		X		X				6
Cuba					X												1
Czechoslovakia					X											X	2
Denmark		X				X				X			X				4
Dominican Republic					X												1
Ecuador	X		X		X		X		X								5
Egypt										X							1
Estonia					X		X			X	X		X				5
Ethiopia																	0
Finland										X				X			2
France	X		X		X		X			X				X			6
Great Britain		X			X					X			X			X	5
Greece										X							1
Haiti		X															1
Hungary						X				X			X		X		4
India										X							1
Iran							X		X								2
Iraq					X		X			X							3
Ireland										X							1
Latvia		X			X		X			X			X				5
Liberia						X	X				X						3
Lithuania						X	X			X	X						4
Luxemburg										X							1
Mexico	X						X		X		X						4
Netherlands		X						X		X							3
New Zealand						X	X		X						X		4
Norway						X		X		X			X		X		5
Panama	X		X									X					3
Peru					X		X				X				X		4
Poland		X								X				X			3
Portugal		X														X	2
Rumania	X					X			X					X		X	5
Siam																	0
South Africa						X				X							2
Spain	X						X		X		X						4
Sweden		X			X		X			X			X				5
Switzerland		X															1
Turkey									X								1
U.S.S.R.	X				X		X		X				X			X	6
Uruguay			X							X							2
Venezuela																	0
Yugoslavia										X						X	2
Total	9	13	6	0	14	10	17	5	11	25	10	2	12	4	5	6	149

NOTES TO TABLE 67

These notes refer to the numbers at the top of the columns of the table.

1. There were fifty-three members of the League during this period. All but Ethiopia, Siam, and Venezuela expressed an opinion on at least one of these questions. Canada, Colombia, France, and the U.S.S.R. expressed an opinion on six of the questions. Fourteen states, parties to the Pact of Paris—Brazil, Costa Rica, Danzig, Germany, Guatemala, Honduras, Iceland, Italy, Japan, Nicaragua, Panama, Salvador, Saudi Arabia, and the United States—either were not members of the League or had given notice of withdrawal during the period.

2. A majority of those expressing an opinion considered it more important to make the League universal than to make it coercitive (see S. Engel, "League Reform: An Analysis of Official Proposals and Discussions, 1936–1939," *Geneva Studies*, XI, Nos. 3–4 [August, 1940], 83–84).

3. No state expressly opposed regionalism or continentalism (*ibid.*, p. 257).

4. A majority of those expressing an opinion favored regional security pacts (*ibid.*, p. 187).

5. A majority of those expressing an opinion (including most of those which considered universality relatively unimportant) considered coercitive sanctions as important (*ibid.*, p. 201).

6. A majority of those expressing an opinion considered that the League had lost its coercitive character because of the practical obsolescence of sanctions (*ibid.*, p. 154).

7. Ten states out of the twelve which expressed an opinion thought the guaranty of Art. 10 should be strengthened.

8. A large majority of those expressing an opinion thought League mediation and intervention under Art. 11 should be facilitated by removing the unanimity requirement. Many of these wished a majority rule; others wished unanimity, not counting the disputing states (Engels, *op. cit.*, pp. 221–27).

9. The eleven states which expressed an opinion were nearly evenly divided on the expediency of facilitating peaceful change by removing the unanimity rule from Art. 19. The same state sometimes expressed an opposite opinion in regard to the unanimity rule under Arts. 11 and 19 (see cols. 8 and 9 and Engel, *op. cit.*, p. 208).

APPENDIX XXXVII

THE RELATION OF CERTAIN PHILOSOPHIC AND LINGUISTIC TERMS TO GROUP LIFE

War between large groups is as much a problem of philosophy and language as of politics and economics. Large groups exist because of a common philosophy maintained by symbols, language, and ideologies. These groups come into conflict because of distortions in their knowledge of conditions which often result from flaws in these symbolic systems or because of the relations between or characteristics of the philosophies themselves. Nations fight because of misunderstandings, because of conflicting values, or because of valuing conflict itself. An understanding of the relation to society of such terms as facts, symbols, realities, ideologies, phenomena, and ideas is, therefore, important for understanding war.[1]

a) Symbols and meanings.—A symbol is something that stands for something else. The relation of a symbol such as a word to the thing it stands for (its semantic meaning) is not self-evident (as may be the relation of a picture to its subject) but depends upon conventions known to all who utilize the symbol. Symbols are especially important in communicating abstract or subjective experiences, such as ideas, purposes, attitudes, and feelings, from one person to another, because such experiences cannot be easily observed directly.[2] The fine arts may be considered symbolic systems with such communication as their prime purpose. They are interested in values, moods, and emotions which can be communicated only by re-creating the desired experience of the observer.[3] A symbol, however, is related not only to the thing which it stands for but also to other symbols which elaborate the relationships of that thing (its syntactic meaning) and to those who use the symbol and influence or are influenced by its use (its pragmatic meaning).[4]

b) Syntax, rhetoric, and logic.—The relation of ideas to one another has been a problem for logicians, the relation of words to one another has been a problem for grammarians, and the relation of thoughts to one another has been a problem for rhetoricians. Language tends to identify logical, grammatical, and

[1] Above, chap. xxviii, sec. 3; chap. xxxvii, sec. 5.

[2] The behaviorists have attempted to define such experiences by the description of nervous, glandular, linguistic, and other observed behaviors rather than by the description of his own introspections given by the person who has had the experience.

[3] I. A. Richards, *Principles of Literary Criticism* (New York, 1925).

[4] Charles W. Morris, *Foundations of the Theory of Signs* ("International Encyclopedia of Unified Science," Vol. I, No. 2 [Chicago, 1938]); above, chap. xxx, n. 29.

rhetorical relations with relations among things and events. People tend to assume that relations which can be stated grammatically, logically, and clearly must exist in the world, at least potentially; that what can be said without violating rules of syntax, logic, or rhetoric must be true. It is the function of science to determine what among the numerous grammatically, logically, and rhetorically correct propositions possible in a language are true in the sense of stating verifiable relations among the things symbolized. It is conceivable that a culture might develop a language which was incapable of saying correctly what is not scientifically true, but no known language has this characteristic. Logic, syntax, and rhetoric alone cannot establish scientific truth.[5]

  c) Semantics, organization, and epistemology.—The relation of ideas to things has been a problem for epistemologists, the relation of words to the thing designated has been a problem for semanticists, and the relation of thoughts to their realization has been a problem for organizers. Language tends to identify ideas, words, and thoughts with things and events, because many words, such as "history," "law," and "science," are used in the sense both of a linguistic exposition and of actual sequences or relationships of events.[6] Sociologists point out that ideas, words, and thoughts both affect and are affected by the sociological conditions in which they develop.[7] A culture owes its stability to this identification of the forms of its thought with the conditions of its life through its language. Language indicates the meaning of the world to the culture. Only those aspects of the world which are expressible in the language exist for the culture.

  d) Pragmatics, propaganda, and psychology.—The relation of ideas to thinkers has been a problem for psychologists, the relation of words to their users has been a problem for pragmaticists, and the relation of thoughts to society has been a problem for propagandists. Thought communicated to an individual influences his behavior and his personality. His behavior and personality at any moment condition the thoughts which he receives and communicates. Many words, such as "national honor," "liberty, equality, and fraternity," and "the fatherland," identify thought with the thinker. The word "fatherland" may equate a thinker's feelings of respect, love, and readiness to sacrifice with a large territory, its population, and its institutions. The thoughts current in a society as a whole, reflected in its changing language, are to its culture what the thoughts of an individual are to his personality. Symbols, by communicating thoughts, give a cultural meaning to conditions. By emotionalizing thought, they give a personal meaning to conditions. In both cases thoughts are continually sinking into the unconscious. Culture preserves forgotten thoughts by the stereotyping of words. Personalities preserve forgotten thoughts by processes of repression, displacement, and projection. The semanticist, therefore, by clarifying the relation of words to the things designated, does for a

----

  [5] Above, chaps. xvi and xix (n. 31).

  [6] Above, Vol. I, chap. iii, sec. 1; Vol. II, chap. xix, n. 32; chap. xxviii, n. 58.

  [7] Above, Vol. I, Appen. IV, sec. 2; Vol. II, chap. xxviii, sec. 3.

society what the psychoanalyst does for an individual by clarifying the relation of his thoughts to his personality. The educator, by establishing the meanings of words throughout a society, creates the conditions of social solidarity.

e) Language and facts.—Since thought can hardly have social significance unless transmitted and since, apart from the fine arts, it can be precisely transmitted only by means of language or other symbols, social science might abandon the mentalistic and metaphysical notion of thoughts, ideas, and concepts and substitute therefor language and other symbols which may be treated scientifically as observable conditions of social life.[8] Language may, however, distort other conditions of social life.

Peirce classified the forms of being into actualities, possibilities, and probabilities as disclosed by laws.[9] In their semantic meanings words tend to represent actual facts; in their pragmatic meanings, possibilities; and in their syntactic meanings, laws. The accuracy with which they do this varies. Societies can know the conditions to which they must adjust themselves, the possible modes of adjustment, and the adequacy of any of these possibilities only through the distorting language by means of which their members communicate with one another. The degree of that distortion is one of the conditions of any society with which social scientists must be concerned, just as the distortions of the microscope, the telescope, and the eye are conditions of observation and experiment with which the natural scientist must be concerned.

f) Ideologies and conditions.—In practical social activity ideas, values, purposes, sentiments, events, and other socially significant meanings of language are habitually treated as existing apart from the language. It appears to be a condition of social solidarity that the members of a society believe that the system of thought which characterizes the group has an objective validity. It is often convenient to treat a generally accepted system of thought or "ideology"[10] as distinct from other conditions of social existence which may be called reality, but it must never be forgotten that, in so far as the ideology distorts the reality which it purports to represent, it is itself a condition to be considered in a complete analysis.[11]

Ideologies may purport to be expositions of past or of present conditions.

[8] Leonard Bloomfield, *Linguistic Aspects of Science* ("International Encyclopedia of Unified Science," Vol. I, No. 4 [Chicago, 1939]); above, Appen. XXV, n. 20.

[9] Above, chap. xvi, n. 4.

[10] Karl Mannheim (*Ideology and Utopia* [New York, 1936], pp. xxiii, 49–50) uses the word "ideology" in the particular sense of a body of thought which is propagated to maintain the existing order and in the more general sense of the body of thought accepted by a group and assumed as axiomatic by its members during a historical period. The etymological and dictionary usage is more general than either of these, but in the social sciences Mannheim's broader conception is commonly intended. See above, chap. xxviii, n. 50.

[11] Above, n. 7; chap. xxviii, n. 63.

These may be concrete, as in a history, or abstract, as in a scientific manual. They may include propagandas, myths, and utopias with the object of influencing opinion to support or to change existing conditions. They may also include programs, procedures, and technologies which organize the means to particular ends and evaluate ends in terms of one another and of the possibilities of realization.

Actual ideologies usually combine these various types in different proportions. A pure science, though mainly analytic, usually tries to persuade its devotees of the validity of its postulates. A religion has a theology to be understood, a creed to be believed, and a ritual and service to be performed. A description, technology, or philosophy of social phenomena can hardly be written without some propagandistic effect.[12] Social propagandas may be classified as myths when the form is historical and as utopias when the form is prophetic. Both myths and utopias in this sense may have conservative or revolutionary tendencies, though myths are more often conservative and utopias more often revolutionary.[13]

g) Realities and symbols.—Reality means events, things, and conditions abstracted from the distorting influence of symbols and ideologies. Because of the impossibility of actually avoiding these distortions in dealing with most experiences, there have been many concepts of "reality." Plato used the word to refer to the most abstract ideas. He thought these disclosed the essences or most persistent characteristics of things, events, conditions, and their relations. This type of "reality" could be evidenced only by symbols. The real circle is the perfect circle which can be defined but not seen. Modern writers, on the other hand, have more often used the word "reality" to refer to the most concrete phenomena, evidenced by the senses with the least possible intervention of symbols. On the one hand, realism has been contrasted with nominalism in that it asserts the reality of universals or ideas. On the other hand, it has been contrasted with idealism in that it asserts the reality of concrete experiences. Both meanings refer to what is believed to exist in some sense. To these logical and empirical interpretations of reality may be added practical reality or faiths which may, by appropriate effort, be realized in the future. Myths, utopias, and other social ideologies may be realities in this sense. They may also be realities in the sense that they have literatures, histories, and practical consequences, even though not always those anticipated.

h) History and practice.—By neglecting some of the varieties of reality, writers indicate their preferences but make their analyses incomplete. By attributing reality to "economic conditions" and denying it to "political myths," Delaisi expressed a preference for existing economic conditions and the hope that

---

[12] Above, Appen. XXV, sec. 2.

[13] Mannheim considers ideologies always conservative and utopias always revolutionary. Above, n. 10.

the political myths which he disliked might not change them.[14] On the other hand, dynamic statesmen like Hitler and Mussolini preferred certain political myths to existing economic conditions and made vigorous efforts to bring the "reality" into harmony with the "myth." It cannot be asserted a priori that this is an impossible task. Economic conditions have been greatly changed in the past by the impact of ideas, however distasteful the changes may have been to many persons.

In a complete analysis, therefore, myths, utopias, and other ideologies must be treated as conditions no less important in describing the character of a society than its technology, institutions, personalities, and habitat. They constitute a major element of the culture. New histories, sciences, and religions may all exert a dynamic influence in society. When influential ideologies are widely separated from prevailing conditions, a revolutionary situation exists, and a struggle may be anticipated to determine whether adjustment will result in an alteration of the conditions to approximate the ideologies or in an alteration of the ideologies to approximate the conditions. Practical action usually attempts the first; historical scholarship, the second.[15]

i) Linguistic, social, and philosophical analyses.—Table 68 attempts to indicate certain relations between the terms which have been discussed and group life. Thought about language may move from facts in the sense of the laws to which things tend to conform, of the possibilities which they may become, and of the forms which they now have in time and space to the symbols by which they may be best represented. Linguistic thought may also move in the opposite direction from symbols which derive meaning from their relations to one another, from their influence upon the users, and from the characteristics of the things they represent to the facts which become known or are created by their use. These two approaches to knowledge, which may be called the inductive and the deductive methods, continually combine to modify the language and culture of the group and the personality of its members.

Social thought may move from reality as rationally, practically, or empirically perceived to create ideologies representing values to be achieved and the methods for achieving them. It may also move from accepted ideologies of the society through rhetoric, propaganda, and organization to modify reality. These

[14] Francis Delaisi, *Political Myths and Economic Realities* (New York, 1927).

[15] This proposition merely indicates a tendency. There is no absolute distinction between objective and subjective conditions. Symbols, ideologies, and ideas may be "realities" (above, sec. *g*), but they are distinguished by their social and artificial character usually involving evaluations. Consequently, they are the species of realities which usually initiate *practical* action. Historians have ideas, study ideologies, and interpret the meaning of symbols and language, but they attempt in presentation at least, to begin with objective conditions. Analysts use both methods, usually starting from existing social forms and arts. See above, Vol. I, chap. ii, sec. 5; chap. iii; Appen. IV; Vol. II, chap. xvi, n. 6; xix, sec. 2; chap. xxxviii; Appen. XXV; below, Table 68.

two approaches combine to create the social arts, such as economy, education, and government.

Philosophical thought may move from phenomena directly known by "logical necessity," intuition, or observation to the ideas which most accurately, use-

TABLE 68

RELATION OF CERTAIN PHILOSOPHIC AND LINGUISTIC TERMS TO GROUP LIFE

Types of Thought	Objective Conditions	Forms of Being or Becoming	Social Forms or Arts	Forms of Saying, Thinking, or Doing	Subjective Conditions
Linguistic	facts	probable possible actual	language personality culture	syntactics pragmatics semantics	symbols
Social	realities	rational practical empirical	economy education government	rhetoric propaganda organization	ideologies
Philosophi-cal	phenomena	axiomatic intuitional observational	metaphysics religion science	logic psychology epistemology	ideas

Move-ments of Thought	Induction and History–	–Deduction and Practice

fully, and clearly classify them. Philosophic thought may also move in the opposite direction from ideas, understood from their relations to one another, to people or to things, to the phenomena which may be realized by their analysis or manipulation. These two methods combine to develop the metaphysics, religion, and science of the group.

