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THE GOVERNMENTS OF FOREIGN POWERS

REVISED EDITION

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HENRY HOLT AND COMPANY
New York

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PRINTED IN THE UNITED STATES OF AMERICA

Preface to the Revised Edition

THE first edition of this book appeared in 1947 to meet the need for a description of the postwar governments of the major foreign powers. The changes of wartime had been far reaching in every one of the seven governments described, and the situation of many of them made it very difficult to give a complete description of their organization and practice. The first edition was therefore brief and, in many respects, incomplete. The authors realized that this was unavoidable and promised a revised edition at the earliest opportunity. While the pace of change has hardly slackened since 1947, it is now possible to describe these governments in much fuller detail. As a result, this edition is more than twice the size of the first.

This increase in size should be briefly explained. An entirely new first chapter deals with the characteristics of the twentieth-century state, furnishing a background for interpretation of the governments of the seven selected countries that are the subject of the book. Since a Labour Government in England has just completed a five year term of office, two additional chapters have been devoted to the administrative organization of British government, with special emphasis on organization for economic and social planning. The date of publication has made it possible to include, at all relevant points, a discussion of the effect of the general election of 1950 in Britain. The constitutional laws of the Fourth French Republic and the Italian Republic have gone into effect, and additional chapters on France and Italy analyze the constitutional basis of government, developing administrative and legislative practice, as well as the current political forces in both countries. Accumulated research and publication on the Soviet Union have supplied details which greatly extend and amplify the original account given of its organization and policies. Continued occupation of Japan and the organization of government under a new constitution have yielded the data for a much fuller description of Japanese government and politics.

The situation of two great communities, Germany and China, is no more certain now than in 1947. The basic political factors in both countries have been assessed with care, and the interplay of the policies of the Great Powers which affect both nations have been interpreted. It is not possible to describe with precision "the government" of either Germany or China, but the story of developments in each has been brought up to date and future possibilities have been given attention.

Increase of data has afforded opportunity to make use of graphic methods of presentation, and many maps and diagrams have been used to clarify situations and relationships. Otherwise the methods and purposes of the authors have remained much the same: to give a straightforward and accurate account of these seven governments, to make comparisons and contrasts between them and with the United States, and to analyze the economic situation in which each must operate.

Authorship remains the same as in the first edition. Philip W. Buck wrote the chapters on England, France, Italy, Germany, and the Soviet Union; John W. Masland wrote those on Japan and China. During the writing of these chapters, though one author was in Europe and the other in the United States, constant exchange of manuscript and comment made possible a full exchange of views and suggestions. The division of responsibility just mentioned is more nominal than actual.

Both authors acknowledge aid and advice generously give in both the first edition and this one. Officials of the British Treasury gave assistance at points mentioned in the appropriate chapters. Among academic friends, the authors wish particularly to mention John G. Gazley of Dartmouth College, John M. Maki of the University of Washington, and Manfred Vernon of the University of Michigan. Footnotes and reading lists show that both authors are deeply indebted to the work of many scholars.

Parts of Chapters 28 and 29 originally appeared in an article by Mr. Masland, published in *The Journal of Politics*, and are reproduced here with the kind permission of the editors. Mr. Masland also acknowledges a grant-in-aid from the Social Science Research Council for the study of the postwar government in Japan.

Stanford, California — P. W. B.
Hanover, New Hampshire — J. W. M.
March 7, 1950

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Chapter 1

THE TWENTIETH-CENTURY STATE

THIS BOOK has been written to assist the American student in understanding the problems and processes of modern politics by providing a systematic analysis of the operation of the governments of seven selected foreign countries. When the character of the twentieth century state is considered, it is obvious that seven of these nations, as well as the United States, face similar problems arising from the industrial and urban character of society as it now exists. It is therefore valuable to study the institutions and methods of action of all these governments in order to form an acquaintance with the various means of solving economic and social problems which exist in each of them. This has long been a declared purpose in comparative studies of government. The study of institutions of other countries often illuminates the understanding of the problems faced in one's own country and also the problems involved in dealing internationally with other countries.

Governments are not abstract institutions. They are man-made devices created and maintained to deal with human problems, to supply certain needs of the people as they arise within a set of changing economic and social conditions. In approaching the study of any government, one must keep in mind the circumstances within which it operates. Accordingly, before we proceed to the country-by-country analysis of contemporary governments, which occupies the contents of this book except for the present chapter, attention should be devoted briefly to certain of the outstanding common characteristics of present day society as they affect all countries. It is the purpose of this chapter to discuss these characteristics and to suggest certain of their political consequences.

More detailed examination of these matters properly falls within the fields of economic history or social problems.

THE IMPACT OF THE INDUSTRIAL REVOLUTION ON SOCIETY AND GOVERNMENT

The Industrial Revolution was not unlike an orchestral crescendo. Beginning with a tense murmur in the strings—the textile industries—it built up steadily increasing volume until the heavy brass and percussion of the metallurgical and engineering industries were added to produce a terrifying welter of sound when the full climax was reached in the twentieth century. Probably one of the chief contrasts between the eighteenth century and ours is simply that the eighteenth was much quieter.

Industrial Change. The Industrial Revolution began in England in the middle of the eighteenth century, but its full effects were not manifest there until after the first decade of the nineteenth. In other European countries it appeared later. But by the end of the century all of western Europe and the eastern part of the United States displayed the characteristic phenomena of an industrialized society. Only China among those countries considered in this book remains largely in a pre-industrial condition, but even China has not escaped the consequences of living in an industrialized world, as will be seen later. In each of these countries (with exceptions for China) the processes of industrialization followed a similar pattern with similar consequences. The growth of trade led to change in the organization of manufactures. Individual workmen and the guilds were gradually replaced by the merchant manufacturer, who brought capital and initiative to bear on the processes of production. This led to the domestic system of manufacture, and then enterprising merchant capitalists quickly became interested in the improvement of methods. A series of inventions in the textile industries came into use in England during the course of the eighteenth century; and after spinning machinery and the power loom were perfected, the factory system for textile manufacture spread rapidly in the early years of the nineteenth century. Need for machinery, mechanical power, and fuel gave rise to the engineering, metallurgical, and mining industries and to corresponding development of transport facilities.

Social and Political Effects of Change. The social and political effects of these changes in production were far reaching. Factories meant factory towns, and expanding industry was accompanied by expanding population. It is hardly an exaggeration to say that the effects of the Industrial Revolution made a greater difference in men's living and working conditions than any changes since the transition from a primitive hunting society to a settled agricultural and handicraft society. Students of today, accustomed to take the automobile, motion picture, airplane, and radio as matters of course, may find it surprising when the historian points out that all the gadgetry of modern culture is hardly more than a century old. Of particular significance to the readers of this textbook is the fact that the Industrial Revolution, with all its accompanying features, brought about great changes in the relationship of government to all other activities of human society. Previously the operation of government was relatively simple, limited in functions to preservation of law and order, national defense, and a few essential services. For the most part, except possibly for the period of mercantilism in the eighteenth century, the daily routine of most people was barely affected by the state, and their wants were satisfied by nongovernmental institutions, such as the family, church, and guild. But in the twentieth century, as a consequence of industrial and technological changes, the state is truly the Leviathan, a highly complex affair, dealing with a multitude of functions, employing a wide variety of techniques, and impinging upon almost every phase of the life of the individual. In every country the range of government concern and action has been extended as other institutions have been found inadequate to meet human needs. The twentieth-century state is continually adjusting its organization and methods to meet the problems which have been and still are being created by these changes.

Population Growth. One of the most startling phenomena of the Industrial Revolution was the tremendous increase in the populations of the industrialized countries of the world. In England, for example, the population increased nearly four times during the nineteenth century; in Japan, to take a more recent example, it tripled in a period of about seventy-five years. Without attempting to discuss the causes of the growth of population during the nineteenth century, we should notice that the birth rate, being a social

phenomenon influenced by customs and traditions of the social group, declined relatively slowly. Increase in numbers resulted largely from the decline of the death rate, as living conditions improved and sanitation and medical science raised the level of health and lengthened the life span of human beings.

The political effect of this great increase in the population of the industrialized states of the world hardly needs emphasis. Governmental organization that was sufficient for 10 million English citizens at the beginning of the nineteenth century, for example, obviously must be much more elaborate to take care of the requirements of 45 million, even if other conditions had not changed at the same time. Mere increase of numbers creates new problems, as well as making many old problems more complex and more urgent.

Population factors in each of the seven countries treated in this book are discussed in later chapters. It is worth notice at this point, however, that these countries show different rates of change. In England and France the population now has passed through the cycle of great growth brought about by industrialization and is very nearly stable, or even declining slightly. Broadly and generally speaking, this situation is the result of social factors, which have reduced the birth rate, such as later marriages and the conscious desire to limit the size of families. Much the same can be said for Germany for much the same reasons. But in Italy and Russia industrialization came later, and social traditions still encourage a high birth rate. This is even more striking in Japan, where the annual net increase of population before World War II approached one million a year.

These differing rates of population increase have become a matter of political action. As underdeveloped countries have entered upon industrial growth they have encouraged the immigration of peoples from other lands (for example, the United States in the last century or Argentina today), but as they have reached industrial maturity they have raised barriers against the flow of population (for example, the United States in the present century). Italy and Japan, with excessive populations, in large part based their claims for colonial empire in the period between the two world wars on alleged population pressure.

The great increase in the absolute numbers of people was accompanied by important changes in the composition and distribu-

tion of populations. For example, the rate of population growth has a significant effect upon the age groups of the people of a nation. This factor is discussed in more detail when the governments of France and the Soviet Union are taken up, for these two countries at present exemplify the extremes of this phenomenon. The French, now declining slightly in numbers, have a very large proportion of old people in their country; the Russians, by reason of their later industrial development, have a high ratio of young and vigorous people in their citizen body. The ultimate significance of these conditions is not yet entirely clear, but in many countries there is concern about the future. Whether a nation with a higher proportion of old people can maintain economic productiveness in competition with younger and more vigorous peoples is not yet known under the conditions of modern industrialism. Certainly there is a strong presumption that age of the population has an important bearing upon military effectiveness. So far as government action is concerned, the states with a higher proportion of elderly people have given greater attention to social insurance and other similar policies designed to take care of the welfare of the population.

Urbanization of Society. Another important accompanying feature of population growth in industrialized countries is the great increase in the proportion of the people becoming city dwellers. As industry expanded, workers were drawn into the cities, and the number and size of urban centers increased steadily. In England the proportion of the people living in cities is almost four fifths, for industrialization has the longest history in the British Isles. In the United States close to three fifths of the people live in cities, and in France and Italy nearly one half. The Soviet Union, now engaged in a drive for industrialization, has a much lower urban rural ratio; less than a third of its citizens live in cities, but the rate of urbanization is proceeding at a pace faster than that ever achieved by any other country.

Urbanization of society has thrown heavy tasks upon government. The modern city is perhaps the outstanding achievement of twentieth-century civilization, but it is also one of the greatest challenges to the successful functioning of political organizations. With the congregation of increasingly large numbers of peoples in metropolitan areas, the family, church, and other social institutions have been less and less able to handle the problems of modern

life. The consequent range of government activities produced by this situation merely can be suggested, but a few references will call to mind the broadening nature and scope of political responsibilities and operations in the modern city: maintenance of law and order, provision of adequate health and sanitation facilities, education, rapid transit, housing, recreation, and city planning.

Closely related to the urban-rural ratio is the ratio of industrial to agricultural workers in the employed population. Obviously the two proportions will be correlated, and as industrialization proceeds in a country, the proportion of workers engaged in industry increases correspondingly. In England more than half of the workers are engaged in industry, in France about 40 percent, and in the Soviet Union the proportion drops to less than a third, but here again the rate of increase of industrial workers is high.

The rise in the proportion of industrial over agricultural workers has also created special problems for government. Frequently industrialization of a national society has placed heavy burdens upon the agricultural population, as farmers are forced to purchase in a highly priced, protected market and sell in a cheaper market. This has led to government intervention in agricultural production and distribution. Moreover, the government has become increasingly concerned with maintenance of an adequate supply of farm products to fulfill the needs of the whole population, and this again has brought about various forms of government assistance, extending the role of government further and further into agricultural matters.

Government and Business. This last comment concerning government assistance to agriculture suggests other segments of the national economy in an industrialized community, which have received government assistance and attention. Very early in the industrial growth of most nations, the owners and operators of industrial enterprises have demanded and secured government aid. An early and still prevalent form of such aid is the protective tariff, by which the authority of the state—in the form of a tax on imports—is employed to reduce or eliminate the competition of rival producers in other countries. Other forms of assistance to business include maintenance of postal and other communication services, direct subsidies (such as grants to steamship companies and civil airlines), operation of experimental and standardization labora-

tories, and promotion of foreign trade by consular agents stationed overseas. These and other similar forms of government service and support of business have become so common that they are taken for granted by even the staunchest supporters of "free private enterprise." The student will notice that the consequence of these demands has been the extension of functions undertaken by government, with resulting extension of personnel and administrative organization.

A related field of government activities in respect to the business community resulted not from the requests of that community itself for assistance but rather from the persistent demands of individuals and groups who were appalled by the working conditions of laborers in industry and who accordingly urged that the authority of the state be used to improve these conditions. The resulting reform movement, first in England in the nineteenth century and then in most other industrialized nations, led to the imposition upon industry of government-supervised rules, concerned with such matters as the regulation of employment of women and children, sanitary, safety and other working conditions, workmen's compensation, and minimum wages. In most countries not only have these matters relating to production been placed under government control, but other affairs of business have been subjected to the authority of the state. Thus, in order to safeguard the public interest, government has become concerned with such matters as the forms of corporate organization, financial practices (for example, the sale of securities to the public), and marketing practices.

Regulation of Utilities. Likewise, large-scale public utilities, such as water supply, rail transport, highways, inland waterways, communications, and the production and distribution of electric power, also have engaged the attention of governments. This type of economic enterprise, as the phrase *public utility* suggests, is so large in scale and so vital to the welfare of the whole citizen body that some form of public regulation is readily accepted as necessary to safeguard the public interest. The forms of regulation and control employed are various, ranging from outright state ownership and management in Soviet Russia, through various degrees of nationalization in England and France, to extensive public supervision in the United States. It is hardly necessary to say that exercise of regulatory power in this field is a complicated and difficult opera-

tion, and requires elaborate administrative organization, highly trained personnel, and great resources of accumulated data and knowledge.

Regulation of the National Economy. Of more recent and less complete acceptance is the direct intervention of the state into the operation of the national economy as a whole. Such intervention became familar to the American citizen during the great depression of the 1930s, when mass unemployment called for the use of government authority, and particularly government credit, to provide relief and to stimulate increased production. In the Soviet Union, where the means of production and distribution are owned and operated by the state itself, regulation of the economy is a primary function of government. Only in the United States, among the industrialized nations of the world, is the principle of state regulation of the economy debated; in all other countries controversy is limited to forms and techniques of regulation. For the purposes of this introductory chapter it will suffice to point out that government operations in this area run very broad and very deep, affecting the welfare of the individual in many ways. One need only mention such political functions as the expenditure of public funds for large-scale construction projects, purchases of vast stores of military and civilian supplies, control of the volume and direction of foreign trade, fixing of wages and prices, allocation of materials and manpower, collection of taxes, and manipulation of public and private banking credit to call to mind the variety and complexity of government activities in respect to the regulation of the total national economy.

Labor Relations in an Industrial Society. One of the most important aspects of the growth of modern industry has been the problem of adjusting the relationship between large groups of workers organized in trade unions and the managing and employing groups who direct industrial affairs. As industrial organizations have grown and the former personal relationship between owner and laborer has disappeared, workers have responded by forming trade unions through which they might bargain collectively for better working conditions. Relations between management and organized labor have not always been harmonious. In order to protect the public at large, government has intervened, enacting legislation to establish and protect the rights of labor and to provide machinery for regulation and settlement of disputes. There is not

a single industrialized community in which labor-management relations have not bulked large among the pressing problems confronting government in the twentieth century. While this problem changes character in a collective society like that of the Soviet Union, experience there since 1917 has demonstrated that conflicts of interest between organized labor and the managers of industry do not disappear by the mere application of the communist formula of collective ownership of productive capital and industrial equipment.

International Trade and Economic Interdependence. International trade is another area into which the government has intervened, thus further extending its responsibilities. The growth of industry throughout the world in the nineteenth century greatly stimulated the volume of raw materials and finished goods passing between nations, with corresponding increase in the flow of capital investments and provision of shipping, banking, insurance and other commercial services. The economies of France and England are completely dependent upon the importation of essential raw materials and the export of manufactured goods, with as much as 30 to 50 percent respectively of total economic activity directly related to foreign trade. Later chapters discuss in some detail the French and English situations in this respect. In the United States and Soviet Union no more than 10 percent of production normally enters foreign trade, but even in these countries this trade has a very important bearing upon the successful operation of the entire economy.

Following the repeal of the Corn Laws in 1846, English foreign trade developed on the basis of relative freedom from government control. But in the last quarter of the nineteenth century, following the growth of French, German, and American industry, tariffs and other forms of regulation became common. Then, as a consequence of the dislocations of World War I and the depression of the 1930s, government intervention in the control of foreign trade was extended more than ever. The additional dislocations of World War II further intensified this situation. Today, the economic interdependence of nations in the twentieth-century world and the need of providing some degree of stability in international economic affairs has created a complicated series of problems concerning trade and currency relationships which require the attention of governments in all countries. The student has become familiar with the

nature of these governmental responsibilities as a result of recent discussions concerning the European Recovery Plan and other forms of American foreign economic assistance. Not only does present-day international trade and commerce require action by the separate national governments, but it now also involves various intergovernmental organizations, such as the World Bank, the International Monetary Fund, the Organization for European Economic Cooperation, the projected International Trade Organization, and other international agencies, most of which are affiliated with the United Nations.

Modern War. While war is not a product of the Industrial Revolution, it must be noted that warfare, in our modern technological civilization, has been responsible for an extension of government power and authority to new extremes. War in the twentieth century is total war, mobilizing the full resources of the nation and affecting every individual in it. To fight the recent war and to prepare against the recurrence of a similar catastrophe in the future, governments have entered into almost every phase of human activity. Not only must the modern state maintain adequate armed forces, but it also must concern itself with problems of industrial mobilization, civilian defense, intelligence, and psychological warfare. At this point it is necessary merely to note again that this situation has produced a tremendous extension of the responsibilities and activities of the twentieth-century state, further adding to their variety and complexity.

THE TASKS OF GOVERNMENT

Even this brief consideration of some of the essential aspects of the industrialized urban society of the twentieth century makes it clear that governments are now faced with problems greater in scale and more complex in character than ever before. This discussion has proceeded in terms of new governmental functions which have been assumed. But it should be noted that the responsibilities of the state in respect to the traditional and well-established functions also have become more extensive and difficult. This is particularly true in respect to one of the most elementary duties of government —the maintenance of civil order. Concentration of populations in large cities has produced a new set of problems of policing. Law enforcement has become steadily more difficult—the crime of reck-

less driving, for example, hardly existed in a horse-and-buggy age—and now the modern metropolitan police headquarters must include experts in such fields as traffic control, family relations, juvenile delinquency, and criminology. A similar process has affected the conduct of foreign relations and national defense. As has just been seen, technological advances in warfare have imposed heavy burdens on every government, and the conduct of foreign affairs now requires the services of the expert economist and the statistician as well as the diplomat. Thus these traditional responsibilities of every national state under modern conditions now require a higher level of expert knowledge and a heavier outlay of technical equipment than ever before.

New Responsibilities. But the most important change in the nature and scope of governmental functions has come from the assumption of new responsibilities to meet new human needs, needs resulting from industrialization and its consequences. These already have been suggested in the foregoing discussion of the dominant characteristics of modern industrial society. Again and again different groups in the population—management, laborers, farmers, and others—have turned to the state for assistance in the promotion of their affairs and for protection of their interests. The state, representing the collective resources of the community, has been the agency upon which the greatest burden has fallen in the satisfaction of new needs. This is not to suggest that the state alone has been forced to increase its responsibilities, for in our pluralistic society other institutions likewise have been affected.

The Social-service State. One of the most interesting features of the extension of governmental functions has been the development of the "social-service state" or "welfare state," arising out of acceptance of the principle that the state has certain responsibilities to the individual in respect to his personal welfare. It was pointed out above that, with the rise of the factory system in nineteenth-century England, reformers secured the enactment of government regulations concerning conditions under which the worker labored. Subsequently education became a public rather than a private function, and continuously the state assumed the obligation to provide a wide range of other services. Health and unemployment insurance and various pension systems are now administered by the government in most industrialized countries. Housing and city and country planning are commonplace subjects of government intervention,

and facilities for recreation are provided by local and national governments.

Because the Industrial Revolution occurred first in England, the English community began experimentation early with public control, but the phenomenon which has been briefly summarized here was characteristic of all industrialized urban communities. Toward the latter part of the last century, Germany, France, and the United States were all engaged in similar programs of extending public regulation to the economic and social conditions of the time. In Italy and Japan also similar problems produced a similar response on the part of government.

It is worth noting that the appearance of the social-service state was initiated without any effective political pressure from socialist movements or socialist parties. The development rather was the product of adjustment to economic and social changes by evolutionary stages. The modern state is still in the process of meeting the problems which the new technological society creates. Government authority could now be curtailed only if, at the same time, the use of machine techniques were correspondingly curtailed and the size of our cities reduced drastically. The social-service state is now extending its activities in various nations under the leadership of a socialist movement, but the effects of past development, combined with the accelerating effects of two world wars, account for a large part of its present status in all countries, including the United States. A great deal of socializing without socialism has taken place in every big industrial community.

It might be well to pause briefly to consider the effects of this situation upon a traditional American notion about government, which has come down to us from colonial and revolutionary times. We in this country regard as one of the most fundamental and cherished principles of our government the doctrine of limited government, by which we mean that the government may not interfere with certain inalienable rights of the individual. Government may be strong and powerful, but it may not trespass upon the individual's rights of life, liberty, and property. We have emphasized these *political* rights. But with the rise of the social-service state, a different concept of the relationship of the individual and the state has developed, to the effect that the individual possesses certain fundamental *economic* and *social* rights, the rights of employment, decent housing, health, recreation, and security in times of

state authority but rather on extension of such authority, for only by the exercise of government action, so the concept runs, can these rights of the individual be fulfilled adequately. These two concepts are not necessarily contradictory. While the second is widely challenged in the United States, it has been generally accepted in the countries considered in this book.

Problems of Public Administration. The social-service state has inevitably become the "administrative state" in the process of fulfilling its obligations. All governments have been forced by the complexities of these duties to make more and wider use of administrative authority. One simple consequence of this situation is the great increase in the number of officials and government employees in an industrialized state. Excluding industrial employees in nationalized industries, the total number of civil servants in England (to choose one example) is in the neighborhood of three quarters of a million, out of a total working force of about 23 million. In other states the total number of government employees reaches comparable magnitudes. Of even greater significance, however, is the fact that the decisions of these public servants affect so many phases of human activity, from the provision of relatively simple services such as postal communication to the regulation of the entire national economy. Government indeed has become one of the biggest enterprises in all of the great states of the world, and there is no prospect that it will diminish in size so long as present industrial and urban conditions of life prevail.

Public Finance. A related consequence of the extension of governmental functions has been the rising cost of government in all countries. It takes more and more money to pay for the jobs taken on by government. Or, to put it another way, the share of the national income collected in taxation and spent by the government has become very large—in Great Britain the proportion stood close to 40 percent in 1949. It is popular in some quarters to think of taxes as "money down the drain." While it is true that income paid out in taxes cannot be utilized personally by the individual to satisfy his own needs, little reflection is needed to recognize that taxes do "buy" for the individual a multitude of indispensable services.

Selling Government to the Public. All large scale enterprises have made increasing use of advertising, and government is no exception to this. An interesting development in all modern governments is the amount of effort expended in maintaining favorable public relations. Sometimes this takes the form of a steady flow of

propaganda, as in the case of the Soviet Union, but central government departments and most local authorities in all states maintain some sort of public-relations activities. These activities take two general forms. The first involves explaining to the public the operation of certain governmental functions and services. The second, which receives more attention, is promotion, the definite attempt by the government to sell a policy or program to the public in order to win support. In its extremes, this form now employs the short-wave radio, press, and other media of information in the attempts of nations to win friends and allies abroad, degenerating in recent times to what has frequently been characterized as a "war of nerves."

"Institutional Lag." This brief survey of the activities of the state in the twentieth century, which will receive more detailed discussion in succeeding chapters, sufficiently suggests that "Big Government" is one of the most prominent of the social phenomena of the present day. And one reason why the study of this situation is so interesting to the political scientist arises from what might be called the "institutional lag" in politics. As has already been seen, as new problems were created by the Industrial Revolution, men in all countries turned to their governments for solutions. But the governments to which they turned were the products of preindustrial society; they had grown out of experiences which preceeded the great changes of the nineteenth century. Throughout the last century, therefore, and particularly within the last generation, man has been faced with the difficult task of adapting and adjusting political institutions to changing conditions. Because these institutions most frequently have been bolstered decade after decade by tradition, precedent, and the sanction of legal authority, changes must come slowly, sometimes provokingly so. Attempts of forthright political leaders to alter basic political relationships to meet current demands may produce severe jolts to the body politic, as was demonstrated in the United States in 1937 when Mr. Roosevelt attempted to "pack" the Supreme Court.

ATTITUDES TOWARD GOVERNMENT—TRADITIONS AND IDEOLOGIES

Political institutions are rooted deeply in the minds of men, and their peculiar form in each country depends not alone upon the problems of society in that country but also upon the attitudes and

habits of mind of the people, many of which, as was just suggested, antedate the extension of government authority in the past century. These ideological differences have become so great as to play an important part in the division of the world into antagonistic camps. Some would declare that the East-West split which developed with the termination of World War II was very largely, if not entirely, the result of ideological conflicts.

Thus, in order to understand their organization and operation, the student should investigate not only the economic and social problems with which the various national governments are confronted but also the ideological climates within which they function.

Forty years ago, books dealing with contemporary foreign governments were shot through with the presumption that the accepted form of political organization was the constitutional state. Autocratic and aristocratic governments like those of Czarist Russia and imperial Germany were assumed to be undergoing a process of change which would shortly bring them in accord with the established institutions of the democratic states of the world. But within the lifetime of most of us, this presumption has been very seriously challenged. One of the most surprising developments of this century has been the appearance of political dictatorship and totalitarian government, and, as previously mentioned, the world is divided along ideological lines. The best way of suggesting the differing attitudes toward government in various states is to express them, first of all, in terms of the extremes of tradition and the extremes of ideology.

The Democratic Constitutional Tradition. It is not far off the mark to say that the democratic tradition is a combination of American and British philosophies of civil and political rights and British constitutional experimentation. The American and French Revolutions dramatically declared the principles of the rights of man; the growth of the English constitution slowly developed the institutions and methods by which a large part of these principles could be brought to practical realization. The final result was the creation of constitutional governments in which the rights of citizens were protected by legal and constitutional guarantees. The full participation of all in the choice of governors and the general determination of policy was fully established in principle, even if it was not completely realized in fact.

rejected liberalism, individualism and democratic constitutionalism, justified rule by an elite, preached feudal concepts of racism, and glorified war and aggression.

The Communist-party dictatorship of the Soviet Union differs in some important respects from the two fascist totalitarian states, even though its methods and policies are often similar. The important distinction lies in the fact that communism, unlike fascism, is based upon a coherent, positive social philosophy. The Marxian dialectic, whether one agrees with it or not, proposes a theory of historical change; and Marxian economic doctrine, though open to serious criticism, furnishes a basis for social and economic organization. Politically, the Communist party monopolizes the authority of the state as completely as did the Fascist and Nazi movements. But as "the vanguard of the proletariat," it is assumed by its followers to express their hopes and desires for the establishment of a new and better society.

All of these new forms of social and political organization compete with the democratic tradition for the attention and support of people in all nations. During the nineteenth century democracy seemed able to make its case against existing forms of autocratic and aristocratic government. The government of the many was clearly preferable, in terms of humanity and social progress, to the government of the one or the few. In the twentieth century the competition in social organization has assumed a new form. It is, so to speak, a competition of the government of the many organized under traditional constitutional forms against the government of the many organized under leadership of a tightly disciplined party carrying forward a revolutionary social philosophy. Democratic government must be sufficiently bold and inventive in policy and methods to survive successfully this new form of rivalry.

Democratic Socialist Government. One form of experimentation with established constitutional forms is now going forward in Great Britain, France, Italy, and western Germany. It can be briefly described as democratic socialism. Liberty of expression of opinion is safeguarded by laws and constitutional guarantees; diversity of party programs and organizations exist in practical politics. At the same time the power of the government is freely used to nationalize key industries, to extend the social services, and to plan the total activities of the economy to a very considerable extent. The privately owned and directed sector of business enterprise is subjected

to state regulation in order to achieve certain general objectives, but there is still in each of these communities a wide opportunity for the exercise of individual initiative. Though there is a difference in the degree of government intervention in economic affairs, there is not a great dissimilarity between these policies and action undertaken for many years in the United States with the intention of regulating the activity of "business affected with a public interest," to quote the legal formula applied by the United States Supreme Court in a number of its leading decisions.

Democratic socialism occupies an intermediate position between the tradition of democratic constitutionalism which follows some form of the tradition of *laissez faire* and free enterprise in economic affairs and the aggressively led social organization in the totalitarian states. It preserves individual political rights so firmly established in the democratic tradition, yet it employs the collective authority of the state in certain economic and social affairs. It might also be pointed out that in practice socialism and communism are not compatible. There are no critics more vigorous in their denunciation of communism than the socialist statesmen of western Europe. Likewise, these individuals have been the targets of the severest scorn by Moscow propagandists.

Far Eastern Politics. Brief mention should be made at this point of the ideological factor in the Far East. This part of the world is the home of one of the oldest and most continuous of the world's civilizations. China, the principal seat of this civilization, and Japan, its neighbor, developed independently of the main stream of Western civilization which has been discussed in this chapter. Their political traditions and ideals are rooted in their own historical past, as will be described in subsequent chapters, and their modern political development may be properly understood only by reference to this past. Yet the modern state is a Western institution. It assumed its characteristic features in Europe between the seventeenth and nineteenth centuries. When Japan and China moved out of their isolation into contact with the Western world, they adopted many of these features in their own political reorganization, so that in appearance, at least, their governments were not dissimilar to those of Europe. Subsequently they were exposed to the full force of ideological doctrines and dogmas of Western origin. Accordingly in the Far East today one observes nations struggling to adjust their ancient traditions and institutions to a world

pattern largely derived from Western experience and thought and from Western machine technology.

Left versus Right. Thus a variety of viewpoints on the function of government in modern society have achieved organized expression in the nations which are considered in this book. The parties of the Left (to assign them their conventional place in the political spectrum of this generation) exhibit a wide range of attitude, from extreme revolutionary viewpoints of the communist parties and socialist parties with rigorously Marxian views, to the moderate constitutional reformism of the British Labour party and the still more moderate viewpoints of the Christian Democrats on the European continent. All of these parties support programs of social and economic change which require varying degrees of government intervention and control.

An opposing viewpoint is found on the Right; but the temper of the times is such that the strength of doctrinaire or reactionary conservatism has been severely weakened. The Conservative party in England, or the Republicans or Liberals in France or Italy, represent a viewpoint which is ready to engage in reform but wishes to proceed with caution. The main strength of movements of the Right—the de Gaullist R.P.F. (*Rassemblement du Peuple Français*) in France is a good instance—derives in large part from a desire on the part of many people to resist extreme revolutionary change as advocated by the parties of the extreme Left. Even in the United States, where the dominance of two traditional major parties conceals the force of these issues, there are progressive and conservative groups in each party which reflect divisions of opinion on social and economic policy comparable to the organized parties of the Center and the Moderate Left and the Center and the Moderate Right in European politics.

These alignments of opinion into Left, Center, and Right have long existed in national politics in all countries. A special emphasis is lent them in the twentieth century by the pressure of social and economic problems. Reverting for a moment to what has been said earlier in this chapter, we may say that the new conditions produced by the Industrial Revolution have necessitated a change in attitude toward the state, and toward the exercise of government authority, in all the great manufacturing and trading communities of the world. At the midpoint of the twentieth century, the Left invariably represents some shade of socialist doctrine, believing that the

problems of industrial urban society can be solved only by extension of public ownership and regulation. The Right, in all these nations, is formulating a program which recognizes the need for extended public regulation, but at the same time strives to maintain private initiative as far as possible. The Center, naturally enough, occupies the middle position between these two opposing views and often encounters grave difficulties when its supporters attempt to formulate a distinct political and social program. To a certain extent, moderate socialists now hold a Center position. The present period is one of social and political change, with the possibility of revolution and conflict never far off. The strain of this situation is often manifest in national politics in all countries and invests these political divisions with peculiar urgency.

THE INTERNATIONAL COMMUNITY OF SOVEREIGN STATES

The task of the twentieth-century citizen, one would think, is difficult enough if he attempts no more than to understand the shape of the political and social issues that he finds in his own country. But the present interdependence between states confronts him with another set of problems which are vital to his safety and welfare, for foreign policy and the actions of foreign states has become as important as domestic policy. Since the end of World War I there has been a continuous effort, interrupted but in the end advanced by World War II, to construct some kind of international organization which would be able to deal effectively with the pressing needs of the international community, both political and economic. The progress in the establishment of a wide variety of international organizations during this period is at once a sign of the urgency of the needs, and the changes in popular attitudes toward them.

International Organization. In 1919 the proposals for a League of Nations were the subject of serious and often embittered discussion. Division of opinion was in fact deep enough to prevent the United States from assuming membership in the League, although President Wilson was one of its chief architects. In 1945 the United Nations Charter was adopted without much difficulty by all the great states of the world and most other nations, and one of the chief divisions of opinion arose over whether this type of association of states was adequate to meet the problems of political security

and economic interdependence. Advocates of various types of world government have been able to claim the serious attention of many people in many countries.

Detailed discussion of these problems falls outside of the scope of this book. Here it is important to point out that the wider use of international organizations for the conduct of international relations has placed new administrative burdens upon national governments. It is a more complex task to deal multilaterally with many nations in deliberative organs than it is to negotiate directly with only one party by the conventional methods of diplomacy. Moreover, it is increasingly necessary for the citizen of every state to devote attention to the relationship of his own community to the other nations of the world. A few of the new constitutions which have been adopted since World War II, notably the French, Italian, and that of western Germany, expressly declare that membership in international organizations and the resulting limitations on national sovereignty is one of the principles to which the nations subscribe. While such constitutional declarations have more the character of pious hope than positive law, they do afford encouragement that the tradition of the uninhibited sovereignty of the national state may be modified in the interest of world peace. The record of the United Nations and its affiliated agencies since 1945, while certainly far less successful than had been hoped, lends some assurance that achievement may be made during the 1950's. In any case, the citizen in each of the nations dealt with in this book is forced to give thought to the question of international organization and to consider the part which his government takes in international relations.

In the international community in which we live today, however, the national state remains the basic unit. Its sovereignty is as yet unlimited by any world government. Accordingly, in order to understand fully the implications of any international situation, the student should have a working conception of how government is carried on in the other states of the world.

The Principal Powers. Ideally, this knowledge should extend to all the governments of the world, but that is clearly too large a task. The aim of this book is to furnish the essential information needed to interpret the policies and actions of the significant states of the world. The choice of governments to be treated requires some explanation. The selection includes the most important mem-

bers of the international community as well as representatives of diverse environments and political experiences and ideologies, affording ample opportunities for comparative description and analysis. Five states, by reason of their special roles in World War II, were designated by the United Nations Charter as permanent members of the Security Council and accordingly have been popularly classified as the "Big Five." These nations are China, France, the Soviet Union, the United Kingdom, and the United States. This rating suggests certain nations about which knowledge is most necessary. Since this book is intended for American students, the United States here appears only as a basis for illustrative comment on the assumption that the reader is concerned chiefly with foreign governments.

It should be remembered that, although they were defeated in World War II, the three Axis states, Italy, Germany, and Japan, remain important in world affairs. All three have populations as large as some of the Big Five, and all are important as industrial and trading communities and as strategic areas in international affairs. Italy and Germany are of particular interest because, although participants in the development of Western civilization, they failed to maintain the ideals and forms of Western democracy, reverting to Fascist and Nazi dictatorship. Japan, which embodies a combination of Oriental culture and modern industrialism, also exhibited a form of authoritarianism, peculiar to its own environment and traditions. Though the governments of these three former Axis states are still disorganized by defeat, it is worth while to analyze these factors and the new pattern which is taking shape in each. The United States, moreover, is contributing to the political and economic reorganization of each at considerable cost to the American taxpayer, and it is essential for the student to appreciate these undertakings.

THE SALIENT FEATURES OF MODERN GOVERNMENTS

This government and politics in the seven countries—England, France, Italy, Germany, the Soviet Union, Japan, and China—is the concern of this book. For each of the states considered, there are certain aspects of modern government which are treated.

Environmental Factors. As has been suggested in this chapter, the operation of a country's political system can be fully appreciated

only if account is taken of the nature of the economic and social problems with which it is concerned. Accordingly, in order to provide a proper setting and to illuminate the nature of government and politics, the economic and political geography of each country, the attitudes and customs of its people, and other environmental factors will be described. When reading this material for each country, the student may wish to refer back to this present chapter, in order to contrast the specific situation in that country with general developments affecting all.

Historical Development. The historical development in each country has a powerful influence upon its contemporary political organization. Every American student realizes that the Constitution of the United States has to be interpreted in the light of the story which lies behind its adoption and amendment and that the present performance of our Congress, our President, our courts, and our administrative agencies can be fully understood only in terms of our governmental history. The same is true for any state, great or small. Therefore, in dealing with each state, a summary will be given of its historical and constitutional growth and of the principal heritages from its past experience in order to explain its present institutions and practices.

Constitutional and Administrative Framework. The constitutional doctrines and legal framework of institutions needs also to be discussed. The significant features of legislative bodies and their procedures in making laws and guiding policy, the powers of executive and administrative agencies, the organization, training, and influence of the civil service, the pattern of local administration and the courts—all these institutions in action govern the conditions of life and shape national policy in each of these national communities.

Political Parties and Public Opinion. A further aspect is fully as important as the history and the institutional framework: the organization of political parties and the movements of public opinion. American students realize that an understanding of the policy of the United States at any given moment requires a knowledge of the tradition, the program, and the character of the membership of the party in power. This is equally true for the many parties acting in coalition in the French Fourth Republic or for the Communist party which monopolizes the field of political action in the Soviet Union. In every state, the principal parties must be identi-

fied, and their traditions, program, and influence must be characterized.

Recent Policies and Trends. One final subject requires attention in each of these states. The recent history of leadership and policy has a powerful effect upon the present and future action of any national community. The course of events in the immediate past both limits and initiates the kind of program which may be adopted for the future. Referring once more to American experience, we may be sure that the Republican party, had it succeeded in the elections of 1948, would nevertheless have maintained and extended, in all probability, the social-security legislation placed upon the statute books by the Roosevelt administrations. In the same way, a Conservative government in England would be forced to continue much of the policies of the Labour Cabinet which took office in 1945. In fact, the Conservative program of 1950 unhesitatingly declares that much of the nationalization of industry, all the controls necessary to safeguard the standard of living, and most of the present social services will be maintained and extended if the party is returned to power. And it is hard to imagine a leadership in the Soviet Union which would attempt to abolish the results of the four Five-year Plans.

Attention must be focused, therefore, on these features of each state: environmental factors; the historical development, viewed always with the intention of explaining contemporary practice; constitutional and administrative framework and the powers of institutions and agencies of government; political parties, with special emphasis on their programs and leadership; and the recent history of policy and action.

Military Government. For three of the countries, the ex-enemies Italy, Germany, and Japan, an additional topic must be included, that of Allied occupation and administration. Italy, for a relatively short time, and Germany and Japan, for more than four years at the time of this writing, have been placed under Allied military control as a consequence of their ill-fated participation in World War II. In the cases of Germany and Japan particularly, occupation has involved elaborate programs of political, economic, and social reform. To understand contemporary affairs in these countries and to anticipate intelligently future trends, the student must appreciate the various factors involved in these operations: the motives of the Allied powers and divergences of interest among

them, the aims and objectives set for the occupations, the administrative devices employed, and the results achieved.

Comparative Study of Government. In a discussion of each feature of a foreign government, it is always interesting and profitable to keep in mind contrasts with the practices of other national communities. As previously suggested, the study of the political principles of different states and devices employed by them provide means of widening our knowledge of the various facilities available for solution of common economic and social problems. The appearance of the social-service, or welfare, state provides a focus of attention for such study. Comparative analysis may profitably be made of such matters as the extension of the use of administrative authority, the development of mechanisms for economic planning, and the organization of the social services. All these new tasks have their effect, however, upon traditional political institutions. The composition and procedures of legislative assemblies, the working of the hierarchies of courts, the recruitment and training of the civil service—all are deeply affected by the changing social conditions which have been brought about by the Industrial Revolution.

THE CHALLENGE TO DEMOCRACY

It has been pointed out that the presumption held by the last generation that democratic government was here to stay has been very seriously challenged, both by fascism on the extreme right and communism on the extreme left. Fascism, as a threat, has been very materially weakened with the destruction in World War II of the regimes of Hitler and Mussolini. But in the years since 1945 the specter of communist advance, backed by the influence and authority of the Soviet Union, stands before almost every nation. This situation may be faced either with hysterical and irrational fear or with well-reasoned and deliberate consideration of the factors responsible for its presence. Only the latter approach offers means of evaluating the challenge of the communist appeal and of successfully strengthening democracy so that communism can make no headway against it.

Already in this chapter it has been seen that the task of the citizen in a modern democracy is not an easy one. It has been

made much heavier by the pressure of twentieth-century problems. The voter is called upon to make decisions upon matters of great complexity and technicality. He must have knowledge upon which to act. The late Ellen Wilkinson, Prime Minister Attlee's first appointment to the Ministry of Education in the British Labour Cabinet, once expressed her view of the importance of her responsibilities in a suggestive sentence. "The twentieth century," she said, "will be a race between education and extinction." Upon reflection, this does not seem too dramatic a statement.

Schools and universities are only one way of educating the voter and the political leader. The public-relations officers of national departments and of local governments, the publicity and propaganda bureaus of political parties, the radio, the newspaper, and the news reel all play as large a part or larger, than does the teacher. Even now, at the midpoint of the century, it is too soon to predict which force will be the winner in the race which Miss Wilkinson discerned. Hopes of survival incline us to place our bets on education; but any close student of human affairs must admit that it is still an open gamble.

READINGS

An extensive literature is available concerning the Industrial Revolution and other aspects of economic development. The following texts will serve as references:

Barnes, Harry E., *An Economic History of the Western World* (New York, 1937). A standard text, tracing the development of economic life from the Stone Age to the present.

Bogart, Ernest L., *Economic History of Europe, 1760–1939* (New York, 1942). An economic history of Europe since the Industrial Revolution.

Clough, Shepard B., and Charles W. Cole, *Economic History of Europe*, rev. ed. (Boston, 1946). A comprehensive text, covering developments from medieval times to the present.

Day, Clive, *Economic Developments in Europe* (New York, 1942). This book places particular emphasis upon the interrelations of economics and politics in history.

Heaton, Herbert, *Economic History of Europe* (New York, 1936). A survey of the economic life and development of Europe from ancient times to the 1930s.

Students particularly interested in the social implications of technological change and adjustment may turn to the following sources:

Elliott, Mabel A. and Francis E. Merrill, *Social Disorganization*, 3d ed. (New York, 1950). A new edition of a widely used text.
Faris, Robert E. L., *Social Disorganization* (New York, 1948).
Herman, Abbott P., *An Approach to Social Problems* (Boston, 1949). This book seeks to demonstrate that most present-day social disorders are due to failures of institutions to adjust to change.
Phelps, Harold A., *Contemporary Social Problems* (New York, 1947). A standard text.
Rosen, S. McKee, and Laura Rosen, *Technology and Society*, (New York, 1941). Chapter 1, "National Policy and Technology," by W. F. Ogburn is an excellent discussion of the interrelationship of invention and social change.

The following are a few of the standard and classic works by distinguished scholars in which comparative studies of government have been made:

Bryce, Viscount, James, *Modern Democracies*, 2 vols. (London, 1921).
Finer, H., *The Theory and Practice of Modern Government*, rev. ed. (New York, 1949).
Friedrich, C. J., *Constitutional Government and Politics* (New York, 1937).
Marriott, Sir J. A. R., *The Mechanism of the Modern State*, 2 vols. Oxford, 1927).

Some books of fairly recent date which deal with these governments are:

Beukema, Herman, William M. Geer, and associates, *Contemporary Foreign Governments* (New York, 1946).
Heinberg, J. G., *Comparative Major European Governments* (New York, 1937).
Hill, N. L., and H. W. Stoke, *The Background of European Governments*, rev., ed. (New York, 1940). A very useful collection of readings.
London, Kurt, *Backgrounds of Conflict*, New York, 1945.
Marx, F. Morstein, ed., *Foreign Governments* (New York, 1949).
Munro, W. B., *The Governments of Europe*, 3d ed. (New York, 1939).
Ogg, Frederic A., and Harold Zink, *Modern Foreign Governments* (New York, 1949). This volume is a successor to Ogg's *European Government and Politics* (New York, 1939).

Pollock, J. K., ed., *Change and Crisis in European Governments* (New York, 1947).

Ranney, John C., and Gwendolen M. Carter, *The Major Foreign Powers*, (New York, 1949).

Rappard, W. E., and others, *Source Book on European Governments* New York, 1937). Documentary materials with explanatory comments.

Shotwell, James T., ed., *Governments of Continental Europe* (New York, 1940).

Spencer, H. R., *Government and Politics Abroad* (New York, 1936).

In addition to the foregoing suggestions, the student can find illuminating comment in books which deal with the problems of modern government in general. A few books of interpretative comment should be listed:

Becker, Carl L., *Modern Democracy* (New Haven, 1941). The late Professor Becker was one of the most distinguished of American historians, and this essay is representative of the penetrating quality of his mind.

Merriam, Charles E., *The New Democracy and the New Despotism* (New York, 1939); *Systematic Politics* (Chicago, 1945). These two books, by one of America's most distinguished political scientists, discuss the problems of government in general.

Mention should be made of a few periodicals which contain articles on various aspects of government, written by scholars:

The American Political Science Review, published bi-monthly by the American Political Science Association.

Foreign Affairs (New York), published quarterly by the American Council on Foreign Relations.

Foreign Policy Reports (New York), published twice a month by the Foreign Policy Association.

The Political Quarterly (London), published four times a year.

Revue de droit public et de la science politique en France et à l'étranger (Paris).

Revue politique et parlementaire (Paris).

Two annual publications are of importance for the factual data they contain:

The Statesman's Yearbook, published in New York and London.

Political Handbook of the World, Walter H. Mallory, ed., published by Harper and Bros. (New York) for the American Council on Foreign Relations.

Finally, there are a few bibliographical guides to current publications which are of value in locating current information:

The American Political Science Review, listed above, gives in each issue an extensive classified listing of "Recent Publications of Political Interest." This includes books and pamphlets, articles in periodicals, and government documents. One section of the list is devoted to "Comparative Government." The sections on "International Relations" and "Local Government" often include references to various foreign governments.

Public Affairs Information Service (New York) appears weekly (fortnightly in August), is cumulated five times a year, and also is cumulated into a yearly volume. This lists items under topics, and also makes listings for all countries, with a classification into topics for each national government.

Bulletin Analytique de documentation politique, economique et sociale contemporaine (Paris), published by the *Fondation National des Sciences Politiques*, gives listings under topics and under national governments, together with a few sentences of comment on each item. It has appeared three times a year since May 1946.

Each of the above lists might be indefinitely extended, but the intention here is to offer suggestions of useful and authoritative writings, and sources of information, which the student may find of value in pursuing his interests further. Succeeding chapters will conclude with similar listings of references for more extensive reading.

ENGLAND

Chapter 2

THE BRITISH COMMUNITY AND ITS CONSTITUTIONAL HERITAGE

ENGLAND HAS ALWAYS made newspaper headlines in the United States ever since the time of George III. For that matter, ever since the reign of Queen Elizabeth the commercial, industrial, and political importance of the British community has claimed a large share of the world's attention. In many ways this is a phenomenon, for the little cluster of islands (excluding Ireland), in which some 45 million people live, has an area of a little less than 90,000 square miles. This is scarcely one thirtieth of the area of the continental United States, about two fifths of the area of France, and hardly more than one hundredth of the area of the Soviet Union. All the same, this national community is regarded as one of the "Big Five" world powers. Part of England's importance lies in the fact that it is the senior member of a commonwealth of nations and the administrative center of a colonial empire. So far as it is possible to define the categories of territories in the Empire-Commonwealth, the student will find them classified at pages 235–38 below. The colonial empire is composed of communities which are governed from London, though nearly all of them possess some degree of self-government, such as the Malay States in the Indonesian area or Gibraltar and Malta in the Mediterranean. These associated territories of the Commonwealth and the colonies contain a total population of well over half a billion people and have a total area of some 13 million square miles. While it is a grave mistake to think of this as an "empire" which is "owned" by the English, it is true that an English secretary of state for foreign

affairs can speak to some degree for the associated action of all these lands and peoples.

A large part of the attention which is given to the affairs of this national community springs from the fact that its people have a long record of experiment behind them. Now, in the mid-twentieth century, they have been for five years engaged in an experiment in social and economic organization under the leadership of a Labour party with a declared program of socialism. In the seventeenth and eighteenth centuries they experimented with constitutional forms of democratic and responsible government. In the eighteenth and nineteenth centuries they conducted the first large-scale experiment in the development of industrial production, with its accompanying characteristics of the growth of cities and the development of the conditions of urban living. While these last two changes were in progress, the empire was built up, and continuous experimentation led to the forms of commonwealth association that exist today and that are today still changing.

The paradoxical background of this history of willingness to embark upon changes is the general atmosphere of traditional stability in English ways of life. The impression gained by an observant student—not merely the tourist who notices that a great many of the buildings are very old—is that change might be regarded as one of the things "that isn't done." Here custom seems to have a more compelling effect than in many communities; as will be shortly seen in this chapter, the forms of government themselves are largely customary ways of doing things. Manners, social relationships, business methods, the Christmas pantomime in the theaters have an apparently unchanging existence from one decade to the next. There is a great respect for the royal family—perhaps because Englishmen in the seventeenth century beheaded one of the predecessors of George VI and took all real power away from his successors. There is a great love for the country, though modern industry has gathered nearly four fifths of the people into cities, and the average population density is just over 500 to the square mile. There has long been, and there still is, a quite secure and established aristocracy and gentry, though many of its members—Sir Stafford Cripps may be taken as an example—are now busily engaged in policies designed to create a socialist equality of education, opportunity, and even, to a considerable extent, of income.

The English are a complex people. One of the characters in a shrewd and amusing book about the English, written by a Scots-

man says, "The more I see of the Englishman as a business man, or a literary man, or as any kind of man, the more bewildered I become. . . . I've got an idea that all their queernesses and oddities and incongruities arise from the fact that, at heart, fundamentally, they're a nation of poets. Mind you, they'd be lurid with rage if you told them." [1]

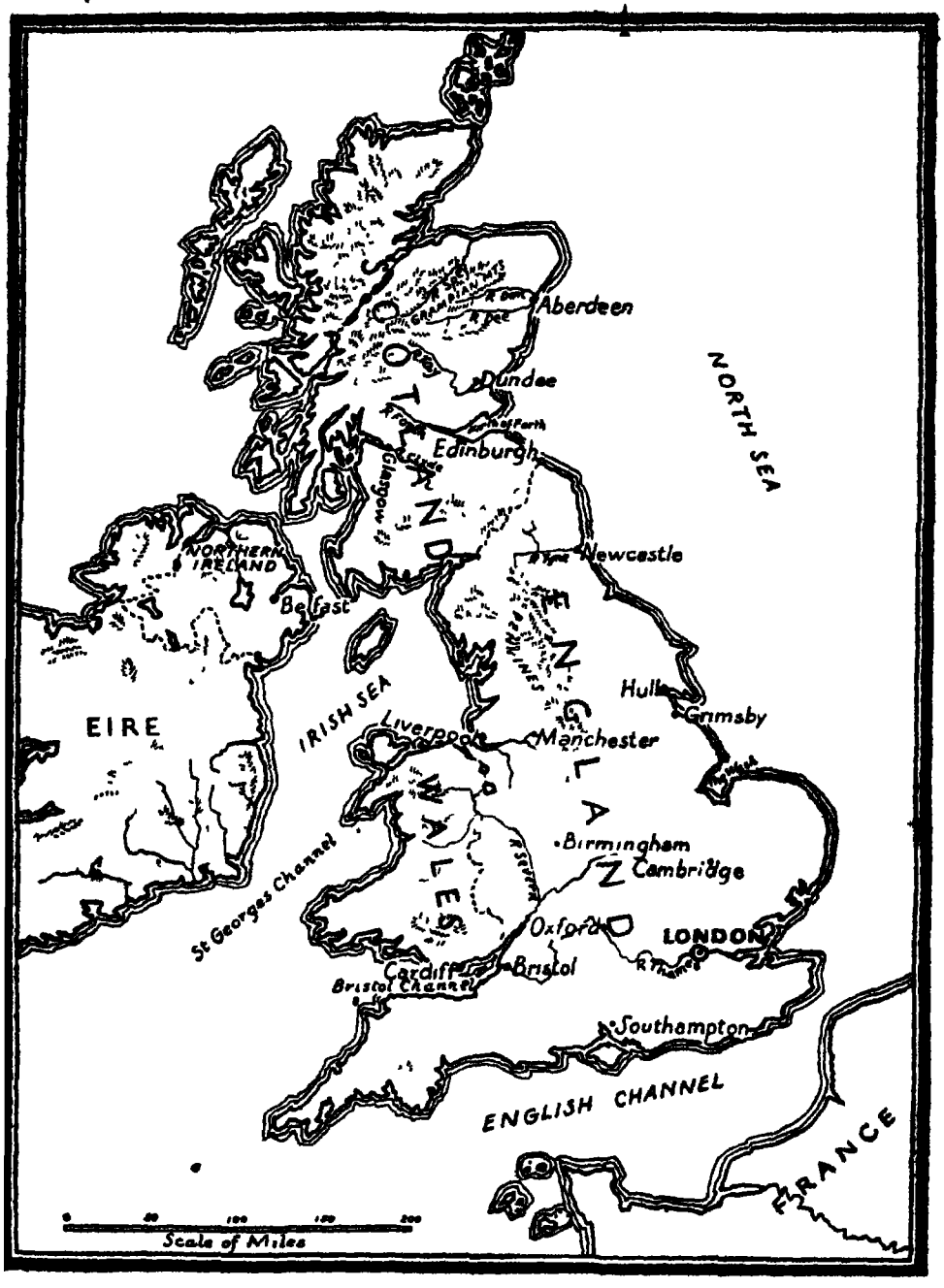
The United Kingdom. So complex a community has a complicated method of naming its various jurisdictions. The formal title of the homeland is the "United Kingdom of Great Britain and Northern Ireland." Students will find it close to the end of alphabetical card indexes and lists of member states of international organizations, when they might have expected to find it earlier under "England" or "Great Britain." Even this apparently straightforward designation, though it may be a little clumsy, conceals the fact that Great Britain consists of England, Wales, the Isle of Man, and the Channel Islands (Jersey and Guernsey). Southern Ireland is the dominion of Eire and can still be accommodated within the British Commonwealth of Nations, though it has converted itself into a republic. Scotland is part of the United Kingdom, for the crowns were united when James VI of Scotland succeeded to the English throne as James I of England in 1603, and in 1702 the Act of Union was passed which united the two countries. Still the Scots —they should never be called the Scotch—regard themselves as a separate and distinct nationality and often consider Englishmen in Scotland as something very akin to foreigners. There is clearly nothing hostile in this attitude, for a large number of Scotsmen have been willing to be prime ministers of the United Kingdom. The status of Wales is like that of Scotland.