APPENDIX XXXVIII

GENERAL WELFARE AND RELATED CONCEPTS

The concept *general welfare* depends on the dualism of public functions and private functions, defined, respectively, by "public law" and "private law." Such a dualism would be eliminated in a pure socialist state in which all law would be public and in a pure laissez faire state in which all law would be private.[1] In practice neither extreme has ever been reached. Soviet Russia leaves the individual freedom to cultivate his vegetable garden and to own consumption goods, and liberal England recognized a criminal law and a *public policy* which restricted individual freedom of action and contract as well as a constitutional law defining the powers of public authorities. All actual economies are, therefore, in a literal sense "mixed," but the term can be confined to economies in which public law has extended considerably into the field which nineteenth-century liberalism regarded as that of private interest, without destroying the basic influence on the economy of free contract and competition. Various terms indicate different degrees of that extension.

In the Preamble of the United States Constitution *general welfare* denotes a sphere of government action beyond the normal spheres of "justice," "domestic tranquillity," and "defense," but a sphere which should not encroach upon the "blessings of liberty." A similar caution has been observed by the common-law courts in applying *public policy* as a grounds for voiding contracts. Judicial precedents defining *public policy* have been considered less authoritative than those "formulating principles which are purely legal" (i.e., which define private rights),[2] and "public policy" has only been applied to void contracts after due consideration of the dominant "public policy" favoring freedom in contracting and sanctity of contracts.[3]

The American constitutional law doctrines of *public interest* and *police power*, developed by the Supreme Court especially in the late nineteenth century, are of broader scope, permitting considerable subtraction from earlier interpretations of constitutional guaranties of freedom of contract and "due process of

---

[1] Gustav A. Waltz, "Public Law," *Encyclopaedia of the Social Sciences.*

[2] *Maxim Nordenfeldt Co.* v. *Nordenfeldt* [1894] A.C. 535.

[3] *Printing Co.* v. *Sampson*, L.R. 19 Eq. 465; T. E. Holland, *Jurisprudence* (Oxford, 1910), pp. 70 and 774; E. Freund, *Standards of American Legislation* (Chicago, 1917), pp. 34 ff.

law."[4] Thomas Paine emphasized the idea that *"internal police"* must be continually adjusted to changing circumstances.[5]

The term *social welfare* arose as a generalization of the activities of charitable and humanitarian organizations engaged in "social work"[6] and came to be called *public welfare* when such activity was undertaken by public authorities, particularly by state "welfare commissions" in the United States.[7] *Public welfare* has come to connote the legislative and administrative interpretation of the concept of *social welfare*, continuously pressing upon the courts for an expansion of the judicial concepts of *public policy, public interest, public purpose, public benefit,* and *police power* at the expense of the older judicial interpretations of freedom of contract and due process of law.

In a drift or a drive toward a state capitalism or a business socialism ways and means will be employed unknown to the police power of the tomes on constitutional law. . . . . A truce can be effected with a national industrial system only through a complementary system of control. As emergency succeeds emergency in the continuous process called history, an enlarged police is likely to make provision for a revised public welfare; and as it does the idiom police power will probably fade from the apologetic vocabulary of constitutional law.[8]

"Public welfare" is probably the best adapted of these terms to express the essential encroachment upon individual liberty compatible with a free economy within a politically organized "public," and "social justice" is probably the best adapted to express the same idea without such limitation. Social justice has been defined with substantially this meaning in the constitution and practice of the International Labour Organization, to which most states of the world have been parties.

[4] E. Freund, *The Police Power: Public Policy and Constitutional Rights* (Chicago, 1904); Rodney M. Mott, *Due Process of Law* (Indianapolis, 1926), pp. 300 ff.

[5] Mott, *op. cit.*, p. 301.

[6] Philip Klein, "Social Work," *Encyclopaedia of the Social Sciences.*

[7] E. Lindeman, "Public Welfare," *Encyclopaedia of the Social Sciences.*

[8] Walton H. Hamilton, "Police Power," *Encyclopaedia of the Social Sciences*, XII, 192.

APPENDIX XXXIX

THE RELATIONSHIP OF ORGANIC DRIVES AND THEIR CULTURAL INTERPRETATIONS

Human nature[1] results, on the one hand, from the historical processes of natural selection, trial and error, and habit. By these processes, manifested in organic evolution, social evolution, and traditional education, the organic drives of food, sex, dominance, and defense have been elaborated into complex behavior patterns in the adult individual. On the other hand, human nature results from the rational processes of analysis, generalization, and inference. By these processes, facilitating discovery, invention, and scientific education, social institutions and individual behavior patterns are continuously modified to give a more general and complete satisfaction to the organic drives.[2]

Among animals the historic processes dominate and among the most civilized peoples, the rational. Among children and primitive peoples both processes operate about equally. The rational processes are, however, hampered by inadequate knowledge; consequently, patterns are often based on inadequate analyses, false attributions of causes, and false assignments of reasons. These patterns, however, often constitute an adjustment which persists and enters into the traditional education. Thus the patterns characteristic of children and primitive peoples, while criticized by modern science, persist and play an important role in the behavior of civilized man and civilized societies.[3]

Table 69 indicates the relationship of the dispositions affecting the behavior of animals, primitive peoples, and civilized peoples. All these dispositions are related to the distinctive activities of protoplasm—nutrition, reproduction,

[1] See above, Appen. XXXV, n. 33. Sociologists emphasize the interplay of biological instincts and social conditionings in human nature (R. E. Park and E. W. Burgess, *Introduction to the Science of Sociology* [2d ed.; Chicago, 1924], pp. 67 ff.).

[2] The various analyses of human nature and the relation of complex to simple drives are discussed above, Vol. I, Appen. VIII. Park and Burgess (*op. cit.*, p. 66) note that, though man is distinguished from other animals by the possession of reason, writers on human nature usually emphasize man's irrationality. "There is in human nature generally more of the fool than of the wise" (Francis Bacon). See below, n. 15.

[3] This persistence of infantile associations is often disclosed by the psychoanalytic interview (see E. F. M. Durbin and J. Bowlby, *Personal Aggressiveness and War* [New York, 1939], pp. 62–104).

rivalry, and protection.[4] Each successive elaboration of each of these activities involves the others to an increasing extent. Thus among animals the drive for food concerns not only nutrition but also reproduction and rivalry. The secondary drive for activity is to some extent related to all the activities of protoplasm. This is true in even greater degree of the more elaborated dispositions, such as possessiveness, animism, capitalism, and economy.

TABLE 69

THE RELATIONSHIP OF ORGANIC DRIVES AND
THEIR CULTURAL INTERPRETATIONS

Evolutionary Stages / Activities of Protoplasm		Nutrition	Reproduction	Rivalry	Protection
Animal dispositions	Primary drives[1*]	Food[2]	Sex[3]	Dominance[4]	Defense[5]
	Secondary drives[6]	Activity[7]	Society[8]	Independence[9]	Territory[10]
Primitive dispositions	Tertiary drives[11]	Possessiveness[12]	Jealousy[13]	Resentment at frustration[14]	Opposition to intrusion[15]
	Rationalizations[16]	Animism[17]	Displacement (ambivalence, repression)[18]	Projection (narcissism, repression)[19]	Attack upon a scapegoat, revenge[20]
Civilized dispositions	Rationalisms[21]	Capitalism[22]	Socialism[23]	Ecclesiasticism[24]	Nationalism[25]
	Rationalities[26]	Economy[27]	Sociality[28]	Religion[29]	Polity[30]

* These numbers are coincident with the numbered paragraphs of the text.

An attempt has been made to place each disposition below the protoplasmic activity with which it seems to be most related. Polity, for example, has to do

[4] Above, Vol. I, chap. v, n. 1. Each of these activities may result from a disturbance of an equilibrium between fundamental aggressive (hate) and erotic (love) tendencies of protoplasm, perhaps related, respectively, to the elements of physical equilibriums—inertia and gravitation. Psychological equilibriums may resemble physical equilibriums established in atoms, molecules, and solar systems by which the centrifugal tendency of matter to persist in a given state of rest or motion is balanced by the centripetal tendency of particles of matter to unite.

with creating social conditions in which individuals can obtain food, organize their sex relations, and satisfy their dominance drives. But its most intimate relationship appears to be with defense. Polity is primarily to secure the life and personal safety of the members of the group.

The following paragraphs refer to the numbers in Table 69.

1. Primary drives are inherited patterns common to all higher animals, the moderate satisfaction of which is essential to the existence of the individual and the species.[5]

2. All organisms require food and have some patterns of behavior for securing it, whether that behavior is the polyp's passive absorption of food brought to it by the tides or the lion's active search and seizure of his prey.[6]

3. All organisms reproduce, and all except the lowest in both the animal and the vegetable kingdom do so by the union of the sexes, whether that union is effected passively as the pollination of plants by wind or insect or actively as the male mammal's search for a mate.[7]

4. All organisms behave in relation to other organisms either passively, adapting themselves to the activity of others, or actively, controlling the activity of others. The relations of dominance and inferiority are everywhere to be observed—among cells in the organism; among individuals of different species in biological communities and in some insect societies; and among individuals of the same species in families, herds, flocks, hives, and colonies.[8]

5. All organisms, except perhaps the lowest, behave defensively in the presence of danger of bodily destruction, whether by hiding, flight, presentation of armor, spines, or stench, or active counterattack upon the aggressor.[9]

6. Secondary drives are those inherited behavior patterns characteristic of higher animals and tending to assure the satisfaction of the primary drives.[10]

7. Activity, restlessness, and exploratory movements in a local area or in extended migrations are characteristics of many animals, expecially of vertebrates and especially when hungry. It improves the chances of finding food and mates, it gives the inferior the possibility of dominating elsewhere, and it maintains an alertness to enemies. It may be related to the traits of curiosity and adventure, and it may increase the chances of adjustment by trial and error. It is thus a secondary drive serving all the primary drives.[11]

8. All animals live in groups, whether biocoenoses, aggregations, families, or societies. Some of the primates may understand the advantage of co-operation

[5] The distinction between primary and secondary drives is somewhat arbitrary. See a different classification, above, Vol. I, Appen. VIII, n. 11.

[6] Above, Vol. I, Appen. V, sec. 2a.

[7] *Ibid.*, sec. 2b.

[8] *Ibid.*, sec. 2g.

[9] *Ibid.*, sec. 2e.

[10] See above, n. 5.

[11] Above, Vol. I, Appen. V, sec. 2d.

and division of labor, but in most cases the social drive so far as it is distinct from the sex or dominance drives appears to arise from satisfaction in the proximity of others of the species. When exaggerated, it may lead to enormous herds or flocks, including most of the members of the species and hence rendering the whole species vulnerable to extermination. Normally it is balanced by the territorial and independence drives which tend toward a distribution of the species and a segregation of families and subgroups. Symbiotic and aggregational relationships, however, often serve to assure more general satisfaction of food and sex drives and defense from climatic conditions and external enemies. Society is a secondary drive, providing the bases for the extraordinary development of cooperation and association among human beings.[12]

9. Many higher animals seek isolation at certain times, a trait which may tend to preserve individuality and to develop variability of behavior patterns, new modes of defense and adjustment, and new dominance-inferiority relationships during periods of mating and aggregation. It is related to the drive for isolation of the family in a definite territory during mating and perhaps to the activity drive. The human desire for freedom to develop personality and occasional withdrawals for prayer and reflection may be a development of this drive.[13]

10. Vertebrates generally behave defensively in regard to territory, at least during certain periods. This habit assures to the family a source of food, assures the group a stability of sex relationships, prevents disruption of the relationships of dominance and inferiority, and serves to protect the young. It is a secondary behavior pattern which has had survival value because it serves all the primary drives.[14]

11. Tertiary drives are behavior patterns resulting from heredity or infantile experience characteristic of man, although observable in some animals, especially monkeys and apes. They tend to assure the satisfaction of primary and secondary drives in social situations. This result depends somewhat upon an interpretation of the situation as a whole. One of these drives may, therefore, lead to quite different results according as the interpretation does or does not correspond to the actual situation.[15]

12. Possessiveness is a pattern especially developed among human beings

[12] *Ibid.*, sec. 2f.   [13] *Ibid.*, sec. 2h.   [14] *Ibid.*, sec. 2c.

[15] These are the dispositions perhaps most commonly grouped under the term "human nature." They are distinctive of all human races and of few animals. Many traits of "human nature" have, however, been discovered in monkeys and apes by the studies of Maslow, Zuckerman, and Yerkes on these animals in captivity (above, Vol. I, chap. v, n. 1) and by Clarence Ray Carpenter of monkeys and apes in the natural state ("Societies of Apes and Monkeys," University of Chicago, Fiftieth Anniversary Symposia, 1941). These dispositions manifest the dawn of reason, but their manifestation in civilized social situations often appears irrational. Above, n. 5.

and primates, though it appears to exist also among magpies and other birds and animals and may be a development of the territorial possessiveness characteristic of most vertebrates. It is a generalization of the drive for food, sex, dominance, and defense and may provide the basis for the extraordinary development of the institution of property in man. It is a frequent cause of fighting among apes and children, a fact which suggests that its overdevelopment may be disadvantageous for social existence.[16]

13. Jealousy is the pattern of possessiveness applied to other individuals of the species and especially to those of the opposite sex. It is evident in many vertebrates, especially apes. Males often treat females as possessions, whose value is augmented by the desire of others for them. Jealousy appears to be the major cause of fighting among apes, and the females, often the object of jealousy, are sometimes torn to pieces in the fight. Children frequently fight from jealousy for an adult, nurse, or parent, and among adult human beings jealousy is an important motive for crime, suicide, and other forms of violence, especially under conditions when social controls are lacking, as, for example, among the mutineers of the "Bounty" who occupied Pitcairn Island in 1790 with six Polynesian men and twelve women.[17]

14. Resentment at frustration is a pattern more characteristic of men than of other animals, though it may exist among apes. It is characterized by rage against the actual or supposed external interference with an activity or the satisfaction of a drive. This interference is often attributed to an external individual or group. On the other hand, failure in an activity may be attributed to the self, leading to ambivalence and a sense of inferiority or to such mechanisms as displacement and projection. The role of this impulse in the evolution of most complicated human patterns by various rationalizing methods has been emphasized by psychoanalysts.[18]

15. Opposition to intrusion is a pattern characterized by hostility to an individual of the species intruding in the group. It serves as an anticipatory assurance of continued satisfaction of food, sex, dominance, and defense drives within the group. A stranger may impair all of them, so he should be kept out. It is a frequent cause of fighting among children and limits the zone of co-operation. It may therefore be disadvantageous to the group under conditions which demand the group's extension into a larger area. Among human groups hostility to the alien is proverbial.[19]

16. Rationalizations are behavior patterns, acquired by the individual's ex-

[16] Durbin and Bowlby, *op. cit.*, pp. 7–9 and 112.

[17] *Ibid.*, pp. 8, 55 ff., 60.

[18] *Ibid.*, pp. 10 and 68 ff.