Northern Ireland has a parliament of its own which sits in Belfast, and the Isle of Man and the Channel Islands also possess separate legislative bodies. All these communities are subject to the Parliament of the United Kingdom, their own legislatures being limited in power. Though Northern Ireland possesses its own legislative body, it also elects members to the House of Commons.

The British Commonwealth of Nations and the Colonial Empire. The dominions have the standing of independent and interdependent states, and the list now includes Canada, Australia, New Zealand, South Africa, Eire, and Ceylon. India, Pakistan (Moslem India), and Burma are independent but are associated with the

[1] Macdonell, A. G., *England, Their England* (London, 1933), reprinted by Pan Books (London, 1949), pp. 12–13.

ENGLAND:


Aberdeen
Dundee
Edinburgh
Firth of Forth
Glasgow
NORTH SEA
NORTHERN IRELAND
Belfast
Newcastle
Hull
Grimsby
EIRE
IRISH SEA
Liverpool
Manchester
Birmingham
Cambridge
St Georges Channel
Oxford
LONDON
Cardiff
Bristol
Bristol Channel
Southampton
ENGLISH CHANNEL
FRANCE
Scale of Miles

Commonwealth. A meeting of the Commonwealth prime ministers, held in London in April 1949, worked out the preliminary formulas for maintaining connection among all these states. The colonial empire includes a large number of diverse territories with widely differing relationships to the home government. The subject of the empire and the commonwealth is dealt with in a later chapter; here the intention is simply to define the names and jurisdictions.

In this chapter and succeeding chapters on the development and practice of English government, the terms *England* and *Great Britain* are used a little loosely to refer to the United Kingdom of Great Britain and Northern Ireland. The same policy has been used with regard to the adjectives *English* and *British*. It has seemed wiser to employ terms in common use, even if they are not juristically precise, than to encumber sentences with long formal titles. Whenever there is occasion to refer more specifically to a part or parts of this baffling complex of jurisdictions and associations, the meaning is made clear by more strict and careful use of names.

The Economic Situation of Great Britain. As the year 1949 began, 23 of the 45 million of the people of England were employed. While it is not possible to say precisely how many of them depended upon imports and exports for continued employment, a few illustrations from specific industries indicate the vital importance of foreign trade to the community's economic survival. Nearly half of the 1.75 million jobs in the cotton textile industry depends upon the import of raw cotton for continuance. One of three of the jobs in the housebuilding and home-furnishing trades requires imported materials, and one in four in the leather industries. Steel supplies are imported in large proportions in the form of ore and scrap. The importance of this last material to a highly industrialized community needs no emphasis.

From the standpoint of ordinary consumption, British trade with the rest of the world is vitally important. Nearly half the eggs and more than half the bacon on the breakfast table—and neither are often on breakfast tables at the present time—come from abroad. More than half of the wheat for England's bread, and three quarters of the fats are imported; and even the slightly less than half of the total meat supply which is home produced depends largely upon imported feeding stuffs.

The history of the nineteenth-century development produced

this twentieth-century situation. British investments of capital made all over the world during that period formerly yielded much of the foreign exchange for purchase of essential raw materials and food supplies. That investment was nearly all sacrificed to finance the grim struggle of World War II. Now exports must be increased enough to meet the gap in the foreign trade balance created by the loss of investment return.

This problem of exports and exchange balances is the central problem of the British economy after World War II. Its importance can be emphasized by a brief characterization of some of the other aspects of Great Britain's economic organization and activities. Of the 23 million people employed, approximately .87 millions are engaged in coal mining and the mining of other minerals, 1.28 millions in agriculture and fishing, 1.81 in transport and communications, 2.76 in various distributive trades, 3.88 in professional occupations, 1.46 in public administration, and .81 are in the armed forces. Manufacturing, building and contracting, and public utilities together give employment to nearly 9.62 millions, not far short of one half of the working population.

Agriculture is of increasing importance, for it might furnish the means of freeing Britain from the necessity of large imports of food. But a large part of the land is hardly suited to cultivation. Over 50 percent of the agricultural area is pasture or rough grazing land. The percentage under cultivation is still not much more than one third, even though crop acreage has risen as a result of wartime necessity from approximately 6.4 to nearly 11 million acres in the years since 1939.

The climate is one of the explanations for emphasis on livestock, dairy, and intensive garden crop production. Weather rarely drops to the freezing point; and the temperature rises above 70 degrees almost as rarely. This equable climate, combined with an even division of rainfall, which varies from 20 to 60 inches annually in various parts of the country, makes England "a green and pleasant land" but not one in which there can be high production of the staple crops, particularly the bread grains.

The general picture of the British economy, therefore, is of a large community in a relatively small territory, supporting itself by importing raw materials, converting them into manufactured goods, and exporting these goods to all parts of the world. Given the circumstances produced by the economic development of the

nineteenth century, the only solution for the English community's economic problem lies in the increase of exports. This is clearly recognized by every citizen.

The Socialist Experiment. Having twice in their history engaged in experimental change—first to democratic constitutional government, then to industrialized production—the English recently embarked upon another experiment. The result of the election of 1945 was a decision to try new forms of economic and social organization in an effort to meet the postwar crisis. Perhaps this is putting too simply the complicated forces that contribute to an electoral majority, but certainly that was the net result.

The experiment is all the more interesting to observers in other countries because traditional institutions are being sustained, in the characteristic British manner, while these new policies are carried into action. Revolutionary change is now in progress in Great Britain, but it is revolution in the manner of the passage of the Reform Bill of 1832, a constitutional and orderly revolution. Perhaps a single paradox can dramatize its peculiarly British character. Respect and affection for the royal family has never been greater than while a Labour leadership has been nationalizing industries, extending the social services, and planning the use of the nation's resources.

These introductory remarks make it clear that, if English government is to be understood, its history must be reviewed. Perhaps the English are a nation of poets—certainly they are poets with a past.

THE BRITISH CONSTITUTIONAL HERITAGE

Americans realize that the government of the United States cannot be fully understood unless something is known of its historical development. The Presidency, the powers of Congress, the work of administrative agencies, in fact most of the actual operations of contemporary government, are the result of constitutional provisions around which have accumulated customs, judicial interpretations, and various popular influences. As citizens we may be only dimly conscious of this, but at least we have learned that the performance of government today is the product of powerful historical traditions, growing out of our colonial past, our experimentation with the adoption of a federal form of government, and

our nineteenth- and twentieth-century experience in meeting the problems of society.

The same is true of British government. The American student is puzzled by the fact that the British have no written constitution such as we have. Actually there is a British constitution; not a single document, it is instead a series of documents over which has grown the same encrustation of tradition, precedent, and custom which surrounds our Constitution. The English constitution is indeed all history, hence the necessity of beginning the study of the government of Great Britain with a review of its constitutional development.

Before considering these aspects of the subject, the student will find helpful a brief chronological table of the important landmarks in this long historical development.

449–1066	The period of the Anglo-Saxon kingdoms, in which local institutions were developed, but little progress made toward establishing a national government. 1066 is the date of the battle of Hastings. In the years immediately following, William the Conqueror began the organization of national institutions.
1215	Magna Carta.
1295	The "Model Parliament" called by Edward I.
1485–1603	The reigns of the Tudor monarchs, during which many of the administrative agencies of the central government acquired practical authority.
1640–1660	The Puritan Revolution.
1688–1689	The "Glorious Revolution" and the Bill of Rights agreed to by William and Mary at their accession.
1742	Sir Robert Walpole's resignation, beginning the convention of Cabinet responsibility to a majority in the House of Commons.
1832	The first Reform Bill, extending the suffrage, followed by similar legislation in 1867, 1884, 1918, 1928, and 1948.
1911	The Parliament Act, restricting the powers of the House of Lords and establishing the five-year term for the House of Commons.

This table gives an idea of the length of time spanned by this gradual development and points out some of the important constitutional laws and customs.

In a text such as this any review of English constitutional history must be restricted to the primary aspects of its development—

for it is a long and complicated history. The story begins as early as 55 B.C. with the Roman occupation of the islands, continues through Anglo-Saxon times, and then runs from the Norman conquest to the present. Tennyson was speaking in poetic hyperbole when he said that "through the ages one increasing purpose runs," but it is not exaggeration to say that the growth of English political institutions and practice is fairly steady through all these centuries. It is, moreover, a history full of exciting episodes—battles, wars, and revolutions.

Clearly it is impossible to tell the whole story—the constitutional changes alone have been the subject of volumes[2]—but a useful account can be given in terms of the growth of the chief operating institutions of present-day English government: (1) the Crown and the administrative agencies, (2) the Parliament and the voting electorate, and (3) Cabinet leadership and the formulation of national policy. This amounts to telling the story backward: we look at the contemporary action of institutions, and study their history in order to understand how the functions of governments are carried on today.

THE CROWN AND THE ADMINISTRATIVE AGENCIES

The administrative acts of English government are done in the name of the Crown, or the king. When the traffic policeman stops a speeding motorist, when the income-tax collector sends a bill to the taxpayer, the official performs this duty by virtue of the power of the Crown. The citizen obeys because he recognizes, however dimly, that the king symbolizes the national government of England. The institution of the Crown is dramatized at the opening of a session of Parliament, when the king tells the assembled Lords and Commons what the plans are for forthcoming legislation and administrative policy. Some of the phrases from George VI's address at the opening of Parliament, October 26, 1948, more than three years after the Labour government came into power, show the traditional pattern:

> My Government will continue . . . to give full support to the United Nations. . . . My Ministers will continue to devote themselves to the problem of the balance of payments. . . . You will be asked to

[2] Some of the standard works on English constitutional history are listed in the bibliographical note at the end of this chapter.

consider further the Bill to amend the Parliament Act, 1911. . . . A measure will be laid before you to bring under public ownership those companies extensively engaged in the production of iron ore, or of pig iron or steel.[3]

While these pronouncements on policy and on legislation have actually been written by the ministers, the king reads the speech and, by so doing, expresses the intention of the English government to act in the ways indicated.

William the Conqueror. At times in the early history of England the king was the true originator of policy and the director of administrative action. Anglo-Saxon kings, from the fifth century to the Norman conquest, did not possess great powers because they were usually regarded as merely the most important of the great earls who were the heads of the governments of the local districts, or shires. When William the Conqueror established his rule over England after the battle of Hastings (1066), he made the kingship a much more powerful institution. By creating a national system of taxation, by putting his appointed lords lieutenant in charge of the shires, by making himself head of the English church, and by other methods of centralization of authority, he took charge of the government of the realm.

In this connection it must be remembered that Anglo-Saxon England was isolated from the continent of Europe and that life in the islands was rural and simple, almost primitive. The Norman Conquest did not bring about a sudden change, but handicrafts and skills and trade with the continent of Europe began to have more importance. William himself retained his title and power as Duke of Normandy, and a large part of his purpose in establishing a centralized and well-organized feudal kingdom in England was to maintain and enhance his power in the affairs of Europe. At this time England began to be one of the major powers, in contrast to its previous situation as a remote group of islands organized in a loose association of Anglo-Saxon kingdoms.

Not all of William's successors could equal him in force of personality, industry, and administrative skill, so the importance of the Crown as an "estate of the realm" fluctuated through the reigns of succeeding kings. Contests between various competitors for the kingship—for example, the Wars of the Roses—likewise diminished the prestige of the office.

[3] London *Times*, October 27, 1948.

Tudor Absolutism. In 1485 the first of the Tudor monarchs, Henry VII, came to the throne; and during his reign and that of Henry VIII and Elizabeth, the king (or queen) acted as a powerful monarch and a popular national leader. The Tudors governed England, making use of Parliament and the high administrative officials. Consequently their reigns have been called "practical absolutism." The purposes of the Tudors were much like those of William the Conqueror. England's trade with European countries was becoming more active, English competition in exploration and colonization was important. The leadership of the Tudor monarchs was an effective part of these activities. Extension of royal power meant much more than enhancement of royal prestige. Skillful employment of Parliament to endorse policies, imposition of administrative duties upon localities, and growth of the Privy Council's authority over various national projects concerned with trade and colonies made the central government a powerful force in the affairs of the kingdom.

When Elizabeth died the crown went to her cousin James Stuart, king of Scotland, who became James I of England. James I and Charles I made the mistake of asserting the divine right of the king to rule without gaining support in Parliament for their policies. The Tudors had ruled England without saying they were doing so; the Stuarts declared they possessed a divine right to rule England but finally failed to accomplish their purpose. Two revolutions in their reigns—the Puritan revolt (1640–60) led by Oliver Cromwell and the Glorious Revolution (1689)—finally placed James II's daughter Mary and her husband William of Orange upon the throne. The fundamental issue in both revolutions turned on whether the power of the king could be limited by laws and by the powers of Parliament. By the end of the seventeenth century the sovereignty of Parliament was clearly established, and the present constitutional status of the monarchy was really settled, although active kings—and queens—still exerted some influence on policy. Family relationships brought the house of Hanover, now called Windsor, to the throne, and the slow changes of history finally resulted in the situation illustrated by the foregoing quotation from the king's speech—that the king reigns but does not rule.

King's Clerk to Secretary of State. While the place of the Crown in English government was slowly evolving, a corresponding growth of administrative agencies occurred. When William the Conqueror

began to rule England he needed the aid of officials to carry out his policies. In feudal government there were two classes of high officers of the state which he could employ for this purpose: the officers of the royal household and the members of the feudal councils. He could, and did, make use of the officers of the royal household, for a feudal kingdom resembled a family run on a national scale. One of the very useful, though not exalted, officials was the king's clerk. The clerk was a private secretary, indispensable in those days because ordinarily the king could not read or write. By entrusting his signet or personal seal to the clerk as a symbol of royal authority, the king could give directions to his ministers and transmit the royal will. A modern administrative descendant of the king's clerk is the minister of foreign affairs, whose formal title is "His Majesty's Secretary of State for Foreign Affairs." Other feudal officers of the Norman household similarly achieved administrative authority; the justiciar might be properly regarded as the feudal ancestor of the present lord chancellor, the chief legal officer of the government and the custodian of the Great Seal of the Realm.

***Curia Regis* to Courts and Exchequer.** Besides the royal household, the feudal councils made up of great lords and important feudal officers could be converted to administrative agencies. In Norman times there were two councils which exerted influence by advising the king and by participating in the actual administration of policy. The *Magnum Concilium*, composed of all important members of the nobility, served chiefly as an advisory body and, because of its size and diverse membership, functioned also as a sort of legislative body. The smaller council, called the *Curia Regis*, included the greater feudal lords, many of them exercising real administrative authority; its members began to take over direction of some of the functions of government.

The full history of the *Curia Regis* is long and intricate. Briefly stated, the process of making it into an administrative council was achieved by the formation of a smaller council from its most important members, during the course of the twelfth and thirteenth centuries. This smaller group of the *Curia Regis* was made up of the closest advisers of the king and the high officials who assisted him in administering the affairs of the realm. One of the clues to understanding feudal governmental institutions is to remember that there was no sharp distinction between legislative, executive, or judicial functions. Probably the origin of the smaller council may

be explained by saying that when the *Curia Regis* had assembled to advise the king, and had given its advice, most of its members returned home. Some of the great lords and prelates, and a few responsible officials, remained after the full meeting had adjourned to assist the monarch in transacting further business. During the Tudor reigns, this smaller group functioned almost continuously. It became powerful and influential during the fourteenth and fifteenth centuries and was known as the Privy Council.

Throughout the whole period of this development, more formally established permanent agencies grew out of this central institution. From the larger *Curia Regis* some members with knowledge of the law went out on circuit to administer justice in the king's courts. From the larger council, and from the later Privy Council, committees were formed These committees finally became, among others, the Lords of the Exchequer, and the Lords of the Admiralty. It was only natural that the members of the Privy Council should eventually develop into the king's ministers as well as his advisers. The traveling justices who went out from the *Curia Regis* became the nucleus of the High Court of Justice. Thus it can be said that the modern High Court of Justice, as well as the Exchequer and the Admiralty, is the product of this development of feudal governing councils into administrative agencies.

In this way, under the leadership of able and active kings, there were gradually built up in the feudal organization of English government the great administrative offices and boards, many of which still carry on similar functions under modern conditions. The process was slow but steady, and changes took place in response to practical day-to-day necessities. The final result was the establishment of the administrative machinery by which tasks of government are fulfilled.

THE PARLIAMENT AND THE ELECTORATE

It has already been said that not all the English kings succeeded so well as the Tudors in getting Parliament to support their policies. The tradition that a great council, representing the feudal estates of the realm, should have a share in the determination of policy began in Anglo-Saxon times. The Saxon kings were under an obligation to ask for the advice of the Witan, a council made up of the great officers and the high nobility. Its membership was never precisely defined and its meetings were never regular, but its

existence was accepted by kings and nobles. After the Norman conquest the *Magnum Concilium*, with much the same sort of membership, continued this function. In 1215 the assembled barons of the kingdom exacted from King John a pledge, expressed in the document of Magna Carta, that he would always use his royal powers in accordance with the laws and feudal customs which had been established. Magna Carta was hardly a charter of human liberties. It was an assertion by the barons that no king could exceed the customary and legal limits on royal authority, and King John agreed because he urgently needed the support of these powerful nobles in order to raise taxes. None the less the presumption was created, however limited the provisions of the charter, that every king had to obey the traditional rules of the kingdom. One of these rules was that he was required to assemble his barons, including the spiritual lords, and give heed to their advice. Fifty years later a similar contest between barons and king led Simon de Montfort, the leader of the great lords at that time, to assemble a Parliament which included representatives of the lesser nobility and even the freemen, the knights of the shires from the counties, and the burgesses from the towns and cities. Other partially representative assemblies followed this one, and in 1295 the "Model Parliament," called together by Edward I, gave authority to this pattern of a great assembly of the estates of the realm.

Lords and Commons. From the thirteenth century forward the story of the growth of a representative assembly is one in which the form of representation approached more and more closely that of the Parliament of modern times. About this time most of the great lords of the clergy withdrew, because they had an assembly called Convocation in which they could transact the business of special interest to them. In the times of the Tudors the voting franchise for the qualified electorate was slowly defined by law. The active leadership of the Tudor monarchs enhanced the prestige and the importance of the assembly, even though the monarchs, and especially Queen Elizabeth, were able to induce it to follow royal leadership in policy. A curious aspect of this development is that the body became an assembly of two houses—instead of three houses reflecting the three feudal classes of those who fought, those who prayed, and those who worked—because the representatives of counties, towns, and the lesser clergy came to regard themselves as "the Commons," while the members of the higher nobility, including some of the bishops, could claim a seat in the House of

Lords. Democratic legislatures of other nations now reflect this bicameral structure, imitating the fortuitous growth of a representative assembly in two houses in England.

The House of Commons was much more than one house of a bicameral legislature—it was the means of representing the middle class. When Simon de Montfort and Edward I called burgesses from the towns to their Parliaments, they were recognizing the importance of commerce and handicraft in the English community. Merchants had long desired a more direct share in determining the policies of the kingdom than was afforded by petitions and deputations. Once the towns were represented, Parliament began to derive strength from the commercial and financial community. The power of the middle class was of great consequence in the two revolutions which not only curbed the power of the king but of the landed nobility as well. One of the reasons that the sovereignty of Parliament was finally established was that it became an assembly which reflected the desires of the most important groups in the nation. In the nineteenth century representation was finally extended to the working classes.

Parliament's Powers. During the centuries that the pattern of representation became established, there was a simultaneous definition of the powers of Parliament. The right to grant taxes dates back almost to Magna Carta, the hearing of petitions gradually led to full rights of legislation. The pliability of the Tudor Parliament really increased the powers of the body; since the king could secure what he wanted in taxes or legislation, he was not averse to asking.

In the seventeenth century the Stuarts precipitated a struggle between king and Parliament by disregarding these traditional rights of representation and legislation. The final result of the "glorious Revolution" of 1688–89 was victory for the representative assembly, and when William and Mary came to the throne it was by virtue of parliamentary consent and with guarantees for the powers of legislation and taxation. While William and his successors still retained considerable powers of leadership and administration, the principle was firmly established that Parliament was the supreme sovereign body of the kingdom.

The Reform Bills. Once this sovereignty was clearly recognized, it was only natural that there should be popular demand to make the legislative body more truly representative of the whole nation. The successive parliamentary reform bills of the nineteenth century achieved this result. The unreformed House of Commons, with its

limited franchise for citizens in the counties, its eccentric feudal qualifications for voting in the towns and cities, and its antiquated distribution of seats leaving the new industrial cities unrepresented, was changed by the acts of 1832, 1867, 1884, and 1918 to the present legislative body. The present House of Commons is elected from roughly equal districts called constituencies, in which all adult citizens with residence qualifications cast ballots for a member of Parliament.

The first Reform Bill of 1832 was the result of a widespread popular movement which combined a number of different elements. The ideas declared by the French Revolution created a demand for popular sovereignty, and after the changes brought about by the Industrial Revolution, it was obvious that the House of Commons was *unrepresentative*. Not only were important centers of population without representation but a working class which had become politically conscious was demanding recognition of its needs. Conditions of work in the factories and living conditions in the congested slums of factory towns made reform imperative. The creation of a more representative legislative body was a prerequisite to any sustained consideration of proposals to regulate living and working conditions. The new commercial and industrial leaders felt themselves to be as little represented in the old House of Commons as did their workers, because the electoral map was far out of date. The demands of the new business community, combined with agitation conducted by the workers, made it possible for the Whig party to place the Act of 1832 upon the statute book. But the extension of the electorate, although it was doubled in actual numbers, was not sufficient to create a truly democratic suffrage. The presumption had been created, however, that the House of Commons should be representative of all regions and all classes, and successive acts passed in 1867, 1884, 1918, and 1928 established universal suffrage for men and women. As late as 1948 legislation cleared away the remaining anomaly of plural voting for a small number of voters and provided a method for frequently revising the boundaries of constituencies.

CABINET LEADERSHIP AND THE FORMULATION OF POLICY

When the Stuarts were restored to the throne, Charles II had to admit that Parliament was sovereign. The real problem of making

this authority practical, in terms of control of national policy, lay in establishing effective and continuous control of the king's ministers. Impeachment by Parliament proved to be a clumsy way of directing the action of ministers. The final solution of the difficulty was achieved by a process of adjustment in which both king and Parliament participated.

Cabinet and King. The revolutions produced an alignment of parties: the Court or Tory party which had supported the king, and the Parliament or Whig party which had asserted the authority of the legislative assembly. When William of Orange came to the throne, he found that the simplest way of avoiding conflict with the Whig majority in his Parliament was to choose his ministers *from that parliamentary group. The first two Georges, uninterested* in English politics and unskilled in the English language, made continuous use of this device for reducing friction and inconvenience. George III, though he attempted to make the king once more an "estate of the realm"—affected by the concept of a Patriot King—employed the devices of party and parliamentary politics to increase his influence.

Cabinet and Parliament. Before George III came to the throne Sir Robert Walpole was prime minister for the better part of twenty years. When he lost the support of the Whig majority in the Commons, his resignation in 1742 established the conventions of Cabinet leadership and Cabinet responsibility to Parliament for administration and proposal of policies and the obligation of resigning office or dissolving Parliament and calling an election to choose a new Parliament. The effect of these customary arrangements—for such ways of doing things were not embodied in laws—was to link together the executive and legislative activities of government. This is the distinguishing feature of Cabinet government: the true leadership in legislative and executive action is in the hands of a group of ministers who are actually the leaders of the majority party in the national legislature.

During the nineteenth century these conventions were firmly fixed in the minds of the general public. The contests between two great leaders, William Gladstone for the Liberals and Benjamin Disraeli (later Lord Beaconsfield) for the Conservatives, dramatized the process by which a majority of the people choose a majority party in the House of Commons, and what might be called a small executive committee—the Cabinet—formulates policies and

carries them out, assured of control of the House of Commons. Whenever the Commons refuses to support the Cabinet, either a new House of Commons or a new Cabinet must be found. This is secured by dissolving the House and holding an election, the result of which must be either to return a majority for the Cabinet already in office or to require the designation of a new set of ministers who will reflect the will of a new and different majority.

THE NATURE OF THE CONSTITUTION

This brief sketch of a long, slow development—it is worth repeating that it spans the centuries from the Anglo-Saxon kingdom in the sixth century to present-day Great Britain—suggests a few generalizations about the nature of the British constitution.

Adjustment in Practice. First of all, it is clear that the constitution is the product of practical solutions of concrete problems. The problem of converting the feudal, decentralized government of Anglo-Saxon and Norman times into an effective, national government was achieved by making use of the power of the king and developing his household and his councils and councilors into working officers and agencies of administration. The problem of whether king or Parliament should be the ultimate sovereign was solved, after the revolutionary episodes of the seventeenth century, in favor of Parliament. The problem of making Parliament fully representative of the people—dimly foreshadowed in the early great councils of the feudal estates—was solved by the extensions of the franchise in the Reform Acts of the nineteenth and twentieth centuries. The problem of making the acts and policy of government truly representative of the will, first, of the legislature and, then, of the people was solved by the slowly evolving practice of ministerial responsibility to Parliament and party majority. To a very large extent, therefore, the constitution is a mass of traditional ways of carrying on government. Customs and precedents are fully as important as laws or charters.

The Great Documents and Constitutional Statutes. Nevertheless, while the conventions of the constitutions are very important, there are some documents that have a great influence. Magna Carta, the Petition of Right which was presented to Charles I in 1628, and the Bill of Rights which William of Orange agreed to in 1689 when he accepted the crown—all have an important place in the constitutional history and form a significant part of constitutional

law. Similarly there are some statutes passed by Parliament, such as the Reform Act of 1832 or the Parliament Act of 1911 restricting the legislative powers of the House of Lords, which have a determining effect upon English government. In addition to these there are the principles of the common law, enunciated throughout centuries by the courts, which control the relations of government authorities to each other and which define the liberties of the English citizen. Finally, as in the United States, judicial decisions form a part of the rules which govern the action of the government.

The British constitution, then, is a set of rules under which government is carried on from day to day, and these rules are to be found written in the great documents, in statutes, and in judicial decisions. Many are obeyed though they are unwritten customs and precedents or principles of the common law. Except for the fact that there is no all-inclusive single document like the Constitution, the situation is much the same as in the United States. In this country laws, customs, and judicial decisions, as well as the text of the Constitution, are important in defining the action of government authorities.

The British constitution can hardly be regarded as the product of a political theory or philosophy. This fact is worth noting. It does not mean that the great English political philosophers like Locke or the great jurists like Blackstone did not influence the development of the constitution. Most English political thought, however, comes after the event, and the decision that sovereignty should ultimately be in the hands of Parliament was reached before Locke published his *Two Treatises of Civil Government*. If it is at all true to say that the British empire was built in a fit of absence of mind, as much can be said for the British constitution. It evolved through practice. A series of practical solutions for governmental difficulties were developed during the long course of its history. In large part, this explains its durability. The processes of development began long ago, and change is still taking place.

Parliamentary Sovereignty and Constitutionality. An important aspect of this constitution should be explained to the American student. Because the Parliament is truly sovereign and expresses the will of the people as authoritatively as that will can be formulated, there is no technical difference between ordinary statute law and constitutional law. An act of Parliament is by definition constitutional. English courts may interpret and refine the meaning of such an act, but the judges cannot declare it unconstitutional. The au-

thority of the Parliament is unrestricted by constitutional limits; in fact, the Parliament may make both ordinary and constitutional law. The simplest token of this situation is that the Reform Acts and the Parliament Act of 1911, though clearly having the nature of constitutional law, are simple acts of Parliament, passed in the same way as other legislation—though with more public interest and discussion.

The British Democratic Tradition. One other general aspect of this constitutional development should be noticed. The phrase "Mother of Parliaments" which is applied to the British Parliament is not merely poetic exaggeration first uttered by Englishmen. In actual fact the governments of such British dominions as Canada and Australia are quite closely modeled on the government of the mother country. The continental parliamentary governments (such as the Third French Republic), and the postwar government in Japan were organized in a form frankly imitative of British cabinet government. England was one of the first great national states to develop this democratic pattern, and as such England is worth close study, for the democratic principle of government by the people achieved one of its earliest practical forms in the British Isles. Though American government is very different, we owe much of our pattern of legislative bodies, popular control of policy, and system of laws and courts to our British political ancestry.

This preliminary review of the constitutional development must be kept constantly in mind as our study proceeds to the contemporary institutions and practice of English government. The most fundamental and consistent aspects of the relationships of people to Parliament and of Parliament to Cabinet depend upon the traditions which have been given such solidity by the long centuries of practical experience. Every English citizen has been taught this history in school, has heard it discussed in private family conversations and public political meetings. Thus, although there is no constitution in England, actually there is deeply settled in every English citizen's mind the historical relationship of the agencies of government.

READINGS

Suggestions for further reading begin with references to a few small works which state this constitutional development in brief space:

Adams, G. B., *An Outline Sketch of British Constitutional Development* (New Haven, 1918).

Brebner, J. B., and Allan Nevins, *The Making of Modern Britain* (New York, 1943).

Clokie, H. McD., *The Origin and Nature of Constitutional Government* (London, 1937).

Haskins, G. L., *The Growth of English Representative Government* London, 1948).

Jennings, Sir W. I., *The Law and the Constitution* [illegible] ed. (London, 1943). Chapter I gives a penetrating short survey of the constitutional development.

A few of the classic and standard histories are:

Keith, A. B., *The Constitution of England from Queen Victoria to George VI* (London, 1940). Two volumes handling the institutions topically.

Maitland, F. W., *The Constitutional History of England* (Cambridge, 1908).

May, T. E., and F. Holland, *The Constitutional History of England*, 3 Vols. (London, 1912).

White, A. B., *The Making of the English Constitution* (New York, 1925) Deals with the development up to 1485.

Some recent valuable works are:

Adams, G. B., and R. L. Schuyler, *Constitutional History of England* (New York, 1934)

Kier, D. L., *The Constitutional History of Modern Britain, 1497–1937* (New York, 1938).

Wade, E. C. S., and G. G. Phillips, *Constitutional Law*, 3d ed. (London, 1946).

Numerous other standard and classic works might be mentioned, but the foregoing give many suggestions for further study, particularly on more specialized aspects of the development.

Chapter 3

"THE GOVERNMENT"— THE CROWN, THE CABINET, AND THE CIVIL SERVICE

WHEN AN ENGLISHMAN referred in 1940 to "the Churchill Government," or spoke in 1945 of "the Labour Government," he meant much the same thing that an American meant when he spoke of "the Roosevelt Administration" or "the Democratic Administration." What is referred to in both cases is the existing leadership of the nation, and the phrases imply that the executive officials who are responsible for conducting the regular daily work of administering laws and regulations are also responsible for proposing policy. The Englishman and the American both realize that a leadership is in charge of affairs; they criticize or praise "the Government" or "the Administration" according to their opinion of administrative actions and the announcements of policy. Blame or applause may be equally undeserved, but the leaders cannot evade full responsibility.

In order to make clear the relationships between popular vote and ultimate determination of general lines of policy, a diagram appears on page 56. The figures are those for 1945. Apart from the results, the sequence of events in that year was typical of what happens at every general election. The parties appeal to the people to elect their candidates to the House of Commons; and when the votes are finally counted, one party (in this instance, Labour) is seen to have gained a majority in the more important house of the sovereign legislature of the nation. From the leaders of this majority a Cabinet is chosen to take charge of the formulation and administration of government policy. The net result of

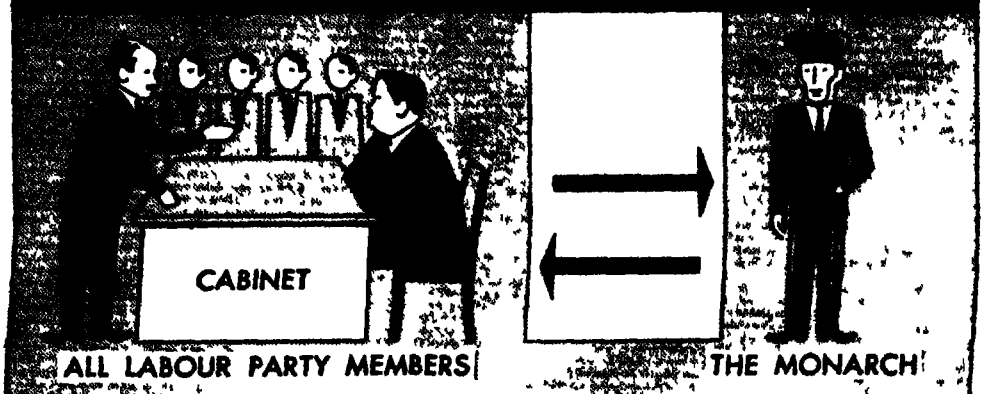
this process is to *find* a predominant public opinion on the chief issues confronting the country, to *express* it in an effective majority in the Commons so that it can be carried out by legislative action, and to *mobilize* it by putting a team of leaders (the Cabinet) in command of the legislative majority and the administrative departments of the central government. At the end of this chapter these relationships are summarized; the diagram on the following page is intended to give them graphic expression.

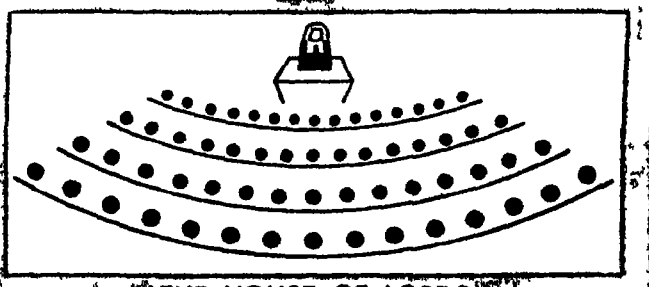
This is the central feature of the cabinet system as it has developed in England. Repeated description of these crucial relationships is justifiable, because the American Presidential system is very different in constitutional tradition. The American student has been taught that there exists a system of "separation of powers" between the executive, legislative, and judicial branches of his government. It is a commonplace to say that English Cabinet government operates by virtue of a "fusion of powers" linking the action of the executive to the legislature. If the relationships suggested here—and dramatized in the diagram—are kept in mind throughout the discussion that follows, the nature of the Cabinet system can be more readily understood. It is worth adding that the growth of the function of Presidential leadership in the United States has diminished the difference between the English system and ours, even though the difference in constitutional tradition is still important.

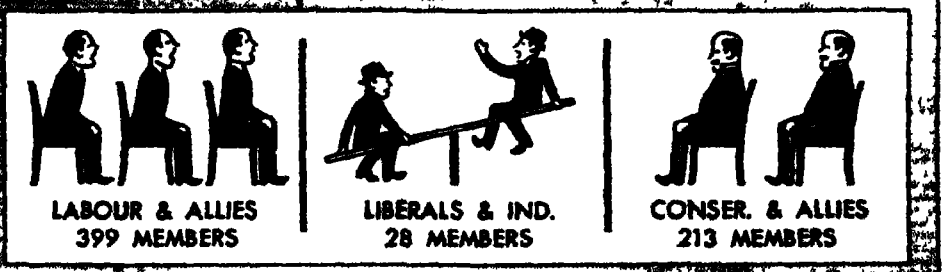
What was just said about the formation of policy made no mention of the constitutional functions of the king. No British citizen, unless he were remarkably ignorant or naive, would credit the idea that His Majesty had a decisive voice in directing the affairs of the nation. Nevertheless, the prominence given to the royal family and the Crown in the daily press indicates that it is still of considerable importance, even though constitutional development has made monarchy into a formal and traditional institution. Princess Elizabeth's wedding and the birth of the prince have received an immense amount of space, particularly in the form of photographs, in all the newspapers. Although there has been a newsprint shortage, both the severe good taste of the London *Times* and the riotous vulgarity of the picture tabloids constantly deal with the institution of royalty.

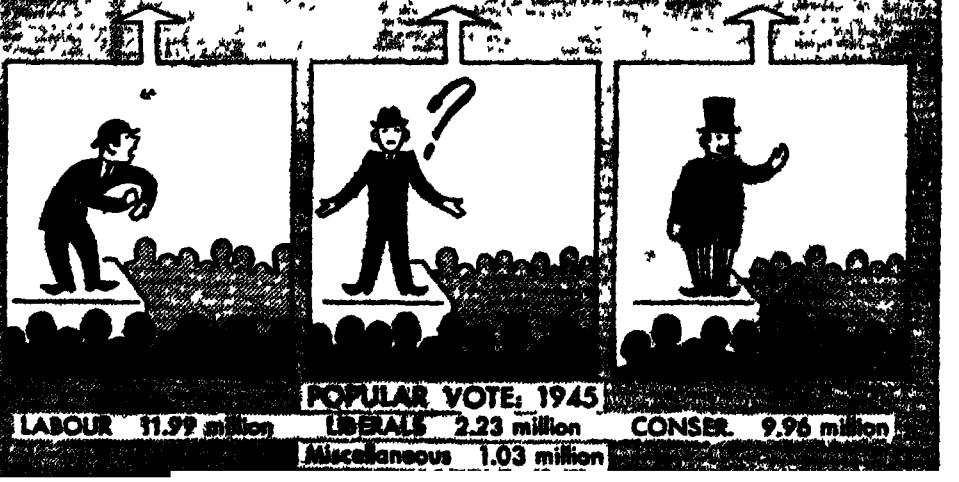
Cross-examined on what he thought were the effective agencies

DYNAMIC POLICY-FORMING RELATIONSHIPS IN BRITISH CABINET GOVERNMENT









of British government, a typical Englishman would undoubtedly name the Crown, the Cabinet, and the Civil Service. In order to understand his meaning, each of these institutions is described.

THE CROWN AND THE KING

The Royal Family. A shrewd nineteenth-century observer of English government remarked that government had to have its dignified and impressive side as well as its practical working agencies.[1] This need is met by the institution of royalty. The pageantry of the opening of a session of Parliament, when the king in the royal coach drives through London to Westminster, the military spectacle of the changing of the guard at Buckingham Palace, the queen's visits to hospitals—all serve to give the English citizen a pleasant, familiar picture of the formal aspects of government in his country. This ceremonial function of government is performed in other countries by various means. In Japan, as will be explained later, the present role of the emperor is patterned on that of the English king. Among the major powers, only the United States has no separate figure upon whom this responsibility rests. In this country the President has to perform various ceremonial duties and also to carry the real responsibilities of administering the laws and consulting on policy—which might explain the fact that many American Presidents die young while most English kings serve for a long time and keep their health.

What has been said about the domestic flavor of this picture of royalty in every Englishman's mind should be extended. The royal family serves as a focus of morality and convention in the country. It is not exaggerating to suggest that the family's conduct serves as a model which, because it is affectionately observed, has a genuine influence on the attitude of all groups in English society. The Crown is one of the working institutions of English government, but at the same time the royal family has a social effect on all of English life. Since this is a subtle and pervasive phenomenon, it is difficult to explain briefly. It must be mentioned, however, because no foreign observer can be long in England without being conscious that the institution of royalty is more than a mere symbol of government authority.

[1] Bagehot, Walter, *The English Constitution*, 2d ed. (New York, 1924), essays III and IV.

The Powers of the Crown and of the King. The easiest way to understand the function of royalty in Britain is to distinguish between the powers of the Crown and the powers of the king. The Crown is an institution, and by its authority the acts of government are carried on—as a result of the historical development which was sketched in the preceding chapter. The Cabinet ministers are formally appointed by the Crown; defense regulations for the conduct of the war were issued as Orders in Council under the authority of the Crown; officials perform their duties in the name of the Crown. The Crown is a permanent and continuous institution; the traditional announcement, "The King is dead, long live the King!" typifies the immortality of government authority. The king, however, merely serves as a symbol of national and imperial power. He has little personal influence on what is actually done in the name of the institution.

Because George V was a sensible and public-spirited man, he was able to exert some influence on the course of government policy. The same thing is true of his second son, the present king. The powers of the king depend upon his ability and skill as a person not as king to make suggestions to his ministers. From his youth he has always had the opportunity to learn about government and politics from the inside. The present king as Duke of York had wide acquaintance with the leaders of the nation and naturally learned a considerable amount about the problems of the empire and the British community. Now he is informed regularly by the prime minister about all important affairs of state, and whenever he offers advice it must carry weight because of his patriotism and experience. It is impossible to say how much influence he can exert upon the Cabinet, but the limits are very narrow. The prime minister and the Cabinet are in office because their party won a popular election, and they are obligated to fulfill a substantial part of their campaign promises. No suggestion the king could offer would overweigh the compelling force of this general obligation; but the Cabinet ministers might welcome his advice on many details of policy, even on matters of some significance. The real responsibility for acts of state, however, rests upon the Cabinet and the Ministry.

The powers of the Crown, then, are the formal expression of the sovereign authority of the government and are exercised by the responsible ministers. The powers of the king are the informal opinions of a well-informed and devoted man who has great op-

portunities to learn about and to express his viewpoint concerning current problems. It is true that there have been a few occasions when the opinion of the monarch had some effect upon policy. When England faced a financial and economic crisis in August and September of 1931, George V was credited with having suggested to Ramsay MacDonald and to Stanley Baldwin that it would be desirable to form a ministry in which all the English parties participated. Since the consultations between the leaders and the monarch were confidential, it is impossible to say how much influence the king's suggestions carried, but consultations did occur and a National Government was finally formed.[1] A more recent instance of the king's contact with his ministers is revealed by Winston Churchill in his reference to weekly private luncheons with George VI from 1940 to 1945 at which full information was placed before the king.[2]

When the monarch does influence the action of his ministers, this must not be publicly known. In a sense, he is the first citizen of the land, but whatever advice he may give to his ministers cannot diminish their responsibility for decisions. The king's suggestions are privately given and privately considered. The delicate constitutional balance would be dislocated if the general public believed that the monarch's views had a decisive effect upon the course of government policy.

From what has just been said it is clear that the king does occasionally participate in framing lines of policy but always within the strict limits of confidential conversation with his ministers. The Crown is a legal entity. In the name of the Crown, the various acts of government are performed. These range from a minor matter, such as the collection of an import duty by one of His Majesty's inspector of customs on a tourist's purchase of a small bottle of perfume in France, to an Order in Council transferring important functions of government from the Board of Trade to the Ministry of Transport. It is the ministers who make these decisions. The actual power of the king is intangible and immeasurable and is quite distinct from the array of authority which is vested in the legal institution of the Crown. Perhaps a single sentence will assist in keeping this distinction in mind: as late as the eighteenth century, the king was advised by his ministers; at present, the ministers are advised by the king.

[2] Churchill, Winston, *Their Finest Hour* (New York, 1949), p. 379.

THE CABINET—THE LEADERS OF "THE GOVERNMENT"

The nature of the Cabinet can be understood best by reference to the formation of the Labour Cabinet in 1945. A parliamentary election was held on July 5, 1945, and when the results were finally published just over three weeks later, it was clear that the Labour party had won a majority of the seats in the House of Commons.[3] The Conservative party, under the leadership of Winston Churchill, had contested the election, and when the results were known Mr. Churchill and his Cabinet resigned so that a new Cabinet, reflecting the new Labour party majority, could be chosen. The king called Clement Attlee, the leader of the Labour party, to consult on the membership of the new Cabinet, and on July 27 the first appointments were announced. Mr. Attlee was named prime minister, first lord of the treasury, and minister of defense, the same offices that Mr. Churchill had held as head of the National Government in wartime. Four other important Cabinet posts were filled, all the men being leaders in the Labour party and having had public experience in Parliament and the Cabinet. Since these appointments were representative of the personnel of the new leadership, a brief description of the five offices and the men who filled them follows.

Prime Minister and **First Lord of the Treasury** — Clement R. Attlee

The Office: It is appropriate to begin with the prime minister, especially since opinion of his stature as a leader has materially changed during his time in office. The office of prime minister, however, is hard to describe accurately because its significance depends so much on the man who holds it. The classic phrase invariably used to describe the position is "first among equals"—in days gone by when all ladies and gentlemen knew at least a little Latin the conventional expression was "*primus inter pares.*" The significant part of Clement Attlee's title is, of course, "Prime Minister"; his designation as "First Lord of the Treasury" is merely a historical remnant of an earlier time. Centuries ago English prejudice was very strong against any "First Minister" or "Prime Minister," because it evoked the memory of the hated royal favorites of Stuart times. In the eighteenth century, in order to get the leader of the

[3] London *Times*, July 27, 28, 1945.

government on the government pay roll, he was given the office of first lord of the treasury. In characteristic British fashion the designation still persists.)

(The prime minister as leader of the majority party must hold his Cabinet together, evoke a spirit of teamwork in a group of determined and able men, act as the chief parliamentary and public spokesman for the government and the party, and concern himself with planning long-run policies and coordinating the work of the various ministries.) These tasks are obviously big enough to give him a full-time job, often claiming his attention for nearly twenty-three hours of every day. (He does not carry any specific departmental responsibilities, but he must concern himself with the administrative work of any department or all of them in order to unify administration in accord with the general program of his party.) The devices used by him and the Cabinet to coordinate the functions of various agencies are described more fully in Chapter 6.

The Man: When Mr. Attlee was appointed (the appointment is formally made by the king, as has just been said, but is always made in accordance with the recommendations of the leaders of the majority party), there was considerable speculation as to what kind of a prime minister he would make. His record in the Labour party was a long one; he was widely liked and trusted, but to many people he seemed to lack the color and force required for the post to which he was called. But three years later, he was described as "one of the most considerable and formidable figures in British political history."[4] The impression is now widespread that the prime minister possesses far greater force of personality than had formerly been believed, and he is regarded as unquestionably the leader of a Cabinet made up of able and energetic men.

One can wonder whether Attlee does not sometimes wish that he had pursued some of his earlier successes, instead of the party and parliamentary career which has now brought him such heavy cares of office. He came of middle-class parentage, studied modern history at Oxford, and then read law at the Inner Temple. Before World War I he had become interested in social work in the Limehouse district, one of the poorest parts of London. During the

[4] Williams, Francis, *The Triple Challenge* (London, 1948), p. 49. Chapter 6, entitled "How Strong Is Attlee?," gives a very interesting brief biography of Mr. Attlee's career.

war he served in the infantry and the tank corps and rose to the rank of major. Upon his return he became a tutor in the London School of Economics and Political Science, and his former students now speak of him with affection and respect. He continued his work in the East End, took up affiliation with a labor union, and then began the political career which brought him to the leadership of a Labour party in power. He could undoubtedly have been a successful solicitor, and he was a successful university tutor and lecturer. He became a successful political leader. This final choice, with all its burdens, probably was made because of his genuine acquaintance with workers and because of deeply settled socialist beliefs. He is part of the very considerable middle-class membership of the Labour party which believes in supporting a program of far-reaching social change.

Secretary of State for Foreign Affairs } Ernest Bevin

The Office: This is the headship of the Foreign Office. It corresponds roughly to that of secretary of state in the American federal government. It requires constant attention to the diplomatic problems of Britain and the Empire, and it imposes heavy responsibilities for the formulation of lines of foreign policy. The secretary of state for commonwealth relations carries on a similar task for relationships within the British Commonwealth of Nations. Naturally, there must be continuous consultation between this office and the Foreign Office, though each has separate and parallel functions to perform.

The Man: Ernest Bevin, at the time of his appointment, was sixty-four years old. He was a self-made man, having been a farm boy, a shop clerk, a streetcar conductor, a secretary of the Dock Workers Union, and a member of government committees for labor and transport services in World War I. After that war he was the organizer of the Transport and General Workers Union and became its national secretary. He had had a long career in the House of Commons, and Winston Churchill appointed him minister of labour and national service in the War Cabinet of 1940. Bevin's great vitality, his organizing and administrative skills, his long experience in the Labour party, made him one of the important leaders, and therefore he was appointed to one of the most important Cabinet posts. Since 1945, in very difficult times, his leadership in foreign policy has been effective and determined and

has won praise from the Opposition as well as from most of his own party.

Lord President of the Council and Leader of the House of Commons — Herbert Morrison

The Office: The lord president is one of the medieval heritages of modern British government. Unlike the office of foreign secretary, this post carries no specific administrative responsibilities. It is usually given to an important leader of the party and entitles its occupant to participation in cabinet meetings. The incumbent helps to formulate general policy but does not assume administrative tasks with respect to any specific government activity. Since the post has this formal character, it can be combined—as in this case—with the task of defending and explaining the government's policies to the House of Commons, and with serving as an aide to the prime minister in holding the support of the majority. While in this instance Herbert Morrison has continued to perform this function, the office remains strictly a ministry "without portfolio." In other Cabinets a quite different assignment, or no assignment at all, might be given to the lord president of the Council. He is always a senior statesman, and as such the office is very useful but he need not carry the particular responsibility which has gone with the office in Attlee's government.

The Man: Herbert Morrison's experience has been like that of Bevin. He is the son of a policeman, and his life has been spent as a Labour party organizer and official, as an active and effective member of the London County Council (the governing council of metropolitan London), and as a Labour member of the House of Commons. In the War Cabinet he was secretary of state for home affairs and minister of home security. The latter post he administered with energy and skill, organizing the civilian defense of Britain. He has retained this post and the leadership it entails throughout Labour's first three and a half years of power.

Chancellor of the Exchequer — Hugh Dalton, followed by Sir Stafford Cripps, November 13, 1947

The Office: Though the title is medieval, the office is modern in its functions. It is analogous to that of the secretary of the treasury in the United States government. The incumbent must

assume responsibility for formulating and defending the financial policy of the Cabinet and for the collection of taxes, the borrowing of money, and the expenditure of funds. Since this is a vital aspect of policy, "the Treasury," as it is often called, influences the policies of other departments of government, and the chancellor is therefore one of the most important officers in the Cabinet.

The Man: To call Hugh Dalton a "master mind" is a brief and but slightly misleading characterization. He had a distinguished record as a student at Eton, one of the famous and exclusive English schools, and at Cambridge University. He has been a member of the faculty of the London School of Economics and Political Science, has published scholarly works in the field of economics and public finance, has had a long experience in the House of Commons, and served in the MacDonald ministries in the period between the two World Wars. His intellectual brilliance did not keep him from committing a grave indiscretion in November 1947, when he let slip some of the essential aspects of the emergency budget of that autumn to a newspaper reporter of his acquaintance. As a result, the Star was able to publish some of the details of new taxes at the very moment that the chancellor of the exchequer was laying the budget before the House of Commons. An exchange of letters with the prime minister, published on November 13, confirmed the chancellor's resignation.

Dalton was succeeded by Sir Stafford Cripps, who has since continued in the office, combining with it the duties of Minister of Economic Affairs which had been created six weeks earlier. Hugh Dalton's importance in the councils of the party and the Cabinet remained considerable, however, and he was appointed chancellor of the Duchy of Lancaster on June 1, 1948. This brought him back into the Cabinet with general responsibility for the administration of the British zone in Germany.

President of the Board of Trade | Sir Stafford Cripps, followed by J. H. Wilson, September 29, 1947

The Office: The title of this position reflects the English government organization of the eighteenth century, when these functions were carried on by a committee of the Privy Council. The present functions of the office are comparable to those of the U. S. secretary of commerce. Government regulation of many aspects of foreign

and domestic business activity, supervisory powers over municipally owned public utilities, collection and publication of economic statistics and data, and many aspects of economic policy, particularly reconversion from war conditions, all fall within the jurisdiction of this department.

The Man: Sir Stafford Cripps is a distinguished barrister—what Americans would call a trial lawyer—and has had wide business connections and experience. He was educated in both science and law, has had a long record in the Labour party, holding government positions of importance in Churchill's Cabinet during World War II. On September 29, 1947, Sir Stafford was appointed head of the newly created Ministry of Economic Affairs. This was a recognition of his increasing importance as one of the strong leaders in the government. When Dalton resigned, Sir Stafford succeeded him as chancellor of the exchequer, retaining the chairmanship of Cabinet committees on economic policy which were the major responsibilities of the Ministry of Economic Affairs. His part in the formulation of economic and financial policy has therefore grown steadily during the life of the Labour government, and his energy and ability have received commendation from Opposition leaders and from the financial and business community, although his uncompromising support of socialist viewpoints is consistent and unchanging.

When the Ministry of Economic Affairs was created, J. H. Wilson was appointed president of the Board of Trade. Mr. Wilson first entered the government as parliamentary secretary to the Ministry of Works, when he was under forty. He had taken first class honors in politics, philosophy, and economics at Oxford University, had been a fellow (member of the faculty) of New College and University College at Oxford, and then had held a series of important civil service posts from 1940 to 1945. In that year he resigned from the service and was elected a member of Parliament. His rise to one of the most important Cabinet posts exemplifies the opportunities that are offered by a career in English politics.

Membership of a Cabinet. Besides these five important appointments, two others were announced on July 27, 1945: **Arthur** Greenwood, one of the chief leaders of the Labour party, was appointed to the Cabinet without portfolio, and Sir William Jowitt, a distinguished barrister and former Cabinet minister, was made

lord chancellor, the head of the system of courts and chief law officer of the government.

The following week nineteen more appointments were announced, and a fairly complete cabinet list could be published two days later.[5] It included twenty members of the Cabinet: the seven already named and other offices of comparable importance, such as six secretaries of state in charge of departments dealing with dominions, colonies, India and Burma, home affairs, war, air, and Scotland. Twenty ministers, in charge of such activities as supply and aircraft production, war transport, food, pensions, and town and country planning, were designated as ministers of Cabinet rank and thereby entitled to participate frequently in discussion of general policy. In addition, there were thirty-two junior ministers, all having the function of assistants to the ministers, like financial secretary to the admiralty, parliamentary undersecretary of state to the colonial office, or assistant postmaster-general. The men and women who held these offices were less important leaders of the Labour party, with experience in various business, trade-union, or professional occupations.

This brief description of the essential aspects of the formation of the Labour Cabinet in 1945 gives an insight into the salient characteristics of English cabinet government. Attlee consulted with the leaders of his party—people such as Bevin, Morrison, Dalton, Cripps, and others—and finally proposed this list of ministers to the king. The appointments were then formally made and formally announced. The number of offices and the distribution of functions among them is largely within the discretion of the group of leaders, subject to the limits imposed by the Ministers of the Crown Act, first passed in 1937 and amended by subsequent legislation.

These statutory restrictions should be explained, if for no other reason than the fact that the 1937 act constituted the first careful legal regulation of the Cabinet. Until that time its existence and its composition were largely results of convention and tradition. What little law there was on the subject was indirect in its bearing. The Re-election of Ministers Act of 1919 (amended in 1926) named most of the chief officers of the Cabinet and Ministry and exempted them from the traditional requirement of re-election to the House of Commons after "appointment to an office of profit under

[5] *London Times*, August 6, 1945.

the Crown." The Ministers of the Crown Act (1937), as amended by subsequent legislation in the years 1939 to 1947, defined three categories of Cabinet and ministerial offices and placed limits on the number of appointments allowed in each. Under the terms of these statutes government salaries may be paid to not more than eight secretaries of state and nine other ministers in the first category, to five important ministers named in the second and third part of the first schedule of the Act, and to seventeen ministers heading departments of state specified in the second schedule. A limit of approximately thirty is imposed on the number of parliamentary secretaries and parliamentary undersecretaries attached to the ministers as junior ministers. In summary, therefore, the Cabinet and Ministry are restricted by law to approximately thirty-nine secretaries of state and ministers and thirty junior ministers. The reason for stating these numbers as approximations lies in subsequent acts passed from 1939 to 1944, allowing the prime minister to certify to the House of Commons that holders of certain offices should not be disqualified from holding a seat in the House.[6] One other effect of these laws should be mentioned. Since there are limits—even though they are flexible by virtue of the prime minister's power of certification—on the number of ministers who may sit in the Commons, these rules have the effect of requiring that some appointments must be made from members of the House of Lords. One last feature of the 1937 Act should be noted: it provides a salary for the leader of the Opposition in the House of Commons.

These statutes may seem intricate, as indeed they are, but they are much more definite than the cluster of conventions and traditions which formerly governed these matters. The total effect of these regulations is reflected in the categories of membership as they existed in Attlee's Cabinet in April 1949. The official list showed seventeen ministers in the Cabinet—meaning that they headed important departments and also had a right to sit in its meetings; fifteen ministers "not in the Cabinet"—meaning that

[6] Ministers of the Crown Act, 1937, 1 Edw. VIII and 1 Geo. VI, c. 38; Ministers of the Crown (Emergency Appointments) 1939, 2 and 3 Geo. VI, c. 77 (now subject to repeal by Order in Council at a date to be determined by the order); House of Commons Disqualification (Temporary Provisions) Act, 1941, 4 and 5 Geo. VI, c. 8, extended by similar legislation in the years 1942–44.

For the convenience of the student, the Re-election of Ministers Act, 1919, 9 Geo. V, c. 2, and its amendment in 1926, 16 and 17 Geo. V, c. 19 are given citation here.

they headed important departments but met with the Cabinet or its committees only when invited by the prime minister; and twenty-eight junior ministers, holding various parliamentary undersecretaryships, who acted as assistants to the ministers. A much more detailed description of these different classes of membership in the Cabinet and the Ministry is given in Chapter 5, where the methods of work are also described.

The Cabinet Team. What really happens, if one takes into account the legal restrictions explained above, is that the important leaders decide that they need a certain list of offices and place key men of the party in these positions. The classes of membership which exist in the Labour Cabinet indicate that experienced and influential men with long records in government, Parliament, and party are assigned to important and responsible posts; promising younger men are given the responsibilities of junior ministers.

This process creates a team of leaders led by the prime minister. Each member of the team has, in a sense, a dual personality. As a member of the Cabinet or as a minister invited to participate in a Cabinet meeting, he is a party leader taking a share in the formulation of policy. The other facet of his personality is exercised in the administration of one of the government departments. This second function is considerable—in the following section of this chapter the merit of his amateur standing in dealing with professional administrators is discussed. Without anticipating the description of the Cabinet's method of work which is given in Chapter 5, it should be emphasized here that this kind of team work has a great value in coordinating the work of central government departments. The resources of one are placed at the disposal of another whenever there is real occasion to do so. In the field of foreign affairs, for example, the foreign secretary can rely on defense departments, on economic ministries, and on the Treasury to implement a line of foreign policy. The prime minister's function as leader of the team has already been described.

As in any other team, there are occasional changes in the line-up. Some of these have already been indicated in the foregoing description of a few major offices. Several of the leaders who were named by Attlee in 1945 subsequently retired for reasons of age or ill health. Sometimes, undoubtedly, these retirements were enforced by the pressure of the prime minister and his chief colleagues, be-

cause the men in question had not done well enough in their respective posts. (A rough count of the principal changes between 1945 and 1950 shows that eight out of seventeen Cabinet ministers have retained their positions since Labour won power, while in the other offices there were as many as two or three changes during that period. Changes occurred in twelve out of fifteen ministers now designated as "not in the Cabinet," sometimes as many as four times, as was the case in the Ministry of Pensions.[1] This is not an unusual record. The changes in Churchill's wartime Cabinet and Ministry were not infrequent; and any English Cabinet would show a good deal of change in personnel during the course of more than four years. Cabinet changes in England are always the subject of political comment, just as they are in the United States.

Wartime and Postwar Cabinets—The "Inner Cabinet." In wartime the organization of the Cabinet has changed to fit the needs of the period. In World War I a small War Cabinet, including only the most important officers, was organized; in World War II, Neville Chamberlain and then Churchill adopted the same organization. The latter's War Cabinet after 1940 fluctuated between seven and nine members, including the chancellor of the exchequer, the secretary of state for foreign affairs, the minister of labour and national service, and other key men. Vital decisions were made by this group, which met almost daily; other ministers were consulted when plans significantly affected their departments.

Since 1945, the pressure of England's economic situation and the avowed intention to carry out socialist planning has resulted in a type of Cabinet organization which is not unlike that of wartime. For more than twenty years the Cabinet has maintained offices and a secretariat which serve its various committees, but there is still no official public record of its deliberations and decisions. Any account of its internal organization must, therefore, be based upon informal sources. It seems clear, nevertheless, that Attlee has utilized a small group of chief officials and the strongest leaders, commonly known as the "Inner Cabinet." This is a group of four: Attlee, Bevin, Morrison, and Cripps. Holding the offices of prime

[1] This rough count is based upon *His Majesty's Ministers and Heads of Public Departments* published occasionally by His Majesty's Stationery Office (usually referred to as H.M.S.O. and so cited hereafter) and upon the announcements of changes in the Ministry published in the London *Times*. The figures may not be exact, but they are approximately correct.

minister, lord president of the council, foreign secretary, and chancellor of the exchequer, these men can exert a powerful influence on policy.

A few additional words concerning the use of the Inner Cabinet might be added by way of explanation. While still a member of the faculty of the London School of Economics and Political Science, Attlee declared that it was necessary to concentrate the work of formulating broad lines of policy in the hands of a group of leaders who could devote their attention to the big problems confronting a government.[8] It is probable that every Cabinet has had within it some comparable inner circle of strong leaders, and the War Cabinets formally made use of this device.

The student should be cautioned that, while the existence of such an arrangement is undoubted, there is no formal or legal record of action taken to establish it, except in wartime. The Cabinet does not publish its decisions or deliberations; its work and methods of work have always been entirely confidential. Years after the event the published memoirs of statesmen who have been members of a Cabinet may confirm the shrewd guesses of well-informed contemporary observers. This may seem a little extraordinary, but if it is remembered that only members of the President's Cabinet in the United States are fully informed of deliberations on pending administrative decisions, it is easy to understand that the steps by which important policies are planned cannot be completely public. If there were full publicity, the action of statesmen would be seriously inhibited. The tradition of the Cabinet in England has always been that, while its decisions become public as acts of government, the discussions at No. 10 Downing Street, where the Cabinet meets, remain secret.

Following the members of the Inner Cabinet in importance are the Cabinet ministers who direct principal departments, serve on various cabinet committees, and meet for general discussions of policy. The ministers "not in the Cabinet" must assume administrative responsibility for departments, serve regularly on appropriate committees, and occasionally participate in Cabinet meetings whenever the work of their particular departments are especially concerned. Lowest in the hierarchy of leadership and authority are

[8] Attlee, C. R., *The Labour Party in Perspective—and Twelve Years Later* (London, 1949; first published, 1937), preface by Francis Williams, pp. 22–23, and pp. 125–30.

the parliamentary undersecretaries—or financial or parliamentary secretaries, according to the vagaries of traditional titles of office—who occasionally meet with committees, who constantly consult and advise the minister in their respective departments, and who, on rare occasions, are invited to present views to a Cabinet meeting. In all probability many British Cabinets have been informally divided into a hierarchy of power and responsibility but in the present Labour Government this organization has been intentionally adopted.[9]

American and English Cabinets Contrasted. The most striking difference between the Cabinet of the President of the United States and the English Cabinet has been foreshadowed. The President selects the members of his official household, and they are responsible to him for the performance of their executive and administrative duties. He may enforce that responsibility by asking for their resignations or removing them from office. It is only natural, therefore, that Cabinet meetings in the United States may be the merest formality—the real determination of policy is quite likely to occur during direct consultations between the President and any one or two of his Cabinet members. In sharp contrast, no policy of consequence is undertaken by the English government without full Cabinet discussion, which includes careful consideration of the relationships between the departments most directly concerned. All British Cabinet members are both responsible officials and experienced party leaders, and their decisions must be collective acts.

From this essential difference other corollary distinctions follow. The President chooses his Cabinet, subject occasionally to resistance or objection by the Senate which must confirm his nominations. Sometimes the men he selects to assist him are relatively unknown to the general public—President Roosevelt's appointment of William Woodin as secretary of the treasury in 1933, and President Truman's choice of Tom C. Clark as attorney general in 1945 are two recent instances. Attlee's major selections could be predicted in advance with some confidence, because the status of

[9] Williams, Francis, *The Triple Challenge* (London, 1948), pp. 41–48. This is the work of an able and informed journalist. His account of Cabinet organization is confirmed by Robson, W. A., in "The Machinery of Government," *Political Quarterly*, Vol. XIX (Jan.-Mar. 1948), pp. 1–14, and by Finer, Herman, "The Central Planning System in Britain," *Public Administration Review*, Vol. VIII (Autumn 1948), pp. 237–49.

Bevin, Cripps, and Morrison made it certain that they at least would be assigned significant positions

Finally, while it is always possible to point out similarities of administrative function between, for example, the U. S secretary of state and the English secretary of state for foreign affairs, the obligation of each to defend the acts of the government before the national legislature and the people is very different. English Cabinet decisions must be collectively arrived at, because once a policy is adopted all the ministers must defend it in Parliament and on public platforms. Quite frequently an American cabinet officer must appear before a committee of the Congress, but this cannot diminish the obligation he owes the President. Indirectly, of course, his responsibility extends to his colleagues, the Congress, and the people, but only the chief executive can hold him to account for the performance of his duties This means, also, that while a United States President will normally consult his Cabinet members, he need not accept their counsel when he exercises his authority His relationship to his chief officials is therefore very different from that of the English prime minister to his colleagues

Nature of Cabinet Government. Because these contrasts exist between English and American government, a general characterization of the nature of English Cabinet government should be emphasized A national party wins an election, and thus establishes a majority in the House of Commons The leaders of this party, after consultation among themselves, choose a team of key men and enterprising and promising younger men to be an executive committee in charge of the policy and the administration of the government The king formally appoints this group to Cabinet positions, and each member of the group assumes a double responsibility the task of directing the work of a government department, and the duty of sharing in the formulation of legislation and policy and in *defending proposals in the House of Commons*, for each Cabinet minister retains his seat in the House or is elected to a vacant seat If no seat is vacant, some loyal member of the party disqualifies himself by accepting the wardenship of the Chiltern Hundreds, thus vacating a seat In the terminology already used in this chapter, this ancient office is still one that disqualifies its holder from occupying a seat in the House of Commons, not being exempt either by statute or prime minister's certification from the laws applying to "offices of profit under the Crown." In the ensuing by-election the new minister wins a place in the Commons

This team of leaders is assured of the support of the party majority so long as it is able to retain the confidence of the members of the party, both inside and outside of Parliament. If that confidence is lost, and the proposals of the Cabinet are defeated because of adverse public opinion and unwillingness of the majority to vote for legislation to carry out policies, the Cabinet resigns, a new general election is usually held, and the action of the voters results in either a new majority and a new Cabinet or the endorsement of the old Cabinet by a more loyal majority.

It is evident from this brief statement that Cabinet government is very different from the traditional American pattern. In the United States there is the presumption that executive and legislative functions are separate. In theory the Congress passes laws and resolutions on policy, the President and his Cabinet administer them; in practice, the two situations are not so different as they seem—every American citizen expects the President to propose policies, and every President who possessed any initiative has tried, with varying success, to exercise functions of political and party leadership. The American citizen finds it a little hard to understand the intentional combination of policy formulation and policy administration which exists in English Cabinet government. If he applies close observation to the working of American institutions, however, he can recognize that both the American President and the British prime minister are national leaders, bearing responsibility for proposing and executing national government policy.

If the British Parliament can be called "the mother of parliaments," it can be said with equal truth that the Cabinet is the parent of many other cabinets. The British Dominions, the Third Republic in France, and the Italian constitution before the Fascist dictatorship made use of this model. The postwar constitutions of Italy and Japan establish the cabinet system. An understanding of the working of the English Cabinet assists materially in appreciating the character of cabinet government in other nations.

THE CIVIL SERVICE—SKILLED PRACTICAL ADMINISTRATORS

The brief sketches of a few of the members of the Labour government after 1945 show that none of the ministers could claim to be expert in the field of his departmental responsibility. Bevin, able and well-informed as he is, could not bring to the problems of foreign policy the background and experience of the trained diplomat.

Dalton, though he had a scholarly command of the field of economics, could hardly be regarded as a skilled official in the practical aspects of governmental finance when he became chancellor of the exchequer. Other members of the Cabinet had even less claim to specialized knowledge of the work of the departments they administer.

Amateurs and Experts. Cabinet government, in existence for well over a century, has taught both the citizen and the political leader to expect that the members of the Ministry will be amateurs, not experts. The ministers are laymen who possess the confidence of the public and the party because they are widely experienced in public affairs and are reliable interpreters of the wishes of the public. But to carry on the complex tasks of public administration, the ministers must depend upon the experience and training of the permanent officials of each department. There is a small army of civil servants—the phrase the Englishman uses to describe the trained public officialdom—in each ministry of the national government. These civil servants are forced, both by law and by the necessities of their careers, to be nonpartisan in their attitude. The same official, during his government service, will act under different ministers pledged to different party programs. The tax expert in the Treasury, who in the spring of 1945 advised Sir Kingsley Wood, a member of the Conservative party holding orthodox views on business and finance, had in the fall to put his training and experience at the command of Hugh Dalton, chancellor of the exchequer in a Labour government which proceeded immediately to nationalize the bank of England.

Nature and Function. In Chapter [10] the organization of the administrative staff is described in detail.[10] At this point it is necessary only to say that for nearly a century England has been able to recruit into its government service a very high quality of personnel. Since the civil servant has so much to do with the effectiveness of government action, every private person and public official recognizes the need for a competent government staff.

Competence and impartiality of outlook have been secured by the use of a careful method of selection by competitive examination, and by methods of training which have been made more systematic and thorough during just the past few years. Methods of promotion insure that the higher officials, usually called assistant

[10] See below, pp. 162–70.

secretaries or permanent undersecretaries, are university-trained people who have had a long experience in dealing with the problems which lie within the jurisdiction of the department in which they serve. Permanence of tenure and salary and pension rewards offer incentives to impartial and disciplined performance of duty. The prestige of the service attracts people of ability, even though it is less rewarding financially than a comparable business or professional career.

A minister may therefore rely with confidence on the qualifications and objective outlook of the high permanent officials with whom he constantly deals and upon the loyalty and diligence of all the departmental staff down to the typists and messengers. The civil service is a remarkable institution and has been called by some scholars the most important English contribution to government organization since the development of the representative parliament. This seems extravagant praise, but its function in Cabinet government should be emphasized. The permanent staff of trained officials imparts continuity and steadiness of performance during the periods when changes of public opinion lead to changes in leadership. At all times it supplies both the detailed problem analyses which are necessary to policy formulation and the experienced administration by which policies are carried into action.

Ministers and Permanent Officials. The relationship of these experts with the various laymen who hold ministries should receive a few words of comment. Ministers are vigorous men, politically effective in the rough and tumble of partisan debate in the House of Commons and in handling hecklers in the party meetings during electoral campaigns. They are men who know what they want and even have a fairly good comprehension of what the public wants. All of them come into office pledged to their party's program, and each of them often disturbs the calm routine of established activities—as did Leslie Hore-Belisha as secretary of war with his plans for a new English army just before the outbreak of World War II. The brass hats at the War Office—and every office has its brass hats—swamped him with reports and memoranda; but eventually the official hierarchy yielded to the energy and political influence of the political leader, while it successfully defended some of the cherished, and useful, routine procedures which were worth preserving.

This brief mention of one episode suggests the relationship

which has been built up by experience and maintained by tradition between the ministers and the permanent undersecretaries and assistant secretaries in a department. The general principles of a bill which is to embody the party's mandate in the form of law are discussed and agreed to by the Cabinet. The appropriate minister then consults the permanent officials in his department. Often other departments participate in these consultations in an interdepartmental committee meeting. Frequently the legislation will undergo considerable modification, for the permanent officials are in a position to tell the minister the features of the bill which will prove unworkable in actual administration. Eventually the whole project takes the form of the draft of a bill and may even go back to a Cabinet meeting or the meeting of a Cabinet committee for final agreement and approval. While it is progressing through the stages of passage in the House of Commons, the minister and permanent officials discuss all the amendments which come from parliamentary deliberations on the measure. When it finally appears upon the statute book it is the result of political intentions as expressed in the party program. Cabinet consultations on the best means of realizing the objective which had been declared in the general election, and expert advice on all technical and some policy aspects of the project supplied by the permanent officials of the department.

The same factors operate in the process of administration of the measure. The civil servants apply it to situations, and any problem of daily action may come to the attention of the minister and be the subject of further consultation, on the same basis of reconciling the viewpoints of skilled officials with that of political leaders. The cooperation of expert official and lay political leaders has been remarkably fruitful of good results for modern English government. It is making its appearance in other governments, particularly in the national and state governments of the United States.

THE GROWTH OF MINISTERS' POWERS

The widening range and the increasing complexity of the functions performed by government in England, as elsewhere, has produced the phenomenon analyzed by an investigating committee as "The Growth of Ministers' Powers." [11] The work of the committee

[11] Cmd. 4060, 1932

was begun partly because the executive departments' use of rule-making powers and of hearings on cases of administration which had a judicial character had increased to the point where it was sharply criticized by Lord Hewart, then lord chief justice, in a book with the suggestive title, *The New Despotism*. The chief substance of the criticism was that many administrative departments (and officials in those departments) were empowered to make rules and to decide cases, neither of which were subject to review in the regular system of courts. This was regarded by the lord chief justice and by other able jurists as a dangerous invasion of citizens' rights.[12]

Rule-making and Quasi-judicial Powers. The practices which were criticized can be illustrated by an example. A physician in a small town in England usually takes a certain number of patients under the provisions of the Health Insurance Acts and is paid from government funds. The Ministry of Health places his name on a published list of doctors of the community, called a panel. The legislation empowers the minister to strike the doctor's name from this panel, if after investigation it appears that he is not giving proper attention to his "panel patients" or is in other ways failing to meet fully the requirements of the law. The minister of health, in such a proceeding, has power to make a final decision, whatever effect it may have upon this particular doctor's professional standing or income. Similarly, the powers of the Railway Rates Tribunal to set railway rates, or the power of the Board of Trade to grant permission (in the form of a provisional order, later formally confirmed by Parliament) to a town or city to operate an electric light plant, may have far-reaching effects. Naturally, the legal profession, whose business consists in large part of defending private rights in the courts, looks with disfavor upon these extensions of administrative and executive authority.

Conclusions of the Committee. The report of the committee on the general subject was a disciplined and careful effort to analyze the whole phenomenon. After hearing much expert testimony, the committee concluded that the growth of these powers was a natural consequence of the complexity of the tasks of modern gov-

[12] Allen, C. K., *Bureaucracy Triumphant* (London, 1945). A similar study was made for the United States a decade later—quite closely paralleling the *Report on Ministers' Powers*—by the Committee on Administrative Procedure, appointed by the Attorney General, *Administrative Procedure in Government Agencies*, Senate Document no. 8, 77th Congress, 1st Session.

ernment. Executive or administrative action was prompt, flexible, and based upon specialized knowledge. The members of the committee made various recommendations for improving procedures, but they agreed that the necessity for this extension of executive and administrative authority was inescapable under the economic and social conditions of the twentieth century.

Wartime Powers. The conditions imposed by total war, particularly the hazards of the bombings during the winter of 1940–41, tremendously extended this use of administrative authority. Legislation adopted in 1939, anticipating the possibility of war, conferred upon the government the power to issue orders for the defense of the realm, and Parliament renewed this legislation from year to year. Under this grant of power the Defense Regulations were issued as Orders in Council—which means that these general regulations were promulgated by the king in council, though actually formulated by the Cabinet and issued under the authority of the Crown. These regulations were published from time to time, and are collected in the official volumes of the Statutory Rules and Orders.[18]

As might be imagined, the range of subjects covered by the regulations is very broad, but the dimensions can be indicated by some statistics: in 1940, the first full year of war, about 2223 orders were issued, and those bearing upon problems of war and defense totaled 1552 pages; in 1943 there were 2149 pages of orders issued concerning war and defense activities. All sorts of subjects appear in these pages: the organization of civilian defense; the imposition of central control, through regional commissioners, upon the work of local government authorities; extensive regulation of prices, supply of goods, labor conditions; and all the other fields of government supervision made familiar to the American citizen by the Office of Price Administration (OPA), the War Production Board (WPB), or the Office of Civilian Defense (OCD).

Sometimes the wartime rule-making power was diffused through three levels of authority. Orders were made conferring upon ministers the power to make orders granting to regional commissioners or other subordinate officials the power to make orders regulating the activities of the civilian population. Quaint situations are frequently revealed in the succession of administrative rules. One

[18] *The Defence (General) Regulations*, published yearly from 1940 to 1945 as a separate volume of the *Statutory Rules and Orders*.

slightly frivolous example will illustrate the complexity of the problems handled during these years. The sport of falconry has had its devotees in England since medieval times; but in 1940 it was necessary to empower the secretary of state for air to permit any person to destroy peregrine falcons or their eggs, because the birds were imperiling the lives and the patriotic services of homing pigeons carrying important military messages. This order revoked the legal protection given falcons under a series of Wild Birds Protection acts running back as far as 1880. Ardent lovers of the sport protested, and, as a consequence, orders issued in subsequent years defined carefully particular areas in which the falcons might be destroyed, leaving some less vital sections of the kingdom open for the flight of these interesting, but dangerous, birds of prey.[14] This is a minor instance of the range of authority exercised. Page after page was issued specifying prices, wage levels, factory lighting, living conditions, fire defense, control of dangerous explosives, blackout regulations, and all the multitude of controls necessitated by the war.

These controls are being cautiously and slowly lifted during the transition period from war to peace conditions. In mid-October 1945 the Labour government introduced a motion to continue the pattern of wartime controls for a period of five years, and it was passed after a sharp debate. The difficult problems of postwar Britain will undoubtedly require the continuance of this type of regulation; even the Conservatives proposed that the period of extensive regulation should last as long as two years.[15]

Parliamentary Scrutiny of Rules. The members of the House of Commons have understood for some years that this development of administrative authority might well require modification of the regular procedure of the House, if the exercise of executive authority was to be closely watched and criticized. In May 1944, while the war was still going on, a motion was introduced to subject departmental rules to the scrutiny of the special committee of the Commons, and after a good-tempered debate the Churchill Ministry accepted the suggestion.

The Select Committee on Statutory Rules and Orders was accordingly appointed in 1945 and given the assistance of the Counsel to the Speaker of the House of Commons. It was empowered

[14] S.R.O. 1940 nos. 1016, 1078, 1164; and similar orders in 1941 and 1943.
[15] *The New York Times*, October 16, 1945; London *Times* of same date.

to examine all such rules and orders, whenever they imposed any financial obligation on the central or local governments, to determine that each was made in pursuance of a statute enacted by Parliament and especially to see whether any unusual or unexpected use was made of powers granted by enactment. In conformity with an act passed in 1946 the Committee's title was changed to read "Statutory Instruments" in place of "Rules and Orders," and it has by now issued a long series of reports. Its typical procedure is to call before it a representative of the department or departments which have issued the instrument under consideration and to call other witnesses if necessary. It then directs the attention of the House of Commons to any statutory instrument which it deems sufficiently significant to require debate. Fairly frequently but not too often, it exercises its power of evoking discussion and criticism; and it is clear that the Committee has become a functioning agency for the review and control of departments' powers of delegated legislation.[16]

There has been some revival of the controversy over rule-making powers and cabinet dictatorship, although J. H. Wilson, as president of the Board of Trade, terminated clothing rationing in March 1949 and held "bonfires of controls" on a number of occasions. Discussion is probably more lively outside than inside England. Closer scrutiny of rules by the Commons, as described below, improvement of means for linking ministers' authority to the expression of public opinion, and passage of the Crown Proceedings Act in 1947 have done much to allay fears of undue growth of administrative action. These and other safeguards against the improper use of power are discussed more fully in Chapter 6.

"THE GOVERNMENT"

A single chapter can do no more than suggest the subtlety of the many interlocking relationships in the practice of English Cabinet government. The broad fundamentals should be kept in mind and

[16] *First to Twenty-first Reports . . . from the Select Committee on Statutory Rules and Orders . . . Session 1945–46*, H.M.S.O. October 29, 1946, and *Reports from the Select Committee on Statutory Instruments, Session 1947–48*, H.M.S.O. July 28, 1948. An excellent brief discussion of the work of the Committee by Hugh Molson, the M.P. who made the motion to establish it, may be found in "Delegated Legislation," Hansard Society, Pamphlet no. 6, London.

can be stated in terms of the evolution of public policy. First, during an electoral campaign conducted with much public discussion, both enlightened and unenlightened, each party proposes a program. This campaign results in the election of a majority in the House of Commons committed to accomplishing its own program. Then, by the actual choice of the real leaders of the majority party, and with formal designation and appointment by the Crown, a committee (Cabinet) of the leaders of that party is entrusted with the responsibility of devising and administering the actual substance of the program. While these leaders are formulating policy in terms of administrative action and legislative proposals, they hear and often heed the advice and counsel of the King, and they are constantly subject to the vigilant criticism and comment of the House of Commons. With respect to administrative and legislative details, they confidently depend on the ability, integrity, and experience of the civil service, so that what is accomplished is done with care and skill. When the people feel the effects of government action, they evince approval or, as in wartime, acquiesce with fortitude. Should they disapprove, the grumbling may rise to a roar of disapproval in the press, in public meetings, and in tea and dinner conversations, a motion of censure is made and carried in the House of Commons, an election takes place; and the opposition party may find itself responsible for a new Ministry with a more popular program. The net result is responsible and responsive government, even though the recent growth of ministers' powers has invested the Cabinet with great authority.

READINGS

Before naming any books, we mention some of the best sources of current information on the subjects treated in this chapter. Two journals, in addition to those mentioned at the close of Chapter 1, furnish good discussion of contemporary developments: *Public Administration* (London), published quarterly by the Institute of Public Administration, and *Public Administration Review* (Chicago), published by the American Society for Public Administration.

The best guide to current official publications of the British government is the catalogue of His Majesty's Stationery Office (cited in this chapter and elsewhere as H.M.S.O.) which corre-

sponds to the Government Printing Office in the United States. A monthly catalogue of government documents is published, and it is cumulated into a yearly volume. In addition, "Sectional Lists" are issued by the same office, covering publications bearing on particular departments. The catalogue merely lists titles, but it is the best guide to current publications. The London *Times* and *The Economist* (a weekly periodical published in London), both of a scholarly character, frequently mention current government publications in footnotes or in the text of articles.

British government publications fall into two general categories Command papers (cited in this book and others as "Cmd. [no.] which are printed at the order of Parliament, together with sessional papers also printed at Parliamentary command); and various departmental and other publications which are classified by H.M.S.O. as "Non-Parliamentary papers." It should be added that not all British government publications are listed in the catalogue. There are various mimeographed and even printed departmental publications which are not issued or sold by H.M.S.O.

The books suggested below refer to the subjects discussed in this chapter.

The Cabinet and the Crown:

Bagehot, W., *The English Constitution*, 2d ed. (New York, 1924), or later editions. A classic set of essays, very stimulating and interesting in style.

Greaves, H. R. G., *The British Constitution* (London, 1948). A provocative critical study.

Harrison, Wilfrid, *The Government of Britain* (London, 1948). An excellent compact analysis

Jennings, W. Ivor, *Cabinet Government* (Cambridge, 1937). A standard recent work.

Keith, A. B., *The Constitution of England from Queen Victoria to George VI* (London, 1940, Vol. I.), Chs. I–V. A detailed work by a famous scholar.

Muir, Ramsey, *How Britain Is Governed*, 3d ed. (Boston 1935). This might be regarded as a modernized version of Bagehot's book.

The Civil Service:

Cohen, Emmeline W., *The Growth of the British Civil Service* (New York, 1942).

Dale, H. E., *The Higher Civil Service of Great Britain* (New York, 1942).

Gladden, E. N., *The Civil Service: Its Problems and Future*, 2d ed. (London, 1948). Analysis and proposals for change.

Greaves, H. R. G. *The Civil Service in the Changing State* (London, 1947). The function of the service in a planned economy.

Report of the Royal Commission on the Civil Service, 1929. Cmd. 3909.

Stout, H. M., *Public Service in Great Britain* (Chapel Hill, 1938).

The Growth of Administrative Authority

Carr, Sir Cecil Thomas, *Concerning English Administrative Law* (New York, 1941). An interesting series of lectures.

Gordon, Lincoln. *The Public Corporation in Great Britain*, New York, 1938). An account of this type of agency, with the British Broadcasting Corporation as an outstanding example.

Hankey, Lord, *Government Control in War* (New York, 1945).

Robson, W. A., *Justice and Administrative Law*, 2d ed., (London, 1947). The careful work of a distinguished scholar.

Schwartz, Bernard, *Law and the Executive in Britain* (New York, 1949). A careful study of the status of administrative law in Britain and the United States, summarizing the developments which are referred to in this chapter

Chapter 4

THE ELECTORATE AND THE PARLIAMENT

A PARLIAMENTARY ELECTION in England is like a Presidential election in the United States. The reason for this is clear, if the pattern of Cabinet government is kept in mind. When the English voter participates in the choice of members of a Parliament, he does much more than designate the member from his own locality. He fully realizes that his vote will contribute to the support of a majority party, to the program of legislation which that party has promised in its election manifesto, and to the selection—when a Cabinet is chosen—of the leaders who will carry out policies.

If his ballot has been cast for the candidate who belongs to one of the parties which lost the election, he then understands that he has expressed himself in support of "His Majesty's Loyal Opposition," and he can reasonably hope that members of that party will criticize the government and keep it from doing the things he dreads the most. This is similar to the position of the American voter during a Presidential campaign. He works for his Presidential candidate, his party, and his program. If his candidate was Wendell L. Willkie in 1940 or Thomas E. Dewey in 1944 and 1948, he treasured the hope that his vote would impose restraint on the reforming zeal of the Democrats and Franklin D. Roosevelt or Harry S. Truman and that at some future time—less than twenty years away!—the policies that he was backing would receive a majority vote from the people.

In England this general decision by all the people at a parliamentary election is referred to as "the mandate," and parties offer platforms, candidates, and leaders in the hope of securing "a mandate" to carry out their policies.

Strictly speaking, the word *Parliament* refers to the House of Lords and the House of Commons, but Englishmen frequently use the word to mean the House of Commons, recognizing that it is there that "the mandate" secured by the party in power is enacted into legislative form. The House of Lords still possesses powers of some consequence and exerts a real influence on the course of legislation, but it is the House of Commons that exercises sovereign legislative power. Consequently, before the legislative and critical functions of Parliament can be understood, the student should be familiar with the English way of electing parliamentary candidates to represent the constituencies.

THE VOTER AND THE PARLIAMENTARY CONSTITUENCIES

The Suffrage. The qualifications for voting have changed a number of times during the nineteenth and twentieth centuries. These changes were referred to in the introductory sketch of English constitutional development,[1] but their significance should be explained a little more fully. The House of Commons before 1832 was seriously unrepresentative of the people, and the effort to extend the limited electorate showed some of the characteristics of a popular revolution. The Reform Act of that year admitted the middle classes to the franchise by reducing and simplifying the property qualifications which had been in force for centuries. Thirty-five years later, by the Reform Act of 1867, the working classes in the towns were allowed to vote. By the Reform Act of 1884 practically all men were enfranchised, and in 1918 women were given the voting privilege. When women were given the vote, a curious reluctance to declare their age as thirty years or more (as required by the law) limited their participation, and in 1928 the "flapper vote"—to use the slang of that ancient time—was legalized. Women achieved the age of political discretion—or indiscretion—as soon as men, when they were twenty-one years old.

The latest law applying to the composition and election of the House of Commons—and to local government elections as well—is the Representation of the People Act of 1948.[2] This is an extensive piece of legislation, regulating voting qualifications, constituencies, election conduct, and corrupt and illegal practices,

[1] See Chapter 2, pp. 47–48

[2] 11 and 12 Geo. VI, ch. 65

which went into effect during 1948 and 1949, and was fully applied to the general election of 1950. The discussion which follows incorporates the substance of that law.

The suffrage in England now is much the same as in the United States. Felons, idiots, and lunatics, when legally certified as such and not allowed at large, are not qualified. Aliens, persons guilty of corrupt election practices, and peers, because they may claim a seat for themselves in the House of Lords, are likewise disqualified. Aside from these limitations, any citizen may vote if his or her name appears on a voting register—the equivalent of registration as a voter in the United States.

The register of voters is prepared by the clerk of the county or urban district in which the voter has resided at least three months. The 1948 Act quaintly provides that neither a patient in a mental home nor a prisoner in a jail shall be regarded as a resident in that area. No citizen may vote unless registered in a constituency, nor may the elector vote in more than one constituency. These regulations, coupled with the abolition of the university constituencies, put an end to the anomaly of plural voting in England and establish completely the democratic principle of "one person, one vote."

Plural voting existed before the passage of the 1948 Act. Because the franchise had been historically associated with the ownership of property, it was possible for a small number of people in England to vote in the constituency of their residence and also in the constituency where they owned business premises of a certain value. Besides this form of double franchise, the universities had representation in the Commons, so a voter who maintained his university affiliation could cast a ballot for a university candidate and another in his place of residence. When the 1948 Act was introduced, the abolition of university representation was hotly debated. It was argued that the universities had sent many distinguished men to the House of Commons in the past and that this change would mean a loss in distinction of personnel. The whole history of electoral reform, the determination of the Labour party to equalize voting privileges, and the careful investigations of a number of conferences presided over by the speaker of the House of Commons in recent years combined to overwhelm opposition to the new legislation. Not only was the franchise equalized for general elections, but the local government voting privilege was assimilated to it, with only the following minor exceptions.

The new law requires every registration officer to prepare a spring register of voters to be ready by mid-March (or by April 1 in Northern Ireland) and an autumn register to be published not later than the first day of October. Since the local government franchise (except that it does allow for a nonresident qualification for voters owning property of the value of £10 yearly on which rates are payable) established the same qualifications for general and local elections, there is obvious need for a register which is prepared or brought up to date twice a year. The term *rates* refers to the local general property tax, which is explained in Chapter 9. This nonresident qualification in the local government franchise allows the owner of property which has a rental value of £10 a year, and on which he pays a local property tax based on this value, to vote in local council elections in that area, even though he may live elsewhere. The registration officer is responsible for the preparation of a complete and accurate list of electors, but every voter who possesses the requisite qualifications may make claims to have his name included if it has been omitted.

Parliamentary Constituencies. For the purpose of electing members of the House of Commons—they are referred to as M.P.'s, signifying Members of Parliament—England, Wales, Scotland, and Northern Ireland are divided into districts of approximately 50,000 electors called constituencies. All constituencies return (elect) one member to the House of Commons. In December 1944 a Representation of the People Act was passed, providing for the creation of twenty-five new constituencies by a boundary commission, which finished its work in the following January. This was an emergency measure, passed in preparation for an anticipated election. The Act increased the number of members in the House elected in July 1945 to 640, and corrected for that election the most glaring population inequalities between districts. Among other things the new Act provided a method for preventing the recurrence of the problem of districts of unequal size.

The Acts of 1944 and 1948 taken together make provision for constant revision of the parliamentary constituencies. The third schedule of the 1948 Act specifies that there shall be approximately 613 in Great Britain and not less than 71 in Scotland, 35 in Wales, and 12 in Northern Ireland respectively. This could increase the House of Commons to 731 members; in the 1950 election the number was set at 625. The second schedule, taken with the provi-

sions of the 1944 Act, provides a means for continuous adjustment of representation to movements of population. Hitherto, redistribution of seats occurred by special act, accompanying the Reform Acts which changed the franchise. Now four Boundary Commissions exist: one each for Great Britain, Scotland, Wales, and Northern Ireland. All are presided over by the speaker of the House of Commons, and each must report for their respective area not less frequently than every seven years. All four reported in 1947, and the continuation of this practice will probably mean that an automatic procedure will insure equitable distribution of parliamentary representation. The procedure is not completely automatic, because the appropriate secretary of state must embody the recommendations in an Order in Council and lay it before the Parliament, where it must be approved by a resolution. If Parliament is as lax as the United States Congress has been on several occasions, these proposals may still fail to yield prompt adjustment to changing conditions.

The system of elections by constituencies which return only one member has consistently underrepresented some parties and overrepresented others. This occurs in either or both of two ways. Where there are three candidates, each representing one of the three parties, a plurality of the votes may win the seat. Out of all constituencies in the country, one party may win a majority of the seats on narrow margins, while the other party or parties may win a smaller number of seats by wider margins of victory. The election figures given at page 241 in Chapter 10 below illustrate this situation. (The latter distortion not infrequently occurs in American congressional and Presidential elections.) The usual effect has been to exaggerate majorities and injure minorities.[8] As a result there has been a persistent demand for some form of proportional representation, but so far no significant change has been made. The defects of the existing system operate to the advantage of the party that wins an election, and therefore none of the elected governments has taken up the problem.

THE ELECTION OF AN M.P.

Candidates. It is difficult to get elected to the House of Commons, but it is easy to become a candidate. A petition, signed by

[8] Muir, Ramsey, *How Britain Is Governed* (1935), ch. V.

proposer, a seconder, and eight other persons, serves to place any qualified person's name on the ballot as a candidate. Qualifications for candidacy are substantially the same as for voting, except that they exclude a very substantial number of administrative officials and judicial officers. So long as the candidate has a residence in the United Kingdom, he or she need not be a resident of the constituency in which the campaign is made, a tradition which has tended throughout the history of Parliament to raise the standard of performance of members. In a sense every candidate is required to gamble on the campaign; to discourage frivolous candidacies an election deposit of £150 must be paid which is not refunded unless the candidate polls at least one eighth of the votes cast. The real practical limit on candidacy is the action of the parties in choosing and supporting a good representative. This will be explained in the following chapter.

One contrast with methods of choosing candidates in the United States stands out prominently. There is no English equivalent of the American direct primary. Candidates for the House of Representatives in our government are usually nominated in a primary election, in which all members of the candidate's party in his district may cast ballots. The English voter is apparently satisfied to accept the nomination of his local party committee. Probably his willingness is based on two factors: first, the ease of obtaining the small number of names required on the nominating petition makes independent candidacies possible, if there is dissension in the party ranks; second, the prestige of a career in politics and the obligation on members of the House of Commons to conform to the program of their party provides safeguards against the appearance of irresponsible or unsatisfactory candidates. Whatever the explanation may be, there has never been an effective demand for designation of candidates in public primary elections. Apart from the absence of the primary, and the fact that the English candidate need not be a resident of the district from which he is elected, English and American procedures are fundamentally similar.

Campaigning. Once nominated, the candidate conducts an active personal campaign. Though the English phrase says he "stands" for Parliament, he really "runs" more perseveringly than the American representative. There is a great deal of face-to-face campaigning: small street corner meetings addressed from the rear of a motor car or motor truck (called in England a lorry), a great deal

of "heckling" (questions to the candidate in public meetings), a great deal of visiting of voters at their homes (the English word is *canvassing*) by the candidate himself or his active supporters, and a number of garden parties (almost always held in drawing rooms because of inclement weather).

A national campaign goes forward at the same time, and the candidate benefits from the efforts of his national party organization. Here all the familiar devices of an American Presidential campaign make their appearance: posters and slogans, radio broadcasts by party leaders (radio time is distributed among the parties with as much equity as possible by the British Broadcasting Corporation), newspaper publicity and support of all kinds, sound films, and big city public meetings. It is a period of intense political activity, made all the more hectic because there are usually big and important issues to be decided, as well as the choice of M.P.'s. Ordinarily an election follows the fall of a government on an important question of public policy; and that question bulks large in the public mind. In 1945 the Labour party's proposals for socialization of key industries competed with the Conservative "Four-year Plan"; in 1950 the Labour record, Conservative proposals to halt nationalization, and plans to maintain full employment were all actively debated.

Money, Motor Cars, and Elections. Naturally, all this activity requires financing, and the use of money in elections is controlled with a good deal of success by the regulations embodied in the Corrupt Practices Acts, considerably amended by the 1948 Act. Usually every candidate hires an election agent, who sees that the legal restrictions on the use of money are carefully observed. If later it can be demonstrated in a prosecution in the courts that money was used improperly, the candidate, if he is successful, is deprived of his seat in Parliament and never allowed to contest that constituency again, or any other for seven years. The Corrupt Practices Acts are too technical to permit exact explanation here, but it can be said that they set up strict limits on the amount of money which may be spent, as well as restrictions on the improper use of funds in bribing or treating.

The limits set on expenditure in 1948 are £450 in a constituency, plus twopence per registered voter in a county, and a penny halfpenny per voter in an urban area. In the election of 1945 the expenditure by Conservative candidates ranged from £585 to £805,

while that of Labour candidates was £315 to £600. The total declared spending by all candidates was £1,073,000—a normal amount in comparison to other elections. The cost to the Treasury of administering the election was just over £1 million.

The use of motor cars on polling day is more of an advantage to a party than an American would realize offhand. The 1948 Act therefore regulates the use of motor vehicles, limiting the number used to one for every 1500 electors in the country and to every 2500 in the towns, and requiring that every motor vehicle so used must be registered with the returning officer of the election. The Labour party has long felt that it was at a disadvantage because its members owned so few motor cars—but if this law is successfully enforced, it seems sure to lead to overcrowded vehicles. The standard of respectability maintained during a general election, as well as the liveliness of the performance, is very high; and the degree of participation by the electorate is indicated by the fact that in 1945 nearly 73 percent of the eligible voters cast ballots.[4] (In 1950, nearly 84 percent voted.)

Dissolutions and General Elections. Fortunately for the nerves of both voters and candidates, English elections are brief. They may be frequent, for dissolution of Parliament may occur at any time, and no Parliament (unless it prolongs its own life during a period of crises, as did the wartime Parliament which sat from 1935 to 1945) may stay in office for more than five years. The royal proclamation dissolving Parliament in 1950 was made February 4, and writs of election were received in constituencies on that day. Polling took place February 23. The third schedule of the Act of 1948 sets a limit of seventeen days, Sundays and holidays excepted, from the issuance of the proclamation summoning a new Parliament to the holding of the poll. A little more than two weeks of campaigning is ample, for Cabinet government is of such a nature as to attract and hold the interest of the general public and to prepare the voters for the questions of policy discussed during the campaign.

By-elections. Not every election takes place because of the fall of the Government. Vacancies occur in the House from time to

[4] McCallum, R. B., and Alison Readman, *The British General Election of 1945* (London, 1947). The facts on expenditure are given in Appendix V; the figure on popular participation appears on p. 258. The book is an excellent analysis of the 1945 election and gives a good general discussion of the election process.

time, by death or by elevation to the peerage. While resignation is not permitted, a member may vacate his seat by disqualifying himself through accepting a small sinecure under the Crown, usually the wardenship of the Chiltern Hundreds. When a vacancy occurs, a by-election (special election) is held. By-elections are actively contested because, though they take place in only the one constituency in which the seat is vacant, the result often reflects nationwide change in public opinion. English journalists compare the vote in the by-election with that in the preceding general election in the district and draw conclusions about the political strength of the Government's following. A series of defeats during months or years may seriously damage the prestige of a Cabinet, even though its majority in the Commons remains intact.

THE HOUSE OF COMMONS AT WORK—GENERAL TASKS

Once elected, the members assemble, when called by the king's official proclamation, in the Houses of Parliament in the borough of Westminster in London. The cornerstone for the new rooms, replacing the chamber destroyed by the blitz, for the House of Commons was laid with appropriate ceremonies on May 26, 1948. A conflict of views over the size and facilities of the new chamber was reconciled by a characteristic British compromise, and the building was ready for use early in 1950. People like Winston Churchill, who wished to preserve the historical character and intimacy of the old chamber, have been satisfied by the small size and traditional opposing seats for majority and opposition in the floor plan and seating in the new chamber. At the same time, those reckless iconoclasts who wanted to have a chamber large enough to seat all the members have secured a substantial increase of seats. The facilities of the building in the way of office and conference rooms have been increased. And, while there is no public address system, there is a great improvement in heating and ventilation.

Though the meeting place has changed a little, it is safe to predict that the ceremony of opening Parliament will remain unchanged in all its feudal pageantry. The king and queen drive in state to the Parliament, and the Gentleman Usher of the Black Rod (the messenger of the House of Lords, who carries an ebony rod with a golden tip) summons the Commons to the meeting room of the House of Lords where they stand humbly uncovered.

The Speech from the Throne is read; and in subsequent sittings of the House the wording of a "Humble Address to His Majesty" is debated, in which formal thanks for his consideration and kindness is barbed with all the criticism of his Ministry's program that an active and alert Opposition can introduce into the motion.

Scrutiny of Administration and Questions. The business of the House falls roughly into two major categories, watchful criticism of administration and lawmaking on important questions of policy. The first function is performed in large part in what is called the question hour. The House sits daily—except Saturdays, Sundays, and holidays—and begins its session usually at 2:30 P.M. Monday through Thursday, and at 11 A.M. on Friday. The meeting usually adjourns at 11:00 P.M. (4:00 P.M. on Friday)—the social week end or the political business week end, or the more frequent combination of the two, shortening the Friday sitting. After a brief amount of business concerned with private bills (which will be explained below), questions are addressed to the ministers concerning the administration of public business or more general matters of policy. Ordinarily the question period is lively, with the member putting the query and the minister replying with what retorts he can muster. This is one of the best opportunities for eliciting information on matters of administrative action. Not infrequently the Opposition introduces a motion which criticizes government action or policy. Expressions of viewpoints in the subsequent debate provide guidance for the action of government departments.

With the growth of ministerial powers, described in the preceding chapter, the concern of the House with the range of administrative authority led to the creation of a special committee with powers to call for records and testimony on administrative orders having the force of law.[5] A select Committee on Procedure was created on August 24, 1945, and while its chief concern is methods of expediting the business of Parliament in general, it recommended in its first report the creation of a joint committee to consider administrative action.[6] It seems very likely that the Parliament will devote a larger portion of time in the future to the job of scrutinizing and criticizing the action of ministers and their subordinate officials.

[5] See Chapter 3, pp. 77–80, where the work of the Select Committee on Statutory Instruments is briefly summarized.

[6] Three reports of the Select Committee on Procedure (H.C. 9, 1945; H.C. 58–I, 1946–47; and H.C. 189–I, 1946–47) give an excellent analysis of the problems of recasting procedure in the Commons.

Types of Bills. The traditional function of the Parliament is to pass laws. There are three kinds of legislation which the House and its committees must consider: (1) *Private bills.* Matters of business or of local government which affect only a part of the nation (though that part may be a city as big as Birmingham, which may wish to build a municipal electric plant). These bills are handled by select committees, with usually four members, which deal with the matter in the manner of a judicial hearing, calling witnesses, hearing counsel both for and against the measure, and finally recommending action to the whole House. The recommendations of these committees are ordinarily adopted with little debate. Sometimes a similar procedure is applied to provisional orders issued by a government department. (2) *Private members' bills or motions.* Matters of general national concern (like Herbert's Marriage Bill, passed in 1937, changing the divorce laws), introduced by a member of the Commons without the backing or support of the Cabinet. (3) *Public bills.* Big projects of legislation, introduced by a member of the Cabinet or the Ministry, backed by the leadership and commanding the attention of the Parliament and the country. Often these bills embody the election promises of the majority party and usually receive nation-wide notice outside Parliament in the press and in public discussion. There is always a large amount of such legislation at every session, and since it is so important and occupies most of the time of the House, it should be considered in its relation to the leadership of the Cabinet.

THE HOUSE OF COMMONS AT WORK—CABINET LEADERSHIP

Public Bills. Public bills, concerning the welfare of the whole national community, are put forward with Cabinet sponsorship. The projection of legislation—such as the nationalization of the Bank of England in the autumn of 1945—has been foreshadowed in the electoral campaign and has been announced as settled policy in the king's speech at the opening of the Parliament. Before a single word is printed, the minister in whose department the matter lies has consulted the experts in the civil service. After the measure begins to take shape, this minister puts the proposal to his colleagues in a Cabinet meeting, and all the ministers directly concerned offer suggestions and criticism. Finally, when full agreement has been reached, the measure is introduced into the House of

Commons, usually by the appropriate minister. Sometimes the prime minister himself will conduct through the House a very important piece of legislation. Though most public bills are introduced in the Commons, occasionally their introduction occurs in the Lords, and private bills may also originate there.