[19] *Ibid.*, pp. 9 and 65. See "A Boy's Duel," Appen. XXXI above.

perience or education, distorting the interpretation of events and acts into conformity with certain of the individual's wishes. They purport to interpret causal relations or to offer solutions of social problems but are so incomplete that they fail as explanations or controls. They may, however, accommodate the individual's mind to group requirements and so serve both social and personal needs.[20]

17. Animism or personalism is the false attribution of human or parahuman agency to all occurrences. It is almost universal among primitive peoples and serves to adjust the rational mind to the disasters of flood, pestilence, famine, etc., the causes of which are not known. It is a frequent cause of war, because neighboring tribes are by this reasoning held responsible for deaths, crop failures, or other ills of the group. It is evident in nearly all religions. It marks the beginning of the scientific effort to understand causes, but, because of its inaccuracy, it does not serve to control external events. It satisfies the individual's need for rational explanation, however, and so accommodates the mind to the conditions of life.[21]

18. Displacement is the pattern by which attitudes of hostility or love toward a thing or person are transferred to some other person or thing. It commonly arises from ambivalence or the condition by which the same person or thing is both loved and hated. This condition is unpleasant, and repression of the unwanted attitude is difficult or impossible, so the sufferer transfers either the love or the hate to something else. This pattern is common among children. Among primitive people, hatreds within the group are often displaced upon an external tribe. The mechanism, therefore, tends toward peace within and war without. By this means it assists in satisfying the drives of the members of the group in their relations *inter se*.[22]

19. Projection is the pattern by which characteristics of the self are attributed to others. It is displacement of one's own attitudes. It arises from the narcissism by which the individual dislikes to attribute negative or evil characteristics to himself. Being unable entirely to repress self-esteem or to escape aware-

[20] W. F. Ogburn and M. F. Nimkoff (*Sociology* [New York, 1940], pp. 177) call rationalization "the practice of substituting good reasons for real ones." See also James Harvey Robinson, *The Mind in the Making* (New York, 1922). To Freudians, who interpret personality as a dynamic equilibrium of opposing motives, rationalization does not mean that behavior is attributed to motives which had no influence but to motives which only partially explain the behavior (see Franz Alexander, "Our age of Unreason" [manuscript, 1942], p. 124; David Hume, "Of the Dignity or Meanness of Human Nature," *Essays*, Part I, No. 11). This psychological usage must be distinguished from the use of the term in administration to refer to widespread economic planning (see "Rationalization," *Encyclopaedia of the Social Sciences*).

[21] Durbin and Bowlby, *op. cit.*, pp. vii, 13, 96.

[22] *Ibid.*, pp. 19, 84, 109; H. D. Lasswell, *World Politics and Personal Insecurity* (New York, 1935), pp. 39, 166.

ness of the unwanted characteristics, the individual attributes these characteristics to others. This mechanism serves to maintain the individual's sense of his own importance and dominance and thus may constitute an adjustment in his relationships, but one which is dangerous as an escape from reality. It may lead to hostility on a large scale if all the members of a group attribute their own aggressiveness to another group. This will augment their own fears of and aggressiveness toward that group, thus leading to war.[23]

20. The scapegoat is a person or thing about which patterns of displacement, projection, revenge, and escape are organized by a historic tradition. The hatreds of all members of the group and the unflattering characteristics of all, especially their sins against conscience, are by a ceremonial process transferred to an external object, real or imagined. Thus all escape from guilt and are secured against intragroup discord but at the expense of violent hatred of the scapegoat. The effort to hurt and destroy this object, if it is another tribe, as it often is, frequently leads to war.[24]

21. Rationalisms are behavior patterns, acquired by social experience and tradition, organizing observations and ideas into movements and institutions represented by symbols which acquire social value. This symbolization tends to perpetuate the particular organization of experience after conditions have changed and thus to lead to false valuations and to inflexibility in adjustment. At the same time rationalisms make for stability and permit social foresight. People can plan for the future on the assumption that these rationalisms will continue as postulates within the group and that the legal, economic, political, religious, social, educational, and other institutions resting on them will not be greatly changed. A sudden abandonment of established rationalisms is the essence of social revolution.[25]

22. Capitalism is a pattern of behavior attributing supreme value to activity which augments the relative power (wealth) of the particular economic enter-

---

[23] Durbin and Bowlby, *op. cit.*, pp. 21, 89, 117, 123.

[24] *Ibid.*, pp. 22, 91, 120, 126, 149.

[25] Rationalisms in this sense are often referred to as "isms." This psychological usage must be distinguished from the use of the term "rationalism" in philosophy as "theoretical and practical tendencies which aim to interpret the universe purely in terms of thought" or "to regulate individual and social life in accordance with principles of reason" (B. Groethuysen, "Rationalism," *Encyclopaedia of the Social Sciences*). Philosophical rationalism is but one of many rationalisms in the psychological sense. The two meanings are related, however, because every "ism" seeks to justify itself by rational arguments from a few selected assumptions. The social importance of the "ism," however, usually rests upon psychic patterns apart from these arguments. Socially important rationalisms, called "ideologies" (above, Appen. XXXVII, sec. *f*), may "lag" behind other aspects of the culture (above, Appen. XXXV, n. 43).

prise. It concentrates attention upon productive technology, economical organization, and business competition.[26]

23. Socialism is a pattern of behavior attributing supreme value to activity which augments the welfare of the society as a whole. It concentrates attention upon scientific method, social and familial relationships, and ethical universalism.[27]

24. Ecclesiasticism is a pattern of behavior attributing supreme value to activity which augments faith in the church and thus increases its social power relative to other institutions. It concentrates attention upon rituals recalling the faith, symbolic representations of religious sentiments, and conduct guided by ethical values.[28]

25. Nationalism is a pattern of behavior attributing supreme value to activity which augments the power of the nationality organized in a state (patriotism). It concentrates attention upon public administration, political organization, and international rivalry.[29]

26. Rationalities are behavior patterns acquired by individuals through experience and education, adapting behavior to a maximum satisfaction by the

[26] "The spirit or the economic outlook of capitalism is dominated by three ideas: acquisition, competition, rationality" (Werner Sombart, "Capitalism," *Encyclopaedia of the Social Sciences*, III, 196). This psychological usage must be distinguished from the economic use of the term "capitalism" to apply to a particular economic system. Such a system has, according to Sombart, a form and a technology as well as a spirit. The psychological usage refers only to the spirit. Above, chap. xxxii, sec. 2c.

[27] Like capitalism, socialism refers to a social and economic system as well as to a psychological pattern (sec n. 26). A great variety of social movements and attitudes have been called "socialism" often because of their protest against the existing order rather than because of their positive content (Oscar Jászi, "Socialism," *Encyclopaedia of the Social Sciences*, XIV, 188). See above, chap. xxxii, sec. 2d.

[28] Ecclesiasticism refers to a system of religious institutions as well as to the spirit of such a system. "Religion" has been variously derived from the verbs *religere* (to execute, particularly by means of repeated efforts) and *religare* (to bind together). Accepting both derivations, religion "on the objective side involves the recurring performance of certain human activities . . . . on the subjective side it is part of the hidden experience of the psychic life." The process of civilization has tended to place increasing emphasis on the subjective side of religion and consequently increasingly to stress the psychological as distinct from the organizational aspect of ecclesiasticism (see Alfred Bertholet, "Religion," *Encyclopaedia of the Social Sciences*, XIII, 228) and to rely on persuasion rather than coercion in spreading the faith, thus tolerating religious freedom (Guido de Ruggiero, "Religious Freedom," *Encyclopaedia of the Social Sciences*, XIII, 238).

[29] Nationalism, as the system whereby politics is organized in national-state units, must be distinguished from the sentiment of nationalism (see Carlton J. H. Hayes, "Nationalism," *Encyclopaedia of the Social Sciences*, and above, chap. xxvii).

members of the group of the primary drives. As the satisfaction of different drives may be to some extent inconsistent, no society can be organized entirely rationally for the satisfaction of anyone. Rationality requires compromises between the needs of food, of sex, of dominance, and of security and the various derivatives of these primary needs. Rationalities seek to avoid the unreality of the various rationalizations and the one-sidedness of the various rationalisms. The various rationalisms, respectively, exaggerate the importance of one virtue: prudence, justice, temperance, courage, etc. Rationalities, on the other hand, seek to interpret the appropriate weight to be given to each virtue in a particular situation with due consideration to the others. Actually rationality is intertwined, in most minds, with rationalization and rationalism. As a consequence, actual behavior is seldom wholly rational.[30]

27. Economy is a behavior pattern, rationally organizing the activity of a group toward a maximum satisfaction of the needs of the members for food, clothing, shelter, and other requirements of physical living. The center of economy has been the market and the firm—institutions for relating individual wants to efficient production.[31]

28. Sociality is a behavior pattern rationally organizing the activity of a group toward a maximum satisfaction of the needs of the members of the group for sex, conversation, friendship, and society. The center of sociality has been the family, the school, and voluntary associations—institutions for relating the intimacies of sex, parenthood, and friendship to the socialization of the rising generation.[32]

[30] Rationality seeks to maintain a balance between "reality" in the Platonic sense of the precise idea of a form or relation and in the scientific sense of an accurate description of an observation or experience (see C. E. M. Joad, "Realism," *Encyclopaedia of the Social Sciences*) and also a balance between "reason" in the sense of logical inference from assumptions and evidence and in the sense of wise choices from weighing considerations for and against alternatives. "Just as logical minds are strongly moved to reach a certain conclusion from certain evidence, so prudent minds are strongly moved to make a certain choice from certain reasons. On the other hand, just as logic is the science of proof and not the science of reasoning, so the calculus of 'reasons' is not the same as the causation of choices. Even in the most deliberately controlled compounding of influences, the fundamental causation is hidden" (E. L. Thorndike, *The Psychology of Wants, Interests and Attitudes* [New York, 1935], p. 107; see also above, chap. xxxiii, secs. 2b and 3). This classification of "rationalities" is identical with that of motives influencing modern states to go to war (above, Vol. I, chap. xi, n. 17).

[31] See chap. xx; chap. xxxii, sec. 1; and Appen. XXVI, sec. 6, above.

[32] "Sociality" is a wider term than "sociability," which includes only the lighter aspects of sociality. It is a behavior pattern contrasted with individuality, distinguishing the social aspects of personality from individual peculiarities (see J. S. Mill, *On Liberty*, chap. ii).

29. Religion is a behavior pattern rationally organizing the activity of the group toward a maximum satisfaction of the needs of the members of the group for a sense of individuality, of freedom, of recognition of importance, and of dominance. The center of religious behavior is prayer and ritual—systems for relating individual self-centeredness to social and universal values.[33]

30. Polity is a behavior pattern rationally organizing the activity of the group toward a maximum satisfaction of the needs of the members of the group for security, justice, and leadership in both internal and external relationships. The center of polity is the court and the legislature—systems for relating the settlement of disputes to the particular interests of the parties and the general interests of the group.[34]

[33] See n. 28 and Vol. I, chap. xi, n. 17, above.
[34] See above, Appen. XXVII, sec. 1.

APPENDIX XL

MEASUREMENT OF DISTANCES
BETWEEN STATES

Tables 70–72 and Figures 42–44 indicate methods of measuring various aspects of the distance between states and the results obtained from applying these methods to the relations of the seven great powers shortly before the outbreak of World War II.

The material in Appendix XLI indicates that psychic distance may change greatly in a short time. This is doubtless also true of the distance with respect to war expectancy. The other aspects of distance, especially technological and strategic distances, probably vary less rapidly, but inventions may make rapid changes even in these distances.

The meaning of these aspects of distance is explained in chapter xxxv above. These tables are based on judgments of rank order made by the writer on July 27, 1939, by answering the following questions with respect to each great power in relation to each of the others:

1. *Technological distance* (*T*)—With which of the six other great powers does *X* have most contacts? Second most? Third most? Fourth most? Fifth most? Least?
2. *Strategic distance* (*St*)—Which can *X* most easily attack? etc.
3. *Legal distance* (*L*)—Which does *X* treat most equally? etc.
4. *Intellectual distance* (*I*)—Which does *X* most resemble intellectually? etc.
5. *Social distance* (*S*)—With which does *X* share the most institutions? etc.
6. *Political distance* (*P*)—With which is *X* most politically united? etc.
7. *Psychic distance* (*Ps*)—With which is *X* most friendly? etc.
8. *War-expectancy distance* (*E*)—Which does *X* least expect to fight? etc.

The answers appear in Table 70 in the column whose letter corresponds to the question. The rank orders may differ according to the direction. Thus while Great Britain was judged to have least technological contact with the Soviet Union, the Soviet Union was judged to have fourth most contact with Great Britain. While Germany was judged to have only the fifth largest number of contacts with the Soviet Union, the Soviet Union was judged to have the most contacts with Germany.

These judgments are given to illustrate a method. It would have had a much more objective character if similar judgments had been made by other judges and if the methods of averaging utilized by Klingberg had been applied. The results, with respect to psychic distance, however, did not differ greatly from the results of Klingberg's investigation of the subject in April, 1939 (below, Appen. XLI, Fig. 50, col. 4). See also Fig. 44 below.

TABLE 70

RANK ORDER OF DISTANCES OF EACH GREAT POWER
FROM THE OTHERS, JULY 27, 1939

Power	T*	St	L	I	S	P	Ps	E
United States:								
Great Britain.....	1	1	1	1	1	1	1	1
France..........	2	2	2	2	2	2	2	2
Germany..	3	6	5	3	3	3	6	5
Italy..............	4	4	3	4	4	4	4	4
Japan.......... .	5	3	6	6	6	6	5	6
U.S.S.R..........	6	5	4	5	5	5	3	3
Great Britain:								
United States.....	1	2	1	1	1	2	1	1
France..........	2	1	2	2	2	1	2	2
Germany.	3	4	3	3	4	6	5	6
Italy..............	4	3	4	4	3	4	3	5
Japan............	5	5	6	6	6	5	6	4
U.S.S.R..........	6	6	5	5	5	3	4	3
France:								
United States.....	4	4	2	2	3	3	1	1
Great Britain.. ...	1	3	1	1	1	2	2	2
Germany.... ...	2	2	4	4	5	5	6	5
Italy..............	3	1	3	3	4	4	5	6
Japan............	6	6	6	6	6	6	4	4
U.S.S.R..........	5	5	5	5	2	1	3	3
Germany:								
United States.....	4	5	5	5	5	5	4	3
Great Britain.....	3	3	2	3	3	3	3	4
France..........	2	1	4	2	4	4	5	5
Italy............ ..	1	2	1	1	1	1	1	1
Japan............	6	6	3	6	2	2	2	2
U.S.S.R..........	5	4	6	4	6	6	6	6
Italy:								
United States.....	4	4	5	4	4	5	3	3
Great Britain... .	3	3	3	3	5	3	4	5
France..........	2	1	4	1	3	4	5	6
Germany....... ..	1	2	1	2	1	1	1	1
Japan............	6	6	2	6	2	2	2	2
U.S.S.R..........	5	5	6	5	6	6	6	4
Japan:								
United States.. ...	1	3	4	5	5	5	3	4
Great Britain.....	2	2	5	4	3	3	5	5
France....... ...	5	4	3	6	4	4	4	3
Germany.	4	5	1	1	1	1	1	1
Italy........ .. .	6	6	2	2	2	2	2	2
U.S.S.R..........	3	1	6	3	6	6	6	6
U.S.S.R.:								
United States.....	5	6	1	5	3	3	2	2
Great Britain.....	4	3	3	6	2	2	3	3
France..........	3	4	2	4	1	1	1	1
Germany.........	1	2	4	1	5	5	6	5
Italy..............	6	5	5	3	4	6	4	4
Japan............	2	1	6	2	6	4	5	6

* The letters at the head of the columns refer to aspects of distance explained in the introductory statement.