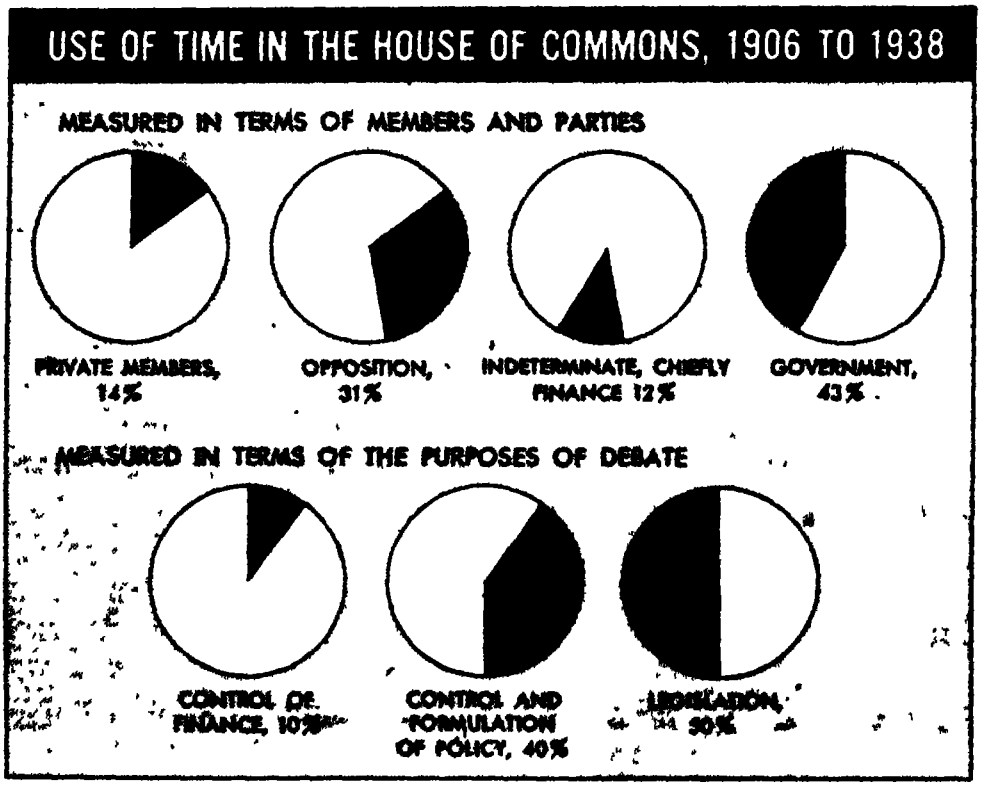
Occasionally there is a debate on the very day legislation is introduced, but ordinarily a date is set by the Cabinet (the Cabinet leadership has extensive powers to control the use of the large amount of time of any session which is reserved for public bills) for a debate on the second reading of the bill. The second reading debate is an outright contest between Government and Opposition on the subject of the general principles and broad features of the bill, conducted in large part by the leaders of the majority and the leaders of the Opposition.

After passing the second reading, which guarantees House approval of the general intention and substance of the proposed legislation, the bill is assigned by the speaker to a committee for closer and more detailed consideration. Since the bill is discussed section by section or even sentence by sentence, the work of the committee invariably results in amendment or revision of the measure. The bill in its modified form is then reported back to the whole House and is reconsidered at this report stage for several hours or several days, according to its importance.

Eventually a motion is made to read the bill a third time, in its amended and revised form after the changes of the committee and those resulting from the discussion of the report have been incorporated into the measure. At the third-reading debate only minor verbal changes are permitted, and on being passed the bill is sent to the House of Lords, where it receives consideration in stages similar to those it has already undergone in the Commons. If the bill originated in the Lords, its passage is completed in the Commons. If changes are made, they are considered by the House of Commons with careful regard for the experience and knowledge of the Lords. After full agreement is reached, the bill is finally sent to the king for signature, which is invariably given. It then becomes law, appearing in printed form in the statutes of that year. Finally it is put into active enforcement by the administrative departments and the courts.

Use of Time in the House of Commons. An analysis of the work of the Commons, prepared by Sir Gilbert Campion, the for-

mer clerk of the House, gives an authoritative picture of how time is expended on its various tasks. In the whole period from 1906 to 1938 private members' time ranged from eighteen to twenty-two days, approximately 14 percent of each session. Opposition time—used in the debate on the address from the throne, various motions critical of the Government, and in debates on supply—ranged from forty-one to forty-seven days, constituting approximately 31 percent of a session. Government time, taken chiefly for the discussion of



public bills, ranged from fifty-three to seventy-one days, about 43 percent of the session time. Expressed in terms of the purpose of debate, an average of fifteen days a session was devoted to control of finance, fifty-nine to control and formulation of policy, and seventy-two to legislation. The remaining days were taken up with private bills and business of a minor character. It is not surprising that the sessions require an average of nearly 146 legislative days a year, lasting usually for thirty weeks. With a steadily increasing output of legislation during the period—rising from 355 pages of statutes per session in the years from 1906 to 1913 to 995 in the 1930s—the House was able to keep up by accelerating its consideration

of measures. Translated into pages of law per legislation day, the pace increased from under five in the early part of the century to over thirteen in the period from 1929 to 1938.[7]

Clearly, these tasks could not be accomplished unless the procedures of making public bills were actively directed by the Cabinet. The budget, which must originate in the House of Commons, constitutes in itself a formidable assignment, since it provides for the expenditure of large sums of money, and raises these amounts by taxes and government borrowings. One of the most important powers of the Cabinet has already been indicated in this life history of a public bill. The legislation is prepared by the Cabinet, and the ministers have the full, expert resources of the civil service in the administrative departments. They make use of economists, statisticians, administrative and technical specialists, and legal advisers. Sometimes an intricate problem is made the subject of an extensive inquiry by a Royal Commission appointed for the purpose.

Cabinet's Control of Debate. At the second-reading debate, the members of the Ministry lead the discussion and explain the features of the bill. Because they can count on the loyal votes of their party majority, they may allot the time used for discussion by the use of the closure on debate. The control of debating time is achieved by several procedures: a positive limit on hours or days allowed (nicknamed the "guillotine"), the fixing of a timetable for the various sections of the bill (called "closure by compartments"), or the entrusting to the leaders and the speaker the discretion to choose certain parts of the bill for discussion (called the "kangaroo closure" because it leaps from one important section to another, lightly omitting less controversial parts of the measure).

To state the whole process briefly, Parliament has an immense task every year, for it must pass a large amount of legislation bearing on financial, economic, social, and international problems. Since it is a large body of 640 members (increasing to more than 700 in 1950), it must be led and directed in this task in order to get it done. The Cabinet and the ministers, being members of either the House of Commons or the House of Lords, assume this task of leadership; they have at their disposal the expert personnel of the administrative departments to assist in framing measures, control of a large part of the time of the sessions which is reserved

[7] *Third Report from the Select Committee on Procedure*, H.C. 189–1, 1946–47, pp. xxix, xxxi, 386, and 356

for public bills, and the discipline of the party majority to accelerate decisions. Ministers take the major share of the discussions at the second reading, conduct the bills through committee discussion, and defend the substance of the measure at the report stage.

Commons' Control of Cabinet. While the powers of the leadership are very great—so great that there has been criticism for some years of "Cabinet dictatorship"—it must be remembered that the House still possesses sovereign powers. Questions can be used to express criticism of proposed policies; motions can be introduced to demand or forestall action; motions for adjournment can be used to precipitate general debates on projected legislation. The party majority is not a single block of obedient votes—though it may often give that appearance, as W. S. Gilbert in *Iolanthe* remarked many years ago:

> When in that House, M.P.'s divide,
> If they've a brain and cerebellum, too;
> They've got to leave that brain outside,
> And vote just as their leaders tell 'em to.

Actually, the Government majority is made up of people holding various views. If the Opposition can make effective criticism of policies, either legislative or administrative, a motion of want of confidence or a substantial and significant change in a public bill may recruit votes (or abstentions from voting, as has happened quite often in recent years) from disaffected members of the majority. The Government may be defeated, and after a dissolution and an election, a new majority and new leadership may be entrusted with the task of developing different policies more in accord with public opinion. Naturally such a contest will not be brought about on minor matters; but when vital aspects of legislation are at stake, either the Cabinet or the House may act in a way which will lead to a dissolution and election.

THE HOUSE OF COMMONS AT WORK—ORGANIZATION

During past centuries the House of Commons has created a pattern of officers and committees, which serve to make orderly and efficient its transaction of business. There are sergeants-at-arms to prevent disorder (in feudal days, it was necessary to put a scarlet line down the aisle between the Majority and the Opposition to

prevent the members from literally coming to swords' points during the heat of debate), stewards and clerks to manage the affairs of legislative housekeeping, and quaint medieval survivals such as the Gentleman Usher of the Black Rod.

The Speaker. The most important single office is that of the speaker. Though he is elected, and persistently re-elected, from one parliamentary constituency, he serves as an impartial and nonpartisan presiding officer—unlike the speaker of the U. S. House of Representatives who is a party leader as well as a presiding officer. Colonel Clifton Brown had to resign all hopes of a career in the Conservative party when he was elected speaker on August 1, 1945. He was chosen by acclamation, as a mark of confidence by members of all parties. The speaker undertakes for years the grave responsibilities of recognizing members wishing to speak, ruling motions out of order as dilatory or contrary to the rules (called Standing Orders), and assigning measures to committees for consideration. Tradition, firmly established since the early nineteenth century, has made the speaker a trusted arbiter of debate and conduct in the Commons. He is rewarded for his service by a pension, and usually a peerage, when he finally retires. Though he must give up all hope of being a Cabinet minister, the dignity and prestige of the speakership are ample compensations.

Committees. The committees of the Commons are less important than the committees of the United States House of Representatives. The reason is simple; the Commons, being effectively led by the Ministry, transacts more business in the full meetings of the House and leaves less of importance to the committees. Though the pressure of business has steadily grown during this century, the Select Committee on Procedure refused to recommend Sir Gilbert Campion's scheme for materially increasing the powers of standing committees and the entrusting to them of a considerable part of the responsibility which the whole House has always taken for the report stage of bills.[8] The Commons are naturally reluctant to relinquish power, and what changes in procedure were advanced were aimed at accelerating the consideration which the whole body gives to bills.

The Standing Committees, as has been indicated, have much to do with the consideration of public bills. These committees have a large membership. The present Standing Orders of the House

[8] *Op. cit.*, pp. vii–viii and xxxix–xlii.

provide that there shall be twenty members of each, nominated by the Committee of Selection in such a way as to reflect proportionate party membership, and chosen by ballot. To these twenty may be added as many as thirty more members at the time a bill is referred for consideration.[9]

Meetings occur in the morning, and the chief business is the preliminary discussion of public bills. Committee meetings are, in effect, small models of the whole House; their informal procedure gives opportunities for exploring thoroughly all the aspects of a measure. If the legislation under consideration is an important part of the Government's program, a minister or junior minister usually attends, and he may be the vehicle for conveying Cabinet consent to modifications of the original proposals.

Service on these committees constitutes a substantial proportion of the duties of M.P.'s. In the 1946–47 session there were six standing committees—A, B, C, D, E, and one on Scottish bills—on which 403 members served, some being obligated to attend as many as four. In 1947–48 the number of standing committees decreased to five but required the appointment of 433 members. The days of sitting totaled 179 in 1946–47 and 125 in 1947–48, and the bills considered numbered fifteen and twenty-one respectively. The United States congress and the state legislatures usually pass some hundreds of acts during a legislative session and are suffering as much as is the House of Commons from legislative congestion.

As the alphabetical designations suggest, the House of Commons committees are not like congressional committees, each devoting attention to a specific subject such as rivers and harbors or labor legislation. The Committee on Scottish Bills has at least a geographical specialty; and there is some tendency for the speaker to assign bills of similar character to a particular committee.[10]

The Committee of the Whole. Similar in function to the Standing Committees is the Committee of the Whole. This is simply the House itself, sitting as a committee. The use of this device is signalized by traditional ceremonies. The motion is put and carried that the House resolve itself into committee. This is always done when the budget is under consideration, and the House resolves itself into a Committee on Supply to debate ap-

[9] *Standing Orders of the House of Commons*, H.C. 211, 1945, pp 35–36.

[10] *Return for Session 1946–47 "Of . . . all members . . . appointed to serve on . . . Standing Committees . . ." etc.* H.C. 9, 1946–47; same for 1947–48, H.C. 210, 1947–48.

propriations and into a Committee on Ways and Means to give consideration to taxes and borrowings. The speaker leaves the chair, and the chairman of committees takes his place. The ceremonial mace, an impressive medieval symbol which lies on top of the table in front of the speaker's elevated chair, is taken by the sergeant-at-arms and placed underneath the table. The House debates the measure with informal short speeches, reaches a conclusion, and formulates a report. Then the motion is made to report back to the House. When it is carried, the speaker resumes the chair, the mace is restored to the top of the table, and the House in its capacity as a sovereign legislative body debates the report which it has made in its capacity as a committee. The practical advantages of this bit of play-acting are that as members of a committee, since they are not enacting laws, House members have the opportunity of accelerating consideration by informal procedures, and that the gains made in committee can be utilized in considering the report. Every legislative body, especially the U. S. House of Representatives, makes use of this valuable legislative device.

Select Committees. The Standing Committees and the Committees of the Whole are always occupied with proposals for legislation. When the House is confronted by a complicated subject on which legislation seems necessary, a motion is often made to create a select committee (the Select Committee on Procedure, which has been mentioned, is an example). Members of select committees are chosen usually by election, though the motion creating the committee may specify any appropriate method of choice of members. Such committees are small, rarely exceeding ten to fifteen members. Their procedure is judicial in character, with expert testimony, records, and memoranda. They often continue their sittings during a recess of Parliament and may report their findings in the form of an analysis of the problem or a proposal for legislation, acceptable in general to the majority party. A similar result can be achieved by a royal commission, which has powers of the same character but whose members have been formally appointed by the king (actually by the Cabinet) on the basis of political experience and expert knowledge of the problem under consideration.

The select committees on private bills perform similar functions, though they have a smaller membership. It should be added that the private bill committees perform a very valuable service; they handle matters of local or specialized importance and save the time

of the House for the consideration of more significant questions of national policy.

THE HOUSE OF LORDS—FUNCTIONS AND MEMBERSHIP

Powers of the Lords. Though W. S. Gilbert remarked years ago that "noble statesmen do not itch, to interfere with matters which, they cannot understand," the House of Lords continues to perform a useful task in the process of legislation. The peers' usefulness is measured more by the influence they exert, however, than by the power they may exercise. The powers of the House of Lords are now strictly limited by the Parliament Act of 1911, passed after a severe contest between the two houses on questions raised by the budget proposals of Prime Minister Lloyd George. The law permits the House of Lords to prevent the passage of a law by as long a time as two years—in effect, a two year suspensive veto—but this veto has been used rarely. The Lords are able to achieve results by the use of their influence, prestige, and experience, rather than by employing their actual legal authority.

A bill to amend the Parliament Act was introduced and passed its second reading on November 11, 1947 during the second session of that year. Its general intention was to limit the suspensive veto of the Lords to one year, since the Labour party feared that some of its main measures might be delayed for the full two years. It was rejected at its second reading in the House of Lords, and then the Parliament reassembled for a short session in the autumn of 1948. One of the major purposes of this short session was accomplished when the Parliament bill was passed a second time by the Commons. Its effect will be to shorten the suspensive veto from two years to one and the requirement for passage at successive sessions from three to two, thus further reducing the legislative power of the Lords. The Lords rejected the bill once more in November, and it finally became law on December 16, 1949.

At the time of the short session in the autumn of 1948 the whole question was actively discussed both in and out of Parliament. There were proposals reviving earlier plans for reconstructing the House of Lords and speculation on the possibility of a general election on the issue of "Peers *versus* People." After the second passage of the bill in the Commons the issues diminished in intensity, and

the announcement that it had become law, made in the king's speech at the close of the 1948–49 session, occasioned little comment.

This bill went through the procedure required by the Parliament Act of 1911. It was passed three times within a period of two years, in substantially unchanged form (the speaker of the House of Commons certifying, as usual in such instances, that it remained essentially the same bill throughout the process). After this the bill became law without the assent of the Lords. Throughout the debates on the bill, various proposals were made for reconstituting the House of Lords in order to bring it more in accord with movements of opinion in the country. Though this bill is now law, it is not improbable that the whole matter might be considered afresh at some future time. The merits of the House of Lords as a revising chamber are recognized as valuable, and amendment of this law to make greater use of its distinction of personnel might well be undertaken.

Peers, Bishops, and Law Lords. The membership of the House of Lords is sufficiently distinguished, both for blood and for brains, to make its recommendations carry considerable weight. Some peers sit by right of birth and ordinarily participate but little in the work of the body; they do wield social prestige and influence, however. The bishops, and the law lords—judges in the House of Lords sit as the highest appeal court—hold lifetime places and represent ability and professional achievement. The representative peers of Scotland and Ireland (the latter are disappearing for there is no provision for their election by their fellow peers) have some influence.

The most distinguished and often the most active members of the House of Lords are the recently created peers, their honors being rewards for distinguished service to the nation or for business or political success. New Year's day and the king's birthday are the two occasions during the year when such honors are announced.

Actual attendance at meetings of the Lords is usually less than 100 out of more than 700,[11] and the result is careful and thoughtful consideration of legislation by an able and experienced group of men. While it cannot exert a decisive influence upon the general lines of policy, the House of Lords performs valuable service in im-

[11] Roll of the Lords Spiritual and Temporal, etc. . . H.L. (1), 1949 shows 767 peers in receipt of summons to the House of Lords.

proving the quality of measures, and usually a few peers are members of every Cabinet. The procedure of the House of Lords, over which the lord chancellor presides, is comparable to that of the House of Commons.

PARLIAMENT IN WARTIME AND AFTER

The great extension of the use of administrative authority, particularly in the defense regulations, was described in Chapter 3. At first glance this would seem to imply a corresponding reduction in the legislative authority of the House of Commons. Study of the parliamentary debates from the autumn of 1939 through 1949, however, shows that the activity of the House was as great as ever and constantly reveals penetrating and critical discussion of major acts of Government policy. What the debates reveal is less activity in the passage of detailed legislation and more lively discussion of policy. The House of Lords undeniably declined in influence and prestige, but the Commons gained as it devoted time to the broad objectives proposed by the Cabinet. The Select Committee on Procedure declared that it had "been appointed at a time when the country has recently emerged from a war in which parliamentary activity was maintained and contributed in large measure to its successful prosecution. . . . Indeed, the prestige of Parliament has probably never been higher." [12]

It can be said without contradiction that there was no serious loss of responsibility for the formulation of programs of legislation and administration; the Parliament was as vigilant as ever in seeing that the Cabinet met the desires of the people. The voters, realizing that the importance of parliamentary debate was not diminished, continued to follow it with interest and participated actively in by-elections.

Membership in the 1945 House of Commons. The general election of 1945 was not only a surprise to the Conservative party in England but to the rest of the world as well. There was much speculation as to what the House of Commons would be like after a Labour victory. In the nineteenth century the House was often referred to as "the best club in London." In the views of some M.P.'s the presence of a large number of Labour party members might

[12] *Op cit*, p. v

be expected to lower the tone. Actually, the membership after 1945 was not unlike the membership of the interwar years. The average age of members remained almost the same as before—a little short of fifty years. As this average age implies, there is not an unusually large number of young men and women. The educational background of the body also changed little: hardly less than half of the membership had a public-school education, while in the interwar years not much more than half had been to public schools. It should be added that the public school may be roughly compared to the American high school—though the comparison might shock some observers of both. With respect to university training, the proportion in 1945 was almost precisely the same as from 1918 to 1935, although the number from Oxford and Cambridge diminished somewhat. As might be expected therefore, the general look and sound of the House remain much the same as after the elections which occurred earlier in the century.

There were three changes of some significance in personnel. (1) The number of new members (elected for the first time) was an all time high, 324. This was to be expected regardless of which party won, for ten years had elapsed since the last general election. These new members, of course, had no previous parliamentary experience, but the average experience of the remaining members of the House was much the same as usual. (2) The occupational pattern of the body changed considerably. The largest groups in order of their size were: barristers, 67; teachers and lecturers, 56; regular officers of the fighting services, 51. Compared to the House of prewar years, barristers remained the largest group, but their predominance diminished in 1945; the number of teachers and lecturers showed a marked increase. Measured in terms of occupational status, the number of professional workers (including the two groups already mentioned, journalists, authors, engineers, solicitors, physicians, and the like) decisively increased in 1945 as compared with elections before World War II. At the same time, the number of employers and managers decreased. (3) Besides showing differences in proportion of new members and in occupational status, the new membership also displayed a higher proportion of people who had served in local government councils. Figures here cannot be exactly compared, but the number possessing local government experience was quite high—44 percent of the whole body. This is almost

certainly higher than prewar averages, and perhaps higher than for any House of the period from 1918 to 1935.[13]

During its four and a half years of life, the 1945 House faced a task fully as great as that which confronted the wartime Parliament. Many of the tendencies which had appeared during the war continued. The chief concentration of debate was on the great questions of foreign and domestic policy, and the leadership of the Cabinet was subjected to continuous scrutiny and criticism, both from the Opposition and from its own supporters. The large projects of legislation were a heavy task; and there was the usual complaint from the Opposition that time has been limited and controlled by use of the various devices of closure. At the same time, as has been pointed out in this and the preceding chapters, the use of a select committee yielded closer scrutiny of delegated legislation, and questions examined the action of the government departments. The work of the Parliament was as active and informed as at any time in its history; public discussion outside the body and popular participation in by elections indicate that the electorate's interest in the government's work was as lively as ever.

Increasing Complexity of the Legislative Task. The fundamental problem which confronts the House of Commons can be stated simply: the House has too much to do. In the next chapter the growth of the social-service state is discussed, with its implications for the problems of administration. Meanwhile, it can be pointed out here that the widening scope of government activity has created a very serious problem for the legislative body in the modern state by overburdening its resources and procedures. This is not the consequence of the election of a Labour government in England. Indeed, it is not an exclusively English problem—every legislature in every urban industrial community is confronted with the same difficulty.

In the course of this chapter the implications of this situation have frequently appeared: Sir Gilbert Campion, the former clerk of the House, unsuccessfully proposed to the Select Committee on

[13] Ross, J. F. S., *Parliamentary Representation*, 2d (enlarged) ed. (London, 1948). This is an extremely careful and interesting study of the personnel of the House of Commons, analyzing its character after each of the seven general elections from 1918 to 1935 inclusive and applying the same analysis with adjustment of figures to the 1945 House.

Procedure to divide up this growing task among committees of the Commons; the committee finally recommended acceleration of procedures so that a speed-up of legislative methods would meet the pressure of an increasing volume of legislation; the delegation of rule-making authority to government departments is an effort to shift some of the burden to governmental authorities other than Parliament.

This problem runs far beyond English boundaries. An alert student or interested citizen recognizes that European parliaments and Congress and state legislatures in the United States are all approaching a state of apoplexy from legislative hypertension. This makes the tendencies which have manifested themselves in the House of Commons during and after World War I all the more interesting.

While the legislative output of the English Parliament is impressive, increasing demand on its time has led it to shift some of the burden to administrative departments. It is now devising techniques for scrutinizing statutory instruments (the legislative output of administrative departments) so that popular control of policy can be maintained whenever a significant issue is at stake. The presumptions of democracy need not be sacrificed in the face of technical intricacies, if the popular will can still supervise the rule making authorities. At the same time, as the following chapters will show, the administrative agencies themselves are devising safeguards to keep administration in line with the wishes of the general public and within the limits legitimately imposed by the rights of citizens.

Both the House of Lords and the House of Commons have placed emphasis on the task they can perform with true effectiveness: discussion of general lines of public policy. Debate on big issues, intended to guide the government's action, has steadily become a more prominent part of Parliament's performance. By the method of devising ways to meet immediate practical problems, a method which runs throughout the course of English constitutional history, the members of Parliament are stubbornly trying to find a solution for the difficulties that face them in the twentieth century. If they can find satisfactory solutions for their problems, the "Mother of Parliaments" might serve again as a model for other legislative bodies of the world.

READINGS

The composition and the working of Parliament have been the subject of so much excellent analysis that it is difficult to point to specific writings. The student can sample with profit some of the primary sources of information:

Parliamentary Debates (earlier called Hansard) are the official reports of the proceedings of both houses. For the American student the summary of these debates, published daily in the London *Times* while Parliament is sitting, are more useful, since party designations are given.

Reports of the Select Committee on Procedure cited in this chapter.

Standing Orders of the House of Commons, published every few years.

Two authoritative works on parliamentary procedure are:

Campion, Sir Gilbert, *An Introduction to the Procedure of the House of Commons*, 2d ed. (London, 1947).

May, Sir Thomas Erskine, *A Treatise on the Law, Privileges, Proceedings, and Usage of Parliament*, 14th ed., Sir Gilbert Campion, ed. (London and Toronto, 1946).

Three classic works repay reading:

Bagehot, Walter, *The English Constitution* (New York, 1924).

Dicey, A. V., *The Law of the Constitution*, 9th ed. (London, 1939).

Lowell, A. L., *The Government of England*, 2 vols. (New York, 1921).

Some recent standard books are:

Jennings, W. Ivor, *Parliament* (New York, 1940)

Keith, A. B., *The Constitution of England from Queen Victoria to George VI*, Vol. I (London, 1940), chs. VI–X.

Two books critically analyzing the parliamentary system are informative and interesting:

Laski, H. J., *Parliamentary Government in England* (New York, 1938).

Muir, Ramsey, *How Britain is Governed*, 3d ed. (Boston, 1935).

Four members of the House of Commons have written interestingly of the work of the body:

Bossom, Alfred C., *Our House: An Introduction to Parliamentary Procedure* (London, 1948).

Brown, W. J., *Everybody's Guide to Parliament* (London, 1946).

Hemingford, Baron D. H. H., *What Parliament Is and Does* (New York, 1948), and an earlier book, *Back-Bencher and Chairman* (London, 1946).

Herbert, Sir Alan, *The Point of Parliament* (London, 1947).

The best analysis of the membership of the House of Commons is to be found in:

Ross, J. F. S., *Parliamentary Representation*, 2d ed. (London, 1948).

Finally, for the regular work of the House, *Parliamentary Affairs*, a journal published by the Hansard Society in London since 1947, is informative. Footnote references and bibliographies in these books furnish many suggestions for further reading.

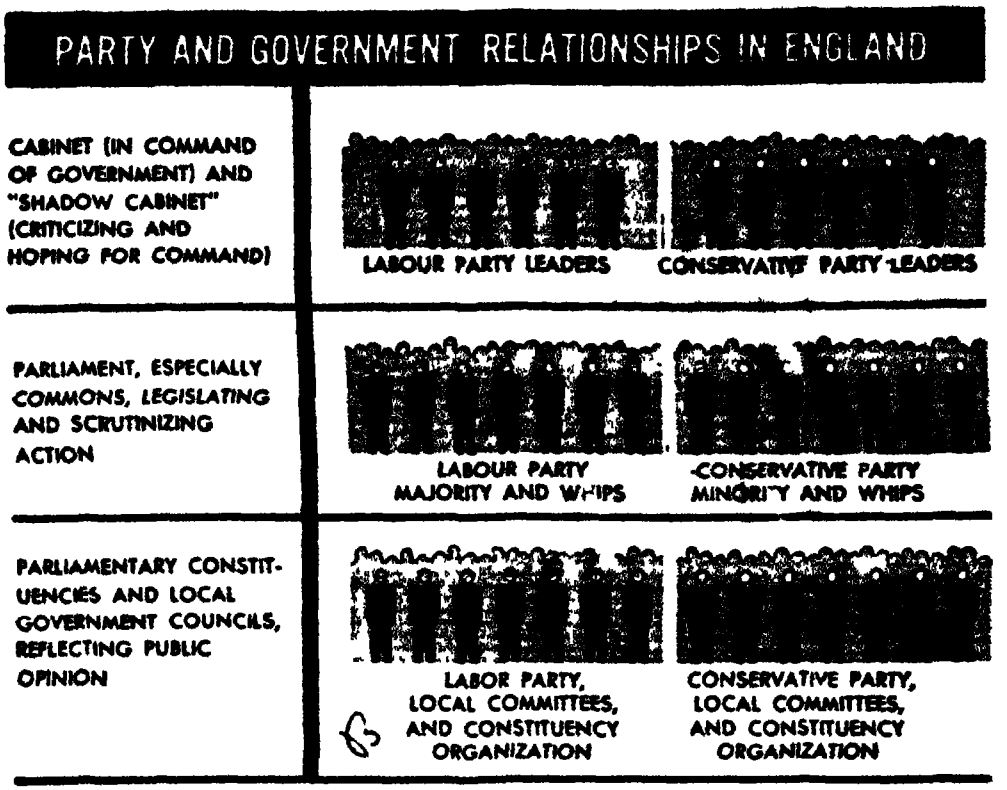
Chapter 5

POLITICAL PARTIES AND PARTY ORGANIZATION

NO LARGE NATIONAL COMMUNITY has been able to conduct its affairs, with the intention of governing in accord with the people's will, without resorting to the use of political parties. It is conceivable that a community, if it were small enough and intelligent enough, might find its citizens aligned in different groupings at each election, on the basis of the issues which faced the country. This has not occurred in England, or in the United States, or in the states of Europe and the Far East. The account of English party history which follows shows that parties, especially the English two-party system, are inextricably associated with the development of popular government.

In the preceding chapters, particularly Chapters 3 and 4, there have been frequent references to the functions performed by the major political parties in England. English parties, like their American counterparts, furnish the motive power which puts the machinery of government into action. Without direction on policy the mechanism of Parliament, central departments, and administrative staff would remain motionless, or nearly so. A party leadership, in command of a party majority, comes into office pledged to achieve its program and immediately sets tasks to be performed by all the government agencies. This vital relationship between party and government is made more explicit in the accompanying diagram. Later in this chapter diagrams are given of the major-party organizations. Studied together, the three diagrams give a fairly complete picture of party-government relationships.

The 1950 General Election. Labour came into power in July 1945 with 393 parliamentary seats won by nearly 12 million ballots. In the same election Conservatives polled over 8.6 million votes, securing 189 seats. The Liberals returned only 12 M.P.'s, though



The intention of this diagram is to show the relationships discussed in the text: that parties achieve command of government agencies, using them to put policies in effect. Here government organization is indicated by the shadowy background and party organization by the black figures. At the present time, the Opposition (Conservative) is criticizing the policies proposed and hopes at the next general election to capture control of these government agencies from the Labour party and use them to carry out its own program. In order to simplify the diagram, independent candidates and minor parties have been ignored. It should be remembered that the Leader of the Opposition (the head of the "Shadow Cabinet") is an office legally recognized under the Ministers of the Crown Act and that its incumbent is paid an annual government salary of £2000

their popular vote was 2.23 million. A popular vote of little more than 2 million gave minor parties and independents a total of 31 seats.

In February 1950 Parliament was dissolved, and Labour's leaders went to the country for approval of the record and authority to continue and extend their policies. Their election manifesto, "Let Us Win Through Together," proposed further nationalization of industry, extension of the social services, continuance of food

subsidies, and public intervention in retail distribution. Campaign speeches emphasized maintenance of full employment, and contrasted it with the unemployment which had afflicted Britain after World War I, when Conservatives had been in power.

Conservatives adopted the traditional tactics of opposition, and attacked the Labour record as one of extravagance and mismanagement. At the same time their election manifesto, "This Is The Road," offered alternative policies. Nationalization would be stopped, though existing nationalizations of coal and transport (highway transport excepted) would be maintained. Improvement of the social services was promised. Though food subsidies would be reduced, consumers would be compensated by increased family allowances and social services and by reduced taxation. Obviously, there was a wide area of agreement in the two programs, no matter how much party orators opposed socialist planning to freedom of enterprise.

The results dramatically showed how hard it was for voters to decide. Labour's 13.31 million votes gave the Government 315 seats, while the 11.97 million Conservative votes returned 297 Opposition M.P.'s. Liberals and minor parties together controlled only 12 seats. The ultimate result continued the Labour Government in office but limited its future action by reducing its majority to precarious dimensions.

The full meaning of both the 1945 and 1950 elections can only be understood by reference to the history, traditions, present organization, and membership of the parties. All of these factors influence the voter's decision when he casts his ballot.

THE HISTORY OF PARTY ALIGNMENTS

Ancestry of Parties. In much the same way that Americans trace the ancestry of the present major parties back to the division between Federalists and Democratic-Republicans in the early days of the republic, so Englishmen find a fairly continuous line of descent for Conservatives and Liberals, beginning with the division

[1] London *Times*, July 28, August 2, 9, 1945. A careful and interesting analysis of the campaign, dealing with the election addresses of candidates, the techniques of campaigning, and the attitudes of the press, is given in McCallum, R. B., and Alison Readman, *The British General Election of 1945* (London, 1947), especially chapters VI, IX, X, XI, and XIII, and in chapter XIV and two appendixes a statistical analysis is made of the results.

between the Cavaliers and the Puritans in the civil war of the seventeenth century. The great question of royal authority versus parliamentary sovereignty divided the country into two camps which fought a civil war and continued the contest by means of political agitation after the Restoration. The names Tory and Whig, applied to much the same divergence of attitudes on the constitutional issue, arose in parliamentary debates in 1790, and served to identify the chief parties during most of the eighteenth century. While the Tory party had a wider membership than the Cavaliers, it showed a strong family resemblance to its political forebears, being willing to support the king, the court, and the church, and including in its ranks a large number of the country squires. The Whigs maintained the viewpoints of the Puritans and represented in large part the new commercial and industrial community.

During the nineteenth century the extension of the suffrage after 1832 required the parties to enlarge the range of their political activities. Beginning with registration societies, which were needed to assist the new voters to establish voting rights under the complicated property qualifications which persisted throughout the century, both the Whig and Tory parties built up a national organization and enlisted the electorate in political activity. In the preceding century the contest between the two had been a parliamentary warfare, requiring discipline of the majority and the minority in the House of Commons; after 1832 the battlefield extended to the whole country.

This change in party organization deserves emphasis, for it was the starting point for the growth of the elaborate and complicated party organizations of today. It has already been pointed out that the House of Commons before 1832 was an unrepresentative body. The "rotten boroughs," in which parliamentary seats were actually purchasable, and the restricted suffrage which limited popular participation in all constituencies, made it possible to get into the House of Commons with only a minimum amount of campaigning. Both the Tory and Whig parties of the eighteenth century were much more like cliques and clans of educated and propertied gentlemen than what we think of as country-wide associations of voters supporting a party's program and candidates. George III, by making use of his royal perquisites and personal fortune, was able to bring into the House of Commons a nonparty group of "the

king's friends," who loyally assisted him in the stupidities which finally lost the American colonies.

An English statesman perceived the implications of the Act of 1867 and remarked, "We must now educate our masters." Party leaders came at last, however slowly, to realize that in order to have a majority in the Commons it would be necessary to organize the electorate. First the citizens must be registered so that they may vote; next they must be educated and propagandized to vote the right ticket. The nineteenth-century methods of influencing the elector were crude enough—they have been described, with only a little literary exaggeration, by Charles Dickens in the account of the Eatanswill election given in the *Pickwick Papers*. These abuses of bribery, hospitality, and intimidation, and other malpractices have been eliminated by legislation, as described at page 90 above.

The methods have changed, but the purpose of nation-wide party organization remains the same—and not only in England. The way to achieve command of the government and carry a policy into action is to line up a majority of the electorate at the polls. The result is a majority in the national legislature and, under the Cabinet system, control of the administrative agencies of government by the leaders of the party in power. The problem of American political parties, it should be noted, is more difficult. They must elect a majority in a Congress, which is chosen in two different ways (from districts for the House of Representatives and from states for the Senate), and at the same time secure the Presidency by still another method of counting votes.

Conservatives and Liberals. The Whigs, by claiming credit for electoral reform and for changes in city government and administration of the poor laws which immediately followed, were able to maintain themselves in power for some time after 1832. Sir Robert Peel, cognizant of the risk that the Tory party might be regarded as a party of reaction, converted it into the Conservative party by putting forward a cautious but constructive program of reform in the Tamworth Election Manifesto of 1834. It is interesting to notice that a number of Conservative leaders and M.P.'s, writing letters to the *Times* during March and April 1949, recalled this action of more than a century ago and drew from it the lesson that Conservatism must once more take stock of its position and avoid the risks of being labeled reactionary.

Until the last quarter of the nineteenth century it was almost

completely true for Gilbert's sentry outside the houses of Parliament to sing,

Every boy and every gal, that's born into the world alive,
Is either a little Liberal or else a little Conservative.

With Disraeli the Conservative party began to appeal to young England. At the same time Gladstone elevated Liberalism into a dogma that assumed an almost religious intensity, so that one of his journalist critics said sarcastically, "I don't mind Mr. Gladstone always having an ace up his sleeve—what I do object to is his saying that Almighty God put it there!"

The Labour Party. The two reform acts of 1867 and 1884 enfranchised nearly all the working classes. Although Liberal Ministries introduced many reforms of living and working conditions, labor groups soon began to feel dissatisfied, particularly with legislation and court decisions which obstructed the organization of trade unions and the use of collective bargaining in industrial relations. Not only were the trade unions, which had been organized since the middle 1820s, dissatisfied with this situation, but various socialist groups made their appearance in the English political scene. It must be remembered that the *Communist Manifesto* was published in 1848, and that Karl Marx wrote *Das Kapital* in London, putting in long hours of research in the library of the British Museum.

Without attempting to traverse the history of the Labour party, the student should know that it was the result of two simultaneous movements of opinion. Socialists of various kinds, running from the somewhat doctrinaire Marxist conceptions of the Social Democratic Federation to the idealist Christian socialism of Kingsley and Maurice, offered a picture of society in which the ills of industrial capitalism were cured. Eventually the sober and practical "gradualism" argued for and documented by the Fabian Society was to give a special character to the socialist movement in Britain. The second movement of opinion was the organized sentiment of the trade unionists, who were seeking relief from the disabilities which the law placed upon their activities.

In 1906 the decision of the House of Lords in the Taff Vale case rendered union funds liable to suits for damages arising from the interruption of industry (in this case a railway) as the result of a strike. The unions felt that this risk to their funds endangered their right to strike, indeed endangered their continued existence. This

feeling served to bring together the socialist parties, the trade unions, and the Independent Labour party organized by Kier Hardie into what is now the Labour party. As Mr. Attlee remarked: "A keen Labour man might well hang on his walls a portrait of Lord Halsbury alongside that of Kier Hardie." [2] This early combination of forces still persists, although the I.L.P. (Independent Labour party) withdrew after Ramsay MacDonald joined with Stanley Baldwin to form the National Government, a coalition of all parties, in the face of the crisis of 1931.

The Labour Representation League, organized by the Trades Union Council, had already engaged in defending the labor movement generally and the trade unions in particular by political action. But when these different groups worked together in the 1906 election as a Labour party, a substantial success was achieved and a number of their candidates won seats in the House of Commons. Since that time the party has grown in membership and strength, obtained an uneasy control of the government in the 1920s, and following the 1945 election attained its present position of leadership which is continued by the narrow margin won in 1950.

Generalizations about so complicated a subject as the history of political parties are always hazardous, because a simple statement is likely to be misleading. At the risk of inaccuracy, however, it may be said that during the twentieth century the Liberal party, as the advocate of change, has lost its position to Labour. Sir William Beveridge's attempt to revivify the party in 1945 failed at the polls; and the steady decline of Liberal membership and influence since World War I suggests that the future significant contest will be between Labour and Conservative. A number of former leaders of the Liberal party have left to join either the Conservatives or the Labour groups. A further loss in parliamentary seats in 1950, though there was a slight gain in the popular vote, presages the party's end as a significant separate force in politics.

PARLIAMENTARY GOVERNMENT AND THE TWO-PARTY SYSTEM

Even in this brief summary one striking characteristic of English political history is manifest: for most of the time since the seven-

[2] Attlee, C. R., *The Labour Party in Perspective and Twelve Years Later*, 2d ed. (London, 1948), p. 45. Chapters I and II give an interesting interpretation of the development of the Labour party.

teenth century there have been only two major parties. It is not easy to explain this phenomenon, especially in view of the fact that in the Third Republic in France and other European countries there were many parties, under somewhat similar conditions and comparable constitutional practices. Part of the explanation surely lies in history. During the existence of parliamentary government in England there has always been some predominant issue, or group of issues, upon which English voters have divided into two chief parties: Cavalier and Puritan opposed each other on the question of whether king or Parliament should be supreme; Whigs advocated electoral and social reform against the conservatism of Tories; Liberal reform programs were resisted by Conservatives. At the present time, socialist Labour must meet the opposition of capitalist Conservatives.

Government versus Opposition. Minor circumstances have dramatized this conflict of viewpoints. The benches in the chamber of the House of Commons face each other, so that the majority of His Majesty's Government is confronted with the minority of His Majesty's Loyal Opposition. The heckling of candidates in political meetings at street corners in towns and villages emphasizes the clash of party programs and intensifies party loyalties. It should also be recalled that the traditional single-member constituencies have made it difficult for a minor party to secure adequate representation; the initial difficulties of the Labour party, and the present decline of the Liberals, are attributable to the misfortunes that a third candidate suffers in a three-cornered contest for one parliamentary seat.

The consistent practice of dissolution of the Parliament whenever a Cabinet loses its majority has also contributed powerfully to the maintenance of two major parties. Coalition governments, while frequent in English political history, are in the uncomfortable position of not being able to claim a clear mandate from the people. The persistent tendency is to settle an issue by taking it into an election campaign, where the supporters of the government and the adherents of the opposition argue the matter out in public meetings, on the air, and in the press. This practice of alignment into two groups has been so continuous and powerful that many shrewd and penetrating scholars of the late nineteenth and early twentieth centuries have argued that the two-party system is essential to the working of parliamentary government. The diffi-

culties of conducting responsible government in France and Germany have been brought forward as additional proof of this generalization. Certainly, whatever the underlying reasons, English practice steadily gravitates toward such a party alignment.

Part of the explanation for the two-party system may lie in the English temperament or character. The English, even as the Americans, are used to political groupings based upon tradition, inheritance of party loyalties, and willingness to compromise on minor issues in order to secure support for major policies. A scholar may look askance at descriptions of so vague a phenomenon as a national temperament. Nevertheless it does furnish at least a part of the explanation for the persistence of the two major parties (whatever their names or programs) in England and the United States. Whatever the explanation, the fact is unmistakable; and any satisfactory explanation must emphasize the influence of historical tradition and circumstance, while it includes political practice and national psychology. English parliamentary government seems to work most effectively when one major party acts as a critical opposition. The present drift of politics appears to be in the direction of putting the Labour and Conservative parties into these important roles.

THE CHARACTER OF THE PARTIES

It is fully as difficult to characterize English parties as it is adequately to summarize their history. Nevertheless it is necessary to form some conception of their platforms and their membership, if contemporary politics in Britain are to be understood at all. If the student will remember that the following generalizations conceal subtleties and distinctions which cannot be stated in brief—and probably cannot be stated at all, because they are buried so deeply in the minds and temperaments of party members—he will have a better insight into the nature of the principal parties.

The Labour Party—Trade Unionists and Socialists. The Labour party's program is one of economic and social reform, animated in considerable part by classic socialist doctrine. Attlee's Cabinet introduced legislation to nationalize the Bank of England before the end of 1945. More legislation rapidly followed, nationalizing transport, coal mining, electric-power production and distribution, gas, and cable and wireless communication. A bill to nationalize the manufacture of iron and steel was introduced in the spring of

1949. The Labour party's origin is attributable in large part to the efforts of labor groups to maintain the status of trade unions and their rights of collective bargaining. The party has always favored the extension of the educational system supported by the national government and the imposition of government regulation on big business enterprises and has aggressively supported the social insurances throughout its history.

If this summary of party projects is examined carefully, the student will see immediately that part of the plan is socialist in purpose and part of it is merely economic and social reform. The ideas of English socialists have always displayed this mixture of purposes. The Fabian Society and its members—people such as the Webbs, G. B. Shaw, G. D. H. Cole, and many others—have popularized the conception of gradual progress toward a socialist society, in which there would be no private ownership of productive property, either industrial plants or agricultural land. The announced program of the present Labour Government is in complete accord with this traditional attitude.

It can be said, therefore, that the Labour party advocates a mixed program—and it certainly can be said that it has recruited a mixed membership. Many of its active members are, naturally, also members of trade unions. The precentage of union membership in industry is quite high, ranging from 75 to 90 percent of the workers in industry. Most trade unions contribute funds to the political activities of the Labour party, and many of the leaders of the unions are also leaders of the party.

Labour Party—Middle-class Supporters. Nevertheless, though industrial workers cast many of the ballots counted for Labour M.P.'s, it would be a grave error to underestimate the influence of the middle- and upper-class members of the party. A few instances have already been cited. Attlee is a solicitor by profession; Sir Stafford Cripps is a prominent barrister with a big professional income and influential business acquaintance; Hugh Dalton is a distinguished professor of economics. Such men represent the large number of solid citizens in business and the professions who support the reform proposals of the Labour party and who often hold quite advanced socialist views.

The Labour party membership, then, falls roughly into three groups. The working-class membership, usually affiliated with the trade unions, accounts for probably well over half the voting

strength of the party and furnishes a large proportion of the active party workers who attend meetings, help to canvass in election campaigns, and contribute funds in the form of a small fraction of their union dues. The use of union funds for political purposes was formerly regulated by the Trades Disputes Act of 1927, and it was necessary for each union member to "contract in"—that is, to sign an agreement with his union that part of the funds derived from dues might be used for this purpose, called a "political levy." In the spring of 1946 the Labour Government used its majority to repeal the 1927 act, restoring the situation which existed before it was passed. This meant, broadly, that union members must "contract out" of the political levy (the Opposition cried, at the time, "You have peaceful picketing, now you want peaceful pocketing!"); civil servants may affiliate with unions, if they wish; local authorities may require union membership of their employees; and the possible legal use of picketing and strikes is widened. Debate on the bill was sharp, and the Labour members were precipitate in action. They were understandably eager to strike from the statute book what they had long regarded as penalty legislation brought about by the general strike of 1926. The status of trade unions requires further consideration, and undoubtedly some of the questions involved will arise again in the future.

A sizeable part of the membership of the party is the middle-class membership, sometimes organized in Socialist Leagues, or Social Democratic Associations, also contributing work, votes, and funds to the party. This membership includes professional people, part of the small-business community, agricultural workers, and some small farmers. Associated with the Labour party in sympathies, but at present acting as a separate party, is the Independent Labour party (I.L.P.). The views of its leadership are often more aggressively reformist than those of the general party membership, and it usually proposes its own candidates in a parliamentary campaign and maintains a distinct organization in the House of Commons. The Labour party maintains a national headquarters and local committees in much the same way as do other English parties. These will be described when a typical parliamentary career is analyzed later in this chapter.

Conservative Party: Members and Program. The Conservative party—because of the history of the Irish question many of its members call it the Unionist or the Conservative and Unionist party—is the other major party, and after the 1945 election fur-

nished most of the voting strength of the Opposition in the House of Commons. It has, as has been already explained, a much longer history than the Labour party, and in many ways it is more difficult to characterize in terms of program and membership. To say that Conservatism is as much an attitude, a tradition, or a cluster of long-enduring social affiliations as it is a political party association will suggest some of the difficulties.

The program of the Conservative party defies precise analysis. In 1945 the Conservative "Four-year Plan" included maintenance of national control over transport and coal mining, extension of the social services, and active government support for housing programs. In 1950, these and many other proposals bore a strong resemblance to the moderate socialist program of the Labour party. On the other hand, in past campaigns the Conservatives have actively supported plans for imperial tariff preference and for taxation and business subsidy schemes which appeared to be a very stiff-necked defense of capitalist enterprise. Perhaps the most accurate brief summary of the predominant attitude of the party would be that it is opposed to socialist planning, while it is ready to embrace quite extensive schemes for national regulation of important activities.

The membership of the Conservative party can be separated into groups, although the groups are hard to distinguish. There are certainly many die-hard Tories, particularly in the country districts. The hunting, riding, and shooting county aristocracy made up of squires and large landowners is joined by a considerable number of smaller farmers and businessmen in small towns and cities, and all of them vote Conservative as much by instinct as by conviction. In the big industrial cities, members of the Federation of British Industries (an association comparable to the National Association of Manufacturers in the United States) and London's financial community (referred to as "the City") consistently support the cautious Conservative viewpoint. At the same time, as the program of the 1945 election showed, a large fraction of the party subscribes to an enlightened Conservatism and is ready to go far in reforms. For the last twenty years there has been a group of young M.P.'s, nicknamed the "Tory Socialists," who reflect the sentiment of an active reformist wing of the party. There are also many working-class people who vote for Conservative candidates because they believe in social reform but not in socialism.

A number of traditional institutions contribute strength to the

Conservative attitude: the titled nobility, the established Church, the widespread affiliations of upper class society. While the typical Tory is often pictured as a red-faced Colonel Blimp, equally representative would be an enlightened and liberal businessman, a scholarly university professor, or a public-spirited woman active in civic affairs.

Liberal Party. The Liberal party's situation has already been sketched in the short history of party development on pages 112–116. It occupies an intermediate position, advocating reforms short of socialism, but unwilling to oppose change in the manner of some Conservatives. Its membership is much like that of the Conservative party; it has support from the upper classes, the middle classes, and the workers. Its weakness lies in the fact that it has insufficient support from any of these groups, and that it has difficulty in formulating a program distinct from that of the socialist Labour party and at the same time more decisive than the moderate reform program offered by progressive Conservatives. In the 1950 election its loss of parliamentary seats was notable, though its popular vote increased a little over that of 1945.

Minor Parties. Besides the Liberal party, there are a number of minor parties which show some strength in elections. Welsh Nationalists, Scottish Nationalists, and Ulster Nationalists represent provincial loyalties. In 1950 the Communist party failed to return a single M.P., though in 1945 two were elected. The Common Wealth party, organized by Sir Richard Acland in 1943 and advocating a rather specialized kind of socialism, disappeared in the 1950 campaign. Fractions of the two major parties, originating at the time of the National Government of 1931, still persisted in 1945: National Labour and National Liberal. The latter elected candidates in 1950, but National Labour ceased to exist as a separate political organization.

Finally, it must be noted that there are normally a few Independents in every House of Commons: members who have deliberately refrained from affiliation with any party, and who have been able to achieve a personal victory in some constituency. As might be supposed, these men or women often have distinguished public careers, though it is unlikely that any of them could hold a ministerial post.

To summarize, the British political scene is at present dominated by two major parties: Labour and Conservative. One of these is

sure to be in office, often with the support of some of the minor parties; the other, by the same token, is in opposition, aided by others of the minor parties. The minor parties continue to engage in political activity, in the hope that they will one day win major-party status or succeed in inducing one of the major parties to carry out a part of their programs.

RECENT PARTY HISTORY

No American would attempt to explain to a foreign visitor the present political scene in the United States without making reference to events since 1932 or earlier. Likewise, the position of English parties which have just been characterized can be clarified further by a brief summary of the course of British politics since the end of World War I. The Conservative party program for 1950, for example, gives a brief account of the party's record from an even earlier date. The attitudes of the major parties is in considerable part determined by the problems they have faced and the programs they have proposed during the past twenty-five years. What Gladstone said in 1863 may not have much effect at present, but what Churchill did in 1923 is still a matter of significance.

Coalition Governments, 1918–24. World War I was conducted by a coalition of the Conservative and Liberal parties. The problems of reconstruction following that war were first met by a coalition led by the wartime Liberal prime minister, David Lloyd George, following the so called "khaki election" of 1918. Conservatives finally withdrew from the support of this government, won the general election of 1922, and formed a Cabinet under the leadership of Andrew Bonar Law. In this election the Liberal party split into two groups, one under the leadership of Lloyd George, the other under Asquith. The Labour party, with a parliamentary membership of 142, became the most coherent and effective opposition group. The prime minister's health failed at the end of the first nine months, and he was succeeded by Stanley Baldwin. Baldwin's views on the tariff question—he favored a form of moderate protection—necessitated in his opinion a new election to secure a mandate from the electorate. The Cabinet had suffered loss of public support during its term of office, and the election held in 1923, resulted in the end of the Conservative majority in the House of Commons. The Liberal and Labour parties, acting in coalition,

placed the first Labour ministry, led by Ramsay MacDonald, in office.

The First Labour Cabinet. The difficulties of this first Labour Ministry sprang in large part from the fact that it did not control a true majority. The Conservatives had the largest membership in the House of Commons, with 258 seats; the Labour party held 191 seats, and the Liberals, 159. Though the Ministry was able to carry through some domestic reforms and enjoyed some real successes in foreign policy, the association between Liberals and Labour was precarious, and in the autumn of 1924 a parliamentary defeat made an election necessary. That election was bitterly contested and was confused by accusations of Communist conspiracy, but it resulted in a victory for the Conservative party. The standing of the major parties in the House of Commons was then as follows: Conservatives, 412; Labour, 151; Liberals, 40.

Conservatives Again. Baldwin formed a Conservative Cabinet, and this government remained in office for a full five-year term, the maximum permitted under the Parliament Act of 1911. It is hard to explain why the government lost popularity, for its policies were moderate and reasonably successful—after it survived the dramatic interlude of a general strike called by the Trades Union Council in 1926 in an effort to force action on labor questions and particularly on the question of the organization of the coal industry. The period from 1924 to 1929 was one of great difficulty, and the economic problems which confronted the government were serious. When the election took place in the spring of 1929, however, the dissatisfaction of the people was revealed, for Labour polled 8,400,000 votes and secured 280 seats, Conservatives polled 8,800,000 votes, winning 260 seats, Liberals polled 5,300,000 votes and won 59 seats. Though the Labour membership was larger than in 1923, this distribution resulted in another Labour Ministry which had to depend upon Liberal support to obtain the necessary parliamentary majority.

The National Government. Ramsay MacDonald once more headed a Labour Government but again was unable to introduce the full program of his party. The economic and financial situation of England, confronted with the problems produced by a world economic depression, became steadily worse. In August 1931, with the gold reserve of the Bank of England rapidly diminishing, consultations between the major-party leaders took place, King George

V participating, and an emergency National Coalition Cabinet was formed, headed by MacDonald and including Baldwin and Sir Herbert Samuel, one of the leaders of the Liberal party. Both the Liberal and Labour party membership split on the question of supporting this National Government, and, while a parliamentary majority might have been mobilized to support it, the decision was made to hold an election. Again the campaign was bitterly contested, but the new leadership won a decisive majority, largely made up of Conservatives. The internal divisions in the Labour and Liberal parties appeared in the Parliament which assembled after the election: the government majority was made up of 472 Conservatives, 35 Liberal Nationals and 33 Liberals, 13 National Labour, and 8 Independents and Nationals; the opposition consisted of 52 Labour and 4 Independent Liberals.

This Cabinet remained in power for a full five-year parliamentary term, and strove with mixed success to meet the urgent problems of economic reconstruction and the dangers of foreign policy. The association between the various groups within the majority was always uneasy, and in the summer of 1935, when MacDonald retired from active participation in the Cabinet, Baldwin succeeded to the leadership.

The Second National Government. In November 1935 a national election was held, with the predominant issue centering around foreign policy. It was a favorable moment for the leadership to go to the country, for the Government seemed clearly committed to some system of international collective security, in the face of the aggressive foreign policies of Italian fascism and German nazism. The result was to return the National Government, but it practically ceased to be a coalition, as the figures of its parliamentary majority were Conservatives, 387; Liberal National, 33; National Labour, 8; National, 3; Independent, 4. The Opposition consisted of Labour, 154; Independent Labour (a more aggressive wing of the Labour party), 4; Liberal, 21; Communist, 1.

Cabinets in World War II. The problems of foreign policy became increasingly grave, and the government's prestige was seriously damaged by the widespread public criticism of the Hoare-Laval plan for dealing with the Italo-Ethiopian conflict, followed by the difficulties of the application of sanctions to Italy. Baldwin's conduct during the constitutional crisis which ended in the abdication of Edward VIII in 1936 restored his popularity considerably.

He retired from politics in 1937 after the coronation of George VI, and was succeeded by Neville Chamberlain, who had to wrestle with the diplomatic crises which finally culminated in the outbreak of World War II in September 1939. But Chamberlain was unequal to the task of organizing public opinion for the conduct of the war. After the successful German campaign in Norway and the rapid penetration of France in the spring of 1940, Winston Churchill succeeded to the prime minister's post and began his long and successful career as one of Britain's great war leaders. Parliament extended its own life by successive yearly acts beginning in 1941. Finally, after the end of war in Europe, it was possible to hold an election, with the result that has been described in Chapter 3 and at the beginning of this chapter. The victory of the Labour party should not be interpreted as expressing ingratitude toward Churchill's brilliant leadership during the war but as an expression of public opinion on the desired general direction of postwar policies of reconstruction and reform.

One general aspect of this record since 1918 is sufficiently striking to call for comment. The normal practice of British Cabinet government is to have a government, led by one party, in power, while the other party is in opposition. This has not been true for the years since 1918—during a good part of that period coalition governments guided the destinies of the country. The years between the two world wars were years of political transition; and the Labour party gradually assumed the place of a major party. Although minor parties have always existed and will continue to advocate policies distinct from those of the major parties, the immediate future seems likely to show a return to the traditional form of political contest, with the Labour and Conservative parties carrying on the struggle for power. A full comprehension of the party battle must therefore include a knowledge of how the two parties are organized, from the directing staff down to the rank and file.

THE PARTIES IN ACTION—THE CANDIDATE AND HIS ELECTION

Each of the parties must maintain organization to achieve their purposes. This structure of the parties can be most vividly set forth in terms of an imaginary but typical political career.

An English election is won not in the nation as a whole but in

the districts of the nation called parliamentary constituencies. In Chapter 4 it was explained that a majority in the House of Commons—and with it the power to form a Cabinet and take over responsibility for policy—is the reflection of victories in a majority of the constituencies. Naturally, each of the parties is vitally concerned with the choice of candidates who stand a reasonably good chance of winning. In a "safe seat," where there is a long-established dominance for a party, almost any respectable and regularly affiliated candidate can win. In a "doubtful seat," personal merits and abilities may have a decisive effect

Local Party Committees. Two party agencies participate in the choice of the person to contest a constituency. The local party committee, chosen informally by the party membership, is often able to select the candidate and place his name on the ballot This is simple when the incumbent is ready to stand again, provided that he has a good record. However, the local committee may be confronted with a problem—the present M.P. intends to retire from politics, or he has been involved in some personal difficulty or political irregularity, and a new candidate must be found. Sometimes it is easy to find one within the party ranks in the locality. An active town or county councilor, a well known citizen, a wealthy businessman who can contribute substantially to the expenses of the campaign—any one of these may be acceptable to the local party committee These committees, it should be added, function in about the same way in each of the parties, but the membership varies from party to party. A Conservative local committee is likely to include several of the landed gentry, some local businessmen, a few workers, a Labour party committee is sure to include some of the local secretaries of trade unions, a few professional or business people, and perhaps a few small farmers.

The Central Office. If the local committee finds itself in a difficulty, with no satisfactory candidate available or no agreement on one, it is likely to apply to the central organization of the party. Each of the national parties maintains in London what is called a central office. This is the national headquarters, roughly comparable to those of the Republican or Democratic National Committee in the United States. It differs from an American party headquarters in one important respect—because an election may occur almost any time, it is continuously active, not merely when there is a general election The Labour party has several floors in a Lon-

don building, called Transport House; the Conservative party is located in Abbey House. Both are not far from the Houses of Parliament in Westminster. These party headquarters are what might be expected: a staff of secretaries, legal advisors, publicity agents, publication bureaus, committee headquarters, financial officers, and all the mechanism of a big nation-wide organization.

Types of Candidates. Suppose that the local committee of some party decides to apply to the national headquarters for suggestion of a candidate for the election considered likely to occur in the next few months. It writes, or sends a few of its members, to the central office. There the national secretary of the party has a nation-wide file of promising candidates: young men who have made distinguished careers in the debating societies of the universities, such as the Oxford Union or the Cambridge Union; retired business or professional men who have money enough to finance their own campaigns and who wish to enter upon a political career; trade-union secretaries who have made a reputation as able officials and whose friends might put up a little money for the campaign; journalists, authors, or scholars who have national reputations. These potential candidates have either approached the central office and asked for the opportunity to stand for Parliament, or national officers of the party, observing their abilities, have asked them if they would be willing to enter politics. The members of our local committee meet and interview several possible candidates, and finally decide to nominate and support one of them.

The well-established tradition that a member need not reside in the constituency he represents has made possible this wide recruitment of candidates. In the United States a member of the House or the Senate must, by the Constitution, live in the state he represents, but in England this is not the case. Very often a young man, just out of one of the universities with a distinguished record in his studies and in extracurricular activities, becomes acquainted with one of the party leaders. His family is ready, often eager, to have him make politics a career, and is willing to contribute to his campaign expenses. If he and his family have little money, but his abilities are clearly unusual, the national party organization, or his friends, may be willing to give financial assistance. As already stated, a business or professional man frequently will put up the money for a campaign because the prestige of a political career, and a genuine desire to serve the public, leads him into this new activ-

ity. In the Labour party—and occasionally in the Conservative or other parties—an effective performance in the leadership posts of the trade-unions makes a man a good candidate.

More should be said concerning the independent candidate. He (or she) possesses some of the qualifications described above, but is unwilling to affiliate with any one of the parties. In that case it is possible to contest any constituency, though the chances of success are diminished. But personal abilities and resources can overcome these obstacles, and an independent committee can be assembled in the constituency. Fourteen independent candidates in 1945, but only one (the speaker) in 1950, won seats in Parliament.

If our imaginary candidate won the election, he takes up his seat in the House of Commons. If he failed dismally, he may never have a chance to continue a political career. If he lost but made a creditable showing, he is regarded as more promising than ever; and he will probably have another opportunity, either at a by-election, or the next general election, to try again. Often his second chance may be in a more favorable constituency.

THE PARTIES IN ACTION—THE M.P.'S PARLIAMENTARY CAREER

Once in the House of Commons, our newly elected M.P. wants to get into the more important leadership functions of the party. This is equally possible whether his party won or lost the election; in the majority party the Ministry offers opportunities, in the Opposition the "Shadow Cabinet" is the leadership group which will take office after some future victory. Even in the minor parties, or among the independents, the possibility of being chosen by a major party for a ministerial post exists, as a reward for energy and ability demonstrated in the House and outside it.

Since the offside political career is so precarious, it is better to assume that our man is affiliated with one or the other of the major parties. It is likewise more useful to assume that he is a man. While it is true that recent Cabinets have included women, British politics is still predomin[redacted]game. Finally, since it would be desirable to a[redacted]s for our convenience in observing it, let us [redacted]ume that h[redacted] into office as part of a nation-wide victory of his party, and t[redacted]e is, consequently, a member of a government majority

Whips and M.P.'s. The first obligation he must fulfill is easy: he must see the chief whip of his party, or the chief whip or one of the assistant whips will see him. All of these party officers hold government offices, and draw government salaries, and, though their duties are almost exclusively connected with the party organization in the House of Commons, they earn their pay in making the House efficient in the transaction of business. The chief whip holds the office of parliamentary secretary to the treasury, and the assistants hold office as junior lords of the treasury, and sometimes as financial officers of the royal household. The whips are also recognized as important in the general organization of the party, and spend a good deal of time in its Central Office. Corresponding to these government whips are the opposition whips, who are sustained in their arduous labors by the hope that their party will sometime achieve power, and then they will be rewarded by the salaries and perquisites which are now held by their opposite numbers. Government and Opposition whips are assigned offices opening off the main lobby of the House of Commons.

The whips serve to keep the party majority in line. When an important division occurs—the House votes by "dividing," that is, the members march out into lobbies on each side of the chamber, choosing their lobby to indicate whether their vote is "yes" or "no" on the question—the whips serve as tellers, so that members are aware that their conduct is closely scrutinized and reported to the leaders of the party. The whips send around little notes to the members of their party, warning of the approach of significant divisions, underscored as many as three times to indicate the degree of obligation to appear and vote. This duty is one of their most essential tasks, for the necessary majority must be assured on all important government bills.

Our promising new member finds out quickly, however, that he has much more to do with these party officers than simple obedience to their instructions regarding voting. If he wants to speak on a question, he discovers that his chances are improved if the whips have been informed of his intention; if he wishes to introduce a motion, its progress is assisted by many arrangements which lie within the whips' control. The slang of the House describes these arrangements as made "behind the Speaker's chair." Occasionally he is sought out by these same officers, and rebuked for indiscreet remarks in debate or impulsive statements to public meetings or the press.

Soon he is conscious of the fact that his merits are judged by these men, and that his occasional helpful remarks or suggestions attract the attention of party leaders. He sets himself, then, the task of impressing his fellow party-members in the House with his industry, ability, and good sense. He may even, if at all capable of it, strive for brilliance of expression and comment—though he is cautious in this respect, for although England always "expects every man to do his duty," she is likely to distrust him if he is too infernally clever about it. He learns fairly quickly, by studying the performance of his party leaders, that the best way to convince them and his colleagues of his value, is to give the impression of slightly better than-average abilities coupled with remarkable willingness to work hard at his job.

The M.P.'s Work. He also tends to develop a special field of knowledge as the best way of making himself useful to his party, to his country, and to himself. He may become, in an enlightened amateur way, an expert on government finance, putting in long hours of study and interviews of government officials, or he may build up a solid knowledge of local government problems, social insurance, or business regulation; or he may come to be a man exceptionally well informed on the colonies the dominions, or the vital aspects of foreign policy. If his gifts are truly unusual, he may set for himself the most difficult of all activities: gaining the reputation of being an effective all round debater, able to say something sensible, lively, even witty, on most aspects of public affairs. If he makes a mark in the debates, serves intelligently on committees, votes faithfully on the right side of most important questions, his merits will attract the attention of the whips, and will be communicated to the leaders of the party. While this may seem at first glance a very high premium to set on speaking ability, it is only necessary to remember that the world of the twentieth century is, more than ever before, run by talk—the talk of business leaders in conferences, of labor leaders in industrial relations, of advertising men in developing promotion schemes, and so on.

Junior Ministers. Our young man does such things as these, and at the same time maintains satisfactory relationships with his home constituency so that he seems reasonably certain of re-election when the time comes round. He is soon—sometimes in his first term—regarded as "ministerial timber." He may have to survive a period when his party is in opposition, but he is invited to some of the conferences of the leaders, and feels confident that he is pro-

gressing in his political career. From then on his progress is fairly rapid—he becomes a junior minister such as one of the joint parliamentary secretaries of the Board of Trade, and acquires sound experience in meeting administrative problems. Then, provided he does not have the misfortune to suffer some conspicuous scandal (such as the 1948–49 Lynskey Tribunal investigation of John Belcher in that very office, discussed later on page 178) or is not forced by circumstances or his conscience into opposing his party's program on some major issue, he rises to one of the Cabinet ministries. Perhaps he may even become a prime minister.

THE PARTIES IN ACTION—ORGANIZATION AND METHODS

The foregoing quick sketch of a political career has served to suggest the general outline of party organization and activity. The two diagrams on pages 134 and 135 show that there are many features of the major parties which call for more extended and careful explanation. The diagrams are complicated, because the organization used by both parties is complicated. Since there is a general resemblance between Labour and Conservative party structures, it will be dealt with level by level rather than party by party. Constituency, area, and national organs are necessary to the functioning of both major parties.

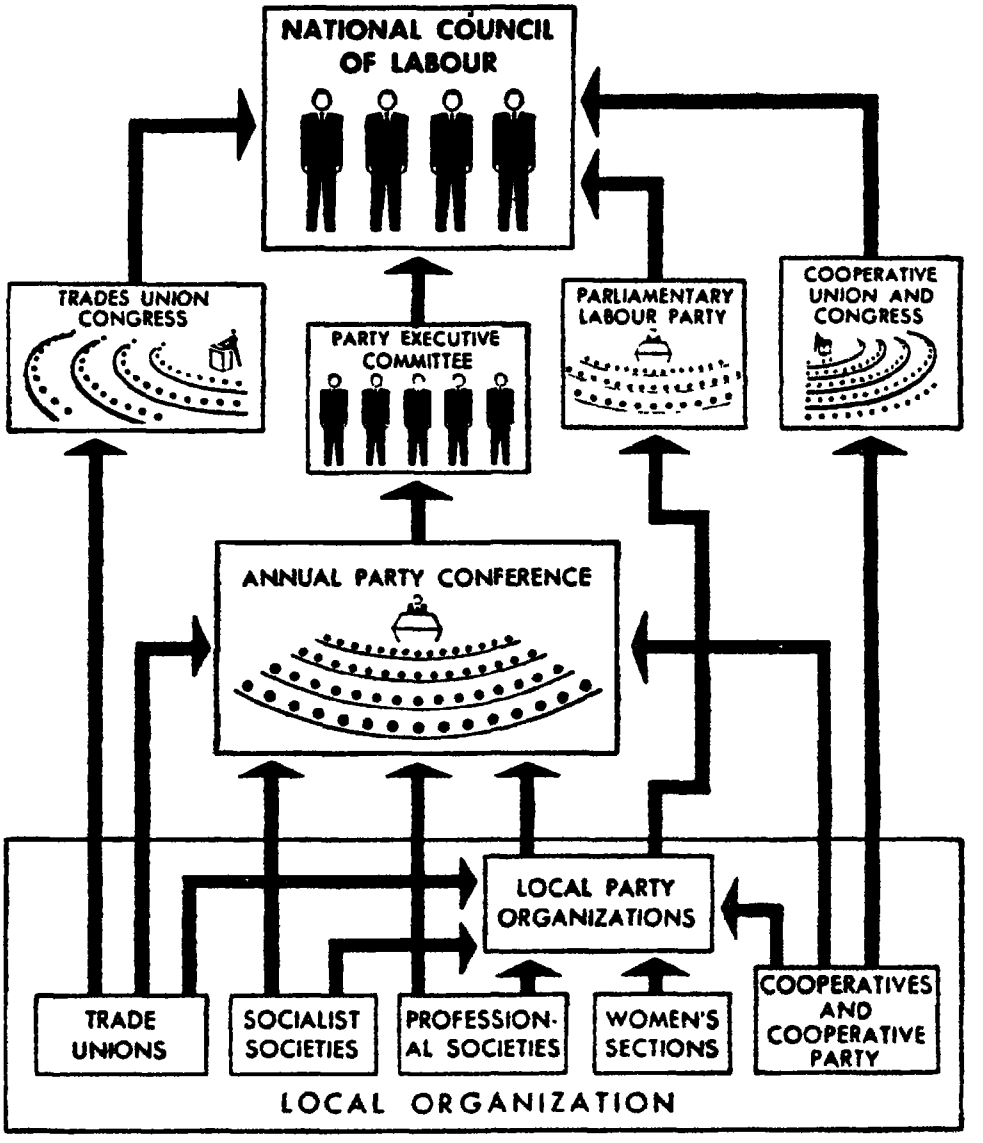
Local Constituency Organization—Labour. Clement Attlee, who may be regarded as an authority on, as well as an authority in, the Labour party, refers to the constituency organization as a "divisional Labour party" in the manner of most Labour members. The clue to the complexities of Labour party organization should be stated at the outset, because if it is remembered the pattern is much more intelligible. The history of the party is a story of association between different organizations, and it is therefore *federal* in structure. Most members are members by virtue of belonging to an affiliated organization: a trade union, a socialist party, or a cooperative society. This does not exclude individual memberships, which have been encouraged ever since 1918. But it is true that the party must make provision for the association of groups, and this gives it the interlocking arrangements which appear in the diagram. Similar interlocking arrangements, affiliating various organizations, exist in the general committee in every constituency.

Trade-union branches, socialist societies, cooperative organizations, professional societies, women's sections, and other organizations are represented on the general committee by delegates, in numbers fixed by the rules of the local (divisional) party. The test of affiliation is always the same—for example, a trade-union branch contributes to the funds of the party and is therefore entitled to a delegation in the meetings of the general committee As might be expected, this is a large body. In order to carry on routine business, it elects an executive committee which serves as a inner steering group. Individual members, also contributing to party funds, are organized in the ward and polling district committees within the constituency and receive their due share of delegates to the general committee. The functions of the general committee and its executive committee have already been suggested in the treatment of a political career. Next to selecting candidates, its most important duty is the discussion of questions of general party policy in order to instruct its delegates to the annual party conference. In addition, it recruits members, collects funds, and encourages all sorts of political and social activities designed to build up enthusiasm for the Labour cause in the locality.[3]

The way that an affiliated organization works with the party is best illustrated by an example. In the London area the various branches of the Railway Clerks Association maintain a London Political Advisory Council. This council is made up of delegates from various branches of the union scattered through the London metropolitan area. It holds a monthly forum on political questions and economic problems, which is addressed by college professors, M.P.'s, and members of the Ministry. It conducts a week-end school at Eastertime, devoted to the same general purpose. Speaker's classes are offered for its members, and these and other projects of similar kinds are kept going on a total budget which runs just over £1000 a year. The interest in the forum meetings is lively and informed. What has been said of this organization could be repeated, with appropriate variations, for cooperative societies, socialist groups, and other affiliated organizations in constituencies all over England.

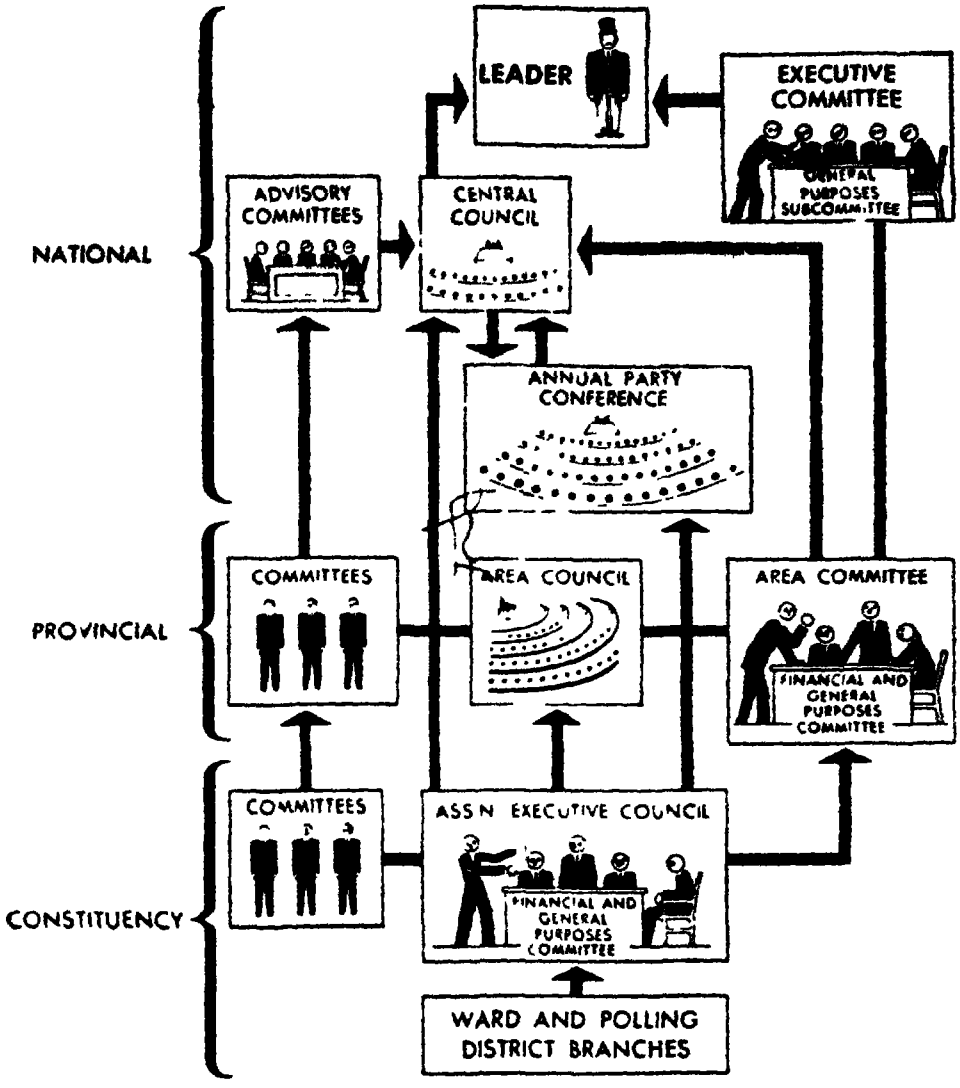
[3] For a detailed, official description of all these bodies and their activities, see Croft, Harold, *Party Organization*, 8th ed. (London, 1948), published by the Labour Party Central Office. For a sympathetic but discriminating picture of the "penny-a-weekers," the ordinary members of the party and its affiliated organizations, see Strauss, Patricia, *Bevin and Co.* (New York, 1941.)

THE ORGANIZATION OF THE LABOUR PARTY



For reasons explained in the text, this diagram is complicated. It is somewhat misleading to show the Parliamentary Labour party as a body representing local party organizations, but the implication is not seriously incorrect. The local party organizations organize campaigns, carry on steady party work, and get candidates elected. The lofty position given to the National Council of Labour merely indicates that it is a "committee of committees," occupied with the task of coordinating views and actions among the diverse affiliated organizations. The chief sources for this diagram are Attlee, C. R., *The Labour Party in Perspective and Twelve Years Later*, Croft, Harold, *Party Organization*, and Greaves, H. R., *The British Constitution*, 2d ed.

THE ORGANIZATION OF THE CONSERVATIVE AND UNIONIST PARTY



In official party diagrams the Annual Party Conference is not assigned a place. It is included here to show that it meets once a year at the call of the Central Council and makes recommendations to that body and to the leader and the parliamentary leadership. To simplify the diagram, such organizations as the Young Conservatives, the Young Britons, and the Primrose League have been omitted. The principal sources for the diagram are *The Party Organization*, a publication of the Conservative and Unionist Central Office, and Riley, E. S., *Our Cause: A Handbook of Conservatism*, 2d ed., with a commendatory foreword by Lord Woolton, chairman of the party. The underlying similarities of local, provincial, and national organization should be noted for both parties.

Local Constituency Organization—Conservative. The Conservative party, not being federal in structure, has a slightly different local organization. Nevertheless, in all essentials its local unit, called a Conservative and Unionist Association, exhibits very similar features. There are branches in all wards and polling districts, and members of these branches are simultaneously members of the local association. Occasional general meetings of the Association, made up of delegates from all the branches, are called. The executive council of the Association shows a similar structure, and its finance and general purposes committee serves as an inner steering committee. Affiliated with these organizations are the Young Conservatives, with rights of representation on the council. The Young Britons, still below voting age, also participate in party activities.

To extend its influence into fields comparable to those of the affiliated organizations of the Labour party, the local Conservative Association maintains a series of committees: trade unions, education, women's advisory, and others. These committees, as the party diagram shows, have an upper hierarchy at provincial and national levels. The range of activities of the executive council of the Association is closely comparable to that already described for a divisional Labour party's executive committee.[4]

A considerable number of auxiliary organizations are maintained by both local and national party organizations. These have the effect of matching the performance of the affiliated societies of the Labour party. One of the oldest is the Primrose League, formed to commemorate the services of Disraeli and named after his favorite flower. Its local habitations, as they are called, conduct a wide variety of social and political activities. There are also Conservative clubs in localities and in the universities, which are linked together in a national federation.

A good sample of contemporary action is furnished by the Conservative College of the North, located at Swinton in Yorkshire. In 1949 its announced series of weekly courses ran from March 25 to June 7 and covered such subjects as "The Industrial Manager and Modern Problems," "Nationalisation," "Social Security," and "Foreign Affairs." The lectures offered in these courses were delivered by distinguished experts as well as by exponents of the party's views.

In fact, the average American feels some surprise when he ob-

[4] *The Party Organization*, Conservative and Unionist Central Office, Organization Series, no. 1 (London, 1947).

serves that a fair proportion of party activities in England, both Labour and Conservative, might be quite accurately described as adult education and research. Actually the reason for this is obvious: it is merely the modern form of "educating our masters." Given the difficulties of the British position in the world, every political party is forced to do more than merely excite its members by propaganda. It must *teach* and *inform* them so that they understand the nature of the problems for which it proposes solutions in its program.

Provincial or Area Organization—Labour and Conservative. As the diagram of the Conservative party shows, there is a good deal of emphasis placed on provincial organization, and the boundaries of twelve provincial areas have been defined. The Central Office of the party maintains a branch office in each area, and area councils are representative of the local associations. Provincial headquarters give aid to local groups, and coordinate their activities. The Labour party makes less use of area organization, but it does maintain nine area headquarters. This area organization is not shown on the Labour party diagram, because it is not yet of very great importance.

In both parties it is a little difficult to estimate the importance of area organization. It is the most recent addition to party machinery, and until regions become more important in national and local government these party organs are likely to be limited in their functions.

The National Party Conference—Labour. The Labour party conference is correctly reported in the press of the world as a significant event in the formulation of the party's policies. Delegates to the conference are chosen on the basis of the strength of the organizations they represent, and the conference reflects the federal nature of the party. Voting is by a system called "card votes," each delegate carrying cards representing every thousand votes of his particular organization. This voting system, while it fits precisely the need to represent the strength of the affiliated organizations in the movement, has long been the subject of criticism because casting of blocks of votes gives a great deal of voting power to the trade unions, and a corresponding weight to the views of the Trades Union Congress. So long as the federal character of the party is maintained, this voting procedure is likely to continue.[6]

The Executive Committee is elected by the annual conference,

[6] For a temperate and careful discussion of this problem, see Attlee, C. R., op. cit. pp. 77–79.

and it is the duty of the existing Executive Committee to propose a program before the conference meets. In 1949 this was published in the last week of April, under the title, "Labour Believes in Britain." Time was thus allowed for every divisional party to consider the program in its meetings during May and arrive at decisions. After such discussions, delegates are instructed on the attitudes they are to express, and the propositions they are to vote for or against, when they attend the conference in the first week of June (Whitsun, by the traditional English calendar). This procedure should not suggest that the meeting is cut and dried in advance. Debate is lively, often heated, and intentions formulated beforehand invariably alter during the course of discussion.

The National Party Conference—Conservative. The annual conference of the Conservative party, like that of the Labour party, is made up of delegates from the local associations. Unlike the Labour conference, there is equal representation with three delegates from each association, regardless of the size of its membership. The conference discusses questions, and passes resolutions and recommendations. It has long been the case, however, that these decisions influence but do not decide the course of party policy.

Both party conferences are limited in their influence by the Cabinet system. Decisions must be made daily by both the Cabinet and the "Shadow Cabinet." Annual party meetings cannot foresee the course of events which may have a determining effect upon the forming of policy. Nevertheless, the Labour party has always insisted that its annual conference defines the main lines of policy, in conformity with full representation of group viewpoints and wide opportunities for debate by the accredited delegates. Not unnaturally, Conservatives make similar, though less insistent claims for their annual conference. It is appropriate to point out to the American student that once a year is four times as often as the quadrennial conventions of the political parties in the United States.

National Committees and Central Offices—Labour and Conservative. The Labour Party Executive Committee, usually referred to as the "Party executive," consists of twenty-two members elected by the annual conference, and certainly it exerts a good deal of influence on the policies arrived at by the leaders. Much as in the case of the annual conference, however, it must operate within the

limits of the Cabinet system. Besides this body, the federal nature of the party made necessary the National Council of Labour, a committee of committees, which is designed to reconcile the views of the various organizations which are affiliated in the movement.

The Conservative party Central Council—its full title is the Central Council of the National Union - is a larger body than the Labour Party Executive because it includes delegations from the local associations. It therefore meets less frequently and probably has less direct effect upon the actions of the leadership. Its various advisory committees, which reflect the hierarchy of committees, channel their suggestions through the council to the leaders. The leader of the party has, by long tradition, a very powerful influence. By his declarations he can often give a definite direction to the party's policy. This need not be regarded as undemocratic, because in both parties the leaders are the product of the rigorous process of selection imposed by election from constituencies and public competition in the Commons' debates.

Enough description has been given earlier in this chapter of the Central Offices. Both are busy national headquarters, and, beyond the fact that Conservative headquarters seem a little more imposing, one is much like the other in its activities. Both are important and influential. If the student imagines several floors of office building, containing committee rooms, libraries, publication and promotion divisions, manned by a few hundred people, he can do as much for himself as several pages of description could do for him.

Party Finance—Labour and Conservative. There is a striking contrast between the two major parties in the way in which they raise funds to conduct all the activities which have been described in this chapter. In the first place, the Labour party publishes an annual financial statement, while the raising and expending of Conservative funds has always been secret. Somewhat to the surprise of observers, the Labour leadership has not as yet introduced legislation to compel publicity for party finances. Were it required, it would undoubtedly show that much of the Conservative war chest comes from large contributions, though the party makes a continuous effort to obtain subscriptions from all its members. The federal structure of the Labour party assists materially in collecting a large number of penny-a-week subscriptions. The facilities for collection provided by the affiliated organizations can be used. Trade unions, cooperative societies, and socialist groups add the amount of the

political contribution to the dues they regularly collect from their members. In any case, the annual expenditure is not of an alarming order of magnitude. The Labour party raises and spends about £40,000 to £50,000 a year, and the Conservative party budget probably is not a great deal larger.[6]

Related to the subject of party finance is one other matter of business—the functions of the local party agent in every constituency organization of each party. The Conservative party now insists that he or she should be certified by an examining board of the party. In both parties the agent is a paid official, whose salary comes largely from funds raised for or furnished by the candidate in that locality. Control of election expenditures is subject to restrictions set by law, as has already been explained in Chapter 4.

Many of the details of party organization are subject to change from time to time. It is worth while, therefore, to repeat that the essential features of English party organization are set by the pattern of the Cabinet system, as the diagram on page 111 indicates.

The picture given of the two major parties is generally applicable to the minor parties, with the difference that most of them are not able to maintain a nation-wide organization, and are forced to leave many constituencies unorganized.

POLITICS AND PUBLIC LIFE

This picture of the mechanism of politics—the contemporary trends in British politics will be dealt with in a later chapter[7]—may properly be concluded with a few cautious generalizations. It has been suggested in this, and the preceding chapters, that the general tone of English public life is respectably high. Public interest in community affairs is lively and continuous, and the quality of political leadership and administrative personnel is good. The pattern of politics contributes substantially to this situation.

In the first place, politics offers a career comparable to one in business or the professions. It recruits promising young people and energetic older people from the universities, the labor unions and working class organizations, the professions, and business. It offers advancement from the position of the M.P. to the greater prestige

[6] The best description of English party finances is found in Pollock, J. K., *Money and Politics Abroad* (New York, 1932). This also contains an illuminating analysis of party structure and activity, still correct in all essentials.

[7] See Chapter 10.

and salary of the Cabinet Minister. Like political activity in any country, it furnishes a chance to give real service to the nation, and it rewards that service more effectively than does the precarious career of politics in the United States. In addition to all this, the English community has been schooled by the developments during the nineteenth and twentieth centuries to full realization that the public's business is of vital importance to the welfare and happiness of every private individual.

Although the national sensibilities of the American student may be offended, it can be said that the average public performance of English leaders is somewhat higher in quality than that reached in the United States. Great statesmen are no more frequent in England than in America—but great statesmen are rare in every national community. The organization, the methods, and the membership of English parties give assurance that the average political career will display the characteristic British virtue of solid respectability—and as for the remarkable man his chances in England are as good as or better than in any other great state of the world.

READINGS

As yet there is no satisfactory history of the parties. Notice the materials and books cited in the footnotes to this chapter. In addition, some books, of the many special studies and general works on English government, may be cited:

Lowell, A. L., *The Government of England* (New York, 1921), Vol. I, chs. xxiv–xx, vol. II, chs. xxxi–xxxvii.

Muir, Ramsey, *How Britain Is Governed*, 3d ed. (London, 1935).

Ostrogorski, M., *Democracy and the Organization of Political Parties*, rev. ed., 2 vols. (New York, 1922). This is a classic work of scholarship.

Pollock, J. K., *Money and Politics Abroad* (New York, 1932). A very illuminating brief survey is given in the section on English parties, with emphasis on party financing.

A few specialized studies of the chief parties repay reading:

Brand, Carl F., *British Labour's Rise to Power* (Stanford University, 1941). A careful and objective history of the Labour party.

Feiling, K., *History of the Tory Party, 1640–1714* (London, 1924) and *The Second Tory Party, 1714–1832* (London, 1937).

Fyfe, H., *The British Liberal Party: An Historical Sketch* (London, 1928).

In addition to these, the biographies, and especially the autobiographies, of British statesmen shed much light on the nature of the English political career.

Finally, some source materials should be mentioned. the party manifestoes during the election campaigns. the official programs and publicity materials of the parties, the year books published by the major parties.

English newspapers and periodicals publish numerous articles analyzing the contemporary political situation. The names of a few are: The London *Times* (Conservative in outlook); the *Manchester Guardian* (Liberal); the *Daily Herald* (Labour); the *Political Quarterly* (a scholar's journal); the *Contemporary Review*; the *Economist*; and many weeklies such as the *Spectator* and the *New Statesman and Nation*.

Chapter 6

SOCIAL PLANNING AND CENTRAL GOVERNMENT DEPARTMENTS

Although a Labour Government after 1945 carried out an extensive program of social reforms and socialization of economic activities, a large part of the work of British government lies in the continued performance of tasks undertaken during the course of the nineteenth century. In this respect England merely exemplifies the history of all the great urban and industrial communities of the world. In every country, the last century and a half has led to the extension of the range of government action, in order to meet the problems of what has been suggestively called "The Great Society." Any consideration of British government should begin with some notice of the specific effects of this development upon British life.

The Impact of the Industrial Revolution. As was noted in Chapter 1, the full force of the Industrial Revolution was felt in England in the nineteenth century, with resulting effects upon social and political conditions. With the growth of the factory system of manufacture, people crowded into towns and cities, and population expanded at a rapid rate. The population of England increased nearly four times during the nineteenth century, and the urban population rose from less than one quarter to more than one half of the total by the beginning of the present century.

Conditions of work in the new factories and conditions of living in the new towns engaged the attention of reformers and led to the intervention of public authority to alleviate hardships and remedy injustice in these changing circumstances. In England the first reg-

ulations were imposed upon the factories; and from 1802 to 1833 there were enacted a series of Factory Acts which eventually imposed real control upon child labor, required precautions for safety of workers, and limited working hours. The reform of the Poor Laws in 1834 was quickly followed by further social regulations, particularly the establishment of a Board of Health in 1848. The repeal of the Combination Acts in 1824 and 1825 permitted the organization of trade unions, and their legal status for purposes of collective bargaining were defined in the Acts of 1871 and 1875. Education was aided by public grants after 1833, and public elementary education was established in 1870. National insurances for health and unemployment were not provided until 1911, but throughout the nineteenth century the power of the state was steadily extended to regulate economic activities, to relieve social distress, and to offer social services. It has been suggested in Chapter 1 that these reforms were the result of evolutionary adjustments rather than of the application of a consistent socialist philosophy.

THE TASK OF BRITISH GOVERNMENT IN 1945 AND AFTER

What has just been said should suggest that much of the tasks undertaken by British government under Labour leadership are duties which would be required of any English government. The years between the wars, and the problems of reconstruction after World War II have enlarged the total responsibility which the government must meet. An exhaustive catalogue of its functions would occupy pages of fine print; but the main outlines of its activities may be conveyed by grouping them into broad categories.

Established Functions. First of all, what might be called the regular, traditional functions of government must be carried on: defense; the conduct of foreign, imperial, and Commonwealth relations; domestic policing and law enforcement; the full range of local government functions and central supervision of them, regulatory functions with regard to industrial, commercial, and business activities; the regulation and encouragement of agriculture and conservation of natural resources; the wide range of functions performed by the post office, including telephone and telegraph as well as handling the mails; and finally, the planning and administration of government finance. Nearly every one of these tasks has increased in difficulty and complexity during the period of postwar

In a second category might be placed the social services which have been discussed above: education, which has been extended in purpose and range since the Act of 1944; the health and employment insurances; the regulatory functions in connection with public health and welfare.

In a third classification there are the economic enterprises carried on by government corporations, established before 1945: the central electricity supply, the London Port Authority, the London Passenger Transport Board, the British Broadcasting Corporation.

New Functions. This rough and incomplete classification displays a wide variety of functions, and it is obvious that these have all increased in complexity during and since World War II. In addition to these well-established duties, the government has assumed new responsibilities under the Labour leadership. There has been an extension of nationalization to key industries and institutions, such as the Bank of England, the coal industry, rail and road transport, gas, distribution as well as production of electricity, cable and wireless communications, and the purchasing of raw cotton. The wartime control of prices, the rationing of food, and the allocation of materials in short supply have all been maintained, in view of the stringency of the exchange position and the need to inhibit imports and stimulate exports. Finally, there have been extensions of the social services, particularly the health service which provides free medical services for the whole community. There is also a government housing program.

In addition to undertaking the specific functions just mentioned, the Labour government also proposes to plan the economic activities of the community. Part of the economic planning is a natural consequence of the socialist program. Much of it would have to be done by any government in power, because of the necessities of postwar reconstruction in England and in Europe.

Taken altogether, this is a formidable list of tasks and engages the activities of nearly a hundred central government departments and agencies.[1] At least thirty of them are of sufficient importance to be headed by a secretary of state or a minister. The civil staffs required to perform the regular work of all these departments (ex-

[1] *Fifth Report from the Select Committee on Estimates*, H.C. 143, 1946–47, speaks on p. viii of "approximately 100 departments." H.M.S.O. occasionally publishes *His Majesty's Ministers and Heads of Public Departments*, and the issue for April 1949, shows over 90 separate establishments. The booklet itself runs to 48 pages, listing departments and their principal divisions and branches.

cluding industrial workers employed in various defense departments and in the Ministry of Works) totaled over 374,000 in 1939, rose to a postwar peak of over 722,000 in 1947, and in October of 1948 still numbered over 711,000.[2]

THE GENERAL DESIGN OF THE CENTRAL GOVERNMENT ORGANIZATION

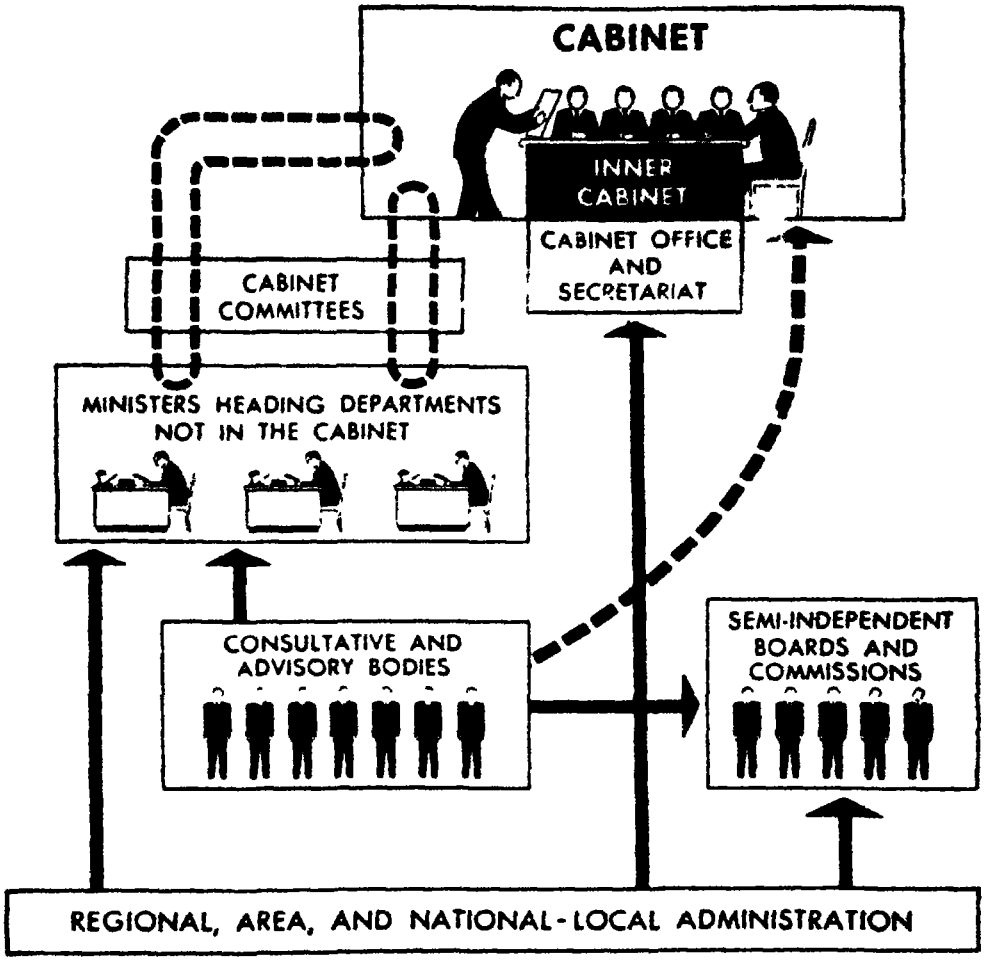
A list of more than a hundred departments and semi-independent agencies would convey, of course, a conception of this range of functions. Such a list is occasionally published and has already been referred to on the preceding page. Relationships of these agencies to each other also suggests the way in which administration is carried on. (The student should remember that the actual list of departments changes from time to time.) The Cabinet has the power to modify the distribution of work by statutory rules; and hardly a session of Parliament goes by without modification of departments and departmental functions by statute. The two following pages, therefore, give a diagram and a tabulation of the principal departments and their relationships to the Cabinet and to each other. The student should remember that while this presentation will remain substantially accurate, any precise account must be brought up to date from time to time by reference to the official publications which have been mentioned.

The Cabinet and the Central Government Departments. In Chapter 3 the functions of the Cabinet in formulating policy have been explained. Leadership in policy also implies, in the British parliamentary system, a corresponding leadership in the responsibilities of administration. The following diagram and tabulation give a graphic expression of how this works out in practice. A little comment on some of the features displayed in the diagram is needed, however, to make it clear.

Present-day Cabinets have for a long time made use of committees in order to give careful consideration to proposed action, and the Labour government is probably making increased use of this technique. The diagram suggests that these committees often recruit members from the ministers who are not formally members of the Cabinet. Sometimes the number of these committees, and

[2] *Ibid.* p. xvi, and *Staffs Employed in Government Departments* Cmd 7571, October 1948.

THE CABINET AND THE CENTRAL GOVERNMENT ORGANIZATION



their respective subcommittees, rises as high as twenty. The committees indicated in the tabulation are standing committees. Their function is to work out the chief aspects of a problem and make recommendations with regard to it, so that there can be economy of effort and quick concentration on essentials in Cabinet meetings. During the latter part of the nineteenth century and the first four decades of the twentieth, the increase of government functions, and the corresponding increase in the number of department heads, has made it necessary to divide up the work in this fashion.

The diagram and the tabulation do not show the functions of the junior ministers—parliamentary secretaries and undersecretaries. As suggested in Chapter 3, they are assistants to their respec-

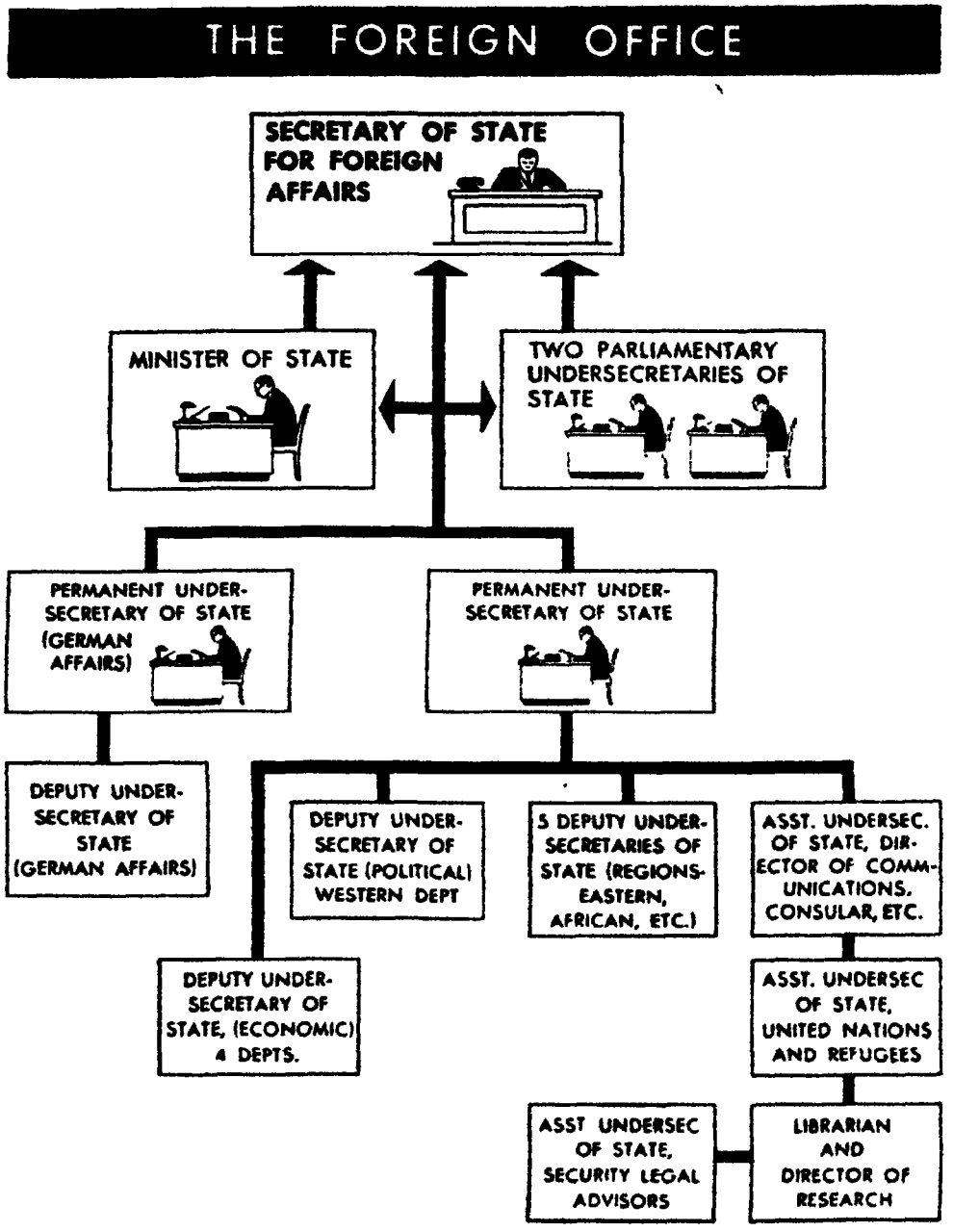
BRITISH CENTRAL GOVERNMENT AND ADMINISTRATION

CABINET (17 Secretaries of State and Ministers)	**"INNER CABINET":** Prime Minister (Attlee), Secretary of State for Foreign Affairs (Bevin), Chancellor of the Exchequer (Cripps), Lord President of the Council (Herbert Morrison) **CABINET:** The above four and other Secretaries of State and Ministers
CABINET OFFICE AND SECRETARIAT	Furnishes information and coordination services to the Cabinet. *Secretary, two Deputy Secretaries, directors* of the Central Statistical Office, of the Economic Section, and others
CABINET COMMITTEES (Standing and temporary, as many as 20 depending on needs)	**DEFENSE:** Chairman, Prime Minister; Deputy Chairman, Minister of Defense **PRODUCTION:** Chairman, Chancellor of the Exchequer **LORD PRESIDENT'S COMMITTEE:** Chairman, Lord President of the Council
MINISTERS NOT IN THE CABINET (15 Secretaries of State and Ministers)	Includes Admiralty, War, Air, Transport, Food, Town and Country Planning, and others. These occasionally meet with the Cabinet, and often serve on Cabinet Committees
CONSULTATIVE AND ADVISORY BODIES	Economic Planning Board; National Production Advisory Council; Working Parties for Industries These bodies, with official and nonofficial membership, advise ministries and Cabinet committees
SEMI-INDEPENDENT ADMINISTRATIVE AGENCIES	Various government corporations and boards for nationalized industries, such as the British Broadcasting Corporation or the National Coal Board; also some traditional boards, such as the Board of Inland Revenue or the Charity Commission
REGIONAL AND LOCAL ADMINISTRATION	Regional offices of various ministries such as Labour and National Service or Food; area boards of government corporations and nationalized industries; joint administration by national and local authorities, as in the case of Town and Country Planning

tive chiefs. For reasons already given, it is difficult to define the junior minister's tasks. They depend in large part on his personal relationship to the minister, and on his general position in the party. Sometimes he is just an aide. Working with the permanent undersecretary and other high officials in the department, he brings together the essential facts and data upon which decisions should be based. He almost always speaks for his chief, or with his chief, in discussions in Parliament which bear on the work of his department. Not infrequently he is a sort of second minister, taking responsibility for some share of the department's functions and only referring matters to the minister when it is clearly necessary.

Foreign Affairs and Defense. The way in which the Cabinet operates can be explained further by reference to a particular aspect of its task. Since foreign policy and defense are so much in the headlines in the postwar world, it is helpful to explain a little of the processes by which decisions on these matters are reached in the English government.

The secretary of state for foreign affairs (he is usually called the "Foreign Secretary" by the press of all countries) is the responsible Cabinet member, and he is assisted by a minister of state and two parliamentary undersecretaries, as shown in the diagram of the chief features of the Foreign Office on page 150. There are at present two permanent undersecretaries in the department, one needed to handle the complexities of British participation in military government in Germany, the other carrying responsibility for the rest of the work of the Foreign Office. A constant flow of information, requests for action, and presentation of problems comes into the Foreign Office headquarters in London and is allocated to the various divisions and branches for analysis and consideration. Probable lines of policy are continually under consideration, and memoranda are always being prepared for deputy and assistant undersecretaries. Conversely, requests for information and the assembling of relevant data come down from the secretary, often in response to discussions in the Cabinet or debates and questions in the House of Commons or the Lords. Departmental and interdepartmental committees are called together in the offices in Downing Street and Whitehall and careful analysis is made of the factors which go into making a decision. After the policy is put into action, the secretary and the minister of state explain and defend it in both houses of Parliament and handle relations with the press. Not infrequently the prime



This diagram is restricted to the chief features of organization of the Foreign Office. Note that the librarian and three assistant undersecretaries of state report to the permanent undersecretary, as do seven deputy undersecretaries. Each of these deputy undersecretaries and assistant undersecretaries heads a considerable group of divisions and branches carrying on a wide range of functions. Embassies and consulates throughout the world report back to various of these headquarters agencies.

minister will also undertake the task of justifying the line of action adopted.

The British foreign secretary has some definite advantages over his opposite number in the United States. The American secretary of state commands the resources of an organization of comparable quality in the State Department in Washington. He does not have, to the same degree as has the foreign secretary in London, the assurance that big policy decisions have been the result of full discussion among the leaders of the government and the majority party. Nor does he have the advantage of a seat in the legislative body with full facilities to explain and defend his policies in face-to-face discussion with its members. Most important of all, he cannot count with the same degree of confidence as can his British counterpart on the successful mobilization of a legislative majority, if legislation is needed or funds required to implement policy. The combination of party leadership and government responsibility which is characteristic of the English Cabinet system has particular value in the field of foreign policy. In the long run it means that decisions can be taken with a good prospect of legislative support. At the same time every decision is subject to debate and discussion in all its major implications. The Cabinet system, moreover, facilitates the coordination of the responsibilities and activities of the several ministries in respect to foreign policy. As was noted in Chapter 1, the conduct of foreign relations by the twentieth-century state involves a good deal more than diplomacy; it incorporates questions of fiscal affairs, trade, transportation, communications, national defense, and other substantial responsibilities of government. Consequently many agencies, such as the Treasury, Board of Trade, Ministry of Economic Affairs as well as the Foreign Office, find themselves making decisions affecting foreign policy. Unless each agency is fully informed on the plans and activities of the others, it might find itself working at cross-purposes. The operations of the Cabinet reduce this possibility, since foreign policies are discussed at length by it, and appropriate directives carried to all ministries concerned. The American Cabinet, on the other hand, is not capable of performing this exceedingly useful function, and less effective devices of coordination are resorted to.