TABLE 71

Relative Distance Between Each Pair of Great Powers, July 27, 1939

a–b	T* a-b	T* b-a	T* Av.	S₁ a-b	S₁ b-a	S₁ Av.	L a-b	L b-a	L Av.	I a-b	I b-a	I Av.	S a-b	S b-a	S Av.	P a-b	P b-a	P Av.	P₃ a-b	P₃ b-a	P₃ Av.	E a-b	E b-a	E Av.	Total a-b	Total b-a	Total Av.
United States–Great Britain	1	1	2	1	2	3	1	1	2	1	1	2	1	1	2	1	2	3	1	1	2	1	1	2	8	10	18
United States–France	2	4	6	2	4	6	2	2	4	2	2	4	3	5	8	3	2	5	1	1	3	1	1	3	16	20	36
United States–Germany	3	4	7	5	6	11	5	5	10	3	5	8	3	5	8	3	5	8	4	4	8	3	3	8	34	36	70
United States–Italy	4	4	8	4	5	11	4	4	8	4	4	8	4	4	8	5	5	9	3	3	7	3	3	7	31	32	63
United States–Japan	5	1	6	3	3	6	4	4	8	6	5	11	6	5	11	6	5	11	5	3	8	4	2	10	43	30	73
United States–U.S.S.R.	6	5	11	5	6	11	2	4	5	5	5	10	5	3	8	5	3	8	3	2	5	2	2	5	36	27	63
Great Britain–France	2	1	3	1	3	4	2	3	5	2	3	3	1	3	3	2	2	3	2	3	4	2	2	4	14	13	27
Great Britain–Germany	3	3	6	3	4	7	3	1	4	3	3	6	6	3	7	5	3	9	5	3	8	4	4	10	34	24	58
Great Britain–Italy	3	4	7	3	3	6	5	1	7	4	3	7	3	5	8	3	3	7	5	4	7	5	4	9	30	29	59
Great Britain–Japan	4	3	7	4	3	8	6	3	6	6	4	10	6	3	8	6	3	8	5	5	11	5	4	10	43	29	72
Great Britain–U.S.S.R.	5	2	7	5	4	9	5	4	5	4	4	7	4	3	7	4	2	5	4	5	7	3	3	7	37	26	63
France–Germany	6	4	10	6	3	9	4	3	8	4	2	6	4	4	9	4	4	9	5	3	8	3	3	6	33	27	60
France–Italy	2	2	4	1	1	2	4	1	7	5	1	6	5	3	7	5	5	9	5	5	10	5	5	10	29	26	55
France–Japan	3	2	5	6	4	10	6	3	9	6	6	12	6	4	10	6	4	10	4	4	8	3	3	7	44	33	77
France–U.S.S.R.	6	4	11	5	4	9	5	2	7	5	4	9	2	2	4	3	1	4	3	1	4	3	1	4	29	17	46
Germany–Italy	5	3	8	2	2	4	1	1	2	1	1	3	2	1	3	1	1	2	1	1	2	1	1	3	9	10	19
Germany–Japan	1	1	2	6	5	11	3	1	4	2	1	7	2	1	3	2	1	3	1	6	3	2	1	3	29	15	44
Germany–U.S.S.R.	6	4	10	4	2	6	6	6	6	4	6	5	6	5	11	6	5	11	6	6	12	5	5	11	43	29	72
Italy–Japan	5	1	6	2	6	12	2	2	4	4	2	5	2	2	4	2	2	4	2	2	4	2	2	4	28	24	52
Italy–U.S.S.R.	6	6	12	5	5	10	6	5	11	5	3	8	6	4	10	6	4	12	6	4	10	4	4	8	43	37	80
Japan–U.S.S.R.	3	2	5	1	1	2	6	6	12	3	2	5	6	6	12	6	4	10	6	5	11	6	6	12	37	32	69

*The aspects of distance indicated by the letters at the head of the columns is explained in the introductory statement. This table was constructed by adding the rank orders in each direction for each pair of states indicated in Table 70 (ab) + (ba). Adding all aspects of distance, United States–Great Britain and Germany–Italy proved to be the nearest, while Italy–U.S.S.R. and France–Japan were the furthest apart.

Fig. 47 —Relative distance between pairs of the great Powers, July, 1939 The black bar indicates the distance in the direction in which the pair is named, and the shaded bar the opposite direction. (See Table 71.)

TABLE 72*

RELATIVE ISOLATION OF EACH GREAT POWER, JULY 27, 1939

POWER	T		St		L		I		S		P		Ps		E		TOTAL	
	Av.	R.O	Av.	R.O.	Av.	R.O	Av.	R.O.	Av	R.O	Av.	R.O.	Av.	R.O	Av.	R.O.	Av.	R.O
United States	19	4	24	5	18	3	22	5	21	4	23	5	14	1	14	1	155	3
Great Britain	14	1	15	2	15	1	18	4	15	1	16	2	18	2	20	3	131	1
France .	16	3	13	1	17	2	17	2	16	2	16	1	19	3	19	2	133	2
Germany	14	2	21	3	18	5	14	1	24	5	21	4	25	6	23	5	160	4
Italy .	24	5	21	4	18	4	17	3	18	3	21	3	19	4	22	4	160	5
Japan	30	7	27	7	29	6	32	7	28	6	27	6	24	5	24	6	221	6
U S S R	30	6	26	6	32	7	27	6	30	7	27	7	28	7	25	7	225	7

* This table was constructed by adding the numbers opposite each state in the respective columns of Table 70 The average and the rank order are given for each aspect of distance. Adding all aspects of distance, the Soviet Union and Japan were the most isolated of the powers, France, Great Britain, and the United States the least, with Italy and Germany in an intermediate position.

FIG. 43.—Relative isolation of the great powers, August, 1939. (See Table 72)
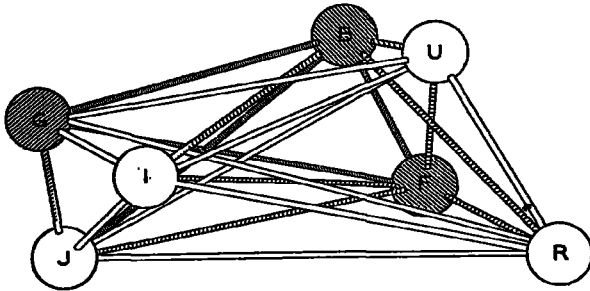
FIG. 44.—Relative psychic distances between the great powers, November, 1938. B = Great Britain, F = France, G = Germany, I = Italy, J = Japan, R = U.S.S.R., and U = United States. (Prepared by F. L. Klingberg from data indicated in Appen. XLI, Fig. 50, col. 2.)

APPENDIX XLI

FLUCTUATIONS IN THE HOSTILITY AND FRIENDLINESS OF STATES

Table 73 and Figures 45–50 indicate several methods of measuring psychic relations of states and the results of such measurements applied to the relations of various pairs of states between 1910 and 1941.

Figures 45–48 were constructed by a method devised by James T. Russell, utilizing opinion statements copied from newspapers.[1] The opinions (or attitude statements) concerning a particular state, copied on cards and dated, were classified in eleven piles, each successive pile to the right being judged more hostile than its neighbor to the left. The middle pile consisted of neutral opinions. The piles were then redistributed into monthly or weekly periods, and the average degree of hostility for each period was calculated. This method permits of a continuing graph of fluctuations of opinion over any past period of time for which newspapers are available. The relation between these changes of opinion and events may be studied. The studies suggested that, when the opinion of one country concerning another passes below a certain threshold of unfriendliness, active hostilities are likely to break out. The weakness of the method lies in the doubt as to the accuracy with which effective public opinion is reflected in the press.[2] The method indicates not only the temporal fluctuations of press opinion (changes in direction, in intensity, and in continuity) toward the selected symbol (such as the name of another state) but also the homogeneity of opinion at any time (see Figs. 46 and 48).

[1] James T. Russell and Quincy Wright, "National Attitudes in the Far Eastern Controversy," *American Political Science Review*, XXVII (August, 1933), 550–76; Q. Wright and C. J. Nelson, "American Attitudes toward Japan and China, 1937–1938," *Public Opinion Quarterly*, III (January, 1939), 46–62.

[2] It appeared, however, that the fluctuations of opinion with respect to foreign affairs were similar among papers of the same country which in other matters were very different. Even though controlled, the press may reflect public opinion on the assumption that the government controls opinion in the same direction that it controls the press. If uncontrolled, it may be assumed that the sales interest of the press will prevent it from departing too far from the prevailing opinion of its readers.
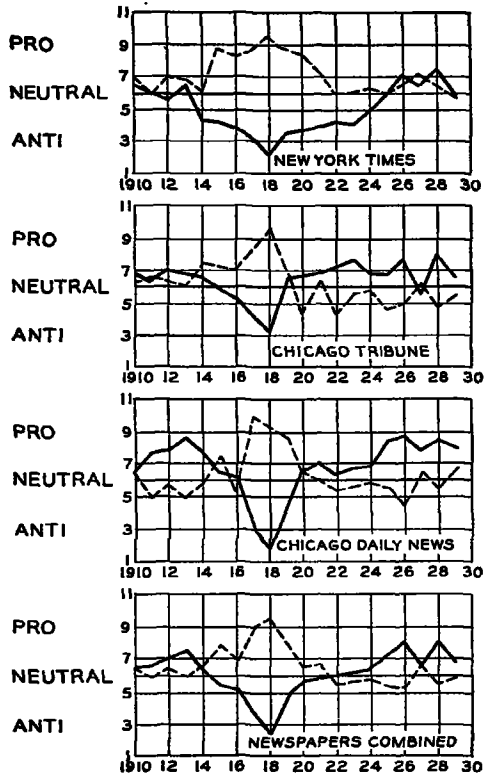
FIG. 45.—Trend of opinions in the United States toward France and Germany, 1910–29. Data are from the *New York Times*, the *Chicago Tribune*, and the *Chicago Daily News* and from the three papers combined. Intensity of opinion is plotted along the ordinate (*1* = most "anti" and *11* = most "pro"), and time by years is plotted along the base line. The solid lines indicate trends in opinion toward Germany; the broken lines, toward France. (From *American Political Science Review*, XXVII [August, 1933], 558.)
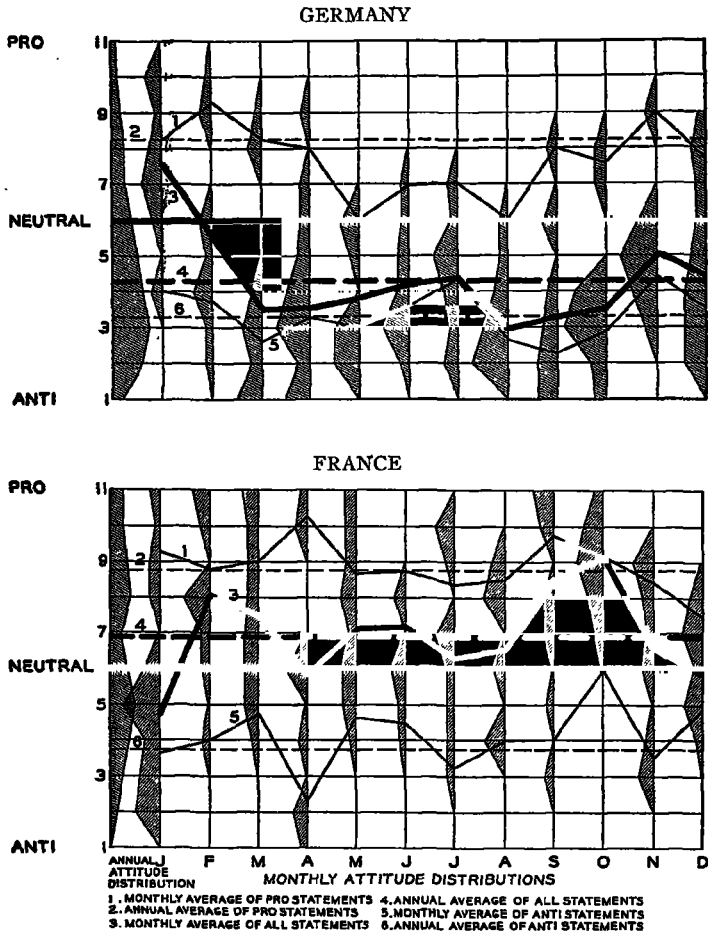
FIG. 46.—Trend of opinions in the United States toward France and Germany, 1933. Data are from the *New York Times*. The thickness of the vertical lines indicates the distribution of opinion statements each month. (From Quincy Wright, *The Causes of War and the Conditions of Peace* [London, 1935], p. 110.)
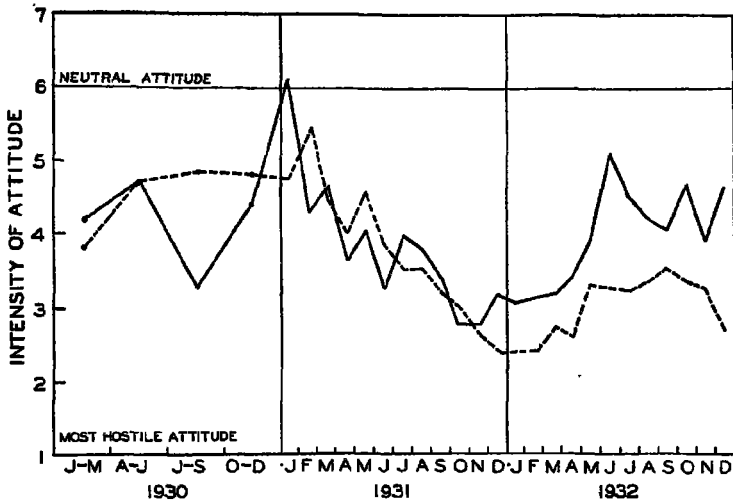
FIG. 47.—Trend of opinions in China toward Japan and in Japan toward China, 1930–32. Data are from the *China Critic* and other Chinese publications for opinion toward Japan (*broken line*) and from the *Osaka Mainichi* for opinion toward China (*solid line*). Intensity of opinion is plotted along the ordinate, and time (by quarter for 1930 and by months for 1931 and 1932) is plotted along the base line. (From *American Political Science Review*, XXVII [August, 1933], 562.)
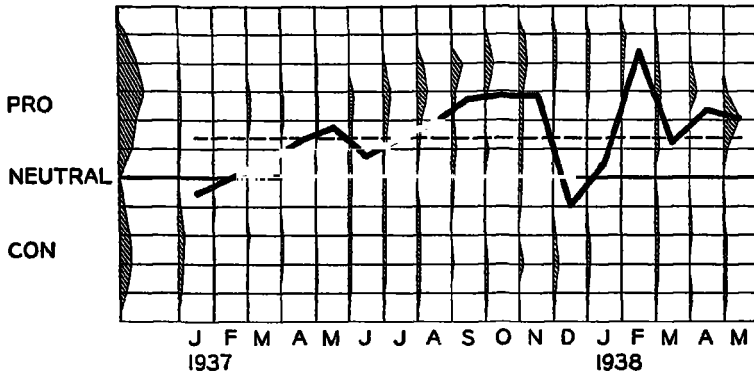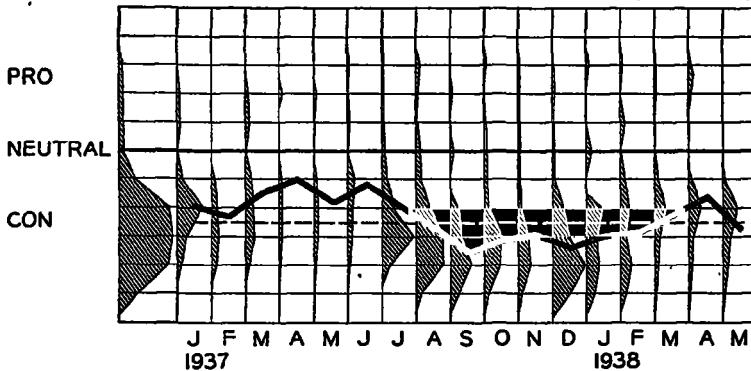
FIG. 48.—Trend of opinions in the United States toward China and Japan, 1937–38. Data are from the *New York Times*, the *Chicago Tribune*, and the *Chicago Daily News* combined. The thickness of the vertical lines indicates distribution of opinion statements each month. (From *Public Opinion Quarterly*, III [January, 1939], 48).

Figures 49 and 50 resulted from the application of methods devised by Frank L. Klingberg for measuring the psychic relations between states.[3] Figure 49, column 1 of Figure 50, and Table 73 resulted from the application of the method of "equal-appearing intervals" to the problem of determining the probability of war between pairs of states in January, 1937. Expert judges recorded on a schedule their judgment of the probability of war within ten years between a given pair of states.[4]

Column 2 of Figure 50 and Figure 44 (Appen. XL) resulted from the application of the method of "triadic combinations"[5] to determine the degree of friendliness between pairs of the great powers in November, 1938. Schedule forms were prepared consisting of triangles with the names of the great powers at the apexes in every possible combination. Each expert judge marked on the sides of each triangle which pair of the three he considered most friendly and which most hostile. Thurstone's law of comparative judgments was then utilized to analyze the results.[6] According to this law, the degree in which the pair ab is more friendly than the pair ac is indicated by the proportion of judges which rate it more friendly. If the judges are evenly divided, the two pairs are equally friendly. If nine judges to one rate ab the more friendly, then on a linear scale the psychic distance from a to b is one-ninth of that from a to c. Degree of friendliness indicated by this method, though closely related to war probability or to war expectancy, is not precisely the same, because the latter take into consideration such factors as strategic distance and relationship to third states. States a and b may be extremely unfriendly yet in no danger of fighting because geographic barriers keep them from getting at each other. On the other hand, states c and d may be very friendly yet likely to get into war because they are, respectively, allies of e and f, which are enemies.[7]

Columns 3–6 of Figure 50 resulted from application of the "multidimensional rank order" method, applied to determine the degree of friendliness or hostility of the great powers in March and April, 1939, June, 1940, and June, 1941. A schedule was prepared in which each great power appeared at the head of a list followed by all the other great powers. Each expert judge wrote the figure 1 in front of the power with which he thought the power at the head of the list was most friendly, the figure 2 in front of the power with which he thought it second

[3] Frank L. Klingberg, "Studies in the Measurement of Relations among Sovereign States" (manuscript, University of Chicago Library, 1939), published in part in *Psychometrika*, VI (December, 1941), 335–52.