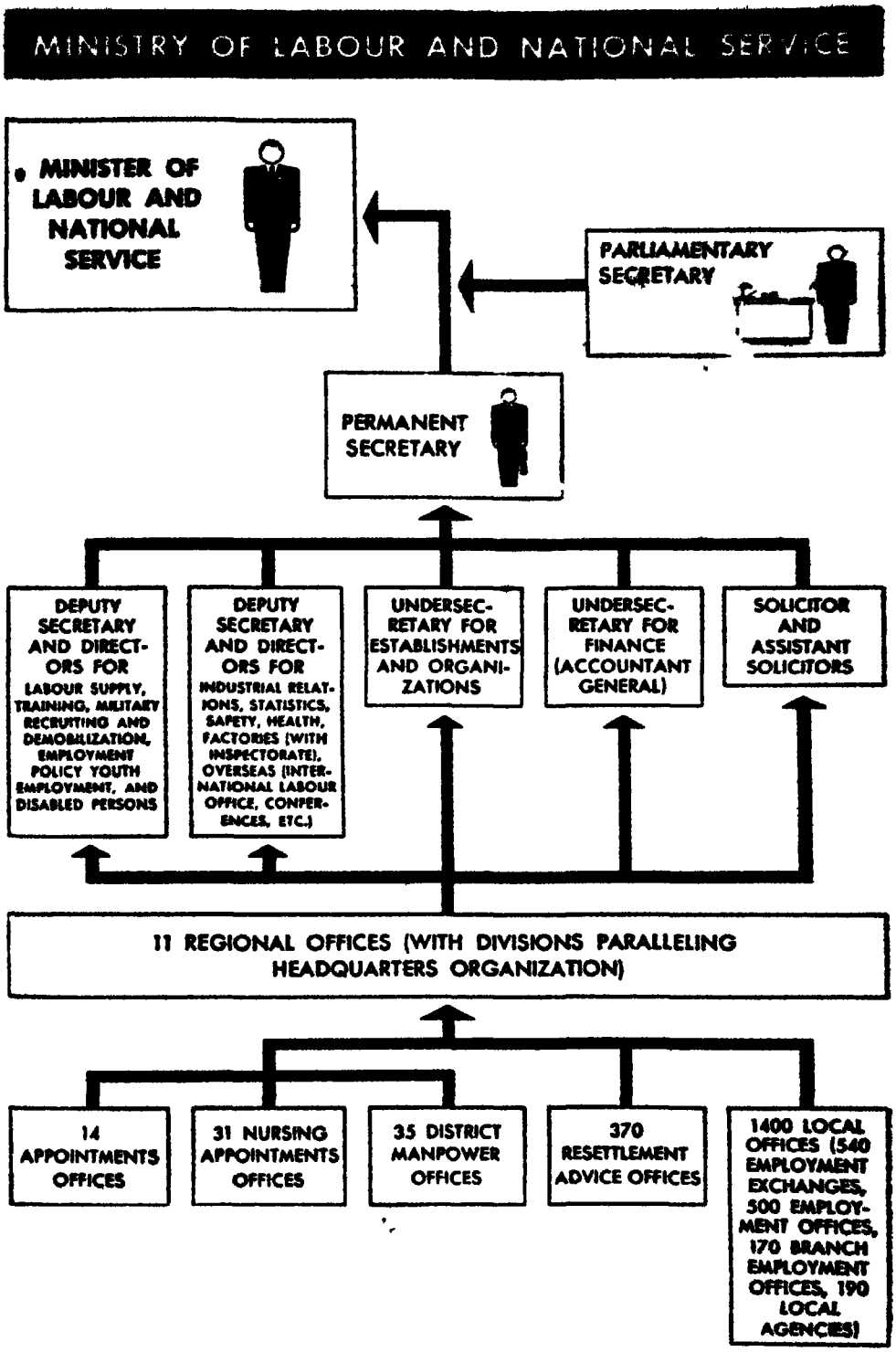
Defense, since October 1946 when the Ministry of Defense was established, is administered in a slightly different manner. Before any account is given of this ministry, it must be emphasized that

it is still new and has still a small staff. The minister depends chiefly on the regular defense departments for information and data on which to base coordination of policy. The minister of defense sits in the Cabinet, and the three service ministers—the first lord of the Admiralty, the two secretaries of state, for war and for air—have the rank of ministers not in the Cabinet. Besides this variation from the position occupied by the foreign secretary, there is the additional feature of the use of a Cabinet committee. Ever since the creation of the Committee of Imperial Defense in 1904, committee consideration has been constantly used on defense policy. At present there is the Defense Committee of the Cabinet, over which the prime minister presides, his deputy chairman being the minister of defense. The Defense Committee will have a somewhat fluid membership, depending on the nature of the problem it is deliberating at any time, and like its predecessor will consult with the governments of the Dominions. The military side of the Cabinet Office furnishes the secretariat for the Defense Committee and probably will for the minister of defense.[8]

The same generalizations which were applied to the Foreign Office may be made about the Committee and the minister of defense. Cabinet government offers great opportunities, through flexibility of organization and strength of leadership, for a successful amalgamation of the defense services of the government. Modern developments in warfare will make this all the more valuable to Britain.

Other Departments and Regional Organization. To illustrate the work of one of the departments concerned with domestic affairs, a diagram of the Ministry of Labour and National Service is given on the following page. It performs in a manner very similar to the working of the Foreign Office or the Ministry of Defense. This ministry, however, must maintain a large number of regional and local offices. The areas they serve now conform to a standard scheme which is required, with minor permissible variations, of all departments which operate regionally in the United Kingdom. The Admiralty and the Ministry of Education—to mention two departments widely separated in the nature of functions performed—use the same regional headquarters towns and the same regional map.

[8] Jordan, Henry D., "The British Cabinet and the Ministry of Defense," *The American Political Science Review*, vol. XLIII (February 1949), pp. 73–82.



This diagram is restricted to the chief features of the Ministry, and figures given for local and regional offices are approximate. In addition, through its local branches, the Ministry performs a number of "agency services" for other central departments.

Each, however, may modify that map slightly, if it can get Cabinet and Treasury permission to do so, in order to suit headquarters and boundaries to his particular needs. Fundamentally, there is a uniform regional administration scheme for all the departments. This makes it possible to coordinate the work of various government offices in all parts of the kingdom; and provides means for putting the resources of one department at the service of another when there is occasion to do so. The Ministry of Labour and National Service performs a number of such "agency services" through its network of regional and local offices. These are mentioned in the note to the diagram and include payment of assistance allowances for the National Assistance Board, handling of passport applications for the Foreign Office, and similar services for other departments.

Economic Planning. The Labour Government, in order to carry out a socialist program, has developed an organization for economic planning. The necessities imposed by World War II gave the present leadership a considerable backlog of experience and furnished some of the necessary agencies for these purposes. This is another activity in which the use of Cabinet committees has proved valuable. Until September 1947, when the Ministry of Economic Affairs was created, for a short time the Policy or Steering Committee of the Cabinet was one of the chief agencies for developing economic plans. The lord president of the Council, Herbert Morrison, was chairman of this committee. Sir Stafford Cripps, as the newly created minister of economic affairs, headed a production committee which absorbed a good many of the planning functions. When Cripps succeeded Dalton as chancellor of the exchequer in November 1947, he retained these planning functions; and the chief planning officer, Sir E. N. Plowden, was placed in the Treasury (the department headed by the chancellor of the exchequer). At the same time an undersecretaryship was created in the Treasury which also had a part in planning; and the chancellor of the exchequer remained chairman of the Production Committee of the Cabinet.

The secretariat for these planning agencies is furnished in part by the Treasury and in part by the corps of professional economists in the economic section of the Cabinet Office. The Central Statistical Office, a part of the Cabinet secretariat, also furnishes expert services. Besides these government agencies, there is the Economic Planning Board which was appointed in July 1947. Its membership

comes from the Federation of British Industries, the British Council, and the Trades Union Congress. It has also as members permanent undersecretaries from the Board of Trade and the Ministry of Labour and National Service. A number of committees, called working parties, have been appointed from time to time to study the problems of various industries. Their membership has consisted of representatives of management, of labor, and of the public, with a government official serving as chairman.[4]

Semi-independent Boards, Commissions, and Corporations. The diagram of departments and Cabinet relationships on p. 147 shows a class of agencies which are not directly responsible to ministers. In most instances, these are the directing authorities of government corporations or recently nationalized industries. The intention in giving these bodies a partially autonomous position is to avoid what is usually termed "political interference" and to give them an opportunity to develop a settled policy adapted to the enterprises under their direction. They even escape from Treasury control to some extent—the Treasury relationship to them is analagous to that of a banker to a business enterprise.[5] This suggests that, beginning with the government corporations such as the Port of London Authority, created in 1908, or the Central Electricity Board, set up in 1926, there has been recognition for some time of the value of government-administered enterprise in certain fields. The new nationalized industries are managed by similar organizations; and there are many points of resemblance between the National Coal Board or the British Transport Commission, and their earlier prototypes. The usual pattern is that of a board appointed by a minister, or by the king in Council, with a considerable degree of independence in directing the enterprise. The nationalization acts for coal and transport and the legislation creating the new electricity and gas authorities certainly give the ministers concerned larger powers over the appointment, terms of office, and dismissal of these commission and board members than did the earlier acts. Nevertheless, the intention seems fairly clear that both the old corporations and the new nationalized industries are to be adminis-

[4] Finer, Herman, "The Central Planning System in Britain," *The Public Administration Review*, vol. VII (Autumn 1948), pp. 237–49.

[5] Hicks, J. R., *The Problem of Budgetary Reform* (Oxford, 1948), pp. 14–22 and 44–47. The whole book is an acute and well balanced analysis of the problems of government accounting when trading activities and nationalization of industries enter into government functions.

tered in a way that partially separates their policies and their financing from the rest of the government departments. The purpose is much the same as it was with the pre-1945 corporations—to give a managing authority the power to make the enterprise "pay its way." Since the whole subject is now in flux, this brief discussion is all that can be given to the general nature of the government corporation and the board for nationalized industries. A considerable literature, which is rapidly increasing, deals with the numerous problems presented by these activities.[6] All of these boards and commissions publish quarterly or annual accounts, so that the data are accumulating which will serve as a basis for judgment on their performance. At the moment, there is naturally a great deal of discussion of nationalization, but it is still largely an expression of viewpoints for and against. But the long-run judgment on the government corporations established before 1945 is predominantly favorable.

These brief descriptions of various departments and administrative agencies merely suggest the wide range of activities carried on by the administrative side of the central government. Since there are many other departments, obviously there must exist means of coordinating the diverse functions of all of them. The importance of the Cabinet itself for these purposes has already been indicated, but there are other means of synchronizing the action of all these authorities.

COORDINATING ADMINISTRATION—THE TREASURY AND THE CABINET OFFICE AND SECRETARIAT

Financial policy naturally has a controlling effect on all other policies, for none of the functions of government can be carried on free of cost to the taxpayer. The Treasury, headed by the chancellor of the exchequer, must in the nature of things be an agency of coordination.

The Pivotal Position of the Treasury. The traditional task of the

[6] Chester, D. N., *The Nationalised Industries: A Statutory Analysis* (London, 1948). This is a good analysis of the substance of the acts and gives an excellent short bibliography of the whole subject. A very well-balanced brief discussion of the place of the corporation and the board in British government may be found in Harrison, Wilfrid, *The Government of Britain* (London, 1948), pp. 91–96.

chancellor of the exchequer is to present each year's budget to the House of Commons in the early days of April. This financial plan for the year must allocate funds to all the central departments and propose the taxes and loans by which the expenditures are covered. Without traversing all the intricacies of the preparation of the budget, a brief account of the main features of the process will make clear the Treasury's commanding position in this crucial aspect of policy.

The financial year ends on March 31, so it is necessary for the Treasury to send out its "Estimates Circular" the preceding October, asking each department to submit its estimates of expenditure for the financial year beginning the following April. The form of these estimates is dictated by the Treasury. They must show the purposes for which money is requested and the net amount required, must classify into subheads the expenditures and receipts, and must explain the nature of the expenditure, unless it is very clear and simple in character.

Estimates prepared in October, and then assembled and scrutinized by the Treasury not later than the following January, often require modification before the financial year has progressed more than a few months. This is not a peculiarly British problem. All modern states are confronted by the necessity of forecasting expenditure and revenue well before the year opens in which the budget begins to operate. The British method of meeting these needs is comparable to that of the United States and other nations. Supplementary estimates are prepared in much the same way as the original predictions and are added to the appropriation bills while they are being considered by the House of Commons, its Select Committee on Estimates, and finally its Committee of the Whole on Supply.

Not only must these supplementary estimates receive legislative consideration, but excess expenditure (spending by departments which exceed the original estimates for the financial year which is in progress) must also be covered by parliamentary authorization. The typical procedure of the House is to pass a "Vote on Account" to cover these interim expenditures, to pass a Consolidated Fund Bill—usually in March—to provide funds to carry on with the financial year which begins in April, and at last to complete the Appropriations Bill which gathers together and combines all this financial legislation before its adjournment in late summer. "Votes

of Credit" are occasionally necessary to meet emergency situations, as is invariably the case during wartime.[7]

This outline of financial procedures should make clear how much the Treasury does in supervising the process by which the budget is prepared for passage. Every department has an accounts or establishment officer, whose duty it is to consult with the Treasury on the financial business of his department. But the functions of the Treasury also extend to the regular flow of funds after they have been estimated and subsequently authorized by Parliament. The power of "virement" (from the French word virer, to direct or divert—one of the many survivals of Norman terminology) allows the Treasury, within fairly strict limits, to divert authorized expenditure from one subhead to another within a department's budget. Taken with the almost continuous necessity of working out financial plans, this means that every department frequently consults with the Treasury on matters of finance. Since paying the bills for an establishment has a powerful effect upon the scope of its activities, it is obvious that Treasury control is a very important means of coordinating the work of approximately a hundred different departments. It is not surprising that every "Inner Cabinet" has included the chancellor of the exchequer.

Other Coordinating Activities of the Treasury. Since the end of World War I the British government has been actively engaged in modernizing and streamlining administrative organization and techniques. One of the ways in which the government has done this is in the development of what is known as "O and M" (Organization and Methods). The focal point for this work is the O and M Division of the Treasury with one of the undersecretaries as director. In all large departments, however, there is an O and M Branch responsible to the establishment and organization officer. The Treasury O and M Division coordinates and stimulates O and M work throughout the service and provides advice and help to the smaller departments. This work has become, therefore, an important coordinating function furnished by the Treasury. Using an advisory panel of businessmen—and it is worth noting that businessmen often ask for advice as well as offer it on office procedures

[7] *Notes for the Use of Accounts Branches of Government Departments* (4th ed., 1929, reprinted 1947), H.M.S.O. 1947. The literature dealing with financial procedures is immense, but this gives a clear and compact statement of the essentials of procedure and also a brief bibliography of the principal sources and standard works.

—the O and M division carries on research and surveys, as well as steadily working toward perfecting and standardizing the regular administrative work of the government. O and M officers in the various departments have been recruited in nearly all cases from the regular staff of the department; and then have been trained by the Treasury O and M division.[8]

A similar coordinating activity of the Treasury is the organization of training for civil servants. This will be explained fully in the following chapter, but in this connection it should be noticed that training programs have been organized and carried on by the Treasury itself, and training officers have been appointed in every department. Departmental training schemes are coordinated and assisted by the Treasury in much the same way that O and M work has been carried on.

The Cabinet Office and Secretariat. The Treasury has a departmental function in the management of government finance, and other services of coordination have been appropriately added to its main function. The Cabinet Office, which came into existence during World War I, is nothing but a coordinating agency. Its functions are suggested in the diagram already given, and a good deal of its work has been indicated in the discussion of economic planning. Under the direction of a permanent secretary, who is designated secretary of the Cabinet, it supplies a secretariat and staff for the Cabinet itself and for the various Cabinet committees. It is therefore divided into sections. There is a deputy secretary (military) who is the chief staff officer for the Defense Committee of the Cabinet. There is a director of the economic section who heads a staff of professional economists, maintaining liaison with all departments which are concerned with the national economy. The director of the Central Statistical Office is responsible for all the statistical material which is used by the Cabinet Production Committee and other committees. This office also publishes an authoritative monthly digest of statistics.

The Cabinet secretariat is therefore an agency concerned almost

[8] Address of J. R. Simpson, Director of O and M., to the Civil Service Assembly of the United States and Canada, October 5, 1948. The author wishes to acknowledge Mr. Simpson's kindness in permitting him to read the manuscript in advance of its publication.

See also the *Fifth Report from the Select Committee on Estimates*, H.C. 143, 1946–47, and several articles in *Public Administration* during the year 1948.

exclusively with coordination of government policies. It prepares the agenda for Cabinet meetings and deals with any or all departments in assembling information which bears on problems which are coming up for discussion; it possesses the complete confidence of all agencies, because it does not interfere with matters of administration but confines itself to collecting information and preparing the way for policy decisions.

READINGS

Since the discussion of this subject continues in the following chapter, the student is referred to the sources of information which are discussed at the end of that chapter. Notice that a number of sources have been cited in the footnotes of this chapter.

Chapter 7

SOCIAL PLANNING AND THE WORK OF THE ADMINISTRATIVE STAFF

THE PRECEDING CHAPTER, while it has been devoted to a description of departmental organization and means of coordination, has often suggested that the quality and the experience of administrative personnel has much to do with efficient conduct of government. Because the diverse tasks of British government involve the efforts of more than a hundred central departments, effective liaison between these departments is essential if action is to be delivered whenever and wherever it is required. The achievement of such liaison is a primary responsibility of the civil service.

Advantages of Cabinet Government. The very nature of Cabinet government in Britain invites the continuous linking of government activities. The Cabinet, being a team of leaders, must reconcile viewpoints toward the future course of government policy. There is a persistent tendency, therefore, toward devising and making use of all agencies in order to work out plans for action. All the means which have been described are put to use.

More than this, a Cabinet and the "Shadow Cabinet" of Opposition leaders are made up of the most influential figures in the major political parties. The parties themselves therefore continually carry on study and research and strive to reconcile the viewpoints of their members on proposals for action. At the same time civic organizations and official and unofficial advisory bodies are exploring possibilities and making suggestions. The final result is a very fair degree of coherence and consistency of performance.

THE DAILY TASKS OF ADMINISTRATION—THE CIVIL SERVICE AS A SKILLED STAFF

The Cabinet Office and the Treasury are the chief official agencies for coordinating the diverse activities of the British central government; their responsibilities in this connection were described in Chapter 6. Other methods of coordination also are available and are constantly in action. Discussion of the work of administrative personnel may conveniently begin by explaining more specifically the ways in which an official links the work of his own department to that of others.

Informal Contacts between Officials. Civil servants, by virtue of their selection, training, and tradition, assist in bringing the resources of various departments to bear on problems of common concern. No official can reach the rank of assistant undersecretary without having had considerable acquaintance with officials of corresponding rank outside his own "shop." As a result he will bring matters to the attention of some of his colleagues by telephone, correspondence, or at chance or planned meetings. When he has a knotty problem to unravel, he will call on his fellows for assistance. In addition he has been trained to transmit copies of papers and memoranda to appropriate departments, so that there is constant intercommunication on an official level. Finally, both official and unofficial departmental committees are always being assembled to bring varied resources of personnel and expert knowledge to bear on all sorts of problems. Mention should also be made of the Select Committees of the House of Commons and the Lords and of Royal Commissions. Investigation of a wide variety of subjects by these two types of bodies results in concentrating attention and expertise by diverse administrative officers, frequently supplying knowledge which may be applied to immediate action or at some future time.

Administration and Recruitment. The general function of the civil service was explained in Chapter 3; the details of its organization and operation should now be carefully considered. The administration of the civil service is in the hands of two authorities. Matters of recruitment lie within the jurisdiction of the Civil Service Commission, a semi-independent board which has been in existence for nearly a century. It takes its origin from the reports made by Lord Macauley and Sir Stafford Northcote in the middle of the nineteenth century, and it has benefited from the experience of

methods of selection which were put into effect in the Treasury as early as 1843. The regular administration of the service, including promotion, discipline, standards of compensation, pensions, and classifications of job and rank, is entrusted to the permanent secretary of the Treasury, who is called the "Head of the Civil Service." In years gone by he was known as the "Patronage Secretary," but this title is now outdated by changed conditions, for appointment and promotion on an objective basis has superseded preferment based on connections and influence.

The civil service is classified into five groups: the administrative class, open by competitive examination to candidates who usually have had university training; the executive class, usually recruited by promotion from people in the service who have had secondary-school training and experience; the clerical class, recruited by examination from candidates who have finished the major part of secondary-school training; the clerical assistant class grade I, recruited from people with less training than the other classes; and the class of copying typists and shorthand typists, whose qualifications are what would be expected of their title. All five classes are recruited by a careful system of competitive examination, and eligibility for competition is usually governed by appropriate age and educational qualification.

The members of the administrative class form the most responsible part of the government service and occupy the important positions in the various government departments. A brief sketch of the levels of advancement within this class will serve to illustrate how the process of selection and promotion operates for its members. At the same time it will reveal what sort of people hold these jobs.

A candidate is eligible to compete in the examinations held by the Civil Service Commission when he (or she) has completed a university degree and is still within the age range of twenty-one to twenty-four years. Invariably the candidate has studied at the university in what are called the "honours schools" and holds a degree with distinction, a recognition of superior scholarship. Every year many young people enter this competition; the examinations are general, covering the subjects of history, philosophy, economics, and the like. Occasionally the candidate has specified an interest in a certain branch of the civil service. He is then permitted to take some of his examinations in those general subjects which relate to his specified field. Very little specialization is required; however, so

he is able to enter a wide field of competition. The examiners are members of the university faculties or have comparable training and background.

At the close of World War II the Civil Service Commission, confronted by the need to recruit about six times as many people for the administrative class as in prewar years, instituted new and experimental procedures in what were called the "Reconstruction Examinations." The shortage of personnel was due to the great decline in regular recruitment during the war and to the demands of the postwar situation for additional administrative personnel. The procedure adopted is now referred to as "Method II" of competing for entrance into the administrative class, and at present may be elected by all candidates who can show a first- or second-class honors degree from a university. It requires a qualifying examination, and then the successful candidates appear at the Manor House, Stoke D'Abernon. There a staff of over 900 in 1948 conducted various examinations and tests, many of a problem-solving type, to assess the qualifications of background, initiative, and general intelligence which were desired. This is an interesting and experimental departure from the traditional "Method I" described above. While it was adopted as a means of testing the qualities of young people who had gained experience during wartime in responsible military, naval, and civilian posts, there is every possibility that some part of the scheme will be continued. The record of the candidates so selected has been sufficiently encouraging to continue "Method II" for some time until its merits and disadvantages have been fully assessed.[1]

Advancement. In either type of examination, if the candidate makes a good showing and stands high on the list of successful competitors, he is allowed to name the particular branch of the service to which he aspires. He is assigned a job as an assistant to an experienced administrator who holds the rank of principal. A principal is usually in charge of a branch or section (such as the ones shown in the diagram of the Ministry of Labour and National Service on page 153), or he may head a small group within such a

[1] A good general description of the civil service is found in *Choice of Careers, New Series No. 1*, prepared for the Ministry of Labour and National Service by the Central Office of Information and published by H.M.S.O. (April 1948). For a critical assessment of "Method II," see *Ninth Report from the Select Committee on Estimates, Session 1947–48*, H.M.S.O. (July 1948), pp. 203, 205.

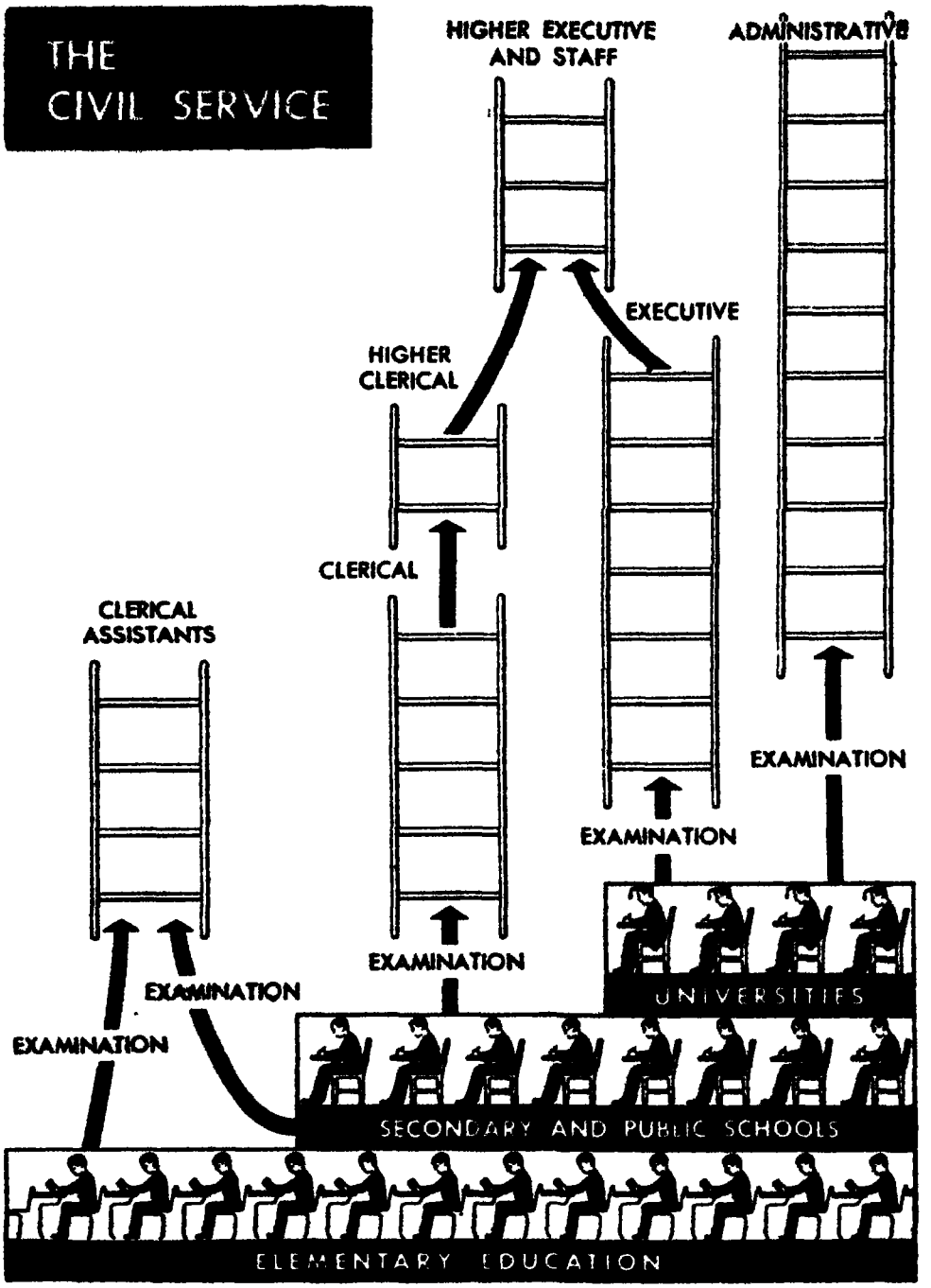
branch. The new entrant immediately starts handling various parts of the work and presents the fruits of his labors to his chief in the form of memoranda, assembled data, supporting memoranda for official decisions, and communications to officials in his own and other departments. These documents are usually known as "drafts." His principal has ample opportunity to observe the qualities of the new assistant principal. Indeed, one of the principal's duties is to train the new man and to make periodic reports on the performance of his assistant.

Organized in-service or post-entry training of administrative officials dates from the presentation of the Assheton Report in 1944.[2] The entrant is now introduced to the work of his own department in courses of lectures and tours of observation organized by the departmental training officer. He also attends classes and lectures organized by the Treasury to acquaint him with some of the broader aspects of the government's functions. This type of training applies to all classes of the civil service.

The accompanying diagram shows the lines of promotion in the administrative class. The student should notice that some members of this class are recruited from among the effective performers in the higher clerical and executive classes. It is possible for a gifted and ambitious recruit to rise to the top positions from any place in the hierarchy.

The new entrant serves as an assistant to a principal for a probationary period of about two years, during which time his personal qualities are assessed by his superiors. If it seems desirable, he is transferred to some other branch; if he fails to demonstrate the necessary qualifications, his connection with the service may be terminated. His next assignment, if he shows promise, is to be seconded (recommended) for a post as a private secretary to a permanent secretary or deputy secretary of a department or to the post of assistant private secretary to a minister or a junior minister. This gives him an opportunity to meet the officials in the higher echelons. He sees how committee discussions leading to the formulation of policy are conducted, assists in the preparation of agenda and data for such meetings, and encounters his "opposite numbers" in other departments. If he handles himself well in these responsibilities, the impression he makes on superiors in his own and other departments is favorable. Reports made on him indicate

[2] Cmd. 6525, 1944.



There is one important omission in the above diagram—it does not show the professional, technical, and scientific class of the service. People with such training have important tasks in nearly all departments. They are excluded from the diagram because it is designed to show the general classes. The professional and technical personnel is recruited on the basis of professional qualifications and experience. The class includes lawyers, doctors, engineers, statisticians, accountants, research scientists, and similarly trained people.

that he is regarded as a man of promise. This private secretaryship usually lasts from one to two and a half years; and if he has done well he may hope to return to his own department or perhaps be appointed to another department, with a good expectation that he will be soon advanced to the rank of principal—as soon as an appropriate vacancy occurs.

Upon appointment to the rank of principal, the civil servant becomes a really responsible officer, and usually "reports to" one of the assistant secretaries of the department. His next step up may come as early as within five or six years, or as much later as eight or nine years. This will usually make him an assistant secretary. After that, successive steps may bring him to the important and significant post of permanent secretary to his department.

Consideration of his merits for each of these promotions has been made by a promotion board in his department and, for the higher level posts, by boards in the Treasury. The permanent secretary of the Treasury, using the advice of high officials in the Treasury and other departments, recommends people for appointment to assistant, deputy, and permanent secretaryships. A determined effort has been made ever since the end of World War I to make this process of promotion as objective and careful as possible, largely through the suggestions of the National Whitley Council (an organization which represents the members of the staff). Naturally, some promising people are "passed over" in this process of promotion, for the real difficulty in all such hierarchies—business as well as government—is that there is always a shortage of vacancies in the top positions. It should be added, therefore, that there are annual increments of salary in each grade. The intermediate ranks are paid well enough, and entrusted with sufficiently interesting and responsible work, to make advancement to that level a career which can be satisfactory enough for an official who rises no higher.[3]

The career of a civil servant depends on two factors: the opportunities that come his way and the use he makes of them, and the length of his life. Both factors are important. He may take advantage of occasions early in his official experience and advance quite rapidly; or he may continue to accumulate knowledge and

[3] Gladden, E. N., *The Civil Service: Its Problems and Future* (London, 1948), chs. 4 and 5; *Choice of Careers, New Series No. 1, Civil Service*, H.M.S.O. (April 1948).

skill and be entrusted with greater responsibilities as he acquires seniority. Eventually he may serve a number of years in the important and responsible position of chief permanent undersecretary. A woman has ceased to be promoted before this stage is reached, the principle executive positions still being reserved for men. During the past few years there has been considerable discussion in the House of Commons of the opportunities for women in the hierarchy, but the limit on their promotion remains. By the time the civil servant has reached the rank of undersecretary, he has matured into being something of a bureaucrat; though he does not display all the undesirable qualities which the term connotes to the uninitiated. He has had a long experience in the work of a particular ministry; he has had opportunities to master his job in terms of books and study as well as in routine office procedures; he has matured intellectually during the passage of the years.

A select few civil servants conclude their careers with the post of permanent secretary of a ministry. When the civil servant reaches retirement age at about sixty-five, he receives a pension, and often a knighthood or even a barony, as a mark of the appreciation of the government and the people; and he is likely to spend his remaining years—of which there are usually many—leading a healthy and quite happy life in some English village or suburban town, still actively associated with public affairs as a solid citizen and a member of local government councils and committees.

Prestige of the Service. The prestige of the government service in England is in part still incomprehensible to the American student. Recently, however, we in the United States began selecting responsible permanent government officials on the basis of general educational and intellectual qualifications; with the passage of time we may come to recognize the important part played in modern government by the well-trained and assiduous civil servant. In England the selection, training, and promotion of administrative officials result, as one might expect, in a very high level of respectability and even of intellectual initiative and inventiveness. Naturally there cannot be much expectation of the latter qualities, because brains of real creative power are very scarce in any human activity; but, for the daily performance of the endless routine of administrative work, reliability and competence are virtues well worth securing. "He was good, poor fellow, and let who would be clever, and was therefore promoted to a permanent secretaryship"

might well be placed as an epitaph on the successful civil servant's modest tombstone in the village cemetery where his ashes finally repose.

A solid token of the regard in which civil servants are held was the decision of the Labour Government, announced February 17, 1949, to increase the pay of the higher officials of the administrative class and to make other increases in salaries, with an expected total increase of expenditure of £400,000 a year. The salaries of permanent secretaries is to rise to the range of £4500 to £ 000 a year, which will nearly match ministerial salaries.[4] General comment on the decision was approving, as in England the value of a good civil service is widely understood. Unfortunately the enforced economies of the autumn of 1949 postponed action to a later date.

A TENTATIVE APPRAISAL OF THE CIVIL SERVICE AND THE CENTRAL DEPARTMENTS

What has just been said about the civil service, taken in connection with some comment on it in Chapter 3, suggests some of its merits. It is obvious that it recruits from appropriate levels of the educational system, and that it offers a career sufficiently satisfactory to draw into its ranks a personnel of good quality. In fact, the usual impression anyone forms upon meeting a British official is favorable—he immediately appears to be intelligent and well informed. It is generally agreed that the system produces competence, public spirit, and industrious performance of duty. These are qualities well worth securing—but it is possible that when the modern state embarks upon a program of social and economic planning, it must secure more than competence. It will require officials who possess imagination, boldness, and creative abilities.

A few criticisms of the central administration and the staff have been expressed since the end of the war. One of the most frequently heard criticisms should be noticed, although it is not aimed at the civil service but at the organization and equipment used by the central departments. Office buildings and facilities—dating, as they usually do, from the heaviest and most pretentious period of Victorian architecture—are not well arranged or well equipped. Often they are ill ventilated and unsatisfactorily heated; indeed, by American standards they can hardly be said to be heated at all. For-

[4] *The Report of the Chorley Committee*, Cmd. 7635, 1948, furnished the data upon which this decision was based.

tunately, the English climate makes it unnecessary to cool them by air conditioning in the summer.

These physical limitations of the work of administration are not peculiar to Britain. Anyone who has any acquaintance with government buildings in European capitals, Washington, D. C., or the state capitals of the United States, knows that many were built before the twentieth century opened. In Whitehall, while the historic appearance of the buildings has not altered, there has been a determined effort ever since the end of World War I to improve their equipment. The standards which have been established are excellent, and the work of the O and M division is steadily carrying this process of modernization forward.

Whether or not the service can develop qualities of creative imagination to meet changing conditions is a question which bears upon its very nature and tradition. This kind of criticism springs from somebody's personal judgment—and what one observer might enthusiastically hail as a triumph of invention, another might regard as extravagant, crackpot, or even dangerous. There do exist some features of the civil service, however, which open the way to criticism of the official mind as likely to be humdrum. The rate of promotion tends to be slow, and while seniority has not much influence, it does have some effect as a minimum qualification for advancement. The intensity of effort required to make a good showing in the entrance examinations for the administrative class, and the competitive effort of the first few years in learning the job and becoming available for promotion, may "squeeze out the sap" from the rising official. There is the risk that he may be intellectually ossified when he finally achieves a responsible position.

The wartime achievements of British government and the record of performance during the period of reconstruction rob these criticisms of much of their weight. The general performance of the civil service has been well above the level of mere adequacy. Changes now in progress—such as the training programs of O and M—clearly recognize the need for lively and alert administration.[5]

[5] Some helpful evaluations of the service have been published within the past two or three years. Gladden, *op. cit.* and Greaves, H. R. G., *The Civil Service in the Changing State* (London, 1947), especially the former, are careful studies, assembling a great deal of data. Dale, H. E., *The Higher Civil Service of Great Britain* (New York, 1942), gives a well-documented favorable picture. There have appeared a number of excellent articles in *Public Administration* and *The Political Quarterly* during 1948.

SOCIAL PLANNING AND DEMOCRACY

In a series of articles published in March 1949, *The Economist* pointed out that "the price of government in Great Britain today is 40 percent of the total of all incomes." This statement was officially confirmed by Sir Stafford Cripps when he opened the budget on April 6.[6] Expressing as it does the viewpoint of the financial and business community, *The Economist* was unable to view this figure without some irrepressible twinges of uneasiness. The chancellor of the exchequer was not alarmed, but he did not mince words in telling the Commons and the nation that this proportion was a matter of vital significance in the national life. This budget was called a "stern budget" by the *London Times*, understating with characteristic reserve. The *News Chronicle* (Liberal) headlined it across the front page as "The Grim-and-Bear-It Budget," and other newspapers performed a series of variations on the theme of "The Iron Chancellor."

Planning the Use of the National Income. Whatever the viewpoint may be, the fact that economic and social planning puts a large part of the purchasing power of the community into the hands of government is unmistakable. The long-run economic health of the community will depend, in large part, on how wisely the government expends and invests this large share of the national income. Recalling for a moment what was said about the social-service state of the twentieth century in Chapter 1 and at the beginning of the preceding chapter, the student will find it worth while to consider briefly the probable effects of government planning and spending.

In the first place, one should keep in mind that in a capitalist community—and Britain is still a capitalist community despite the socialist programs of the Labour Government—the spending of the national income is never equally distributed among individual citizens. The effect of a heavy rate of taxation, using a graduated income tax, is to transfer a large part of the spending and saving power of all incomes—and a larger part of the spending power of upper income groups—into the hands of the government. This is not meant to suggest that all the tax revenue comes from the gradu-

[6] *The Economist*, March 12, 19, and 26, 1949. The phrase quoted is found on p. 503 of the March 19 issue. The budget speech was reported in the London *Times*, April 7, 1949.

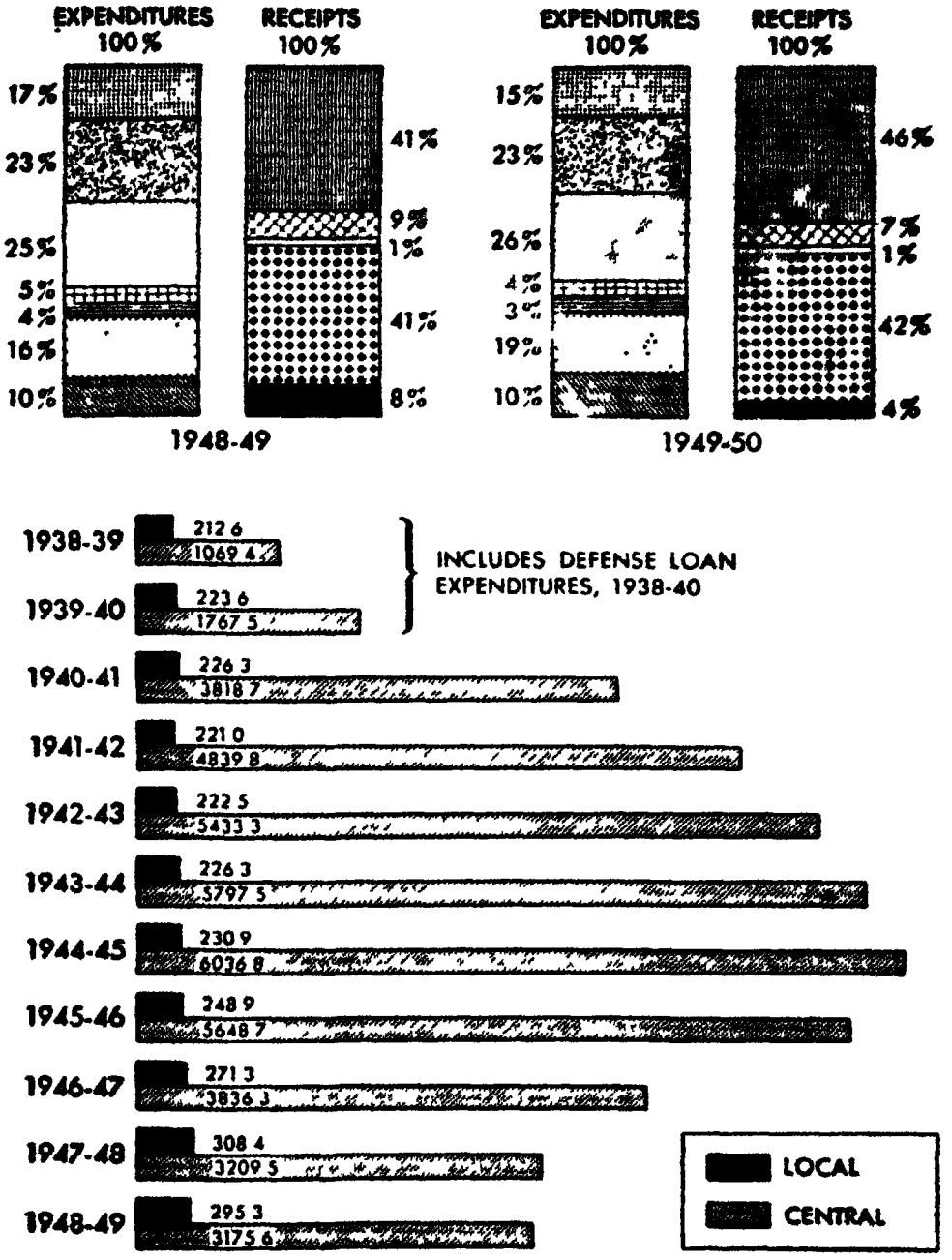
THE BRITISH BUDGET, 1948–49 AND 1949–50

(*Figures in millions of pounds sterling*)

	1948–49		1949–50	
Expenditures				
Ordinary government services				
National debt charge	£ 500.0		£ 485.0	
Defense and supply for defense	692.6		759.8	
General national government, including post office deficit and tax collection	742.7		876.9	
Terminal services from war	136.0		117.9	
Grants to local government for regular services (including police, fire, roads)	110.4		117.7	
Totals		2181.7		2357.3
Social services:				
National services (health, unemployment insurance, old-age pensions, family allowances, national assistance, war pensions)	496.4		628.1	
Grants to local government for education, health, housing, child care, development areas, etc.	297.5		325.8	
Totals		793.9		953.9
Total current expenditure		2975.6		3311.2
Receipts				
Income tax, surtax, death duties	1642.6		1750.0	
Profits & excess profits tax and special contribution (on investment income)	358.4		265.0	
Stamps and other inland revenue duties	57.1		51.0	
Customs, excise (beer, tobacco, etc.), motor vehicles taxes	1609.5		1589.0	
Receipts from sale of surplus war stores, broadcast receiving licenses, crown lands, and other miscellaneous revenue	339.0		145.0	
Total receipts		4006.6		3800.0

The source used for the above table is the *Financial Statement, 1949–50*, H.M.S.O. 124, 1949. The figures are recombined into the above categories in order to show broad classes of expenditure and revenue and are rounded off to the nearest tenth of a million. The 1948–49 figures are estimates, but the discrepancy between the actual payments made (exchequer issues) and the figures given is not of significant size, being of the order of 100 million on the grand totals. The technical budget surplus is not calculated, because until government accounting is changed to take care of trading activities, surpluses and deficits cannot be computed with any real accuracy.

THE BRITISH BUDGET 1948-49 AND 1949-50



The discrepancy between the 1948–49 figures and the budget total on page 172 arises from the inclusion here of sinking fund payments and the discrepancy between actual exchequer issues and the estimated expenditures given in the budget table. The divisions in the Expenditures and Receipts columns above follow the budget figures given on the opposite page. Thus the 17% represents the National debt charge, the 23%, defense and supply for defense, etc.

ated taxation of big incomes—a glance at the budget figures given on p. 172 will show that excise taxes on tobacco, beer, and spirits, and the purchase tax on a wide range of commodities from household goods to motor cars, also provide a large share of the total tax revenue. Indeed, the income tax itself reaches down to small incomes, so that it claims a substantial share of the earnings of coal miners, the profits of retail shopkeepers, the wages of skilled artisans, and the salaries of schoolteachers.

Nevertheless, the fact remains that the Labour Government proposed to collect in taxes (including local rates, the English term for local taxes on property) nearly a half of the national income and to spend it on the purposes shown in the rough classifications of the budget figures. Defense, the conduct of foreign relations, the maintenance of civil order, and the other traditional tasks of government are more costly than they have been in past years. Defense estimates in 1949 were heavily increased by the tensions of the international situation. But, a large part of the increase in spending was attributable to the wider range of the social services. At the end of 1948, the first full year of the National Health Service, it was necessary to ask for a supplementary estimate of £58 million, raising the original figure of £150 million to £208 million. This discrepancy between the original estimate—more than a full third above the forecasts—was due to the unexpected use of dental and ophthalmic services which were, of course, extremely hard to predict. These figures are of impressive size, but a lot of the money went for needed false teeth and spectacles. The rough breakdown of the budget figures on page 172 gives some conception of the chief categories of government expenditures and receipts in 1948–49 and the estimates for 1949–50.

Without attempting a detailed analysis of the budget figures, we can repeat the broad generalization already made. A planned economy, in which the government directs the expenditure of so important a share of the total national income, makes the work of government departments and their staffs a vital factor in the economic life of the society. Calculated as a share of the *net* national income—and it should be noted that the net income is a slightly different figure from the gross national income hitherto used—41.7 percent in Britain, as compared to 24.6 percent in the United States, is expended by government.[7] This comparison

[7] *Economist*, London, March 19, 1949, p 503, quoting from the *National Provincial Bank Review* of that week. It should be added that such figures are never more than suggestive; they cannot be precise.

should not be taken to mean more than that in the United States government has much less to say about the expenditure of the total national community than government has in England at the present time.

What is really significant for the life of a community is what it gets for the money it spends. The budget figures, with local government services added, show broadly the purposes for which nearly half of Britain's income is expended. A large amount is devoted to the social services, including education and needed attention to teeth, eyes, and general health. Labour's supporters argue that this expenditure will pay off fairly promptly in higher productivity, because workers in Britain's industries will have improved health and better training.

This illustration of the importance of government authority in a planned economy is chiefly intended to point out to the student the significance of administrative organization and methods. The efficiency of government organization, and the intelligence and public spirit of the administrative officials are of vital importance in a society which undertakes, through the use of public authority, to plan a large part of its activities

Planning and Democratic Freedom of Choice. The description given of government functions and the organization which administers them should make it clear to the student that a very large part of the action of government is *administrative* in character. And the preservation of freedom of choice, even of the maintenance of liberty of opinion, is contingent in large part upon the methods of *administration*. The links which the Cabinet system establishes between government officials and the ordinary citizen, which were explained in Chapter 3, become more and more important in Britain as the scope of government activity increases. Democracy and planning need not be irreconcilable. But certainly it is harder to maintain the presumptions of a democratic society as the tasks of government become bigger and more complex.

Therefore all these administrative departments possess means of referring to the wishes of citizens: use of public inquiries and hearings, review by administrative tribunals of decisions taken in individual cases,[*] the publicity prepared by the Central Office of Information, which tries to inform the citizen on the vital aspects

[*] Robson, W. A., *Justice and Administrative Law*, 2d ed. (London, 1947). This is an excellent discussion of a big and complex subject and sets forth the procedures used in administrative tribunals.

of what their government is doing.[9] All these means serve to carry on the administration of the affairs of the society in accord with the desires and taking cognizance of the rights of its members.

Government Liability in Crown Proceedings. A specific safeguard for the citizen's rights should be explained in this connection. Ancient English legal doctrine always held that "the king can do no wrong." As applied by the courts in a long series of decisions running back to the thirteenth century, this has been interpreted to mean that the Crown is immune from legal suits, especially liability in contract, quasi-contract, or tort. Translated into ordinary language, this meant that while a citizen injured by the action of government could always sue the official, he could not sue the Crown for redress. The Crown Proceedings Act of 1947 has modified this legal doctrine. The Act declares that in the main the Crown is liable for the acts of its officers in much the same way that a corporation must assume liability for the acts of its employees. This is a technical subject, and it should be noted that the liability of the Crown is still limited compared to ordinary civil liability. However, most of the old anomalies are swept away, and the citizen's chance of initiating proceedings against the government and of getting redress for an injury suffered is much improved because procedures and legal doctrines are simplified. This Act, comparable to the Federal Tort Claims Act of 1946 in the United States, has been under discussion for a long time and embodies the work of a Crown Proceedings Committee which reported in 1927. Nevertheless, it is significant that at the same time that a policy of economic planning was adopted, additional legal defenses against government action were available to the British citizen.[10]

Whether or not full democratic freedom in directing and criticizing the action of government can be maintained depends on how intelligent, skillful, and responsive the administrative side of

[9] *Survey '49 How Do We Stand This Year?* H.M.S.O. 1949. Prepared by the Economic Information Unit and the Central Office of Information, this is an excellent example of this type of activity. It makes use of graphic materials, strives for simple and vivid statement of the British situation, and is sold for sixpence, a dime in American money. There are also short films, which appear in the regular programs of the cinemas, and posters on the hoardings (billboards in the American language).

[10] Williams, G. L., *Crown Proceedings* (London, 1948), and Street, Harvey, "Crown Proceedings Act, 1947," *Public Administration*, Vol xxvi (Autumn, 1948), pp. 156–62.

government can be made. This has been dramatized in Britain from 1945 to 1950 by a Labour party leadership with a socialist program.[11] As has been suggested throughout this chapter, this problem of maintaining citizen participation in public affairs while administrative authority extends into more and more fields of activity appears in every industrialized community of the twentieth century. The best justification for the space devoted in these two chapters to the description of British administration lies not only in its significance in Britain, but in its comparable importance in every twentieth-century industrialized national community.

Social Planning and the Strain on Official Conduct. A final aspect of this subject may be appropriately dealt with here even though it concerns the permanent staff of the government no more than any other part of the administrative organization. The extent to which the state exercises control over business, especially with regard to allocation of materials, licensing of enterprises, and control of prices is bound to generate pressure upon officials and agencies. Since very considerable economic interests may be at stake, the possibility of influence being brought to bear upon officials is a matter of genuine concern. During the war and after, there was occasional gossip about "black" or "gray" markets, and "under-the-counter" transactions in rationed or controlled commodities. The absence of accusations of connivance by the police or other officials involved is a genuine, even though it be a negative, tribute to the integrity of the administrative staff.

It was all the more of a shock to public opinion, therefore, when on October 27, 1948, in the House of Commons Prime Minister Attlee moved for the establishment of a tribunal to investigate whether high officials and ministers of the Crown had been involved in discreditable dealings in licensing the importation of amusement machinery, permitting unfairness in allotments of paper to a business operating a football pool (a sort of lottery on the results of football games). The Opposition, led by Winston Churchill, approved the Government's action and supported the motion. A tribunal, under the chairmanship of Sir George Justin

[11] Williams, Francis, *The Triple Challenge: The Future of Socialist Britain* (London, 1948). This gives an interesting and informed, at the same time sympathetic, account of some of the possibilities, especially in Chapters 1–3. A critique of the government's policies may be found in Jewkes, John, *Ordeal by Planning* (London, 1948), which is a counterbalance to Williams's sympathetic account. Professor Jewkes puts the economic criticisms with force and skill.

Lynskey, one of the judges of the High Court of Justice, was appointed by the home secretary under the Tribunals of Inquiry (Evidence) Act of 1921, to investigate the matter.

The tribunal began its sittings on November 1, 1948, and devoted its first meeting to establishing its procedure. It then heard evidence for twenty-five days between November 15 and December 21 and brought in its report on January 21, 1949. The hearings of evidence naturally made the front pages of all the newspapers and were the subject of lively discussion.

The findings of the tribunal exonerated all but two of the persons implicated. John Belcher, one of the parliamentary secretaries to the Board of Trade, and George Gibson, chairman of the North Western Electricity Board and one of the directors of the Bank of England, were adjudged by the tribunal to have been guilty of being influenced. But the evidence indicated that both had been indiscreet in accepting favors from an extraordinary "contact" man (Sydney Stanley) rather than having been guilty of serious misconduct. The tribunal found that much of the allegations arose from the activities of Stanley, whom they bluntly characterized as "a man who will make any statement, whether true or untrue, if he thinks that it is to his own advantage to do so." [12] Both Belcher and Gibson resigned from their official positions after the tribunal's report, and the former also left his seat in the House of Commons.

Though it received immense publicity, this was an isolated episode. Such incidents are rare in the history of English politics; and the promptness with which the Cabinet and Parliament acted in the matter shows what a high value is set on the integrity of public officials. Only three permanent officials were at all involved, and all three were completely cleared of any misconduct by the findings.

Though merely an episode, this illustrates a truly serious and important problem which confronts the social-service state. The more the government enters the field of economic regulation and planning, the greater the pressure brought to bear upon its administrative officials. In the United States similar difficulties are encountered, for example, in the work of the Federal Trade Commission and other regulatory agencies. (The sensational episode of Teapot

[12] *Report of the Tribunal appointed to inquire into Allegations reflecting on the Official Conduct of Ministers of the Crown and other Public Servants*, Cmd. 7616, January 1949

Dome need not be considered, fortunately, as a recurrent possibility.) It is worth emphasizing that this strain on official conduct, which accompanies large economic and social responsibilities, must be recognized as one of the most powerful reasons for the maintenance of a high quality of administrative staff. Despite this one unfortunate incident, in which the permanent officials were not involved as the findings eventually established, the record of British administration has been very good in the face of pressing problems and grave responsibilities.

Has British government planning under a Labour leadership been a success or a failure? The student, accustomed to the habit of mind of the scholar, knows or should know that the answer is: "Yes, and no, but. . . ." However unsatisfactory this may seem, it is the only possible answer. To ask it in 1950 is very like asking in 1936: "Is Mr. Roosevelt's New Deal a success or a failure?" The answer to both questions must be left to the historians, and that means that it will not be forthcoming for some time. The purpose in discussing the foregoing aspects of the administrative side of British government has been to bring to light many crucial aspects, so that the student can assess more intelligently current discussions and contemporary events. All that can be said at present is that the British are experimenting with traditional institutions put to new uses. What happens to them is of vital importance to England, and of great interest to every other important state in the modern world.

READINGS

There is no satisfactory book dealing with the organization and procedures of the central departments of the British government. The student's attention is directed to the various sources of information referred to in the footnotes of this and the preceding chapter. The author wishes to express his thanks to several officials of the Treasury for their kindness in supplying him with "off the record" information which greatly improved the descriptions given. The substance of the chapter depends upon published sources, many of which are cited, but interviews with officials have given much, both in perspective and details of operations.

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A few helpful books and government publications might be mentioned:

Clarke, John J., *Outlines of Central Government*, 10th ed. (London, 1945).

Harrison, Wilfrid, *The Government of Great Britain* (London, 1948), especially Chapters vi-ix.

Heath, Sir Thomas L., *The Treasury* (London and New York, 1927). This is one volume of The Whitehall Series which are still valuable, even though published twenty years ago or more.

Choice of Careers, New Series no. 1, Civil Service. H.M.S.O. 1948, gives a short summary of department functions at pp. 29–33. It is not a full list, but it is informative.

Occasionally the central departments publish reports on their work. There is no legal compulsion upon them to make annual reports, though it should be said that the various boards and corporations are required to publish quarterly or annual financial statements. There is not, therefore, a regular output of annual reports as there is from American government departments, nor is there any publication comparable to the *United States Government Manual*. A few recent department reports are:

Ministry of Labour and National Service, Report for the Years 1939–1946, Cmd. 7225.

Annual Report for the Central Office of Information for the Year 1947–48, Cmd. 7567.

Summary Report of the Ministry of Works for the Period 1st January 1947 to 31st December 1947, Cmd 7541

How Britain Was Fed in Wartime. Food Control 1939–1945, published for the Ministry of Food by H.M.S.O., 1946.

To supplement these references, the two periodicals cited so often during the chapters, *The Political Quarterly* and *Public Administration*, are valuable. In fact, the student should make use of the list of sources on British government which is discussed in the Readings at the end of Chapter 3, pp. 81–83

Chapter 8

THE LAW AND THE COURTS

ONE OF THE MOST IMPORTANT daily tasks of any government is to provide for careful administration of the laws. In England, as in the United States, the average citizen constantly depends upon the courts, even though he may never be involved in litigation. His rights, in relation to those of other citizens, and his legal status in the community depend upon continuous and equitable enforcement of law. Protection of his person and property, guarantee of performance of agreements with his fellow citizens, and definition of his responsibilities to others—all require the sanction of public authority applied by court action to make them effective. Even his general liberties, such as freedom of speech and the right to vote and organize associated action, are all carefully defined by law. Courts furnish the means by which he can defend the exercise of these privileges. Generally speaking, this is what is meant in Anglo-Saxon countries by the phrases "rule of law," or "government of laws and not of men."

The student of government is therefore interested in the work of the courts in any country. The law is, however, a technical subject, and its intricacies are fully understood only by its professional practitioners. Nevertheless, law as an aspect of government can be discussed by the layman and must be described if the work of any government is to be understood. This function of law in the life of the community will appear again later, when the nature of other legal systems are considered.

There is a special reason for study of the English law and courts. English common law is the basis not only of the law of Britain and the British dominions but of nearly all the states of the United States. The phrase "common law" is as familiar in American legal proceedings as it is in England. The precedents established centuries ago by English judges are cited by American attorneys when they argue cases. The reason for this is simple enough. The law had

reached a sufficient development by the time English settlers established themselves on the Atlantic seaboard of America to be used as the basis of civil relationships in the new country. While it has been modified to meet American conditions, it remains the foundation of our legal system.

Any study of English law and courts, like the study of other institutions of British government, must begin with a summary of historical development. The common law was not made—it grew in response to practical needs. It is a fascinating story, which must be reduced here to its essential aspects. The contemporary importance of its ancient origin is daily displayed in the pageantry of English courts—the judges' wigs, the barristers' robes, the formulas recited in the courtrooms.

THE DEVELOPMENT OF THE LAW

The extension of royal authority built up the system of the common law. In the twelfth century Henry I and Henry II made increasing use of the practice of sending out members of the *Curia Regis* to transact various aspects of the business of the realm in the counties. The council member, besides handling various administrative matters, held court in the king's name and tried cases. Since king's courts offered orderly and impartial hearing of cases, brought to them under royal writs commanding the adjudication of disputes, the demands on these "itinerant justices" began to increase.

The superiority of the king's courts to the old traditional courts of each locality can be readily explained. The action of local courts was subject to two very grave defects. Procedure was still medieval and relied upon ordeals or compurgation (the swearing of oaths in support of each side of a case) for verdicts in both civil and criminal cases. An interesting example of the survival of early institutions is the claim of a litigant in 1818 to settle his dispute by combat. This startled both bench and bar and led quickly to legislation abolishing this ancient right. Both Henry I and Henry II were profoundly critical of these methods of reaching a decision, however much they may have satisfied an age which put faith in signs and wonders. The king's courts began to develop the rules of evidence; jurors and judges made investigations of facts and based their decisions upon the findings. The rules governing the conduct of trials, now used in all common-law countries, date from these rudimentary origins.

The second defect resulted from the power of the lord in his manorial court after the Norman conquest. Barons could not be relied on to dispense equal justice to rich and poor, and the suitor who could not exert influence eagerly availed himself of the royal courts. The royal judge was relatively immune to local pressure, and the king's writs offered expeditious ways of bringing an action. The judges and lawyers who made the circuit of the county towns were, in a sense, selling a more desirable service than that available in most localities. The word *selling*, though inappropriate and even shocking when applied to the work of the courts, is permissible in this connection, for the officers of the courts were compensated by fees for the issuance of writs.

But even the prestige of the king's court could not guarantee that the decision of a case would be accepted, unless it accorded with the feudal customs and long-standing traditions of the community. Consequently each justice acquired a knowledge of various local traditions. In order to avoid carrying in his mind all the variations from one region to the next, the justices began to set down a system of law which would hold for many communities. Aided by the lawyers who accompanied them on their circuits, they slowly built up the rules and precedents of the common law—*common* in the sense that it was a body of rules common to many districts. This development was made more extensive by the work of the lord chancellor and the royal courts at the nation's capital.

Separate Growth of Courts. All this slow growth was occurring in a feudal political situation. The modern student, attempting to envisage what this process was like, must keep in mind that division of governmental functions into separate legislative, executive, and judicial activities was alien to the medieval mind. To put the situation as briefly as possible, the king simply "ruled." At times he, or his officers, held court and adjudicated disputes; at others, surrounded and advised by the chief magnates of the realm, he proclaimed laws; daily he issued orders or decrees which were carried out by his ministers or by his lords lieutenant or by sheriffs in the shires. The functions of government were not differentiated—it was all government by the king's authority.

Differentiation of functions, however, did occur quite early in the administration of the law. The royal writs, beginning with the Writ of Right which enabled the suitor to maintain his title to the most important of all feudal property, land, were elaborated.

The writ of trespass, for example, began to assume a variety of forms, covering a wide range of legal actions. A peculiarity of the early situation was that the formal aspects of the writs initiating proceedings became very important. An aggrieved person had to be careful to sue in the correct manner for the right purpose in order to obtain redress for the wrong he had suffered. This opened the way to a curious competition between courts.

The ingenuity and inventiveness of the royal justices, employing the force of writs to capture the business of local courts, brought about an increasing centralization in the administration of law. At the same time, the increase of business enforced some division of labor. During the reign of Edward I, great grandson of Henry II, the *Curia Regis* separated the work of the courts from its general function of government. This judicial section divided itself into three courts, as they could at last be properly called: Common Pleas, for trial of disputes between subjects; King's Bench for pleas of the Crown; and Exchequer for matters connected with the collection of the royal revenues. The name "King's Bench" still designates one of the divisions of the High Court of Justice of today. The continuance of this designation is appropriate, for the centralization of the administration of justice is one of the outstanding characteristics of the English system of courts.

Increasing business in the courts led to the development of law by experts. Bracton, one of the greatest of the commentators on the common law, stated a number of basic judicial doctrines. He was one of the first of a long line of teachers and students of the law. Judges, lawyers, teachers, and writers developed the precedents which still guide British and American judges in their decisions. English common law is judge-made law, and one of the most important results of this development is the fact that, even though much of the law has now been enacted into statutes by legislative bodies in England and America, the meaning of statutes is still powerfully influenced by these early precedents.

Common Law and Equity. Although judges introduced legal fictions to modify the slowly changing rules of law to fit conditions which changed more rapidly, the common law did not change fast enough to satisfy the English community. Technicalities of procedure, particularly the correct choice of the writ upon which proceedings could begin, put men into the situation that when they approached the courts they were defeated in their effort to get re-

dress for a genuine grievance. At the present time this condition would produce an active expression of public opinion, which would be channeled into legislation. In England, during the thirteenth century, Parliament had not achieved full powers of legislation. Disappointed litigants resorted to the one flexible element in the government of those days, "the king's conscience."

The "keeper of the king's conscience" was his chancellor. When the power of His Majesty, as the fountain of justice, was invoked, the chancellor heard the petition for the redress of a wrong which could not be remedied by the rigid procedures of the common law. As might be expected, he used a flexible instrument for proceedings, a bill. He could call the parties before him, could punish for refusal to appear or to abide by his judgment, and could offer a variety of remedies for the injury suffered by the pleader. Common law was, and is, governed largely by the principle of awarding damages. The chancellor could order specific performance of a contract, or he could enjoin a nuisance. A trustee could be compelled to perform his duties. These remedies had the great merit of being both prompt and practical.

At first the chancellor simply used his conscience and his common sense to see that justice was done where technicalities had clogged the action of the common-law courts. Precedent inevitably entered the procedure, for men cannot always exert conscience and common sense afresh whenever a problem appears. Today's problem often bears a resemblance to yesterday's and can be analyzed by reference to the record. A body of rules was therefore built up for *chancery*, as it was first called, *equity* as it is known today, and a competition developed with the regular courts for the capture of fees, just as had occurred earlier between the different common-law courts. For a remarkably long time equity continued to be administered by a separate system of courts. It was not until the mid-nineteenth century that the unification of the two parallel systems was begun; in 1873 the Judicature Act created the present Supreme Court of Judicature, which includes the High Court of Justice and the two appeal courts. At the same time all courts were authorized to entertain proceedings either at law or at equity, so that the litigant no longer had to choose his court. He needed only to elect the type of procedure suited to his need.

Civil and Criminal Law. This excursion into legal history has dealt chiefly with the development of what is usually called civil

law. Implied throughout the story is a correlative growth of criminal law. Henry I established the principle of "the king's peace," and the feudal idea that crime was an injury done to a person yielded to the modern conception that a criminal act is a wrong against the state. Serious crimes were brought under the jurisdiction of the *Curia Regis*, and the trial of such offenses by assize courts and in the High Court today continues that situation in all essentials. Juries brought accusations against criminals, and trial juries sifted evidence to determine guilt or innocence.

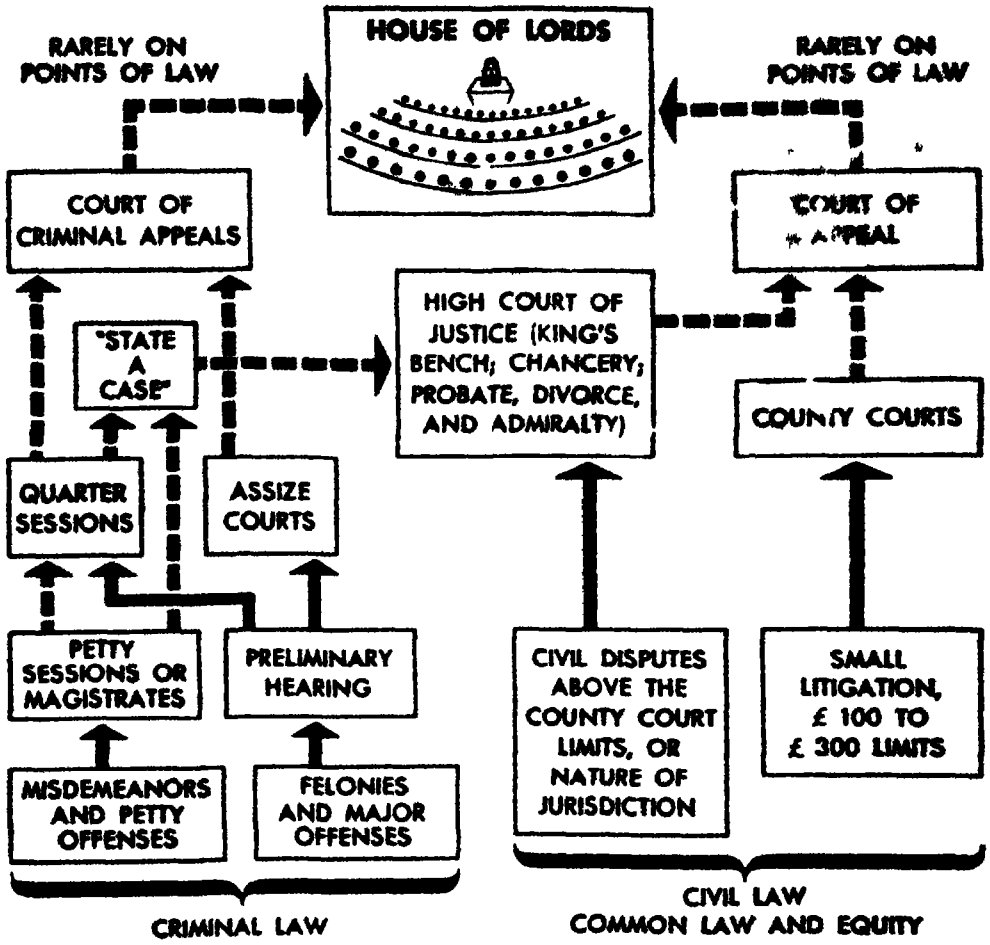
Every civilized society tries to maintain law and order—a much used and misused phrase. Conditions would be intolerably chaotic if every man had to defend himself from violence to his person and property and the maintenance of civil order is therefore taken for granted as a responsibility of the government. The distinction between civil and criminal law may be defined by saying that the first is a body of rules by which disputes between citizens are settled by the courts; the second defines the acts which are dangerous to the general public and punishable by the authority of the government. Quite frequently an act will be subject to both kinds of law. A motorist who injures a pedestrian has committed a crime and is punished after being tried in the criminal courts; at the same time, under the rules of the civil law, he may be sued by the pedestrian for damages to redress the injury inflicted.

This historical development has been summarized because it has still a powerful influence on the administration of the law today. English justice is still highly centralized, and ancient precedents control the interpretation of statutes. The diagram on the following page shows the typical path of various types of cases through the system of courts. The courts themselves may be best described according to the two hierarchies indicated in the diagram.

THE ADMINISTRATION OF CRIMINAL JUSTICE

Investigation and Arrest—The Police. The first steps in the enforcement of criminal law occur, of course, before a case comes into court. The discovery and investigation of crimes is undertaken, in the vast majority of instances, by the police, and a police constable may arrest without a warrant for breach of the peace or for reasonable suspicion that a felony is about to be committed. It should be mentioned, however, that in both England and America the com-

HANDLING OF CASES IN ENGLISH COURTS



This diagram shows the usual treatment of cases in the English courts. The solid arrows show original proceedings and terminate at the point where a decision is reached, by trial or otherwise. In civil cases this is often by arbitration between the parties. The broken arrows show reconsideration of cases, on appeal or on a review comparable in nature to an appeal. Since the diagram has been simplified to show the general working of the system, it should not be regarded as exact for all cases. Even the classification of cases shown on the lowest level is only approximate. The distribution of the load of civil litigation is shown in the table on page 193.

mon law holds that any citizen is obligated to arrest a person who commits a crime in his presence. In this effete century, private persons almost always "call a policeman" rather than themselves undertaking the duty of making an arrest.

The normal method of bringing an offender to trial, therefore, begins with an "information" brought to a magistrate by the police or by a charge sworn to by a citizen who complains to the police. The magistrate issues either a summons or a warrant, which is an order of the court requiring the accused person to appear before it. The serving of the summons or the making of the arrest brings the alleged offender before the magistrate's court for preliminary hearing or trial, according to the seriousness of the charge.

Since 1839, when the metropolitan police force of London was established, police forces have been carefully recruited and trained for their duties. The nickname "bobby" derives from Sir Robert Peel's initiation of these reforms. A similar system was extended to the whole of England during the course of the nineteenth century, so that at present the competence of the police is equally good in the metropolis, in provincial cities, and in country towns. This has been achieved by a system of grants in-aid, by which the home secretary is empowered to make a grant of money from national funds toward the support of police forces, provided the standards of recruitment, training, and performance are acceptable. Inspectors from the home office report on the eligibility of each locality to receive the grant, and since the method has been so long established there is hardly ever an occasion to withdraw the financial support of the national treasury.

Law enforcement is also aided by the services of Scotland Yard, the name usually applied to the Criminal Investigation Department of the Metropolitan Police District of London, whose staff may be called upon by any local police force. (English detective novels have familiarized the American student with the process of "calling in the Yard.") This brings highly skilled resources to the assistance of the local police in the investigation of any baffling crime.

The standard of police work in England is recognized as excellent by all observers, and the importance of maintaining the standard has long been recognized by the community. In October 1948 a new police college for in-service training was opened, and in April

1949 a committee recommended increases of pay for police forces.[1] These are examples of government interest in the importance of improving performance to meet the needs of the present day.

The Justice of the Peace. The two local courts of petty sessions and quarter sessions are staffed by lay magistrates, not unlike the court of the justice of the peace in the United States. This is not true in London and in large towns where the magistracy needs to be trained in the law to handle the number and complexity of criminal cases. Stipendiary magistrates or recorders in cities and towns are qualified lawyers, usually barristers of seven years' professional standing. Their courts are at the same level of the judicial hierarchy as those of the justices of the peace. In London there are metropolitan magistrates' courts, comparable to those of stipendiaries elsewhere. The extent to which the lay justice is used is revealed by the fact that outside of London, with its twenty-six metropolitan magistrates, there are only sixteen stipendiary magistrates in England and Wales. This necessitates, even in the London area, the use of lay justices in petty sessional courts.

The justices of the peace date back to a statute of 1327 which provided that "in every county good men and lawful should be assigned to keep the peace." At the present time there are some doubts of the value of the institution, and Lord Merthyr, dissenting from his colleagues on the Royal Commission of 1948, proposed that the lay justices should be replaced by stipendiaries. The majority of the Commission reflected the confidence still reposed in the justices of the peace. It recommended various means of improving their appointment and suggested methods whereby they might receive some instruction in their duties.[2]

These lay magistrates are appointed by the Crown on the advice of the lord chancellor. The lord chancellor is assisted in finding suitable people by advisory committees in the counties and the boroughs. The simplest brief description of a "J. P.," as he or she is usually called, is the term "solid citizen." These officers rarely have

[1] Cmd. 7674 (Part I), 1949.

[2] The figures on stipendiaries and metropolitan magistrates given above are found at p. 56, para. 211, of the *Report of the Royal Commission on Justices of the Peace, 1946–48*, Cmd. 7463, 1948. This is the most recent thorough survey of these courts, and much of the discussion in the text relies on the information given in it. Lord Merthyr's proposal is found at pp. 99–101; and the general recommendations of the commission are summarized at pp. 86–91.

any expert knowledge of the law. It should be mentioned, however, that the chairman of quarter sessions, the full meeting of the bench in a town or county, is a qualified barrister or solicitor and is usually paid for his services. In petty sessions, where two or more justices sit, the bench relies on the services of the clerk, who is often a solicitor or has had long experience of the office. This is another instance of the combination of the amateur and professional in English government. Since the J. P. is unpaid—even his expenses are not reimbursed—the quality of personnel is surprisingly high. It displays one marked defect: most justices are retired from active occupation and are therefore elderly.

The jurisdiction of these courts is quite extensive. They have summary jurisdiction of minor offenses, trying the offender and pronouncing verdict and sentence. On felonies and major offenses they conduct the preliminary hearing and bind the prisoner over for trial at quarter sessions or before the assize court. The purpose of the preliminary hearing is to determine whether there is a prima-facie case for trial, and the prosecutor must produce sufficient evidence to justify holding the accused on bail or in custody.

Juvenile courts, since 1933, are composed of three of the bench of justices for the county or borough and must include one woman justice. The procedure of juvenile courts, as in the United States, is semiprivate. The reform of the juvenile offender is the purpose aimed at, and probation is frequently used. Finally, it should be mentioned that petty sessions has a small, but fairly important civil jurisdiction. Disputes between employers and workmen on claims for wages and eviction proceedings in low rental houses or tenements are decided; and minor disputes between spouses are heard by a division of the justices known as the "Domestic Court."

Returning to the administration of criminal justice, minor crimes are handled by petty sessions, with the right of appeal to quarter sessions. Comparable to appeal, though only a review on points of law, is the requirement to "state a case" (indicated in the diagram) to a division of the High Court, always heard by judges of the King's Bench division. Upon request, the J.P.'s must furnish to the higher court a statement of the circumstances and the decision upon them, which is reviewed for its validity on points of law.

The important function of petty sessions in conducting preliminary hearings leads to mention of another minor court, that of the coroner. A jury is used, but the court's jurisdiction is limited to

cases of death under suspicious or unexplained circumstances. A verdict of murder, if it identifies a suspect, results in a trial in the same way as binding over after a preliminary hearing by petty sessions.

Assize Courts. Before taking up the work of the assize courts, the limits on the jurisdiction of quarter sessions must be defined. Very often a case is sent to the assize court or to quarter sessions on sheerly practical considerations, according to which will sit first in the district and therefore give the earlier trial. Some cases are not within the jurisdiction of quarter sessions, however, and must be placed on the docket of the assize court. Broadly speaking, murder, bigamy, conspiracy, felonies for which the penalty may be *life imprisonment, and other offenses of a grave nature* are beyond the jurisdiction of quarter sessions.

This means that almost all serious crimes are tried in the assize courts. These courts are held in all the county towns, usually three or four times a year, by a judge of the High Court (in practice he comes from the King's Bench division) traveling on circuit. He tries civil as well as criminal cases, but the larger part of the court's docket is the trial of serious criminal offenses. The judge, like all judges of the High Court, has been appointed by the Crown and was a distinguished barrister before being appointed to the bench. Court is held, then, using counsel and jury, and traditional pageantry enhances the solemnity of the proceedings.

The central criminal court of the London area, long known as the "Old Bailey," has the same standing in the judicial hierarchy as the assize courts. In actual fact the judges come from the King's Bench division of the High Court, though the lord mayor of London, the lord chancellor, and other dignitaries are technically members of the bench. Its jurisdiction for the metropolitan area corresponds to that of assize courts.

Some salient features of a criminal trial should be described. An indictment must be framed, stating the charges precisely, so that the defendant's position is clearly defined. Formerly these indictments were brought by a grand jury, now they are signed by the clerk of the court. The prisoner pleads guilty or not guilty to the counts of the indictment. If he pleads not guilty or "stands mute," he is tried before a jury of twelve citizens drawn from a panel of forty or fifty. The accused is presumed to be innocent until proved guilty, so the prosecution must fully substantiate its case. The rules

of evidence, while fundamentally the same as in civil cases, are very strictly applied in order to protect the defendant against a wrongful verdict. When all the evidence has been presented and the speeches of counsel on both sides have been heard, the judge instructs the jury as to how the law applies to the circumstances, and he may comment on the evidence. The jurors' duty is to decide on the basis of facts; and they should not reach a verdict of guilty unless the prosecution has proved its case "beyond a reasonable doubt." Even the gravest suspicion is not a justification for the verdict of guilty, and any verdict must be unanimously agreed to by all twelve jurors. If held guilty, the defendant may appeal to the court of criminal appeal on points of law. If a legal point of exceptional importance is involved and if the attorney general, the principal law officer of the Crown, grants permission, a further appeal may lie to the House of Lords sitting as the highest court.

No legal system can guarantee that the innocent are never convicted, but the safeguards inherent in criminal procedure in England reduce to a minimum the chances of a miscarriage of justice. Conduct in the courtroom is decorous, and press reporting of trials is quite restrained. Appeals are dealt with promptly, so that proceedings rarely drag on for an undue length of time. The low crime rate in England reflects not only the quality of police work but also the prompt and careful performance of the criminal courts. Both are backed by an invisible, but constant, public regard for orderliness, which is the product of a long experience of urban conditions.

THE ADMINISTRATION OF CIVIL JUSTICE

The state puts the civil courts at the disposal of its citizens to aid them in securing their rights in any dispute among themselves. The authoritative and enforceable decision of a court serves to collect a debt, clear a title to property, or compel the performance of agreements. Frequently it leads to arbitration of a dispute before a verdict is finally handed down. To achieve these purposes there is a hierarchy of courts which roughly parallels the criminal courts, as the diagram given on page 187 indicates.

County Court. A little more than a century ago the crowding of the docket of the central courts in London and the expense to litigants of carrying cases to the capital led to the establishment of

the county courts. England and Wales are now divided into more than 400 districts, and since court is held in more than one place in some districts, there are over 450 county courts. These are organized in approximately fifty to sixty circuits, and one or two county-court judges hold court once a month or oftener at each town in a circuit. The judges are appointed by the lord chancellor and are barristers of at least seven years' standing. Each court has a registrar, who is a solicitor of at least seven years' standing. The registrar acts as an administrative officer of the court and has some powers of trying cases. Procedure is controlled largely by statutes, but it is elaborated by a rules committee appointed by the lord chancellor from county court judges, with the addition of a registrar, a barrister, and a solicitor. In the technical legal phrase, the decisions of these courts are "without authority," which means that the reasoning for the judgments is not reported and is not binding as a precedent on other judges of the same rank. Nevertheless, the personnel is of high quality. Convenience of location, relative simplicity of procedure, and moderate costs of litigation bring a large volume of business to these courts, as the following statistics[1] show:

DISTRIBUTION OF CIVIL PROCEEDINGS, 1945

County courts:	Actions commenced	236,635
	Actions brought to trial	144,155
High Court	King's Bench division	25,583
	Chancery division	4,026
	Probate, Divorce, and Admiralty division (includes 25,486 petitions for divorce)	26,467
Court of Appeal:	From county courts	142
	From High Court	246
House of Lords:	Appeals	28

These figures not only reveal the amount of litigation dealt with by county courts but also show, by the difference between actions commenced and actions tried, the number of disputes which are settled by arbitration or abandoned. The number of appeals from High Court decisions indicates the greater gravity and importance of the cases handled in London.

[1] Rubinstein, Ronald, *John Citizen and the Law* (London, 1947), p. 315. This book gives an excellent simple account of the chief content of the law as it concerns the average citizen.

The jurisdiction of the county courts is limited. Avoiding a technical and precise statement, the limits are chiefly financial, ranging from £100 to £300 for common-law proceedings and averaging £500 for equity cases. Some types of action lie outside the power of these courts entirely: libel, slander, some proceedings for the recovery of land, and a few others. The merits of the system are obvious. Facilities are placed at the disposal of the citizen for most civil actions, and at the same time the general body of the law is not overloaded with precedents.[4] As the diagram on page 187 indicates, appeals may be taken to the Court of Appeals, and in rare cases on difficult points of law, they may be taken to the House of Lords.

High Court. The historical tendency to centralize the administration of the law is still manifest in the authority of the High Court, which sits in London. It is organized in three divisions: King's Bench, chiefly concerned with common law cases; Chancery, adjudicating principally in equity, though the development of the law has created a considerable mutual overlapping with King's Bench; Probate, Divorce, and Admiralty, a historical combination of "wills, wives, and wrecks."

The full majesty of the law is embodied in this court. In all three divisions it is staffed with jurists who had distinguished careers as barristers and were known as widely for their study of the law as for their skill as practitioners. They are appointed by the Crown on the recommendation of the lord chancellor, and great care is taken in their selection, for they have permanence of tenure in office. Their salaries are paid from the consolidated fund of the government, a token that they are not even financially dependent on the favor of Parliament. They can be removed only by an "Address" of both houses of Parliament, a serious proceeding which has been used very rarely. Consequently in dignity and prestige the High Court justices closely approach the justices of the Supreme Court of the United States. Statistics given in the table on page 193 indicate that a large amount of important litigation is dealt with in the High Court. The judges also travel the circuits of the assize courts, as has already been explained.

Appeal Courts. The function of the appeal courts has already been implied. The Court of Appeals is presided over by the Master of the Rolls, a traditional legal office held by a distinguished jurist.

[4] Gregory, R. C. L., *County Court Manual*, H.M.S.O., 1946. An excellent brief textbook for use of county-court officials.

The bench is composed of seven lords justice of appeal. The Court of Criminal Appeals is usually made up of three judges from the King's Bench division of the High Court. In both civil and criminal cases a number of appeals are heard as a matter of right, but in many instances the consent of the Court of Appeal or the High Court is needed. In the main, appeals are allowed for good reason only and are heard promptly and expeditiously.

The Judicature Act of 1873 left to the House of Lords its function of exercising the judicial powers of what was anciently the "High Court of Parliament." This makes a second appeal possible when there are significant and difficult issues of law to be decided. History still exercises a great influence on these proceedings, and they are assumed to be deliberations by the house, with speeches on both sides and a decision by a vote. In actual practice convention restricts the membership to the seven law lords, with the addition of the lord chancellor and any other peer who has held high judicial office. The decision is the final authoritative ruling on interpretation of the law and is respected because of the distinguished personnel of the bench which hands it down.

The House of Lords had original jurisdiction in trials of peers for treason or felony until 1948, when the Criminal Justice Act of that year abolished this procedure. This jurisdiction was rarely exercised, but cases of this kind were tried as recently as the 1930s. The Lords also hear impeachment trials, accusations being brought by the Commons. This is a rare proceeding, last used more than a century ago.

The Judicial Committee of the Privy Council has a considerable importance as an appeal court for the empire and the commonwealth. Technically, it advises the king on points of law brought to him from the Supreme Courts of the dominions; actually, its recommendations are as conclusive as those of any appeal court. Its jurisdiction has always been sparingly exercised and is now being abridged by legislation in some of the dominions (Eire at present, with Canada likely) prohibiting the carrying of cases beyond their own Supreme Courts.

ADMINISTRATIVE TRIBUNALS

The hierarchy of courts which has just been described deals with matters which are subject to the law as it has historically developed. The British citizen of today is often involved in proceedings before

administrative tribunals, and the effect of the action of these tribunals, so far as he is concerned, is the same as a court decision. Often the proceedings are like a trial. A statute or statutory instrument is applied in a way that is analogous to a criminal case, or the effect of administrative action gives rise to a dispute between private citizens that is not unlike civil litigation. Some administrative tribunals, like the Railway and Canal Commission, were created a long time before the opening of the twentieth century; their action is now entirely taken for granted, just as that of the Interstate Commerce Commission in the United States. Others are of much more recent origin and are regarded doubtfully. In all of them the combination of rule-making powers with those of adjudication gives rise to fear that "The Rule of Law" has been sacrificed to administrative convenience. This development has already been discussed in Chapters 4 and 6, but it should be considered again in this connection.

Merely naming these tribunals would make a long list. Transport by road and rail requires three or four such agencies; housing and war-damage compensation makes use of two or three; the social services have given rise to the vesting of judicial functions in the Ministries of Health and Education, and to the establishment of tribunals for unemployment insurance, unemployment assistance, and family allowances; town and country planning law has placed judicial functions in that Ministry.[5]

This growth of administrative tribunals, and even of a body of what might be called administrative law, is the subject of much controversy. [It is proper to suggest that the growth itself is the product of the forces which were discussed in Chapter 6.] The modern administrative state or social-service state is confronted with the problem of adjudicating claims which often lie outside the traditional pattern of the law. Sometimes the decisions of administrative tribunals are specifically exempted by statute from judicial review. In all instances review by the courts is restricted to matters of law, though it is difficult to make the distinction between law and fact in proceedings of this kind. This problem is not peculiar to England, it has been under active discussion in the United States for some time.

[5] Robson, W. A., *Justice and Administrative Law*, 2d ed. (London, 1947), ch. III. This is a careful and scholarly analysis of all such agencies, and assesses their performance. For a searching criticism of quasi-judicial tribunals see Allen, C. K., *Laws and Orders* (London, 1945).

If the appearance of tribunals exercising such powers could hardly have been avoided in modern industrial society, it should also be emphasized that their procedures should be stabilized and should be open to public scrutiny. In England and the United States, both being common-law countries, this phenomenon seems alien to well-established traditions. Close attention to it by citizens as well as jurists should result eventually in a reconciliation of conflicting views. What seems most likely in England is that study of the problem by administrators, judges, and legislators will have the effect of working out procedures which will adequately protect the equities of the average citizen. One important development bearing on this problem was the passage of the Crown Proceedings Act in 1947. Its effect, already discussed in Chapter 6, is to permit the citizen to sue the Crown (the government) in much the same way that he institutes any ordinary civil proceeding. The law in no way abridges the usual rights of bringing suits against officials, but it does improve the citizen's chance to get adequate compensation for an injury suffered. Court review of administrative action has always been available to determine whether or not an officer's action is *ultra vires*—that is, exceeding powers conferred by law. In addition, it must not be forgotten that there can be questions raised in Parliament and scrutiny of administrative action by the legislative body.

Lest this discussion of rights and risks create a presumption against such agencies, the real needs they serve should not be ignored. Complicated subjects, like town and country planning or health regulation, called for the expert consideration of administrative tribunals. The real problem confronting Britain—and indeed it confronts all modern states—is to find a way of performing these necessary tasks without running any risk of seriously impairing traditional democratic rights and privileges. It deserves further study, and many books and articles dealing with the problem have appeared in recent years.

THE LEGAL PROFESSION

The administration of law, both criminal and civil, depends upon lawyers as much as it does on courts and judges. The growth of administrative action has increased, rather than diminished, the lawyer's importance. The legal profession, much like the law itself,

reflects traditional development. It is divided into two branches, solicitors and barristers.

Solicitors and Barristers. The solicitor is a trained legal adviser, having been "articled" to a practicing solicitor for a period of five years and then having been admitted to practice after passing examinations set by the Law Society. The Law Society is an unofficial association, but nearly all members of the profession belong to it. With some regulation by laws and with some supervision by the judges, it establishes the rules governing the conduct of solicitors and sets the standards of the profession. A large number of solicitors have had their training in the law schools of universities before beginning their apprenticeships. Besides handling many legal matters for their clients and giving advice on legal problems, they manage investments and act as agents in a variety of business transactions.

Solicitors do not argue cases in the higher courts, for they have not been formally admitted to the bar. If a client is involved in litigation, either civil or criminal, his solicitor "briefs" a barrister for him. Barristers usually have had training in the law schools of the universities and at the same time have become members of one of the four Inns of Court in London (Inner Temple, Middle Temple, Grey's Inn, and Lincoln's Inn) which maintain the standards of this part of the legal profession. After studying law and passing examinations set by "the benchers," the senior governing boards of the Inns, the youthful barrister begins by helping to prepare cases for a successful and established practitioner. Early in his career he seeks advice from his seniors and chooses between law and equity as his field. Later he usually develops expert knowledge of some chosen branch of his general part of the law.

Eventually he wins recognition and prestige and builds a practice of his own. When his reputation is great enough he may become a King's Counsel (K. C.) and can hope that eventually he will be appointed a judge. The judges are recruited from the barristers, and a judgeship is an appointment much sought after, for it means a secure and honored place and an important function to perform in the administration of justice. The High Court and the Appeal Court judgeships are, of course, the greatest honors to be gained; but the County Court judgeships are highly regarded, and are filled by able and experienced men.

The Bench. The position of the judge with this experience and training contributes greatly to the excellent performance of English courts of law. Because of his secure tenure, he is willing to assume active direction of the procedure of his court. He acts as a true presiding officer, often intervening in the examination of witnesses in order to see that the ends of justice are served. His distinction as a barrister before his appointment by the Crown makes opposing counsel respectful of his action. The justices of the higher courts also serve as a council to advise the lord chancellor regarding the rules of procedure in the courts. The result of all these arrangements usually impresses the American lawyer visiting an English court, for the conduct of trials is remarkably simple and businesslike and the procedures are swift and efficient.

A final aspect of the judge's career has an effect upon the action of the courts. Promotion seldom occurs; once called to a court the judge usually remains there. His position is good enough and his work sufficiently varied to satisfy him. He is therefore concerned with making a good record and is not influenced by the possibility of preferment. This contributes to the impartiality and independence of his decisions.

The Costs of Court Proceedings. With all its merits, English justice suffers from one very grave defect—it is costly. A witty judge once remarked, "The courts are open to everyone, like the Ritz Hotel!" The loser in a suit has to pay costs, after they have been fixed at what is deemed an average amount by a taxing master (in the county courts this official is the registrar of the court). Barrister's and solicitor's fees are high enough to compensate them for the specialized skill they have spent years to acquire. If litigation has to be taken before the law courts in London, the expenses of bringing witnesses and preparing a case mount to large figures. While it may be argued that a high quality service has to be paid for at a high rate, for some time there has been real concern, both inside and outside the legal profession, to see if these costs can be reduced.

Legal-aid societies, provisions in the law to reduce costs for poor persons (especially poor prisoners in criminal proceedings), and the efforts of the legal profession to give free legal advice and aid to low-income groups have mitigated the hardships of the situation. There is still dissatisfaction with conditions which give an

undue advantage to a wealthy litigant, and in November 1948 the Labour Government published a bill which would provide legal aid for any citizen in all but a few excepted classes of actions, such as libel, slander, divorce, and some others. An explanatory white paper (government memorandum) outlined the proposals, which would give the Law Society and the Bar Council authority to administer the plan through local committees.[6] A good deal of discussion was evoked, both for and against the proposal. Though still in a formative stage, it is not unlikely that it may finally take definite shape. It will draw support from the genuine conviction, shared by the progressive members of the legal profession, that there is a real need to reduce the costs of the administration of justice.

THE RULE OF LAW AND THE RIGHTS OF THE CITIZEN

Behind the system of courts and law there exists a general presumption, which was aptly named "The Rule of Law" by a great legal scholar.[7] It refers to what might be called the spirit of the law and the general intention of the courts in enforcing it. Briefly stated, the rule of law means that the laws shall apply equally to all citizens, including officials of the government. By implication it also means that the rules of law are uniform, publicly known, and applied equally to all cases.

Habeas Corpus. In England there are no general constitutional guarantees of citizen's rights as provided in the federal and state constitutions of the United States. The protection of liberty, freedom of speech and association, freedom of worship, and similar rights is achieved in England by particular laws. A good example is found in the Habeas Corpus acts, which have been on the statute book since 1679, with further elaboration in 1816. These require that any citizen upon arrest can demand to be brought before a magistrate, and cause shown for his detention. The effect of the use of the writ of habeas corpus is to guarantee the citizen against false and improper arrest, but this liberty derives from the law not from a constitutional guarantee such as those set forth in the first ten amendments to the United States Constitution. The same might be said for many other rights: they are as real as if constitutionally guaranteed, but they arise from the laws which govern the conditions under which they may be maintained.

[6] Cmd. 7563.
[7] Dicey, A. V., *The Law of the Constitution*, ch. IV.

Recurring for a moment to the powers of emergency tribunals, we find that there has been modification in the citizen's situation in respect to their fields of action, but there has not been any fundamental abridgment of his liberties.

The Courts and the Laws in Emergencies. During World War II the rights of citizens in England, as in other countries, were somewhat reduced by the necessities of wartime. In the interests of security, some people (never very numerous) were detained or placed under police surveillance. At the same time the powers of the courts were greatly extended in order to relieve the hardships caused by the bombing of property and the interruption of normal business relationships. It is not without significance that the courts were agencies for the adjustment of conditions during the emergency period.

THE COURTS AND THE LAW—SUMMARY

It is not possible in one chapter to do more than point out the salient features of the machinery of the courts and to suggest the nature of the administration of justice. In both criminal and civil justice, England has a long tradition which is familiar to every British citizen. The orderliness of the British community is attributable in large part to the historical influence of the developing system of law, but it is also due to careful administration by the courts, in which the high quality of the bench and the well-established standards of the legal profession play a large part. It is not surprising, therefore, that every Englishman regards his home as his castle. He is confident that every right he possesses and every action of government toward him, however much administrative authority is extended, is ultimately controlled by the presumptions of "The Rule of Law."

READINGS

For the student of government the most useful reporting of leading cases is found in *The Law Times*, published by the London *Times*. These reports summarize for him the principal doctrines in leading cases. The divisions of the High Court and the Appeal Courts have their decisions reported, and these can be found in any good law library. The authoritative collection of the laws of England is Halsbury's *Laws of England*.

The student is urged to notice the books cited in footnotes in this chapter. Some of the many books dealing with this subject are:

On the content of the law:

Allen, C. K., *Law in the Making*, rev. ed. (Oxford, 1939).
Geldart, W. M., *Elements of English Law*, 3d ed. rev. by Sir William Holdsworth (London, 1939).

On the courts and the administration of the law:

Ensor, R. C. K., *Courts and Judges* (Oxford, 1933). Still up to date in substance, though not in details.
Hanbury, G. C., *English Courts of Law* (London, 1944), reprinted 1948.
Jackson, R. M., *The Machinery of Justice in England* (New York, 1940).
Patterson, C. P., *The Administration of Justice in Great Britain* (Austin, Tex., 1936).
Slesser, Sir Henry, *The Administration of the Law* (London, 1948). The author is a retired lord justice of appeal.

Chapter 9

LOCAL GOVERNMENT AND TOWN AND COUNTRY PLANNING

BOTH IN ENGLAND and in the United States the citizen's most important and immediate contact with government is the local administration of the area in which he lives. This remains true, even though the growth of central-government agencies and authorities has greatly increased since the last quarter of the nineteenth century. In some ways the growth of central-government activities has emphasized the importance of the local government unit, because in many fields the actual administration of new social functions has been delegated to local authorities.

The present range of functions of the local-government units in England is impressive. Policing, fire protection, regulation of health conditions, and provision of the traditional services such as streets, sewers, lighting, parks and recreation areas have long been regarded as merely the minimum duties of the government of the community in which the citizen lives. But the English citizen usually depends upon his local government for far more than these conventional activities. If he is a workingman he often lives in a house or flat provided by the borough or urban district (a "council house") and regards his local government as his landlord. A great many of the services for his dwelling are provided by the community, either as "municipal trading services" or as part of a nationalized industry—gas for cooking and heating, electricity for lighting and household appliances, water, garbage removal and others. The bus, tram, or underground train that he takes when he goes to work is provided by public authority, and a large part of the recreation facilities he uses in the evenings or holidays are furnished by the community government. He looks to his county council or county borough council to maintain schools for his children's education.

A number of health services were available to him even before the passage of the National Health Service Act of 1946: maternity and child welfare services, health services for children in the school system, hospitals and clinics. Now his local authority has a large share in administering the national health service. A wide range of cultural facilities are at his disposal as a citizen of a local community: libraries, art galleries, museums, adult education, and not infrequently concerts and plays. At the end of his life he will probably be buried in a municipal cemetery or cremated in a municipal crematorium.[1]

Local government also offers the best training in public affairs for the average citizen and often for the future political leader. In both England and the United States there is a long tradition of self-government in local communities, the American town and county being in many ways political descendants of the well-established institutions of British government, transplanted to the New World by the early settlers. In order that their present-day operation may be fully understood, the history of these units of neighborhood government should be reviewed briefly.

THE HISTORY OF LOCAL GOVERNMENT

The institutions of the Anglo-Saxon kingdoms furnished the pattern for the organization of local government in England. In these kingdoms the *shire*, the predecessor of the modern county was largely an autonomous community. The freemen assembled periodically to choose officers to carry on the business of the community, and it seems likely that there was a good deal of democratic determination of action, though the larger landholders naturally had a predominant influence. Besides the shire there was the *hundred*, a small district similarly governed, and there was also the *borough* or town in which the members of the community had a considerable voice in managing its own affairs. The creation of an established church led to the appearance of the smallest of the units, the *parish*.

William the Conqueror imposed a moderate amount of central-government supervision upon these traditional communities, but the essential substance of local autonomy was maintained. Under

[1] Warren, J. H., *The English Local Government System* (London, 1946), pp. 13–17, gives an interesting picture of the range of services in terms of an average citizen's lifetime.

the rule of the Tudors the responsibilities placed upon local authorities were greatly increased, and, though the supervision of the national government was simultaneously extended, the final result was that local government became more active and important in the life of every community.

Nineteenth-century Development. There is some danger that the student may form the impression that there were only two events of consequence in English history—the Norman conquest and the Industrial Revolution. Fortunately, should such an impression be created, it would not be far off the mark for the study of English government. It cannot be too frequently repeated that England was the first big state which was forced to deal with the problems created by urban industrial society when it appeared in the nineteenth century. The general effect of urban concentration upon local government institutions hardly needs to be stated. What has been said earlier in Chapters 5 and 6 has already suggested that new social conditions created an imperative need for changes in government activity and organization.

There is an interesting analogy between what happened to local government organization in England during the first part of the nineteenth century, and similar developments in the United States during the last part of the same century. In both countries a rapid change was taking place from a predominantly agricultural and small-town society to an industrial and big-city social scene. In both countries a historic pattern of local institutions existed, which had to be adapted to the performance of a bewildering increase of duties. While it can scarcely be said that in a village sewage and garbage dispose of themselves, in eighteenth-century England the disappearance of both of these dangerous nuisances occurred without any conscious social organization. The increase of population, as the factory system spread, quickly converted villages into towns and towns into large cities. As the population increased, so also did the sewage and garbage.

The first answer discovered to the whole array of problems which have been illustrated with this one homely example was the creation of *ad hoc* authorities—in America a little later the same set of problems led to an almost identical solution, the special district. It is an obvious answer to the problems that arise as conditions change. New services are needed which do not satisfactorily fit into the organization and powers of existing authorities, with the result

that new organizations are created to deal with the new problems.

Reform of the Poor Laws, 1834. The first action taken in nineteenth-century England dealt with an old problem in a new form—the relief of the poor. The Elizabethan Poor Law of 1601 still stood little changed upon the statute books. It was administered by the overseers of the poor in the parishes, under the general direction of the justices of the peace. Its scope was limited to the seventeenth-century policy of relieving the distress of those who were unable to work and of providing work for the able-bodied poor. The dimensions of this minimum obligation soon outran the limited financial resources of the parishes, for large numbers of unemployed factory workers presented a problem that was at once too difficult and too costly for traditional institutions.

A royal commission was appointed, and one of its members was Edwin Chadwick, who had been associated with Jeremy Bentham. Chadwick wrote Bentham's ideas into the commission's report, which finally reached the statute book as the Poor Law Amendment Act of 1834, "a great landmark in the development of modern local government." [2] Later, as secretary to the Poor Law Commissioners, Chadwick was able to perfect the system which the act established.

The salient aspects of this reform are worth notice, for they had a powerful influence on subsequent legislation in the field of local government. Areas, called "poor law unions," were created, combining parishes. Boards of citizens, called "guardians," were elected by the voters in these districts. The actual administrative work was carried on by paid officials appointed by the boards of guardians. Central government supervision of the work of these local *ad hoc* authorities was placed in the hands of the three national poor law commissioners who could issue orders and inspect the work of all the boards of guardians. Thus early in the nineteenth century the organization of local initiative by electoral boards, the establishment of administrative competence through the use of a paid staff, and the use of central inspection and control were applied to the problems presented by the new urban society. A minor token of the enduring qualities of these features, which are now commonplace in the English system of local government, is the interesting

[2] Jennings, Sir W. I., *Principles of Local Government Law*, 3d ed. (London, 1947), p. 44. Chapters II and III of this book give a brilliantly concise summary of the chief features of this historical development.

fact that the boards of guardians were not finally abolished until 1930, although their functions had long been superseded in major part by the establishment of the social insurances in the early part of the twentieth century.

The "Chaos of Areas." The next reform undertaken in nineteenth-century England did not add to the areas, as had the Poor Law of 1834. The government of the boroughs, ancient towns governed under the terms of royal charters, was democratized by a reform act passed in 1835. Municipal finance was made more responsible, the voting franchise was made uniform, and elective councils were obligated to undertake their civic duties at a much higher degree of intensity.

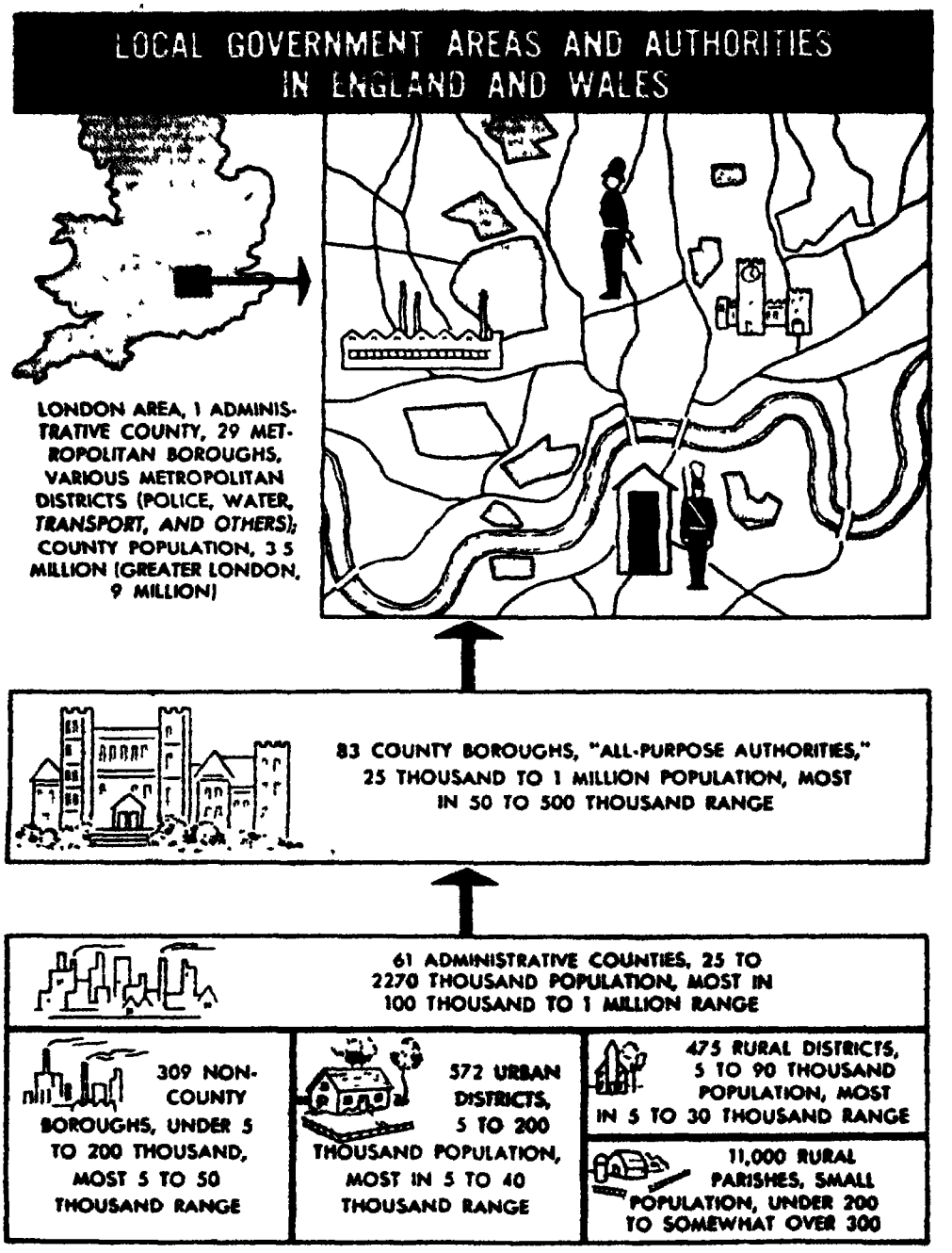
After this reform of an existing local government unit the tendency toward the creation of *ad hoc* authorities resumed. Public health demanded attention, and the indefatigable Chadwick once more applied Benthamite principles of investigation and reform. The Public Health Act of 1848 created a national board and established local boards much in the manner of the Poor Law reform. The Health Act did not fully meet the truly terrifying sanitation conditions which existed in towns that had so lately been mere rustic villages, and a series of acts created a variety of sanitary districts.

Some consolidation of areas was achieved in the Local Government Act of 1871, but not before the Education Act of 1870 had created school boards to carry out the administration of general elementary education. During the same period a remarkable number of burial districts, highway authorities, and lighting commissions were established. When long-delayed reform of the counties, which were still being administered by quarter sessions, was at last undertaken in the 1888s, the existing situation was described in an oft-quoted phrase as "a chaos of areas, a chaos of franchises, a chaos of authorities, and a chaos of rates." [3]

Legislation of 1888 and 1894 at last began to combine functions in the hands of fewer authorities, but the final establishment of a rational and symmetrical scheme was not really accomplished until the acts of 1929 and 1933. These acts established the local units in England and Wales which are outlined in the diagram on the following page.

Even these twentieth-century achievements are not enough to

[3] Lord Goschen, speaking from his former experience as chairman of the Local Government Board.