[4] See above, chap. xxxvi, sec. 1.

[5] This method was developed by adaptation of methods used by M. W. Richardson to measure color perception.

[6] L. L. Thurstone, "Law of Comparative Judgments," *Psychological Review*, XXXIV (July, 1927), 273–80.

[7] Above, chap. xxxvi, nn. 18 and 20.

10 — Denmark–U.S. (.06)

Denmark–China (.11)

20

Great Britain–U.S. (.27), France–U.S. (.28)

30 France–Belgium (.3), U.S.–U.S.S.R. (.31)
France–U.S.S.R. (.32), Japan–Germany (.32)
France–Great Britain (.33)
Italy–Japan (.35), Czechoslovakia–U.S.S.R. (.35)
Poland–France (.36), Bulgaria–Great Britain (.36)
Italy–U.S. (.38)
U.S.S.R.–China (.39)

40 Italy–Poland (.41), Bulgaria–France (.41), Japan–Netherlands (.42)
Czechoslovakia–Japan (.43), U.S.S.R.–Great Britain (.43), Spain–Great Britain (.43), Turkey–France (.43)
Czechoslovakia–Bulgaria (.44)
U.S.–Germany (.46), Poland–Hungary (.46), Poland–Czechoslovakia (.46)
Spain–France (.47), Italy–Greece (.47)

50 Italy–Turkey (.50), Netherlands–Germany (.50), Bulgaria–Rumania (.50)
Yugoslavia–Bulgaria (.51), U.S.S.R.–Rumania (.51), Japan–France (.51), Great Britain–Japan (.51)
Germany–Italy (.52), U.S.S.R.–Hungary (.52)
Great Britain–Italy (.54), Spain–Italy (.54), France–Hungary (.54)
Japan–U.S. (.56), Germany–Spain (.56)
U.S.S.R.–Italy (.57), Italy–France (.57), Germany–Yugoslavia (.57), Germany–Rumania (.57)
Poland–Lithuania (.58)

60 U.S.S.R.–Poland (.60), Lithuania–Germany .60)
Hungary–Rumania (.62)
Jugoslavia–Hungary (.63)
Germany–Poland (.64), Germany–Belgium (.64), Hungary–Czechoslovakia (.64)
Italy–Jugoslavia (.65)
Germany–Great Britain (.66)

70

Germany–France (.78)

80
Germany–Czechoslovakia (.81)

Germany–U.S.S.R. (.87)

Japan–U.S.S.R. (.89)
90

Japan–China (.94)

FIG. 49.—Probability of war between pairs of states, January, 1937. Probabilities of less than 0.3 are, with a few exceptions, omitted. (See Table 73.)

TABLE 73

ESTIMATE OF THE PROBABILITIES OF WAR, JANUARY, 1937*

PAIRS OF STATES†		SINGLE STATE			
		Most Probable War Only‡		Total Probability§	
Japan-China	.94	Japan	.94	Germany	.999
Japan–U.S.S.R.	.89	China	.94	U.S.S.R.	.994
Germany–U.S.S.R.	.87	U.S.S.R.	.89	Japan	.993
Germany-Czechoslovakia	.81	Germany	.87	Hungary	.95
Germany-France	.78	Czechoslovakia	.81	China	.94
Germany–Great Britain	.66	France	.78	Czechoslovakia	.93
Italy-Yugoslavia	.65	Great Britain	.66	Yugoslavia	.87
Germany-Poland	.64	Italy	.65	Poland	.86
Germany-Belgium	.64	Yugoslavia	.65	France	.78
Hungary-Czechoslovakia	.64	Poland	.64	Great Britain	.66
Hungary-Yugoslavia	.63	Belgium	.64	Italy	.65
Hungary-Rumania	.62	Hungary	.64	Belgium	.65
U.S.S.R.–Poland	.60	Rumania	.62	Rumania	.62
Germany-Lithuania	.60	Lithuania	.60	Lithuania	.60

* The method is explained above, chap. xxxvi, sec. 2.

† Every pair with a war probability of over .60 is included (see Fig. 49).

‡ These figures come from the first appearance of the state in the first column.

§ These figures were found by subtracting from unity the product of one minus each of the probabilities in which the state figured in col. 1. Probabilities of war under .60 were ignored. (See above, chap. xxxvi, nn. 17 and 38, and Fig. 49.)
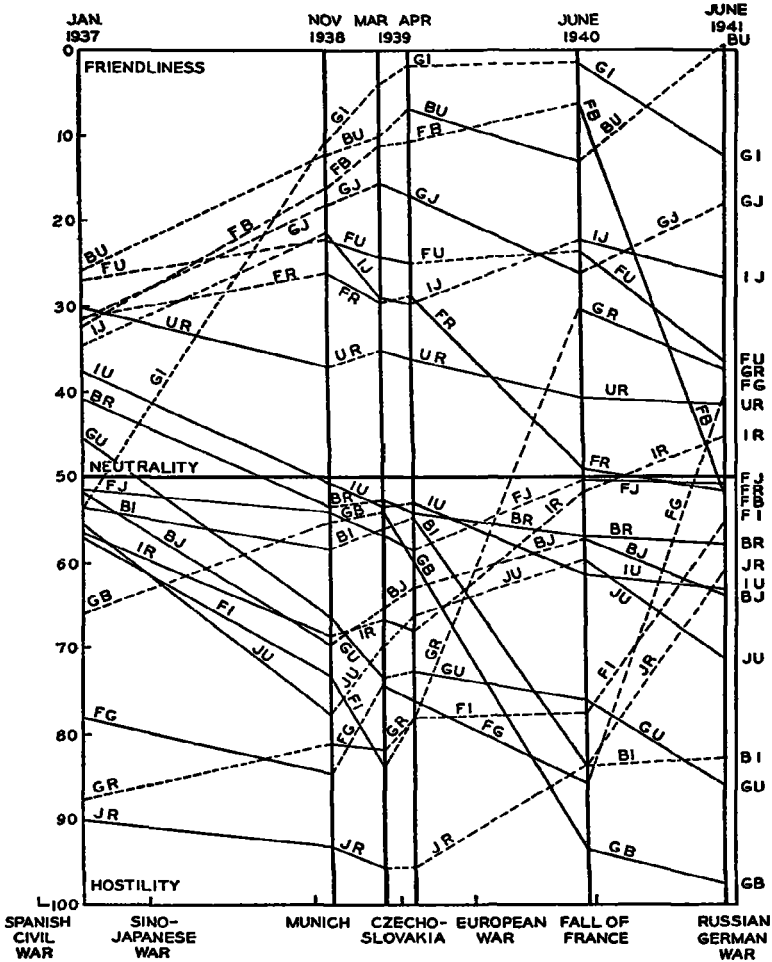
FIG. 50.—Fluctuations in friendliness among the great powers, 1937–41. The solid lines indicate declining, and the dotted lines increasing, friendliness. The letters indicate the pairs of states. B = Great Britain, F = France, G = Germany, I = Italy, J = Japan, R = U.S.S.R., and U = United States. (Prepared by F. L. Klingberg; see above, n. 3.)

most friendly, etc., marking all in the list.[8] The law of comparative judgments[9] was utilized to determine the degrees of friendliness accurately. This method proved on the whole the most satisfactory for determining psychic relations. Figure 50 indicates an increase in international tensions during the period it covered by the tendency for both the hostilities and the friendlinesses of states to increase. It also indicates the possibility of rapid changes of relations in such times, especially illustrated by the relations of the Soviet Union to France and to Germany after the Soviet-German nonaggression treaty of August, 1939, and in the relations of France to Germany and to Great Britain after the fall of France in June, 1940.

[8] See Appen. XL, Table 70.
[9] Above, n. 6.

APPENDIX XLII

RICHARDSON'S "GENERALIZED FOREIGN POLITICS"[1]

This is a very suggestive, though not in all respects convincing, attempt to subject foreign politics to mathematical treatment. Richardson assumes that any nation will appear to menace another in proportion to the size of its armament (x) multiplied by a "defense coefficient" (l) and that it will be menaced in proportion to the size of the other's armament (y) multiplied by a defense coefficient (k). If it is assumed that only two nations exist, each will increase its defense budget at a rate (dx/dt) or (dy/dt) proportionate to the menace (ky or lx).

These reciprocal increases of armaments will be limited by economic costs (ax or by) and may be stimulated by constant political grievances of each against the other (g or h). Thus he posits two fundamental formulas:

$$\frac{dx}{dt} = ky - ax + g \text{ and } \frac{dy}{dt} = lx - by + h \,.$$

If g, h, x, y are all made zero simultaneously, the equations show that x and y remain zero. That ideal condition is *permanent peace by disarmament and satisfaction.* It has existed since 1817 on the frontier between U.S.A. and Canada, also since 1905 on the frontier between Norway and Sweden.

The equations further imply that *mutual disarmament without satisfaction* is not permanent, for if x and y instantaneously vanish, $dx/dt = g$ and $dy/dt = h$.

Unilateral disarmament corresponds to putting $y = 0$ at a certain instant. We have at that time $dx/dt = -ax + g, dy/dt = lx + h$. The second of these equations implies that y will not remain zero if the grievance h is positive; later, when y has grown, the term ky will cause x to grow also. So, according to the equations, unilateral disarmament is not permanent. This accords with the historical fact that Germany, whose army was reduced by the Treaty of Versailles in 1919 to 100,000 men, a level far below that of several of her neighbors, insisted on rearming during the years 1933–36.

A race in armaments, such as was in progress in 1912, occurs when the defense terms predominate in the second members of the equations. If those were the only terms we should have $dx/dt = ky, dy/dt = lx$, and both x and y would tend to the same infinity, which, if positive, we may interpret as war. But for large x and y linearity may fail.[2]

Richardson interprets co-operation as the opposite of war and measures it by international trade, thus making the questionable assumption that increases of trade between two states may so diminish the sense of menace as to give ky and

[1] Lewis F. Richardson, *Generalized Foreign Politics* ("British Journal of Psychology: Monograph Supplements," Vol. XXIII [Cambridge, 1939]); above, chap. xxxvi, sec. 2.

[2] Richardson, *op. cit.,* p. 6.

lx negative values.[3] He attempts to demonstrate the operation of this theory in recent history by use of the statistics of armament budgets and international trade among the principal powers, suggesting that sometimes threats (larger defense budgets) are in part compensated by co-operation (more international trade) and concludes that the Soviet Union was responsible for the initiation of the armament race of 1934, Germany following soon after.[4] He develops his theory not only for the relations of a pair of states but also for many states and concludes that the cheapening of mass production of armaments has made the balance of power unstable.[5] Stability can only be achieved, therefore, by more co-operation, though augmentation of defensive armaments and diminution of offensive armaments might help.

One must distinguish between three types of armament, as Jonathan Griffin (1936) has emphasized: bombing aeroplanes that threaten foreigners sleeping peaceably in their homes, anti-aircraft guns that threaten only invaders, and air-raid shelters that in fact threaten no one although they may alarm those whom they are designed to protect. In a roundabout way the bombing aeroplanes are a danger to the nation that owns them.[6]

Richardson believes he has demonstrated by mathematical analysis that "defense coefficients" are positive,[7] that is, the greater the rate of armament-building, the greater the need of defense. Preparedness decreases security; otherwise there would not be armament races. It would appear that in his mathematical analysis he assumes, rather than demonstrates, this relationship, and his illustrations do not convince one that this assumption is universally justified.

He also suggests that the reciprocals of defense coefficients ($1/k$ or $1/l$) represent a time or lag, probably about three years, during which it is hoped to achieve a balance of power or, if x and y are negative, to achieve a balance of trade.[8] Similarly, the reciprocals of fatigue or expense coefficients ($1/a$ or $1/b$) represent the lag, also about three years, during which the removal of all grievances and external menaces would lead to disarmament.[9]

[3] Increased trade increases vulnerability to commercial retaliation and blockade and so may increase the sense of menace. On the other hand, if friendly political relations are not questioned, increases of trade and economic interdependence may increase friendliness (see above, chap. xxxvii, sec. 1).

[4] Richardson, *op. cit.*, pp. 45 and 47.   [6] *Ibid.*, p. 87.

[5] *Ibid.*, p. 86.   [7] *Ibid.*, p. 83.

[8] He suggests (*ibid.*, p. 9) that Hitler caught up in armaments in about three years (1935–38) and that the average distinction between a short-term and a long-term credit, which may indicate the period after which it is thought trade will balance, is also about three years (*ibid.*, p. 16). He properly recognizes that the defense coefficient would not be the same for all nations but would tend to be proportionate to the size of the nations (*ibid.*, p. 9).

[9] *Ibid.*, p. 8. He suggests that this coefficient is of the same order of magnitude for all nations, perhaps about the average lifetime of a parliament (*ibid.*, p. 9).

APPENDIX XLIII

ANALYSIS OF RELATIONS BETWEEN STATES

It appears to be theoretically possible to measure many aspects of the distance between states such as peace expectancy (E), intellectual (I), legal (L), political (P), psychic (Ps), social (S), strategic (St), and technological (T) distances. Other, perhaps more significant, distances might be measured, but these will serve to illustrate a method of analysis.[1]

Each aspect of the distance between two states is continually changing in time and may be regarded as a function which varies from zero (o) to a positive limit determined by the character of the international system,[2] at a rate indicated by its derivative with respect to time. The rate of change of E, for example, would be dE/dt. If dE/dt is positive, E is increasing and war is increasingly expected; if negative, E is decreasing; if zero, E is constant.

It may be assumed that the variable (x) representing the probability of war during a given period[3] is most closely related to the variable E. As the expectation of war increases, the probability of war tends to increase. There is not, however, an absolute correlation between these functions.[4] The expectation of war may be based on misinformation, and it may differ between the two members of the pair. Furthermore, war may develop through the relations of each member of the pair to other states, even when both of them expect peace.

In the present investigation attention will be given (1) to the influence of change in each aspect of distance upon the others, (2) to the influence upon war probability of changes in distances between two states, (3) to the influence on

[1] See above, chap. xxxvi, sec. 4.

[2] If the system permitted complete isolation among states, as did, for example, the world before the discovery of America, the limit of most distances might approach infinity. In modern history the limit of all distances has tended to decline. It would, in general, be less among the states within a federal system than within a balance-of-power system.

[3] Variable x may be considered to vary between peace (o) and war. The latter is a positive number which is the limit at which strained relations between states break under the given type of world-system. If this limit is considered to be 1, then x would indicate the probability of war. If dx/dt is positive, the probability of war is increasing; if negative, it is decreasing.

[4] The direction and intensity (sign and slope) of the variable dE/dt may change suddenly. Thus the expectancy of war between Germany and the Soviet Union changed from a steep positive slope to a moderate negative slope with the conclusion of the non-aggression pact of August 23, 1939. Events proved, however, that the probability of war between the two countries was considerable.

war probability of nonreciprocal relations between states, and (4) to the influence upon the relations of two states of their relations with third states and the world-order.

The different aspects of distance between states appear to be related to one another in a complicated manner indicated in Figure 51 and Table 74. The relationships suggested are based upon judgments by the writer. Methods utilizing the averages of many judgments might be devised to establish these relationships more objectively.
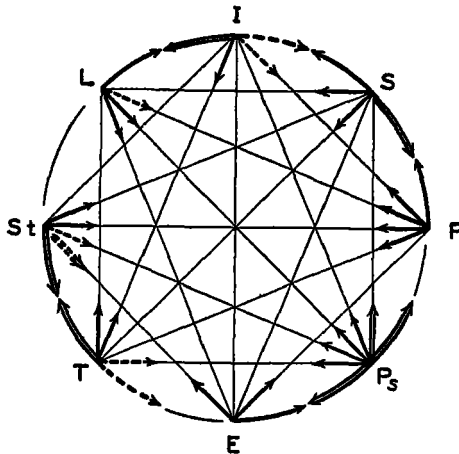
FIG. 51.—Influence of changes in the aspects of the distance between states upon one another. A solid-line arrow indicates that a change in the distance from which the arrow proceeds will influence a change in the distance in the same direction as that to which it points; a double-line arrow indicates a larger influence. A dotted-line arrow indicates a change in the opposite direction, unusually great if the dotted line in double. No arrow at all indicates that there is no influence or that its direction is indeterminate. The letters mean Expectation of war (E), Intellectual (I), Legal (L), Political (P), Psychological (Ps), Social (S), Strategic (St), and Technological (T) distances. (See Table 74.)

The influence of one distance upon another appears often to be nonreciprocal. While P has a positive influence upon I, I has a negative influence upon P. At times the influence from one end of the relationship may predominate; at other times the influence from the other end. Lack of correlation in the variations of any two of these variables would not, therefore, indicate a lack of influence of one upon the other. The identification of causation with correlation assumes that influences are reciprocal or that one variable is independent and the other dependent. Apparently none of these variables is wholly dependent or wholly in-

dependent, though T and Ps appear to be most independent, while E and L are most dependent.

A decrease in the technological distance between two states appears to make for war between them not only because of the direct influence of T on E but also because of the indirect influence of T, especially through Ps and St. The influence of T on S and P seems to be indeterminate. While increasing technological contacts between two states make closer social and political relations possible, increase in such contacts is likely to induce movements of withdrawal and isolation to avoid loss of cultural and political independence. It will be noticed in Figure 51 that every arrow from T traced back to E is negative or indeterminate with the exception of that through L.

TABLE 74

INFLUENCE OF INCREASE IN EACH ASPECT OF THE DISTANCE
BETWEEN STATES UPON OTHER ASPECTS OF DISTANCE*

Distance	T	St	L	I	S	P	Ps	E
1. Technological (T)......	......	+2	+1	+1	0	0	−1	−1
2. Strategic (St).........	+2	......	0	0	+1	+1	−1	−2
3. Legal (L).............	0	0	......	+1	0	−1	+1	+1
4. Intellectual (I)........	+1	0	+2	......	−1	−1	0	0
5. Social (S)...........	+1	0	+1	+1	......	+2	0	0
6. Political (P).........	+1	+1	+1	+1	+1	......	0	0
7. Psychic (Ps).........	+1	+1	+1	+1	+2	+2	......	+2
8. War expectancy (E)...	0	+1	0	0	0	+1	+1	......

* The criteria by which these distances were judged are indicated in Appen. XL. The table was constructed by answering the questions: Would an increase in the technological distance between two states increase their strategic distance? Decrease it? Have no effect? etc. The judgments are marked +, −, or o, according as the influence was judged to be in the same direction, in the opposite direction, or indeterminate. The figure 2 is used where the influence either positively or negatively was judged to be very great. (See Fig. 51.)

Decrease in psychic distance, on the other hand, makes for peace. The direct influence from Ps to E is positive and so are the indirect influences with exception of those through St and T.

Apparently, so long as material conditions and technological relations control policy, the recurrence of war can hardly be avoided. On the other hand, if policy is controlled by opinions and propagandas designed to improve the friendship and solidarity of nations, peace is possible though not inevitable. Such policies have often been stimulated by the needs of alliance against a common enemy, but they may also spring not from conditions as they are, or as they are immediately expected, but from belief in the potentialities of effort working toward the unknown throughout a long future.[5] Such policies based on an expectation of continued peace, if sufficiently general,[6] tend to increase international

[5] See above, chap. xxx, sec. 1, and chap. xxxviii, sec. 1.

[6] If not sufficiently general, the influence of nonreciprocal relations will stop this process (see below, sec. 3).

political solidarity and to develop policies of pacific settlement and of collective action to preserve order in the international community. This leads to the acceptance of common social symbols, to increased intellectual understanding, to mutual recognition of legal status, to co-ordination of strategic defenses for common police action, and to increased trade and an augmentation of material interdependence. Provided a certain threshold of generality in the expectation of peace is once passed, this sequence of influence generates an ascending movement of peace expectancy and international solidarity.

If the movement of policies is from the subjective to the objective relations, the signs are usually the same; if from the objective to the subjective relations, the signs often change. The latter direction of movement may be expected if values are dominated by technological and strategic conditions or by legal and intellectual formulations of the past rather than by potentialities of the future. In a materialistic world, therefore, peace can exist only through isolation of states. In a world of faith it may grow through contact of states.[7]

2. INFLUENCE ON WAR PROBABILITY OF CHANGES IN DISTANCES BETWEEN TWO STATES

If groups are expecting peace, are getting more friendly to one another, are co-ordinating their political institutions, and are adopting one another's social symbols, the prospect for peace would seem to be improving; if the opposite is true, the trend would be toward war. Thus, as a first approximation,

$$\frac{dx}{dt} = \frac{dE}{dt} = \frac{dPs}{dt} = \frac{dP}{dt} = \frac{dS}{dt}.$$

If the signs are negative (−), the trend is toward peace; if positive (+), toward war. These relations appear to be somewhat correlated on the diagram (Fig. 42);[8] thus any one of them could roughly be taken as a measure of the trend toward peace or war, but presumably E would most accurately measure that trend. Figure 42 indicates a distinctly declining relation to E of each successive variable. The rate of change of political or social relations alone would not be a satisfactory index of the expectancy of war, even less of the probability of war. Figure 42 suggests even less relation of the other variables (T, St, L, and I) to E, and Figure 51 suggests that the influence of these variables on E is sometimes inverse.

It has been suggested that if there is a long lag between the increase of technological contact between two groups and the development of psychic adjustment, hostility will be engendered.[9] That is, if technological distance is decreasing more rapidly than psychic distance, war is likely. If, on the other hand, psychic adjustment is proceeding more rapidly than technological contact, the outlook for peace is good. The influence of psychic distance on the probability

[7] See above, chap. xxxvi, sec. 4a.   [8] Above, Appen. XL.

[9] That is, the mutual interest of a and b in each other is increasing more rapidly than their friendliness toward each other (see above, chap. xxxvii, sec. 1).

of war may be assumed to be at least twice as great as that of technological distance (Fig. 51). Thus, as a second approximation,

$$\frac{dx}{dt} = 2\frac{dPs}{dt} - \frac{dT}{dt}.$$

So also the influence upon peace and war of closer intellectual understanding between groups seems to be contingent upon the changes in social relations between them. If social integration is increasing more rapidly than intellectual understanding, it will make for peace; if it is proceeding less rapidly, it will make for war, because each will seek to use its intellectual understanding to maintain its social attitude in opposition to the other.[10]

$$\frac{dx}{dt} = \frac{dS}{dt} - \frac{dI}{dt}.$$

As indicated, these formulas appear to be in a measure justified by the data presented in Figure 42. A third approximation of the trend toward war or peace may, therefore, be indicated by the formula[11]

$$\frac{dx}{dt} = \frac{dE}{dt} + \left(2\frac{dPs}{dt} - \frac{dT}{dt}\right) + \left(\frac{dS}{dt} - \frac{dI}{dt}\right).$$

3. INFLUENCE ON WAR OF NONRECIPROCAL RELATIONS BETWEEN STATES

Any particular aspect of the distance between two states is not necessarily the same when viewed from each direction.[12] If state b expects war with a, and a expects peace with b, b is likely to precipitate war, unless a's strategic position is deteriorating more rapidly than b's. This situation, which often precipitates balance-of-power wars, may be represented:

$$\frac{d(E_{ab} - E_{ba})}{dt} + \frac{d(St_{ba} - St_{ab})}{dt} = \frac{dx}{dt}.$$

Similar analyses can be made of other of the relations of states, especially of the political and legal relations.

If, in the relations of a and b, b increasingly estimates their political distance less than does a, war is likely, because a will increasingly oppose this assumption. This has been illustrated in the British difficulties with Ireland for centuries.

[10] That is, intelligence will make international retaliation and war more destructive and contribute to a deterioration of international relations. With deterioration of international relations in an intelligent world, readiness to engage in a duel may become the only rational method of self-preservation in the short run (see above, chap. xxiii, sec. 5). The same relationship is exhibited by the greater danger to peace in the social separation of races as they approach the same intellectual level. The socially inferior race, as its intelligence increases, increases its capacity to demand social equality, and the socially superior race as its position is threatened increases the vigor of its opposition to this demand.

[11] See above, chap. xxxvi, sec. 4a.   [12] See above, chap. xxxvi, sec. 4b.

The British have consistently viewed the political distance between the two countries as less than have the Irish. This has had the effect of inducing the Irish to increase the social and psychic as well as the political distance between the countries. A similar situation may account for most cases of violent self-determination by colonies.

The adverse influence of nonreciprocity in political distance will be augmented by nonreciprocity in legal distance. If a's recognition of b's full legal status is not reciprocated, a will resent the imputation of inferiority and b will seek to maintain its claim to superiority. China's opposition to unequal treaties and Germany's opposition to the unequal burdens of the Treaty of Versailles illustrate this. Eastern countries, burdened by extraterritoriality, tended to increase their resentment at this inequality as their understanding of the situation increased. These relations may be represented:

$$\frac{d(P_{ab} - P_{ba})}{dt} + \frac{d(L_{ba} - L_{ab})}{dt} = \frac{dx}{dt} \, .$$

Combining these factors with those developed in section 2, a third approximation of the trend toward war and peace may be formulated:

$$\frac{dx}{dt} = \frac{dE}{dt} + \left(2\frac{dPs}{dt} - \frac{dT}{dt} \right) + \left(\frac{dS}{dt} - \frac{dI}{dt} \right) + \left(\frac{d(E_{ab} - E_{ba})}{dt} + \frac{d(St_{ba} - St_{ab})}{dt} \right)$$
$$+ \left(\frac{d(P_{ab} - P_{ba})}{dt} + \frac{d(L_{ba} - L_{ab})}{dt} \right).$$

This formula indicates the complexity of the relations involved in the causation of war. In so far as the probability of war between two states depends *only* upon their relations with each other, that probability (x) for any period of time could be found (assuming this formula is correct) by integrating this expression between the values of t defining that period, adding a suitable constant (c), and multiplying by another constant (k). For a given moment of time such an integration would give the result:

$$x = k[E + (2Ps - T) + (S - I) + (E_{ab} - E_{ba}) + (St_{ba} - St_{ab}) + (P_{ab} - P_{ba}) + (L_{ba} - L_{ab}) + c] \, .$$

A substitution of the values for these variables estimated for pairs of the great powers on July 27, 1939,[13] gives the results indicated in Tables 75 and 76. These results may be compared with the estimates of war probability for all states made by a different method in January, 1937. For making this comparison, the values $c = 10$ and $k = 2$ were applied.[14]

[13] See Table 75 and Appen. XL, Table 71.

[14] See Table 76; Appen. XLI, Table 73, and Fig. 49; chap. xxxvi, sec. 4c. The values arbitrarily given to the constants, while not altering the relationship of the probabilities, gave a broader range in 1939 than in 1937 in conformity with the tendency illustrated in Fig. 50.

Some of the variables in this formula may be so dependent on others that they can be ignored, or they may be so nearly constant that their derivatives are zero. Since Ps and T appear to be the most independent variables and also the

TABLE 75

ESTIMATE OF THE PROBABILITY OF WAR AMONG PAIRS OF
THE GREAT POWERS, JULY, 1939

PAIRS OF GREAT POWERS	1	2	3	4	5	6	7	8	9
	E	$2Ps-T$	$S-I$	$E_{ab}-E_{ba}$	$St_{ba}-St_{ab}$	$P_{ab}-P_{ba}$	$L_{ba}-L_{ab}$	To-tal	Rank Order
United States–Great Britain.	2	2	0	0	1	−1	0	4	16
United States–France.......	3	0	1	1	2	−1	0	6	15
United States–Germany....	8	13	0	2	−1	−2	0	20	7
United States–Italy........	7	6	0	1	0	−1	2	15	11
United States–Japan.......	10	10	0	2	0	−1	−2	19	8
United States–U.S.S.R......	5	9	−2	1	1	−2	−3	9	12
Great Britain–France.......	4	5	0	0	2	−1	−1	9	13
Great Britain–Germany.....	10	10	1	2	−1	3	−1	24	5
Great Britain–Italy........	10	7	1	0	0	1	−1	18	9
Great Britain–Japan........	9	15	−1	−1	−3	2	−1	20	6
Great Britain–U.S.S.R......	6	4	−4	0	−3	1	−2	2	18
France-Germany...........	10	18	3	0	−1	1	0	31	3
France-Italy..............	12	15	3	0	0	0	1	31	4
France-Japan..............	7	5	−2	−1	−2	2	−3	6	14
France–U.S.S.R.......... ..	4	0	−6	2	−1	0	−3	− 4	19
Germany-Italy.............	2	2	−1	0	0	0	0	3	17
Germany-Japan............	3	− 4	−4	1	−1	1	−2	− 6	21
Germany–U.S.S.R..........	11	18	6	1	−2	1	−2	33	2
Italy-Japan................	4	− 4	−4	0	0	0	0	− 4	20
Italy–U.S.S.R..............	8	9	2	0	0	0	−1	18	10
Japan–U.S.S.R.............	12	17	7	0	0	2	0	38	1

The figures refer to the numbers at the head of the columns.

1. Averages in col. E, Table 71, Appen. XL.
2. Twice average in col. Ps minus average in col. T, Table 71.
3. Average in col. S minus average in col. I, Table 71.
4. ab minus ba in col. E, Table 71.
5. ba minus ab in col. St, Table 71.
6. ab minus ba in col. P, Table 71.
7. ba minus ab in col. L, Table 71.
8. Sum of numbers in cols. 1 to 7.
9. Rank orders (see Table 76).

ones which at the present time probably vary the most,[15] it might be that omission of all except the first bracket would not greatly decrease the accuracy of the

[15] These are both complex variables. Ps may combine opinions on several aspects of a state, such as its degree of dynamism, of communism, and of pacifism (see above, chap. xxxv, sec. 4; Appen. XL, Fig. 44). T may combine such factors as interest, interdependence, and contact. In the social sciences time (t) covers numerous undefined contingencies (see above, chap. xvi, Appen. XXV, sec. 1).

TABLE 76

COMPARISON OF ESTIMATES OF THE PROBABILITY OF WAR
JANUARY, 1937, AND JULY, 1939

PAIRS OF GREAT POWERS IN ORDER OF WAR PROBABILITY, 1939*	JANUARY, 1937†	JULY, 1939‡				OCCURRENCE OF WARS	
		Approximations			Final Esti-mate**	Date††	Rank Order‡‡
		E§	$2Ps-T\|$	$E+2Ps-T+S-L$¶			
Japan–U.S.S.R.............	0.89	0.96	0.92	0.96	0.96	§§	.....
Germany–U.S S.R..........	.87	.88	.96	.94	.86	6–22–41	5
Germany–France...........	.78	.80	.96	.86	.82	9–3–39	1
Italy–France..............	.57	.96	.84	.84	.82	6–11–40	3
Germany–Great Britain.....	.66	.80	.64	.66	.68	9–3–39	2
Japan–Great Britain........	.51	.72	.84	.70	.60	12–7–41	8
Germany–United States....	.46	.64	.76	.66	.60	12–11–41	9
Japan–United States.......	.56	.80	.64	.64	.58	12–7–41	7
Italy–Great Britain........	.54	.80	.52	.60	.56	6–11–40	4
Italy–U.S.S.R..............	.57	.64	.60	.62	.56	6–22–41	6
Italy–United States........	.38	.56	.48	.50	.50	12–11–41	10
United States–U.S.S.R......	.31	.40	.60	.48	.38	....	......
Great Britain–France.......	.33	.32	.44	.42	.38	‖‖	......
Japan–France..............	.51	.56	.44	.44	.32	¶¶	......
United States–France.......	.28	.24	.24	.32	.32	....	......
United States–Great Britain.	.27	.16	.32	.32	.28	....	......
Germany–Italy.............	.52	.16	.32	.30	.26	....	......
Great Britain–U.S.S.R......	.43	.48	.40	.36	.24	....	......
France–U.S.S.R............	.32	.32	.24	.20	.12	....	......
Japan–Italy................	.35	.32	.12	.16	.12	....	......
Germany–Japan............	0.32	0.24	0.12	0.14	0.08	....	......

* See Table 75, col. 9.

† See Table 73 and Fig. 49 in Appen. XLI, and chap. xxxvi, sec. 2.

‡ The numbers in these columns are derived from Table 75 with the results transformed, without changing relative values, so as to cover a range, roughly between 10 and 100. This was done by adding and then multiplying by suitable constants.

§ Numbers in col. 1, Table 75, times 8 (see above, nn. 4 and 8).

‖ Numbers in col. 2, Table 75, times 4 (see above, nn. 9, 15).

¶ Sum of cols. 1 to 3, Table 75, plus 12, times 2 (see above, n. 11).

** Numbers in col. 8, Table 75, plus 10, times 2 (see above, n. 14).

†† From United States, *Department of State Bulletin*, V (December 20, 1941), 551 ff.

‡‡ The major errors in the prediction arose from the postponement of war between the Soviet Union and the Axis powers (see above, chap. xxxvi, sec. 4c).

§§ Hostilities of considerable magnitude took place between Japan and the Soviet Union in August, 1938, and May–August, 1939.

‖‖ Minor hostilities took place between Great Britain and Vichy France in Syria, May–July, 1941, ending in an armistice, July 14, 1941 (see Royal Institute of International Affairs, *Bulletin of International News*, XVIII [July 26, 1941], 951).

¶¶ Minor hostilities took place between Japan and Vichy France in Indo-China in September, 1940.

formula. In that case the variations in the probability of war between a pair of states could be represented by a curve in a three-dimensional space of which technological relations, psychic relations, and time were the axes.[16] Inspection of Table 76 suggests, however, that the complete formula gave the best prediction. The errors inherent in the formulas here considered because of the influence of third states and of the world-system on war will be considered in the next section.

4. INFLUENCE ON WAR OF THIRD STATES
AND THE WORLD-ORDER

The probability of war between two states is a function not entirely of the direct relations of each with the other but also of the relations of each with third states and with the world-order. The general influence of the types of world-order and of the point of view which it establishes in respect to war have been considered.[17] A more concrete analysis has been attempted of the influence of third states in a balance-of-power system.[18]

In proportion as all aspects of the relation of pairs of states in the world-order become closer (distances decrease), the relation of third states becomes important. The system changes from a balance-of-power to a federal character. War becomes a function of the world-order, not of bilateral relations. In proportion as all aspects of the relation of states in the world-order become less intense (distances increase), the relations of third states can be ignored. War becomes a function of the relation of each pair of states.

The influence of third states upon war under balance-of-power conditions might be analyzed by considering the relations of all states to the two dominant states about which the equilibrium tends to polarize. The probability of war between any two states would then be a function of the relation of those states to the dominant states and of the latter to one another.[19]

Analysis of the probability of war under conditions of a world-order of the federal type, implying that distances are in general reduced, would be even more complex. Such an analysis would in fact be an analysis of the conditions of civil war in which the basic assumption of this appendix—that states are the permanent and distinctive entities between which war occurs—would no longer be even approximately correct.

---

[16] As these variables are interrelated in varying degrees, others might be taken as the independent variables. The policy of a government operates most easily to change strategic and political relations. Thus St and P might be conveniently taken as independent variables if the object of investigation is to guide policy, but they are probably more complex and less measurable than T and Ps.

[17] Above, chaps. xxxiv and xxxv (sec. 5b); below, Appen. XLIV.

[18] Above, chap. xx; Appen. XXIX.

[19] Above, chap. xxxvi, sec. 4e.

APPENDIX XLIV

THE RELATION OF NATIONAL POLICIES TO TYPES OF WORLD-ORDER

National policies usually have broad objectives such as augmentation of national power, prosperity, or security, but they are usually formulated more concretely with respect to particular problems or situations. These may be grouped into problems involving world-influence, domestic order, national security, or international relations. Problems involving world-influence arise particularly when a state is faced by foreign war or by proposals for international political commitment. Problems involving domestic order arise emphatically in connection with movements for national self-determination and for revolutionary constitutional change. Problems involving national security concern especially armaments and frontiers. Problems involving international relations concern policies respecting international trade and international law. In dealing with these problems, governments must decide whether to pursue policies of neutrality or collective action, of recognition or intervention, of preparedness or disarmament, of nationalism or internationalism.

National policies both influence and are influenced by the type of world-order which prevails at the time. Thus one type of policy with respect to foreign war would be appropriate to and promotive of a balance-of-power system; another should be pursued if a world-federation exists or is desired. Policies of small states are usually adaptive to the existing world-order, while policies of great states may seek to modify that order.

Table 77 suggests some of these relationships. The policies are indicated which it is believed a state should pursue with respect to the eight problems suggested in order to adjust itself to, or to promote the type of, world-order indicated at the top of each column. The stability of each of these types of world-order depends upon the general acceptance of certain assumptions. The four types of order assume the priority, respectively, of military, of legal, of sociological, and of psychological factors in determining the world-situation. The figures indicate the chapters and sections of this volume which state the assumptions underlying these types of order[1] and the consequences of the various

[1] See also chap. xxxiv, secs. 1–4; chap. xxxviii, sec. 3. These types of world-order do not precisely correspond to the historic types classified according to the sources and sanctions of governing authority which have been effective (see above, chap. xxvi, sec. 2b, n. 37). Balances of power, federations, and churches have existed over considerable times and spaces and have rested, respectively, on military, sociological, and psychological assumptions. Empires have sometimes begun with hegemonies which established

TABLE 77

THE RELATION OF NATIONAL POLICIES TO TYPES OF WORLD-ORDER

Problems of Foreign Policy \ Types of World-Order	Stable Balance of Power (chap. xx)	Effective Law between States (chap. xxiv)	Firm Federation of Nations (chap. xxv)	Harmonious Coexistence of Peoples (chap. xxx)
World-Influence — Foreign war (chap. xxi, sec. 3)	Retain flexibility of policy, remain neutral, or intervene on the weaker side as equilibrium requires	Meet international responsibilities to prevent hostilities; oppose isolation, neutrality, and alliances	Establish world-institutions to oppose aggression by governments on the basis of world public opinion	Emphasize human solidarity, oppose national, racial, or religious isolation or discrimination
World-Influence — Political commitments (chap. xxi, sec. 2)	Avoid permanent alliances, federations, and unions among great powers	Organize all states through commitments to prevent aggression and to remedy legitimate grievances	Develop supranational organization to regulate activities which transcend national jurisdictions	Establish world-institutions to measure social tensions and to initiate compensating changes
Domestic Order — Self-determination movements (chap. xxii, sec. 3)	Favor independence of the dependencies of great powers and unions of adjacent small powers	Favor independence of dependencies of great states and unions of adjacent small states	Dissociate nationalism from the state and develop world-citizenship	Devise outlets for human aggressions and loyalties other than war
Domestic Order — Revolutionary movements (chap. xxii, sec. 4)	Favor an increase of internal solidarity and governmental centralization of the powers	Protect minorities and oppose extreme governmental centralization of states	Favor democratic and liberal constitutions and cultural tolerance	Base political institutions on rational services rather than on mass emotions

TABLE 77—*Continued*

Problems of Foreign Policy	Types of World-Order	Stable Balance of Power (chap. xx)	Effective Law between States (chap. xxiv)	Firm Federation of Nations (chap. xxv)	Harmonious Coexistence of Peoples (chap. xxx)
National Security	Armaments (chap. xxi, sec. 4)	Adjust preparedness to the changing equilibrium; favor general reduction of offensive armaments	Favor diminution of armaments by general agreement and international regulation of arms trade	Establish regional and universal police forces with monopoly of offensive arms	Estimate costs of varying speeds of social change and the method for minimizing them
	Frontiers (chap. xxi, sec. 1)	Favor establishment of buffer states and disarmament of frontier areas between potentially hostile powers	Stabilize national frontiers and facilitate operation of international sanctions to defend them	Reduce economic importance of frontiers to a minimum	Reduce legal, economic, and cultural significance of frontiers
International Relations	International trade (chap. xxxii)	Favor moderate economic self-sufficiency and moderate neutral trade in wartime	Promote economic internationalism but embargo trade to aggressor governments	Promote world-economic exchange but permit state regulation of migration	Develop regulative institutions in pace with development of economic and cultural interdependence
	International law (chap. xxv)	Favor confinement of international law to regulation of war, neutrality, and formal peace-time relations	Subject state sovereignty to law with respect to aggression, armament, trade barriers, and adjudication of international disputes	Develop world-law to protect basic rights of individuals and to punish offenses against the world-order	Make advance estimates of the effect of technological and social inventions and legislate to control them

policies by which states have attempted to meet these problems in the modern world.[2]

The actual order of the modern world has in the main been one of balance of power, and national policies have as a rule followed the course suggested in the first column.[3] There have, however, been efforts to modify the world-order. The policies proposed by the League of Nations[4] and those set forth by Secretary of State Hull in the *Fundamental Principles of International Policy*, which he submitted to all governments on July 16, 1937,[5] conformed in general to the policies suggested in the second column. Such policies were elaborated in a pamphlet prepared under the auspices of the committee of the Norman Wait Harris Memorial Foundation of the University of Chicago in 1935.[6] Suggestions of national policy which emerged from a conference under the same auspices in 1940 contained some proposals resembling those in column 3,[7] as did the preliminary report of the Commission To Study the Organization of Peace.[8] Numerous

effective law between states. The idea of empire, however, is the substitution of imperial law for interstate law through elimination of all states but one. The world-order and the state become one. Consequently, the solution of the problems of a state seeking world-empire depends only on expediency. It cannot be limited by considerations of a higher order, of the type considered in this table. There seems to be no historical illustration of a self-supporting system of law between states. International systems have never rested on a general recognition of the priority of law but on a balance of power, a social federation, or even on an imperial hegemony or a universal religious conviction. The idea of such a system has, however, been of importance in modern history (above, chap. xxv, sec. 2).

[2] See also chap. xxxiv, sec. 5.

[3] With some variation according as states have tried to dominate the equilibrium, to stabilize it, to keep it unstable, or to legalize it. The first policy seeks to convert the balance of power into an empire, the latter into a legal order. See above, chap. xxi, sec. 5.

[4] Secretariat of the League of Nations, *The Aims, Methods and Activity of the League of Nations* (Geneva, 1935).

[5] *Fundamental Principles of International Policy: Statement of the Honorable Cordell Hull, Secretary of State, July 16, 1937, Together with Comments of Foreign Governments* (Washington, 1937).

[6] *An American Foreign Policy toward International Stability* ("Public Policy Pamphlet," No. 14 [Chicago, 1935; 2d ed., 1938]).

[7] Walter H. C. Laves and Francis O. Wilcox, *The Middle West Looks at the War* ("Public Policy Pamphlet," No. 32 [Chicago, 1930]).

[8] Commission To Study the Organization of Peace, "Preliminary Report and Monographs," *International Conciliation*, No. 369, April, 1941.

other official and unofficial proposals have looked toward fundamental modifications of the world-order.[9]

It appears that the policies appropriate to a balance-of-power order are in most cases very different from those appropriate to an effective international legal order. This suggests that *gradual* transition from a balance-of-power system to a juridical and co-operative international system is not likely and that states may find themselves in serious difficulties if they pursue policies adapted to the latter type of order before enough of them do so actually to establish that type of order.

Such transitions have, however, taken place in the past during short periods of time. The twentieth century can witness the advent of a new system of world-politics, better adapted to its technology and its democracy, if statesmen of the principal powers *simultaneously* adopt policies appropriate to such a system. These changes can take place only with able leadership and only at a moment when world-opinion is convinced of the disastrous consequences of the past system. That opinion cannot be expected to endure without suitable supranational institutions.

[9] See William P. Maddox, *European Plans for World Order* ("James-Patten-Rowe Pamphlet Series," No. 8 [Philadelphia: American Academy of Political and Social Science, 1940]).

INDEXES

INDEX OF NAMES

[References to quotations, opinions, or actions are printed in italics.]

INDEX OF SUBJECTS

Dumdum bullets, 812

Dura lex sed lex, 192

Duress, as a defense, 1400

Dynamic stability, 388–90

Dynamism: of science and technology, 403; and war, 254, 831–32

East India Company, and military activity, 1163

Eastern Carelia case, 945

Eastern Greenland case, 823

Ecclesiasticism, defined, 1457, 1463; see also *Pax ecclesia*

Economic cycles, 231, 1180, 1273–76, 1369–70; *see also* Fluctuations

Economic war, 810–11, 854; influence of inventions on, 793–94; among primitive peoples, 546, 551–59; *see also* Arms trade; Autarchy; Blockade; Discrimination; Embargoes; Tariffs; War

Economics, 275; of animal survival, 510–12; education on, 1222; and foreign policy, 401; meaning of, 1146, 1363–75; and population, 1144; and war, 200, 250, 271, 275, 426, 858, 1116, 1146; *see also* Economists

Economists: classical school of, 768, 1163, 1366–69; historical school of, 1372–73; institutional school of, 284, 1177–78, 1367–68; Manchester school of, 768, 1365; marginal utility school of, 1370; Marxian school of, 284, 1177–78, 1367–68; mathematical school of, 1369–70; mercantilists, 768, 1365; neoclassical school of, 1373–75; opinions of, on war, 708, 1365–75; physiocrats, 1365; socioethical school of, 1371–72

Economy: of abundance, 965; defined, 1457, 1464; free and controlled, 306–7, 1274; mixed, 1186–87, 1275; of modern world, 367; and national defense, 1170; stages of, 38; types of, 1152–72, 1206; and warlikeness, 281–83, 829–31, 1146–47; *see also* Agrarianism; Autarchy; Capitalism; Feudalism; Industrialism; Socialism

Edict of Nantes, 199

Education: among animals, 510–12; and changes, 396; civic, 250; defined, 510, 1218; international, 1218, 1295, 1335; among primitive peoples, 89, 1456; and propaganda, 1093–95; scientific and traditional, 1456; and war, 1204, 1222, 1379

Egoism, 622

Egypt, 35; and invention of war, 34, 471

Egyptic civilization, 39, 106; military characteristics of, 575–76

Elite, 213, 822, 1003, 1044, 1081, 1201; *see also* Leadership

Embargoes, 377, 693; United States policy of, 787–88

Emergence, 18, 101; of civilizations, 395; of human types, 30–32, 395; of modern civilization, 166; of war, 27, 36

Empire, 965–66, 1494, 1496; institutional unity of, 969; and nation, 258, 1003, 1005, 1010; rise and fall of, 963–64; universal, 327, 381, 965–66; *see also* Imperialism

Empiricism, 622

Encirclement, 758

Encyclopaedia of the Social Sciences, 1432

Ends and means, 1295, 1307–9; and history, 441–42; and law of war, 156; and planning, 1300; and practice, 266–82, 1299; of society, 1023–24; and techniques, 18, 423

England: Civil War of, 198; development of order and justice in, 925–28; wars with France, 1263; *see also* British Empire; Great Britain; Wars

Environment, and primitive war, 63–64, 552–54

Equality: of man and nations, 171; of participants in war, 1393; of states, 946, 979–81, 1344

Equilibrium: and co-operation, 1047; disturbance of, 760, 1286; evidences of, 768; stable and unstable, 815–17; types of, 387–97, 747; and war, 68, 743–44; *see also* Balance of power; Stability

Equity: British, 869–70; international court of, 1337

Erastianism, 202, 895

Escape, to war, 285, 1200

Esthonia, and League of Nations Covenant, 1445–46

Ethics: Christian, 885, 909; and war, 157–59, 885–87

Ethiopia, 321, 345, 401, 775, 943–44; aggression, 892; and League of Nations, 947–48; *see also* Wars

Europe: civilization of, 169; public law of, 361, 363; Union of, 779–80, 1061; *see also* Concert of Europe

European powers, analysis of wars of, 653–54

Evidence: defined, 730; historical, 25, 441; legal, 866–67; of past war, 30–33, 102, 218, 591, 637; scientific, 1355

Evolution: analogies to, 450; divergent and convergent, 450, 454, 477; and emergence, 27; and history, 113; ideological, 389; and integration, 1438; of military instruments, 147; of nationalism, 1004-9; organic, 92, 389, 450, 456, 906; orthogenetic, 505, 510, 516; rate of, 49, 456; and revolution, 256; social, 388-89, 395, 451; theory of, 508-9, 1207

Evolutionists, 183

Executive, control of foreign relations by, 264-65, 364, 825, 838-39, 1048; *see also* Foreign policy

Expansion: of civilizations, 375; of modern civilization, 212-14, 251-52, 257, 609, 637; and nationalism, 990; and war, 251, 380

Expansionism, 1177-80; *see also* Imperialism

Faith: creeds, 1256; of modernism, 192-93; and organization, 835; and science, 403-5, 1305; *see also* Religion

Families of nations: development of, 962-65; forms of, 965-69

Family of nations, 252, 955-86; and balance of power, 269; character of, 975-82, 1043; concept of, 610-11, 970-75; development of, 964-65, 1259; expansion of, 212-13, 637; federation of, 982-86; isolation of, 964, 975; and national governments, 1348; powers of, 1055-60; weakness of, 1045, 1393; *see also* Community of nations

Far East, union of, 779

Fascism, 622; a Machiavellian conception, 345; a new religion, 367, 1419; and use of propaganda, 276

Faustian civilization, 193

Fear: drive of, 91, 523; freedom from, 178-79; of invasion, 6, 779-80, 1016; political motive, 1016, 1379; unifying influence of, 253; of war, 1222

Federal convention (United States), 915; and sanctions, 915, 941

Federal government: defined, 776-77; weakness of, 1350

Federal union, of democracies, 324, 422

Federalism, type of leadership, 1206

Federation, 324, 351, 400, 402, 774, 937-38, 1195, 1494-95; and centralization, 837-38; characteristics of, 967-69; continental, 779-80; of family of nations, 982-86; and fear of invasion, 779-80; and security, 817; of sovereign princes, 431; universal, 176, 327; voluntary,

762; and war, 837; *see also* Confederation; Federal government; International organization; League of Nations; World-federation; World-organization

Feudal principalities, 215, 380

Feudalism, 256; nature of, 1153, 1158-59; and warlikeness, 830-31, 1159-60

Feuds: and honor, 882; international, 1316-18, 1328-29; legal character of, 1392, 1395; primitive, 59, 90

Fictions, 183, 1450; defined, 972; in social science, 683; states as, 916, 1032, 1416-18

Fifth column, 401, 854

Fighting: causes, 481; of children, 44, 481, 1202-3; of gamecocks, 498; instinct, 521, 1198, 1201; of monkeys and apes, 43-44, 481, 495; *see also* Drives; War

Finnish ships, case of, 947

Firearms: invention of, initiated modern war, 35, 293-95; use of, by natives, 88; *see also* Armaments; Gunpowder

Flag-salute case, 1086

Fluctuations: in balance of power, 781-82; in birth and death rates, 211; in character of military activity, 101-2, 120-21, 735; economic, 231, 1180, 1273-76, 1369-70; of fifty years, 227-32, 378, 1272, 1318-19; in history, 27-28, 118-19, 131, 179, 390; in hostility and friendliness of states, 1472-80; in integration and disintegration of families of nations, 962-65; in offensive and defensive superiority, 259, 324-28, 375, 848; political and economic, 1271-76; and political lag, 826; in respect for human rights, 911; in systems of thought, 192, 602; in tension level, 827, 1001-2, 1106-14, 1219-20; in theory of war, 162; in type of civilization, 165, 1272-73; of war and peace, causes, 372-405, 735; *see also* Changes; Cycles

Food: drive, defined, 1457-58; fights for, 75, 123, 481-82; *see also* Drive

Football, and warfare, 314

Force: use of, 252, 835; and economic welfare, 858; as sanction, 1396; *see also* Armed force; Sanctions

Foreign affairs; *see* Foreign policy

Foreign investments, and war, 1164, 1174-75

Foreign policy: and armaments, 767-818; co-ordination of, 894; and constitutions, 824-28; control of, 264, 363, 844, 1048, 1224 (*see also* Executive); and

Ireland: Brehon law in, 870; British difficulties with, 1488–89

Irish civilization, military character of, 588

Irredentas, wars of, 988

Islam, 966; wars for, 721

Isolation, 397–98, 1258, 1324; and aggressiveness, 398; artificial, 319; degree of, among great powers, 1470–71; and democracy, 846; devices for preserving, 906; flight to, 1330; measurement of, 1241; and nationalism, 994; political and psychic, 1282; reduction of, 174; social, 1433, 1444; and sovereignty, 924; and war, 961, 1098; see also Contact; Technological distance

Isolationism, 1055, 1329; in Latin America, 785; in the United States, 785, 787, 839, 967

Italy, 775; aggression by, 696; autarchy, 851; and balance of power, 756; belligerency, 828; and collective security, 400; and conquest, 258; and disarmament, 803; economic system of, 1155; and integration, 258; and League of Nations, 985; means of unification, 1007; naval ratio of, 753; political attitudes of, 1254; and population problems, 1123; theory of state of, 345, 820; wars of (1480–1942), 641–50; and world-institutions, 1349; see also Fascism

—(statistics concerning): attitudes toward, 1480; distances from great powers, 1282, 1467–71; military development, 667, 672–73; nationalism, 1000; war casualties, 656, 664; war participation, 655; war probability, 1265–66, 1281–82, 1478–79, 1490–91

Janizaries, 294, 590

Japan, 824; aggression by, 301, 696, 1075; air attacks by, 793; autarchy of, 851; and balance of power, 756; blood revenge in, 1397; and collective security, 400; and disarmament, 803; economic system of, 1155; effect of American and Chinese tariff on, 1052; fighting habits of, 224–25; and integration 258; leadership in, 761, 853; and League of Nations, 985; Machiavellian conceptions of, 345; and Manchuria (see Manchuria); methods of expansion by, 1137; naval ratio of, 753; and need of colonies, 1122; "new order" in, 776; and "organ theory" of emperor, 346, 900; political attitudes of, 1254; population problems of, 1119, 1123, 1141–43; source of mili

tarism in, 761, 1164; theory of state of, 820; United States policy toward, 788; warlikeness of, 852; and world-institutions, 1349

—(statistics concerning): attitudes toward, 1475–76, 1480; degree of nationalism in, 1000; distances from great powers, 1282, 1467–71; military development of, 667, 670–72; war participation of, 655; and war probability, 1264–66, 1280–82, 1478–79

Japanese civilization, military character of, 122, 583

Java, population problem of, 1123

Jealousy, 1457; defined, 1460

Journalists, on war, 15

Judicial combat, 1392, 1395; legal position of, 1398

Jurisdiction in world-organization, 1336–38

Jurists: on conflict, 349; on League of Nations, 1060; on war, 707, 735

Jus belli, 161, 329–30

Jus est ars boni et aequi, 869

Jus ex injuria non oritur, 869, 948, 1396

Jus fetiale, 161, 163

Just and unjust war, 138, 158, 331, 386, 430, 737, 886, 1393, 1395, 1398

Justice, 835; administration of, in different civilizations, 871; conception of, 172, 1247; individual and social, 865, 1454–55; and law, 867; maintenance of, 865; and peace, 946–52; among primitive people, 874; and procedures, 871; of territorial transfers, 1138

Justification: for crusades, 722; for the Hundred Years' War, 722–23; for Napoleonic Wars, 725; for Moslem invasions, 721; for the Thirty Years' War, 723–24; for war, 385–86; for World War I, 725–26

Justinian's Digest, 192

Kellogg-Briand Pact; see Pact of Paris

Killing: human attitude toward, 92; state monopoly of, 821

King's peace, 162

Labor, and nationalism, 1007; see also International Labour Organization

Labor party, rise of, 266

Lag, 392; cultural, 1284, 1433, 1443; between different aspects of distance, 1260, 1332; inducive to war, 1487; political, 381–82, 1284–87; production, 799

çhange in, 217; science and faith in, 404; and stability, 402-5; values of, 169, 202; and war, 192-96; writers on, 167, 615-18

Mogul empire, 585

Mohacs, Battle of, 590

Monarchy, theory of, 820; *see also* Autocracy; Divine right

Monism: juristic, 1337-38; National and international, 1416-21; *see also* International Law

Monkeys: fights of, 44; compared to nations, 495

Monopoly, economic, 1274-75

Monotheism, conception of God, 972-73

Monroe Doctrine, 338

Mormonism, 388

Moslem conquests, factors in, 721; *see also* Islam

Moral rearmament, 814; *see also* Armament

Moral sanctions; *see* Sanctions

Morale, 275-76, 306, 318, 325, 345; and material conditions, 379

Motives: for aggression, 1200-1204; classification of, 288-90, 524-26, 1456-65; cultural, 278, 285-86; economic, 278, 281-85, 1462-64; and personality, 524-25, 1200-1206, 1434, 1449, 1453; political, 278-81, 1463-65; religious, 278, 286-88, 1463-65; social, 278, 1433, 1440-41, 1452, 1457-59, 1463-64; sources of, 288-90; for war, studies of, 1202-4; *see also* Drives

Munich settlement, 321, 692, 771, 814, 854, 1280, 1316, 1326, 1328

Municipal law, 154, 346, 696; and international law, 874-77, 897; and national monism, 1420; rights and remedies, 925; sources of, 900; and sovereignty, 897; *ultra vires* acts, 1417-18; *see also* Law

Murder, 92, 719, 1395

Murngin warfare, 60, 75, 79, 97, 1220; losses in, 569

Myths: and analyses, 1028-30; of European civilization, 1032; world-, 1035-37, 1384, 1388

Nansen Committee on Refugees, 173

Napoleonic doctrine, 325

Napoleonic period, 232

Napoleonic Wars; *see* Wars

Nation: as an artificial construction, 998; and community, 995; concept of, 994-

95; as a dynamic symbol, 111; as a modern institution, 610; and need of contact with out-group, 994; and state, 19, 995-96

Nation-in-arms, 305, 326

National income, 667, 669

National policies: objectives of, 1493; and stability, 400-402; types of, 320, 397-402, 814-16, 1495; and types of world-order, 321-24, 397-402, 1493-97

National Policy Committee, 422

Nationalism (characteristics), 817, 996-99; defensive and aggressive, 1000; defined, 991-96, 1463; French and German, 253; liberal, 1006-7; medieval, 1005; monarchical, 1005; reality of, 1032; religion of, 288, 999; revolutionary, 1006; spirit of, 215; symbols, 999; theory of, 1188; of thought, 197; totalitarian, 961, 1007-8

—(history): in Asia, 769, 852; evolution of, 1004-9; factors influencing intensity of, 1001; future of, 1009-11; measurement of, 1000-1001; methods of building, 1001-4; periods of, 196, 338-41; rise of, 257; wars of, 227, 987-91

—(relations): and bourgeois, 296; and capitalism, 1184-85; and constitutionalism, 253, 1206; and family of nations 1012; and imperialism, 829; and international law, 365; and internationalism, 258-59; and isolationism, 994; and patriotism, 279-80, 987; and public opinion, 998-99; and public welfare, 1188-99; and race, 987; and rules of war, 812; and social disintegration, 1008; and socialism, 1185; and sovereignty, 347, 364-65; and stability, 362; and technological distance, 1244; and vernacular literature, 607-8; and war, 384, 723, 725-26, 829, 987-1011

—(values): adjustment to world-standards, 1295; advances cultural homogeneity, 829; contributes to peace, 987; creates loyalties, 987; cultural self-determination, 1010; decreasing value of, 259, 1009; disintegrates empires, 258; major cause of modern war, 991; may destroy civilization, 1010; obstacle to world-unity, 987

Nationalists, 348; integral, 904-5

Nationality: defined, 998, 1292; and democracy, 4, 216; development of, 362, 991; expansion of, 1294; and international law, 1007; legal and cultural, 996-97; mission of, 990; and state, 216; wars of, 988

673; power of, 258, 321–22; weapons of, 806–8; *see also* Aggression; Weapons

Opinion: and attitude, 526, 1081, 1093–94; and conditions, 1084–87, 1116; and custom, 1018–19; defined, 526, 1081; diversities of, 1087–89; and education, 1094; and group integration, 1019, 1039–40, 1045; measurement of, 1208–9; nature of, 1019; and propaganda, 1019, 1093; as source of power, 1045, 1047; and symbols, 1082–84; and truth, 1019, 1085; *see also* Public opinion

Opposition: adjustment to, 961; amelioration of, 959; defined, 1439; to intrusion, 1460; measurement of, 959–60; origin of, 959; role of, 957

Ordeal, trial by, 1396

Organ theory, of Japanese emperor, 346

Organic history: military and political units of, 677; and war, 29

Organization, 1433; defined, 1436; and opinion, 1045; of primitive peoples, 528–44; and symbols, 1025

Orléans, siege of, 103

Orthodox Christian civilization, military character of, 588–89

Osaka Mainichi, 1475

Oscillating stability, 390; *see also* Fluctuations

Oslo powers, 776; and collective neutrality, 789; and neo-neutrality, 792

Ottoman Empire, 251, 283, 771; *see also* Turkey

Overpopulation, conditions of, 1129–30, *see also* Population

Outlawry, 1397; legal conception of, 1392, 1395; of war, 366, 737, 985, 1079–80

Outlawry of War, American Committee for, 422

Pacific Islands: guaranty of, 774; partition of, 770; warfare on, 73, 373–74

Pacifism: and approaches to study of war, 435; and Christianity, 195; of classical economists, 1366; and economics, 200; and humanism, 384; and isolationism, 1329; methods of, 1279; in the Middle Ages, 384; and militarism, 164–65; and peace, 1090; post-Renaissance, 885; primitive, 277; propaganda of, 1098; suicidal to state, 517; theory of, 1081–82; and war, 384, 1079, 1098

Pacifists: and disarmament, 322; Hitler on, 815; and military writers, 428; on personality and war, 425; types of, 435–36

Pact of Paris (Kellogg Pact): and aggression, 696, 892; and armament, 844; and economic security, 1051; initiated by the United States, 845; and legalism, 986; parties to, 214; permissive sanctions of, 1396, 1399; results of, 720; and sanctions, 941, 1394; and sovereignty, 908, 919, 1349; violation of, 788; and war, 341, 856, 864, 888; *see also* Budapest Articles of Interpretation

Pacta sunt servanda, 869

Palestine, nationalism in, 999

Panama Conference (1939), 779, 791

Pan-American system: and collective security, 789, 791; and political unity, 777–79; role of the United States in, 776

Paquete Habana, case of, 930

Parallel action, method of, 1055–56

Parasitism: effects of, 46; nature of, 499–500

Paris Peace Conference (1919), 365; *see also* Treaties

Patriotism, 279–80, 1038; and bourgeois, 296; and imperialism, 143, 1038; and nationalism, 279–80, 987; opinions on, 1203–4

Pax Brittanica, 299, 341, 362, 765, 853, 1164; and democracy, 841; leadership of, 815; and population, 1131

Pax ecclesia, 327, 362, 765

Pax Romana, 327, 362, 765, 853; battles during, 595; and population, 1131

Peace (concept): Augustine on, 10; defined, 10, 194, 864; as an equilibrium, 1284; includes law and violence, 864, 1091; indivisible, 342; internationalist view of, 1090; law of, 331–32; pacifist view of, 1090; permanent, 269; positive and negative, 1089–93, 1098, 1305–7; pragmatic view of, 187; scope of, 261; symbols of, 1079, 1081–93; types of, 1092; *see also* Pacifism; Pacifists

—(conditions): 16, 305, 331, 1223–24, 1239, 1330, 1385; action for, 1304; education for, 1218–26; efficiency of methods, 855–56; favored by financiers, 320; functioning of, 1344–52; legal requirement, 867; and need for world-opinion, 1088; organization of, 1073, 1343; planning for, 7; possibility of, 1486–87; preventive action of, 1322; price of, 382, 1295; problem of, 1054; structure of, 1332–43

—(relations): and art, 1097; and British Empire, 381; and democracy, 266; and despotism, 434; and disintegration, 955;