This diagram shows that there are one-tier, two tier, and three-tier local organizations. All of England and Wales are organized in this fashion, in London with its authorities or in county boroughs or in counties which contain within their boundaries the authorities and areas indicated. There are still parish divisions in London and in all the urban areas, but they are merely registration districts for vital and health statistics and similar routine matters. Rural parishes are the only parishes that act as local government areas. Chief sources are *Report of the Local Government Boundary Commission for* 1947 and Warren, J. H., *The English Local Government System.*

ment fully the needs of present-day England. The Local Government Act of 1948 made significant changes in the financing of local government and in the procedures of valuation for the purposes of standardizing local rates (in America these would be called local property taxes). Three years before this an act had established a Local Government Boundary Commission, which is empowered to make recommendations for the creation of a more rational system of local areas. The Commission has issued two reports so far, and while there has been as yet no decisive changes in areas, it is probable that its work will soon result in modifying considerably what has been ominously like a twentieth century repetition of the experience of the preceding hundred years.

THE AREAS AND COMMUNITIES

The diagram on the preceding page shows the areas and authorities which now exist in England and Wales. Scotland has a similar scheme of areas, although the names are different: Scottish counties correspond quite closely to English counties, but royal and parliamentary burghs are not quite the same as English county boroughs, and police burghs are slightly different from English urban districts. County districts were established by an act of 1929 in the "landward area" of each of the counties, and correspond to rural districts in England. The landward area is the part of each county which lies outside burgh boundaries.

Since the pattern of areas and authorities is now subject to a process of change as the recommendations of the Local Government Boundary Commission are made each year, it is appropriate to state briefly the underlying characteristics of the system which are not likely to alter since they are the product of a long historical experience. First of all, there is a well-established conviction that authorities should exercise a fairly wide range of functions, that each should be a "compendious" authority having jurisdiction for a variety of functions in its area. The county borough, for example, administers nearly all significant activities within its district; and the experience of the nineteenth century with *ad hoc* councils and areas administering a single function convinced everyone that this merely led to confusion. Second, the natural pattern of town and country is expressed in the scheme of areas, so that the range of activities of each local unit is adapted to its urban or rural character.

This leads naturally to a third characteristic. So far as possible each community finances a very large share of its functions and bears the cost of its own government, even though under the terms of the 1948 act and earlier legislation there is substantial assistance from central government funds. Finally, it is clearly recognized that some services are better performed for large areas than for small, and that the division of functions between authorities and the development of delegated powers, central supervision, and division of labor between areas makes appropriate assignment of functions to bodies with jurisdiction over large enough territories. While considerable changes may be anticipated in the course of the next few years, these general principles, the result of a long experience, are sure to be guideposts for the recommendations of the Local Government Boundary Commission.

The administrative map of England, as the diagram of the relationship between units suggests, reveals the division of the whole of England and Wales into counties or county boroughs, with the London area as an exception because of its special position as a very large metropolitan area and as the capital city of the country. County boroughs contain no subordinate subdivisions, but counties are divided into boroughs (awkwardly referred to as noncounty boroughs to distinguish them from the county boroughs), urban districts, and rural districts. All these areas, even the metropolitan boroughs of London, contain parishes; but only in rural areas does a parish perform any governmental functions. The practical work of all these units can be most concretely described by reference to the situation of two typical families, the small farmer in a rural parish and the clerk in an urban district.

Rural Government—Parish, Rural District, County. A small farmer and his family live in a rural parish. As a citizen of the parish, he has the right to attend the parish meeting which is assembled in March of every year, in which the general policies for the community are discussed and decided. If the parish has a population of over 300, a council is elected at this meeting; if the population is between 200 and 300 a resolution passed at the meeting can require the county council to establish a parish council. Even if the population is below 200, the parish may ask the county council to grant the creation of a council, but the county authority may withhold consent for so small a parish. The typical parish council has between five and fifteen members, usually elected at the parish meet-

ing and holding office for three years. Either the meeting or the council, as the case may be, assumes responsibilities for the government of the little community. When the word *government* is used in this connection, it refers to a limited list of functions. The maintenance of footpaths, village greens, and cemeteries and the administration of agricultural allotments are all compulsory obligations. If there are sufficient funds, the parish can embark upon a considerable variety of functions: recreation facilities, street lighting, the provision of public baths and washhouses. One small farmer, with the interests of his family in mind, can exert a good deal of influence on the activities of his parish meeting or council in order to make his home community more livable and pleasant.

For more important functions of government, the farmer looks to the *council of the rural district* in which his parish is situated. He votes for, or may be elected to, the council of the district, which ordinarily is chosen one third every year, each councilor serving for a three-year term. If the county council consents to an application, the election may be held every three years and the whole council elected at that time. There are usually at least fifteen members, but the number fluctuates widely from one district to another, being based upon tradition and custom and being uncontrolled by law.

The rural district possesses a significant amount of authority. It exercises a full range of environmental health powers: control of nuisances, drainage, sewage, garbage disposal, street cleaning, and notification of infectious diseases. Under the national health service, it may have delegated to it the administration of the services for mothers and little children. These delegations of authority usually come from the county council, though occasionally a central-government department may make use of the local council as an agent of administration. In the field of education it may have delegated to it the functions connected with primary and even secondary education. It has some powers with respect to housing and may participate in the formulation and carrying out of town and country planning schemes. It has a fair range of powers with regard to cultural and recreational activities, including concerts and dramatic activities as well as the more conventional provision of parks, playgrounds, libraries, and museums. It is an enforcing authority for a good many of the regulations with regard to food, milk, meat, and conditions in shops, either in its own right or as an agent for county or national authorities. With regard to highways it has full

responsibility for local roads termed "unclassified" under the highway acts and may be further obligated by county and national authorities. Finally, with the requirement of having its proposals confirmed by the appropriate ministry or ministries, it may undertake the full range of the trading services, such as water supply, gas, and electricity, although many of these industries are now nationalized, so that the local authority becomes usually a retail distributor for its area. It may also engage in one of the more recent trading services, the conduct and management of a civic restaurant. This brief enumeration of powers and functions is not intended to be complete, but it does convey the scope of powers and functions which our small farmer may expect from his rural district council.[4]

The county council is the third local government authority to which our farmer looks for essential services. Policing is now the exclusive function of the county government in all rural areas, because an act of 1947 conferred this function on county boroughs and administrative counties. In the county there exists a joint standing committee, half appointed by the county council and half appointed by the justices of the peace in one of their meetings in quarter sessions. This committee, as its composition implies, has a semi-independent position and can demand from the county council the funds required for the maintenance of an adequate police force. It appoints the chief constable of the county, and he appoints the members of the force and is responsible to the Home Office for satisfactory standards of performance. Protection of person and property, therefore, has now become a function of only two types of local authority, the county and the county borough. Naturally enough, a similar reorganization of fire protection was established by another act in 1947.

Besides these important historic duties, the county is also the chief authority for highways, primary and secondary education, the administration of the national health service, and it also carries the main responsibilities for drawing up and administering development schemes under the town and country planning law. Some of

[4] Simon, R., *Local Councils and the Citizen* (London, 1948), pp. 187–88 gives a tabulation of the functions of the various local-government authorities brought up to date to take account of recent legislation. It is not worth while to attempt more than a rough characterization of these powers, because they are constantly subject to change through current legislation. The account given above is intended to convey the nature of the work of the rural district, and the same applies to the description of other units which follows.

these functions, as has already been suggested, are actually accomplished by delegating powers and duties to rural districts, but the county remains the chief authority. This does not mean that the county is superior to the districts already described, in the manner of a higher ranking officer in the chain of command. What it really amounts to is that the county council has certain functions to perform which are more successfully carried on in its larger area, and that with respect to delegated authority it is dividing the labor with other units. Each authority has a very considerable autonomy within its own jurisdiction, and duties and powers are allocated to each on the basis of the appropriateness of the area and the interests of the community concerned.

The county council is the chief authority for the performance of the various county functions which have been enumerated. It is elected by the voters of the county for a term of three years. All the councilors end their terms simultaneously. When the council first meets, however, it chooses a number of aldermen, equal to one third of the number of councilors. These aldermen may be councilors or may be chosen from outside the council members, have a term of six years, and half of them retire every three years. Except for the longer term, and a historic tradition of dignity and importance, aldermen are just the same as councilors. They act as regular members of the council, attending meetings and serving on committees.

Urban Local Government—Urban District, Noncounty Borough, County Borough. A small tradesman or bank clerk, living in an urban area, may be regarded as the townsman who is comparable to the small farmer of the parish and rural district. He lives within the boundaries of a parish, but his parish performs no important government functions. If he lives in an urban district, or a noncounty borough, his chief governing authority is a council, elected one third every year by himself and his fellow townsmen. If he lives in a noncounty borough, the council elects aldermen who serve for six years, half retiring every three years as in the case of the county council. In addition to the aldermen, the council elects a mayor, whose office carries a good deal of dignity, inasmuch as his public appearances are accompanied by a mace bearer carrying the mace which is a symbol of the royal charter possessed by the noncounty borough. This added dignity and pomp—for the councilors, aldermen, and mayor all wear robes of office—is really the only dif-

ference between the urban district and the noncounty borough. The powers exercised by each authority are much the same, each administering the essential services for the community which are not carried on by the county in which the areas are situated. Without going into details, it is not inaccurate to say that both urban districts and noncounty boroughs perform a slightly larger range of functions than those already described for a rural district. In fact, English local-government law and administrative authorities concerned with local government often employ the somewhat confusing term *county district* to describe all these areas which lie within the boundaries of the administrative counties. This implies the fundamental and essential similarity of the scope of their powers, though naturally government authorities in areas of an urban character must carry on a somewhat wider range of activities than those which deal with the relatively simpler social needs of the country.

County boroughs, as the phrase "all-purpose authority" used in the diagram on page 208 implies, perform all functions of government appropriate for their communities. They are combined city and county governments, such as exist in a number of large American cities. This is "one-tier government," to employ the current English term, and has the immense advantages of placing all the powers of the borough and the county in the hands of one council. This council is composed of councilors elected by the voters for a three-year term, one third retiring each year so that there is an annual election for one third of the councilors. The councilors elect aldermen to the number of one third of the councilors. These aldermen serve for a six-year term, half retiring every three years. A mayor is elected every year from the council, or from outside it. Ceremony and tradition have a minor effect in this category of local governments. Some of these county boroughs have a lord mayor, a privilege the king grants by letters patent; some are also styled "cities," but neither the title of city nor the election of a lord mayor has any effect beyond supplying the dignity and prestige which these institutions confer upon the proud citizens of the communities so favored.

The advantages of the all-purpose authority are apparent. A single government, on which the attention of the citizen is concentrated, performs all significant functions. The community is large enough to undertake these duties on a scale commensurate with its needs. The steady increase in number of county boroughs

attests the success of this type of organization. The disadvantage is familiar enough to any student of American local government problems. Creation of a county borough takes away from the county in which it is situated a large share of the county's revenue, because the property in the county borough is urban property with a high ratable value. Occasionally the creation of a new county borough has been the subject of bitter feud between representatives of the administrative county and supporters of the new government unit.

Legal Position of Local Government Units. In law libraries there are long shelves filled with books on local government law, so only the general legal status of all these units of local government can be outlined here. The leading principle is that all units are corporations. Sometimes their corporate character has been conferred by a royal charter; more often it is the result of an act of Parliament. A corporation is a legal person—the fiction of personality with which the body is invested makes it amenable to the provisions of ordinary law that was developed to regulate the rights and acts of individuals. It is scarcely necessary to point out that there are many corporations at law besides these government units; all sorts of private companies carry on business under the corporate form of organization.

Most local government authorities are statutory corporations and therefore are restricted to the activities which are conferred upon them by the laws. This means that each of them is subject to court action aimed at reviewing the legality of their acts. The most important conception applicable to them is that of *ultra vires* (doing something for which it lacked the power). Our small farmer or bank clerk, aggrieved by the action of his local authority when it imposes a regulation on him that does him injury or when it fails to perform a service which he had expected, can take the matter to court. There are many cases and a large body of legal doctrine which both clarify and complicate the position of the local authority. Avoiding the many legal technicalities with which the subject bristles, one can state a general guiding principle: The local corporation may perform any act the law authorizes, and it must perform all acts which the law requires. If it exceeds its powers, the clerk or farmer may obtain redress by litigation in all the ways which were suggested in the preceding chapter on the law and the courts. An action for damages or a writ of injunction are probably the most

frequently used remedies. If he is successful in his suit, it is normally because the court decides that the local authority has been acting *ultra vires*. In the reverse situation, he can apply for an order of mandamus if the local government has failed to perform an expected service, and the court may require performance of duty by the council. No English citizen, by the way, would proceed in an action of either kind without securing competent legal advice, for knowledge of these general principles merely indicates the nature of legal limits and obligations. Precise definition may require carrying a case all the way to the House of Lords for a final decision, and there are instances in which their lordships have changed their minds within the period of only a few years.

Although local governments are subject to judicial control, it is by no means the most frequently used, or even the most practical, control of their action. Administrative supervision is quite extensive, and an aggrieved citizen is well advised to ask a supervising ministry for review of an action of his local government. A request of this nature results in inspection by the ministry, and often may lead to an order modifying action. This proceeding itself is subject to judicial review, for, though the various supervising ministries may be watchdogs over the performance of local governments, there is still the presumption that someone is also needed to watch the dog.

A final aspect of the legal position should be stated. Although there is a long tradition and history behind many of the existing local-government units, they remain subordinate units of government. In this respect an English county, though it may bear an ancient name like Devonshire or Leicester, is precisely comparable to any American county. It is the creation and the creature of the sovereign government—the Parliament in England, the state legislature in the United States. Parliament could, if it were deemed desirable, abolish all existing local units and substitute an entirely different scheme or no scheme. An American state legislature could take similar action. The history of local government in England shows a record of many changes, but the persistence of many traditional institutions demonstrates their genuine usefulness. Their continuance is not a mere respect for ancient forms. Some of the medieval vestiges are certainly mere historical pageantry. But it is still arguable that the silver chain the mayor wears and the mace bearer who precedes him on civic occasions are valuable dramati-

usually of the place public authority occupies in the community. There are probably many citizens who would not realize how important their borough or city is to their lives, if the pageantry did not strike the eye. An American mayor has only a business suit and the force of his personality; an English mayor with robes and velvet hat looks important whether he has force of personality or not.

THE COUNCILS AND THEIR COMMITTEES

All units of government elect a council: even the major part of the rural parishes possess a parish council, though some are so small that they are governed by a parish meeting. The average councilor is a man or woman who has become interested in community affairs, has been a member of a study group which has done some serious work on an aspect of local government, and not infrequently has seen some service as a co-opted member of one of the council committees. There is a tendency, of course, for these people to be middle aged or older. Few young people can take spare time from their occupations for unpaid work on local government authority. But during the past few years a considerable effort has been made to enlist the participation of younger and more active people, particularly since the major parties have been engaging in local as well as national politics. Parties wish to build up their local and provincial organizations for the purpose of carrying general elections. The larger number of M.P.'s today in the House of Commons who had experience on local-government bodies is a reflection of this increased activity of the major parties in local council elections. The greater vigor of personnel which has resulted may well be an offset against the fear of excessive partisan action in a field where practical considerations of welfare have hitherto been considered as more important than party philosophies or viewpoints.

Local Electorate and Elections. With the exception of the nonresident franchise for owners of property with a ratable value of £10 a year or over, the voting qualifications for local elections have been assimilated to the requirements of the parliamentary franchise by the Representation of the People Act, 1948. To cast a ballot for councilor or to be a candidate for the council, the elector's name must be on the registration lists which have already been described in Chapter 4. Nonresident qualification does not entitle the voter to cast a ballot in more than one area or to cast more than

one ballot. It is intended to allow the property owner in a borough or district to vote in that area, even if his residence is elsewhere.

The same act fixes the time for council elections, so that they are held in all parts of England and Wales at the same time: in the week preceding April 9 for county councils and in the week preceding May 9 for other councils. This will probably continue to have the effect that was exemplified in the local elections of 1949, of giving some idea of the temper of political opinion every year. All intelligent political observers are aware, however, that local elections are influenced by a wide variety of factors that have little significance in national party politics.

Presentation of nomination papers must be completed by two weeks before the election. Nomination for county councils requires the signature of a proposer and a seconder and eight other qualified electors. For district councils only a proposer and a seconder are required. In both cases the candidate must also submit a signed statement that he is willing to be a candidate and willing to serve if elected. Campaigns for local councils are now subject to strict regulations, closely comparable to the rules which govern elections to the House of Commons. While a certain amount of excitement attends a local election, particularly in London, the chief complaint is that not enough interest is shown. Increasing activity by the major parties may heighten interest, even though detached academic observers usually deplore the introduction of partisan viewpoints into local community affairs.

Prevailing informed opinion is that, on the whole, local politics in England are maintained at a fairly high level. The quality of councilors is good; the degree of participation by the electorate is responsible and serious, even though it does fall short of universal performance of civic duty. One of the reasons for this respectable level of performance lies in the method of work of all these councils.

Committees of the Councils. A local council, numbering usually fifteen members and sometimes rising to over a hundred, does well if it assembles for a full meeting six to eight times besides the statutory requirement of four meetings a year. Additional meetings are called by the mayor or chairman or at the request of five members, with the proviso that notification of the business of the meeting must be made three clear days before it assembles. Most local councils manage to meet about once a month. The meetings are

usually public, and the press has the right to attend. Ordinarily a well-organized agenda has been prepared by the clerk, and except on the relatively rare occasions when some hotly contested local issue comes up, it does not lead to active debate, and consequently the meeting does not often draw a crowd.

The real work of the council is carried on by its committees, which are usually chosen at its statutory meeting. The date of this meeting is fixed by law: for boroughs early in November, for other councils in March, April, or May. The council has complete discretion in fixing the number and size of its committees. The only exceptions are the statutory committees (required by law), such as the watch committee, which is concerned with police in counties and county boroughs, or the finance committee which exists in all councils. The practical allocation of work among the committees is also fixed by the council, and in general related functions are appropriately combined in order to keep the number of committees down to the point where each council member is not unduly burdened with committee assignments.

One aspect of committee membership has been referred to incidentally and should be explained further. A council may "co-opt" one third of the members of a great many committees from properly qualified people of the community who are not council members. Nearly one half the membership of certain other committees, such as education and the administering of the new health service, are so obtained. But a few statutory committees, notably the watch and finance committees, cannot contain co-opted members. Co-option makes use of qualified people who have not been elected to the council or chosen aldermen, widens the interest in the administration of local affairs, and gives experience and opportunities to public-spirited citizens who may subsequently engage in community affairs in some official capacity. The device has been in use for a long time and has had consistently beneficial effects in the conduct of community affairs.

Ordinarily the work of the committees is defined by the standing orders of the council, a body of rules of procedure which has been built up from many years of experience. One of the measures of the alertness and competence of a council is the substance of its standing orders. Committee work falls roughly into two categories: "referred," and "delegated." As the terms imply, referred matters are considered by a committee, and the result in the form

of information or proposals for action comes back to a council meeting for formal decision. Delegated matters are given by the council to the committee for its decision, usually within the limits set by the standing orders. The total result of this committee plan is to establish an effective division of labor and to secure the services of informed citizens on all matters of real community concern.

This much detail gives a picture of a local council. It is a body of solid citizens, working systematically under a procedure controlled by its standing orders and entrusting a steady flow of business to a number of committees whose work is important enough to enlist the interest of co-opted members. In boroughs and cities this is dignified with a little historic pageantry, which serves usually to stimulate public interest. The range of powers is largely the product of the urban development of the nineteenth century, but the tradition of local self-government runs far back into the past and is exemplified by the Gothic architecture of some town halls.

ADMINISTRATIVE PERSONNEL OF LOCAL GOVERNMENT

The effectiveness of the council and its committees depends largely on the skill and competence of the officers who are chosen to perform the regular daily work of administration. In this aspect of local government, the effect of the nineteenth century has been decisive. Once the work of local authorities became technical, the services of trained officials were obviously needed. The health acts particularly required that local health officers should possess appropriate professional qualifications. Local-government law now distinguishes clearly between officers and servants of the council. The former are qualified medical officers, sanitary engineers, architects, solicitors, accountants, educational administrators, and, in fact, all the technicians required by the diverse functions which fall within the jurisdiction of local units of government. The latter are manual workers and routine clerks. A county borough, being an all-purpose authority, will frequently have fifteen or more departments. Each is headed by an experienced official, assisted by an adequate staff of administrative subordinates. These officers direct the work of scores or even hundreds of employes.

In every jurisdiction, the clerk is one of the most important officers, and his department can be used to illustrate the typical pattern. It is his duty to prepare the agenda of the council and com-

mittee meetings, to give legal advice to the council on its powers, to establish coordination between the various departments and committees, and to keep the records of the local government unit. The town clerk in a typical county borough is almost always a qualified solicitor. He has had a long experience in that particular department or has come to it after service in some other community. He is assisted by deputies of similar experience and training, by valuation solicitors, law clerks, and licensing and registration clerks. He is almost always a member of the National Association of Local Government Officers (N.A.L.G.O.) and at the meetings of that association benefits from the pooling of experience of his colleagues in other cities and from other officials. English universities have recently established professorships in public administration and are developing programs of training to equip young people for what has become a satisfactory career. In many respects the opportunities offered by the local government services fully equal, in salary and permanence of tenure, the civil service of the national government.

The student of American local government will recognize the similarity between this organization and that of the city-manager or county-manager type of local government in the United States. In this connection it is interesting to note that one of the chief criticisms aimed at this structure by English students of the subject is the lack of the coordinating force of the manager in the American city or county. However, if the committees are active in their duties, and if the clerk expands his traditional responsibilities—as, indeed, he often does—successful linking up of diverse activities can be achieved. The English situation possesses one advantage over the American scene at present: the tradition of the secure position of the local official protects him from the political conflicts which have frequently plagued the city-manager in American cities.

A final aspect of local officialdom also is worth notice. In this field, as in the central government, there has been a successful combination of the enlightened amateur and the technically competent official. Council committee members reflect with some authority the wishes of the local community, and trained officials administer the projects which public sentiment approves. The analogy between this situation and that of the minister and his expert staff in the national government is sufficiently apparent to need no fur-

ther emphasis. In local government as in national government, it has been proved by over a century of experience to be a fruitful and valuable relationship.

LOCAL GOVERNMENT FINANCE

Obviously all the services which have been mentioned must be paid for, and some of the burden should be borne by the national government. Financial aid from the national treasury during the nineteenth century, beginning with the grants for the maintenance of police forces before half the century had elapsed, accustomed the great-grandfathers of the present population to a situation which is now taken entirely for granted.

Local Rates. Local property taxes in England are called rates, because they are expressed in terms of a rate of so many pence on the pound of the annual value of property. In this respect rates differ in administration, though not in ultimate effect, from the property tax in the United States which is levied in terms of dollars against every hundred dollars' worth of capital value. English critics of the rates argue one superiority for the levy on capital value, pointing out that unoccupied or unused land in England frequently does not pay a rate since it has no annual value. This is not very significant, because almost all land in England, except the most desolate moors, is in use.

The Local Government Act of 1948 has radically changed the future method of valuation for rating purposes, though the procedure is not scheduled to go into effect until 1952. Hitherto rating authorities—and the term includes most of the local government authorities which have been mentioned—have made their own valuation of the property which lay within their jurisdiction. Before proceeding to an explanation of methods, it is best to explain that county councils and parish councils and parish meetings are precepting authorities, not rating authorities. Precepting authorities raise their funds by addressing a precept to the rating authorities within their area (the boroughs, county boroughs, and county districts) demanding that a specified amount be added to the local rate to meet the needs of the county or parish, as the case may be. Inasmuch as the precept must be met, the difference between rating and precepting is not very significant, though it does have the advantage of simplifying the procedures of valuation and collection.

"De-rating" acts of 1929 exempted our small farmer in the parish from rates on his agricultural land, but our bank clerk in the city pays a rate on the property he occupies—the liability to pay goes with "beneficial occupation," not ownership of property. Quite often a tenant compounds with his landlord to pay an addition to the rent, covering the rate, and the owner then pays it.

Each local government council therefore expects its finance committee, aided by the expert permanent staff of the treasurer's and clerk's offices, to prepare a budget well in advance of the opening of the fiscal year in April. The methods used are variants of the methods which were described for the national treasury, and in the case of a large county borough the preparation of the budget is a task of hardly less complexity and difficulty. After making allowance for the aid which will come in grants from the national exchequer, the total amount is then levied against the occupied property of the area, and collected. Legal compulsions are available to require payment, and inducements are offered in the form of small discounts to landlords who undertake the duty of compounding with their tenants and thus become rate collectors, in practical effect.

Grants from the National Treasury. Broadly and generally speaking, expenditures on local government have been running in the neighborhood of £700 to £750 million a year since World War II, and somewhat more than half this amount has come from the national treasury in the form of grants. Most local authorities derive some funds from a small profit which arises from the trading services they supply, and a few also own property which brings in some additional revenue. The current expenditures of local government each year are financed by almost a half from rates, which in the years before the war amounted to well over £200 million a year and in 1947–48 and 1948–49 rose to just over or just below £300 million. In those years the total aid from the national treasury was over £400 million, and in the latter year was close to £450 million. These figures are not precise; there are a number of grants made for specific services such as housing which flow through the treasuries of local authorities but are not included in the amounts just given.[5]

[5] *Financial Statement* (1949–50), H.C. 124, 1948–49, pp. 9, 12. The Ministry of Health publishes quite complete financial statistics on local government, the latest issue covering the year 1943–44.

The grants from the central government are of two kinds: (1) percentage grants for specific services, illustrated by the 50-percent grant toward policing costs and similar percentage grants for health, housing, highways, and some other services; (2) the general grants, formerly called "block grants," made to local governments from the national treasury.

This second type of financial aid requires further explanation, for it is to be changed in some important respects by the Local Government Act of 1948. The block grant originated in 1929, when agricultural land and industrial property were "de-rated," in order to relieve these types of property from local taxation in an effort to stimulate economic activity. To compensate local treasuries for the loss of revenue, aid was given from national funds. The Local Government Act of 1948 continues this practice, but the grant is calculated on the basis of a weighted population figure for each district, taking account of the number of children, and is intended to equalize the services and the resources of all authorities, so that they come up to what the Webbs once called "the national minimum."

In order to do this with precision, valuation of property for rating is placed in the hands of valuation officers of the Board of Inland Revenue, and it will be their duty to make the valuation of property uniform throughout all areas. An equalization grant made by the national treasury will then have the effect of genuinely equalizing local government finance in all parts of England and Wales. Revenue from rates will be calculated on the same basis in all local-government areas, and poorer districts will receive a larger grant to bring their resources up to the level of more fortunate areas. At the same time, central supervision will be made more strict, for the act empowers the minister of health to reduce the grant if the standard of performance of a local authority is unsatisfactory or if its expenditures are excessive and unreasonable.[6]

Local Borrowings. In addition to financing current expenditure in the ways just described, every local authority needs to borrow funds to meet outlays on capital expenditure. In raising these amounts, which are chiefly needed for public works and trading

[6] 11 and 12 George VI, ch. 26. This is a big and complicated piece of legislation and is probably more conveniently accessible for study in Seuffert, S., *The Local Government Act, 1948* (London, 1948). In addition to reprinting the text of the act, the editor's introduction gives a helpful introductory analysis.

activities, they are assisted by the national government. This assistance invariably carries with it some degree of control by the central government departments, unless the local authority has been successful in getting a special act passed by Parliament by use of the private-bill procedure. For transport undertakings local borrowing requires the consent of the minister of transport; all other loans must have the permission of the minister of health. Any loan is required by law to be repaid in a certain length of time, varying from as much as eighty years for some kinds of public works to as little as five years for the purchase of less permanent equipment, such as vehicles. Once the loan has been authorized, the funds are usually obtained at a low rate of interest through the public works loans commissioners, a body which raises money in the normal investment market on favorable terms and then makes loans to local government units. County boroughs and other large units frequently negotiate their own loans on the regular investment market, but the greater part of all local borrowing is now carried on through the public works loans commissioners.

Audit of Local Finance. County boroughs and noncounty boroughs may provide for audit of their accounts by two elected auditors with the addition of a third appointed by the chairman or mayor. Auditors need not possess professional qualifications, but most authorities at this level now engage a professional auditor. Other local accounts are audited by district auditors appointed by the minister of health, but possessing great independence of action. They may surcharge any irregular expenditure to the official or officials responsible, and their audit of accounts is therefore made effective by this truly powerful compulsion. Borough and district councilors have not infrequently been made to pay out of their own pockets the irregular or unreasonable expenditures they have authorized. Not unnaturally the financial procedures of local governments have been much improved by the strict accountability which is thus enforced, though there has been some criticism that occasionally a council or a committee are unduly timid about undertaking new activities because of the fear of being surcharged. The general usefulness of district audit is attested, however, by the fact that a great many boroughs and county boroughs have availed themselves of the privilege of using the district auditor rather than providing for audit in the other ways open to them.

The total capital investment of local units is between £1500 and

£2000 million. The number of officers at a staff level is close to 200,000. The work of local government is essential to a large share of the life of the average English community, whether it is measured in terms of the money involved, the services performed, or the number of people who carry on the wide range of activities.

CENTRAL-GOVERNMENT SUPERVISION

In all the preceding description of local government there has been constant reference to the powers of central-government departments. Long before 1945 some fears had been expressed in England that local government was ceasing to be self-government. Socialist programs of planning have naturally raised the question once more. It is desirable, therefore, to preface the discussion of central-government supervision by pointing out that nearly half of local-government activity is financed by local rates, and that while local councils are subject to a large amount of supervision they have also been acquiring additional powers at the same time. Probably the extension of central control is inevitable in an urban society. The tendency is manifest in England through the whole course of the nineteenth century, and it has been equally apparent in the United States. The tradition of management of affairs by local citizens is sufficiently strong in England to make it seem likely that a steady effort will be made to retain the values of local initiative. The necessity of maintaining the "national minimum," and the widening scope of problems that were once provincial or even parochial in nature, will have the opposing effect of maintaining or even increasing the present degree of central supervision.

Whatever the viewpoint may be, the fact of increasing administrative supervision is apparent from what has been said earlier in this chapter.

Ministries Exercising Supervision. The Ministry of Health, because it inherited the authority of the local government board which was created during the nineteenth century, is the central department chiefly concerned. Besides wide powers of inspection of the health activities of local units, it possesses considerable authority in the field of local finance, as has just been explained. The National Health Service Act of 1946 is administered largely by local authorities, under the direction of the minister. A considerable amount of housing law will remain subject to the supervision of

the Ministry of Health, even though planning and development will now be entrusted to another central department, and English students have suggested that this central department might appropriately be renamed the Ministry of Local Government.

The Education Act of 1944 gives large powers of inspection and supervision to the Ministry of Education. The new education authorities are the county councils, which may delegate large responsibilities to county districts, both urban and rural. The maintenance of satisfactory standards, the granting of funds to carry on various kinds of educational programs, the qualifications of teachers and staffs, and other matters lie within the jurisdiction of this ministry. Trading activities of various kinds require the approval of the Board of Trade, and nationalized industries like gas and electricity will be subject to the authority of the Ministry of Fuel and Power and of the boards which administer those industries. Transport schemes are, in similar fashion, authorized and supervised by the Ministry of Transport. The Ministry of Agriculture and Fisheries possesses wide powers over conditions which concern animal diseases and over some other agricultural services. The secretary of state for home affairs supervises policing in the ways which have already been mentioned and also exercises similar supervisory powers over civil defense, fire brigades, and the conduct of elections. The Ministry of Town and Country Planning has been granted wide powers with respect to the development schemes of local governments. This is by no means a complete catalogue of the range of central-government supervision, but it does suggest its extent.

Techniques of Supervision. The methods used are almost as various as the activities controlled. One of the most powerful instruments has already been mentioned, the power to withdraw or reduce a financial grant if the performance of the local authority is not satisfactory. The force of this has been greatly increased by the Local Government Act of 1948, which authorizes the minister of health to reduce the general equalization grant if local governments do not reach a satisfactory standard of service or are unreasonable or wasteful in their expenditures.

Inspection by a staff of competent inspectors is used with regard to police, education, health, and other activities. The inspectors are members of the national civil service, are well trained, and quickly build up a fund of knowledge by experience in their job. Lest the word inspection create a false impression of dictatorial

examination, it should be emphasized that inspectors have been taught to do a "selling job" and to secure results by offering advice and help as much as by imposing requirements.

Recent legislation has given power to the minister in most of these departments to issue orders elaborating existing statutes. This gives local authorities an opportunity to approach a central department and secure extension of powers or modification of methods in a way that is considerably cheaper and quicker than the older method of private-bill legislation, though that is often used as well.

Earlier in this chapter, when judicial control of local government was discussed, reference was made to the powers of ministers to review the acts of local authorities upon the application of citizens who felt that they had a grievance. Resort to this procedure is frequent, and it is obvious that it gives further force to the power of the minister. If investigation or inspection reveals that a local government is seriously failing to live up to its responsibilities, the minister may take over its powers and act in default of the local authority until the situation is remedied.

This catalogue of methods, to which judicial control must also be added, might well create the impression that there is little scope left for local initiative. The actual situation, however, is that normally local governments are active and interested, live up to their duties, and originate and undertake new tasks. Central-government inspectors and other officials are much more willing to encourage and advise than to exercise the compelling force of authority. The general result is a balance between local sentiment and central supervision which satisfies the wishes of the English community as a whole.

TOWN AND COUNTRY PLANNING

The Town and Country Planning Act of 1947, which went into effect in 1948, has attracted so much attention and aroused so much discussion that it is well to recall that it has a considerable history behind it. The housing acts of the late nineteenth century carried implications of planning; the first planning act was passed in 1909; and a general consolidation statute was passed in 1932. Nevertheless, the present act has some features that make planning of rural and urban use of land much more extensive than did previous leg-

islation. This is particularly true if the act is taken in connection with the new towns act of 1946.

It is the duty of county councils and of county borough councils to work out a development scheme for their whole area, the former being required to consult with the councils of districts which lie within their boundaries. The scheme is a general plan for the extension of urban areas, for the lay-out of roads and streets, for the construction of public works, and for establishing and maintaining recreational facilities such as parks and playgrounds. It will also designate various types of areas: residential sections, commercial and shopping districts, and industrial sites. Three years are to be expended upon working out this scheme in its broader aspects. Frequent consultation must be held with county district authorities, and the whole process will be subject to regulations made by the minister of town and country planning. Once the development scheme is prepared, and is approved by the minister, it must be the subject of fresh surveys so that it may be brought up to date every five years.

During the time the plan is being prepared, no local owner may develop his land without permission of the local planning authority. This means that subdivisions cannot be made unless the authorities consent. Owners may carry appeals to the minister. In some circumstances they can make a successful claim for compensation for refusal to develop or can insist that the local planning authority purchase their land at its present use value. Industrial sites, it should be added, will require the consent of the Board of Trade as well as the minister of town and country planning, so that future development of industry is to be according to a planned scheme for the use of resources. In many cases, the consent of the minister of agriculture is needed for the conversion of land from agricultural to industrial use.

The most revolutionary aspect of the Town and Country Planning Act is the appropriation by public authority, with compensation to owners, of the "development value" of land. A central land board is established; and owners allowed to develop their land must pay a development charge which will absorb a large part of the increased value of the land which comes from development. Compensation for loss of development value will be examined and assessed by the board, and claims will be met out of a fund of £300 million set aside for the purpose, which will be added to by the

payment of development charges. Increases in the use value of land are not affected by the law. Improved rents and productivity of the land will accrue to the owner, whether this increase comes from development of his land, or from development of adjoining land.

Local authorities may acquire land at its use value, and the work of assessing this value will be carried on by the planning authorities and the central land board. The minister will have power to make grants of money from the national treasury to local authorities to assist them in the purchase of land to carry out their development schemes. Naturally, the local authorities will have to obtain the minister's approval before they can secure a grant.

This summary gives only the chief substance of the provisions. Since the act became operative in 1948, all action under it in 1949 did not progress beyond the stage of working out development schemes. It is hardly possible to make any judgment of it at present, but it clearly opens the way to extensive planned development of town and countryside. Startling as the new provisions may be to an American owner or dealer in real estate, English planning law had progressed a considerable distance toward these policies before this act was passed in 1947. An industrial and war-damaged England can scarcely be transformed into the "green and pleasant land" of Blake's poem. But it may well be that the use of public authority in this fashion may do much to simplify traffic problems, may create green belts around great urban centers, and may contribute to both the amenities of life, and the activity of industry.[7]

Returning to the chief subject matter of this chapter, the place of local government in the English social and political scene, the student will see clearly that this act makes use of the combination of local initiative and central supervision which developed in the last half of the nineteenth century and the first half of the twentieth.

FUTURE POSSIBILITIES IN LOCAL GOVERNMENT

World War II placed nearly as great a strain on local communities as it did upon the national government. The immediate effect was to impose a staggering number of duties upon every local

[7] Two good brief summaries of the act are: Kekwick, J., and Robert S. W. Pollard, *Town and Country Planning Law*, 2d ed. (London, 1949); and Megarry, R. E., *Lectures on the Town and Country Planning Act, 1947* (London, 1949).

authority. Civil defense, fire precautions, the maintenance of essential public utilities under emergency conditions, to say nothing of preparation for an invasion which seemed constantly imminent, required tremendous efforts from every community. The story has not yet been completely told, but it can certainly be said that local authorities, with national aid, were able to meet the problems created by bombing, evacuation of city populations, and the increased production required by wartime demands.

Wartime Regional Coordination. During the war England was divided into twelve regions, and a regional commissioner carried out the task of coordinating the activities of local authorities within his region. A number of vitally necessary functions such as fire fighting, were closely supervised by central government ministries. The advantages of regional coordination were sufficiently impressive to create a considerable body of informed opinion in favor of recasting local administration on regional lines after the end of the war.

Postwar Changes. Some effect of this is observable in the Town and Country Planning Act, which associates county and district councils together in working out development plans. Opinion favoring regions was disappointed, however, by the work of the Local Government Boundary Commission. The commission's recommendations for changes in areas fell short of a regional scheme and consisted of proposing, in their report for 1947, that three types of administrative areas should be created. All of England and Wales, including the area now organized in county boroughs, the commissioners suggested should be divided into administrative counties. Some of these would be two-tier counties, containing county districts. The remainder would be county boroughs and smaller urban areas, of from 60 to 200,000 population, which they would name "new county boroughs" to distinguish them from the old county boroughs. Both types of county boroughs would actually become one-tier administrative counties. They then proposed a scheme of boundaries which would create 47 two-tier counties, 20 one-tier counties, and 63 new county boroughs. Since they put their findings in terms of proposals for new legislation, the report at present has only the status of a proposal, and a long period of discussion can be anticipated before action results.[8]

[8] *Report of the Local Government Boundary Commission for the Year 1947*, H.C. 86, 1947–48, especially pp. 19–45. For a careful and judicial review of the report, see Robson, W. A., "The Reform of Local Government," *The Political Quarterly*, vol. XIX (July-October 1948), pp. 253–60.

At present, then, it is very difficult to make any positive prediction about the future shape of English local government. Considerable changes are imminent, and these changes are likely to take the form of consolidation of areas and simplification of division of powers. At the same time, extension of central supervision is likely to continue.

English interest in local self-government remains keen, in spite of the changes which are producing larger and larger urban areas and necessitating the establishment of national uniformity of services performed. Even if new conditions impose the need for extensive changes, the active public interest of the English town or county will continue to demand that a considerable range of activity be left to the autonomy of the local community.

READINGS

The subject of local government, being somewhat specialized, is covered by a truly immense literature. The student's attention is called to the works cited in footnotes in this chapter, which will not be repeated here. For the next few years, the reports made by the local government boundary commission will be particularly important. Late in 1949 the commission was disbanded, but some form of continuance of its work may be expected. A few other books, fully as valuable as those already cited, might be mentioned:

Anderson, William, ed., *Local Government in Europe* (New York, 1939). Chapter I, by R. K. Gooch, gives an excellent brief description of English local government and a valuable bibliography of the subject.

Clarke, J. J., *Outlines of Local Government of the United Kingdom*, 13th ed. (London, 1938).

Hasluck, E. L., *Local Government in England*, 2d ed. (London, 1948).

MacNalty, Sir Arthur, *Local Government* (London, 1948).

Robson, W. A., *The Government and Misgovernment of London*, 2d ed. (London, 1948).

The periodical, *Public Administration* (London) devotes space to local government, and *The National Municipal Review* (New York) often gives space to English problems.

Chapter 10

THE CHANGING FACE OF BRITAIN AND THE EMPIRE-COMMONWEALTH

As a European nation, Great Britain plays an important role in world affairs; as the leader of the Empire and the Commonwealth, her influence internationally is far greater. The total population of the Empire-Commonwealth is approximately 558 million, and the total area some 13 million square miles. These peoples and territories are scattered over the whole earth, and include nearly one quarter of the world's population and nearly one quarter of its area. When it is remembered that these territories contain a large share of the most important industrial raw materials, and that their locations are of great strategic value, the significance of the Empire-Commonwealth in world affairs is easily recognizable.

No discussion of Great Britain, therefore, can omit description of the Empire and the Commonwealth. The complex relationships between the various communities of this great association have been built up during the course of centuries and are difficult to state briefly.

THE HISTORY AND THE PATTERN OF THE EMPIRE-COMMONWEALTH

The founding of the Empire began in the seventeenth century. Early in that century the first English settlements were made on the Atlantic seaboard of North America. At the same time the East India and African Companies began to carry English trading operations down the coast of Africa and on into India. It must be re-

membered that the expansion of national power by settling colonies and by establishing trading posts was a commonplace of all the national states of the time; the British competed with the French and the Dutch in both activities. By the end of the seventeenth century a British Empire had made extensive claims and during the first part of the eighteenth century had achieved a dominant place in the world.

Origins of Self-government and Trusteeship. The successful revolt of the American colonies at the end of the eighteenth century was accompanied by a change of viewpoint in England toward colonial empire. The doctrines of *laissez faire*, so effectively expounded by Adam Smith, added to the industrial and commercial expansion of the Industrial Revolution, finally led to the abandonment of mercantilist policies in England. A quite widespread conviction arose that the normal history of empire should show progressive advance toward independence on the part of all colonies. This change of opinion occurred, paradoxically, while more territories were being acquired. In India, and in the many island possessions, it was impossible for England to withdraw immediately from her earlier conquests, for investments, obligations to the native population, and the creation of a system of imperial administration had involved the nation too deeply. In the early part of the nineteenth century the progress toward complete self-government on the part of Canada, Australia, and New Zealand was begun—on the assumption that these communities would show a life history like that of the American colonies. The Durham Report of 1839 proposed self-government for Canada, and similar developments appeared in other territories which had been settled by Englishmen.

In the latter part of the nineteenth century England participated in the imperialist activities of the other European national states. Further acquisitions of territory were made in Africa; concessions and trading ports were secured in China. The idea that all subject territories should eventually achieve self-governing powers persisted, however, and was embodied in the policies which English historians of the Empire have called the "principle of trusteeship." After the end of the Boer War in 1902, South Africa acquired a status comparable to that of Canada; and in the imperial conferences before and after World War I the principles governing dominion status were gradually established. At the same time reforms were undertaken in India, in 1911 and 1919, which began to confer

some real powers of self-government upon the Indian communities. Similar projects for native self-rule appeared in other parts of the Empire. The final result of this long and complicated history was the creation of what may properly be called the Empire-Commonwealth.

Colonies and Protectorates and Dominions. Because the status of the various territories is the product of a long development in each community, it is extremely difficult to generalize about the present pattern of relationships between the home government and the colonies and dominions, and between the different parts of the whole association. But the different areas can be classified in three broad categories. The *territories* which are administered in large part by British authority, centering in the office of the secretary of state for colonies, are the *colonies* and the *protectorates* like Tanganyika and Nigeria in Africa, the Malay States in the Indonesian area, Gibraltar and Malta in the Mediterranean, the small islands in the southern Atlantic such as the Falklands, or the many island groups in the Pacific, the Fiji Islands or the Gilbert Islands. Though the legal status of colonies differs from that of protectorates, both have a similar relationship to the Colonial Office.

The second category are called the *dominions* and are in all significant respects independent states, "freely associated," to use Lord Balfour's phrase, in the British Commonwealth of Nations. These are the self-governing communities of Canada, Australia, New Zealand, South Africa, Pakistan, India, and Ceylon. Though India's relationship to the Commonwealth differs from that of the other dominions, it should be listed here. Ceylon is a good instance of the progress of a territory which had formerly been part of the colonial empire but had acquired increasing powers of administering its own affairs to the standing of one of the dominions of the Commonwealth. After a period of success under a constitution which in 1931 conferred large powers of self-government, a new constitution was adopted in 1947. This was followed by the acquisition of full dominion status on February 3, 1948. Mention of Canada leads to a brief statement concerning Newfoundland, which until December 11, 1948, would have been named as another dominion, even though it once lost its independent status through financial difficulties. On the date mentioned agreements between Canada and Newfoundland were signed; and in March 1949 these were approved by the Canadian Parliament

and the Newfoundland government. The result was the formal entry of Newfoundland into the Canadian Federation as one of its provinces, celebrated with formal ceremonies at Ottawa, April 1, 1949.

There is no short and simple definition of dominion status. Each dominion possesses full powers of administering its own affairs, and in its foreign policy it is pledged only to consult with other members of the Commonwealth whenever it contemplates action which would concern them as individual states or as members of the association.

Eire and India. A third category is the most confusing of all. It is the result of the fact that Eire and India have declared themselves republics and are unwilling to acknowledge allegiance to the British Crown. Moreover, the relations of these two countries to England presents problems that are the consequence of a long and complicated history. This situation was the subject of consultations among the dominion prime ministers held in London during April 1949. Eventually a name may be found, or invented, to describe the status of these two countries. It will tax the ingenuity of British statesmen and strain the flexibility of the English language to create a compact and intelligible phrase covering the classification.

In February 1948 the House of Commons tried to anticipate the problem of extending association in the Commonwealth to communities which wished to declare themselves republics and were therefore unwilling to accept the phrase "British subjects." This had been one of the juristic ties which expressed the Commonwealth relationship. A nationality bill was passed, adopting the term "Commonwealth citizenship." This failed to satisfy the sensibilities of Irishmen in Eire (Southern Ireland), and the government of Eire passed an External Relations Act which ended the use of British facilities in the conduct of foreign relations. In April 1949, Eire (which, according to the Government of Ireland bill then under discussion in the House of Commons, did not include Northern Ireland) declared its full independence and severed its connection with the Commonwealth. Irish and English leaders emphasized at the time that there was nothing unfriendly in this action on either side. In June 1949 the House of Lords amended the Ireland bill to take care of Irishmen who wished to maintain British citizenship, and there the matter rested for the time being. It is not

entirely logical, but then the relationships between England and Eire have not often been tidily logical.

India presented a problem to the conference because it also had adopted the constitution and name of a republic. The agreement finally formulated at the meeting declared that India will accept the king as the symbol of the free association of the nations of the Commonwealth but will no longer owe allegiance to the Crown. The House of Commons welcomed this arrangement, so that at present it is possible to speak of a nation associated with the British Commonwealth of Nations but not having the status of a dominion. As was said a little earlier, this may well be considered as a third category of territories in the Empire-Commonwealth, though it is premature to give a positive definition of it or to suggest that such a relationship might eventually be adapted to the position of Eire. It can be said that there is every evidence of friendly feeling in all these consultations, and that association continues between Eire and India and the Commonwealth, even though precise juristic expression of it is still indefinite.

These events have been given this much description in order to show that another stage of Commonwealth development has been reached. It may seem strange that an association of nations can be maintained by severing relationships, but the last two centuries of the history of the Empire-Commonwealth is a story of finding means for friendly association by leaping lightly over the problems of legal definition. The emphasis has been constantly on methods of consultation and discussion between communities that have practical advantages to gain from maintaining contact with each other. Genuine sympathies of viewpoint have been found among them, even when the past history has not been without bitterness and difficulty, as in the case of India and Eire.

Although it is classifying the unclassifiable, it is convenient to group the territories of the Empire-Commonwealth into three categories just described. First, there is the colonial empire, composed of colonies and protectorates, and in which there is an infinite range of gradations of self-government with the promise that dominion status may eventually be achieved, as in the recent instance of Ceylon. Second, there are the dominions, possessing full powers of responsible government in internal and external affairs, but pledged to consult on all matters of common concern. Third, there is the

relationship just described for Eire and India, which must probably also include Burma (lately become independent), where republican institutions require a modification of forms in order to maintain a friendly association with the Commonwealth.

The advantage of this attempt at classification lies chiefly in emphasizing that the relationships of these territories to the home government are diverse. The popular phrase "the British Empire" often creates the mistaken impression that all the areas colored red upon the map of the world are possessions of the home government. Actually "there is union without unity, similarity in diversity, variety in uniformity." [1] Slow growth through hundreds of years, combined with a fairly steady intention to pursue a policy of trusteeship and grant more powers of self-government to the many communities, has paradoxically achieved stability by permitting a wide range of different relationships with the home government. The events of 1948 and 1949 show that the process of change has by no means ceased.

The Governments of the Dominions. Each of the dominions has a constitutional history of its own, influenced by its situation and by the nature of its people. Their governments, therefore, differ from each other, sometimes in important ways. A few generalizations may be applied to all of them, if the student remembers that each general statement should be qualified to make it precise. Independence in each case has been accompanied by the grant of responsible government. Responsible government has always meant an elective legislature or parliament, usually with two houses and a cabinet which is very like the British Cabinet in its obligations and powers. Conferences of dominion prime ministers have been successful in large part because all of them owed broadly similar obligations to their home communities and fully understood each other's situation. Administrative organization is roughly similar; each has made use of a trained civil service which quite closely resembles the English service. Local government, law, and courts (with the notable exception of Roman-Dutch law in South Africa) bear a recognizable kinship to the corresponding institutions of the homeland. Even party alignments are not dissimilar, though they may be complicated by peculiar local factors, such as nationalist groups in South Africa or French-speaking communities in Canada.

[1] Jennings, Sir W. I., *The British Commonwealth of Nations* (London, 1948), p. 11.

None of these analogies should be pressed too far, for distinctive practices and institutions exist in each one of the dominions. To say that all these governments are identical would be to blunder as seriously as to say that all the governments of the American states are precisely like each other. It is permissible, in order to give a general impression, to say that in many fundamental respects one dominion government is much like the others. English Cabinet government was a model for all of them, though many have modified the original design.[2]

As this brief account of the dominions' history implies the growth of self-government in the colonial empire always has taken the form of progress toward responsible cabinet government. Ceylon, for example, acquired constitutional experience under the forms of ministerial responsibility to a representative legislature. This would suggest that the acquisition of dominion status in the future will bring into the Commonwealth communities which run their affairs in a broadly similar manner.

Imperial Ties and Economic Relations. The Crown serves as a symbol of unity to unite the parts of the Empire and the Commonwealth and the administrative powers of the Ministry of Colonies and the Ministry of the Dominions sometimes impose uniform action. The substantial British investment in economic enterprises in these scattered territories and the facilities of finance and trade offered by the English business community are of value to England and to all the parts of the Empire-Commonwealth. It should not be supposed, however, that trade and finance are monopolized by the home community—about 40 percent of England's exports go to territories lying within the Empire-Commonwealth, and less than 30 percent of English imports come from those sources. The Ottawa Agreements, negotiated in 1932, arranged for some degree of imperial preference in tariff policies, but a large share of the trade of every one of these communities is carried on with countries outside the Empire-Commonwealth.

Probably the most influential bonds of association in this widespread community are intangible. The dominions have inherited laws and customs which form a basis of sympathetic association

[2] Brady, Alexander, *Democracy in the Dominions* (Toronto and London, 1947). This is the most careful and complete account of the dominion governments. Sir Ivor Jennings' work already cited gives an excellent compact account, including Ceylon.

with the home government and the other self-governing communities; the practice of trusteeship, however fluctuating, has bred confidence in the colonial territories and the protectorates. Despite the frictions engendered by rising national feeling in India, Burma, or in Malaya and other colonies, the possibilities of maintaining association appear to be favorable.

RECENT POLITICAL POLICIES AND TRENDS

The situation of Great Britain and the Empire-Commonwealth during the transition period following World War II has been very difficult, challenging the wisdom of the English people and the leadership of her statesmen. As a conclusion to the study of English government, it is fitting to turn to a review of recent developments in political leadership and particularly the record of the Labour Government since 1945.

Election Trends. Parties, like other political institutions, have a history of development behind them. One of the ways of estimating the extent and significance of what has been called a revolution in English politics is to measure the drift of public sentiment that led up to the Labour party's victory in 1945. The story of recent party history has been told in Chapter 5 and should be recalled.[8] We should, moreover, look back at the movements of opinion which preceded the general election of 1945.

The figures for party strength in elections since 1931 convey more precise information on the following which each party has been able to win for its viewpoint and proposals. Any American realizes that election figures do not tell the whole story of movements of public opinion—indeed, too many tall stories have been founded on statistical data of this kind. However imperfect such a measurement may be, it does throw light on the changes in the vote polled by the major parties that enabled a Labour leadership to take charge of the government.

The table on the following page shows the results of the last three general elections. Before any analysis is made of the general meaning of these electoral totals, the effect of the single-member district should be pointed out. The discrepancy between parliamentary representation and popular vote is sometimes considerable. With three or more parties competing for a single seat in the House

[8] See pp. 123–26 above.

of Commons one of the candidates may win a plurality, not a majority, of votes. Moreover, the margin of victory may fluctuate widely from one constituency to the next, with a resulting distortion of the true size of the popular majority. In the table, this appears prominently in the case of the Liberal party; actually it polled more votes and won less seats in 1945 than in 1935. There is occasional demand for the adoption of some system of proportional representation, but at present all parties seem to prefer the advantages and disadvantages of the sporting gamble afforded by the present electoral system.

VOTING IN RECENT BRITISH GENERAL ELECTIONS*

Party	Popular vote (in millions)				Parliamentary seats			
	1931	1935	1945	1950	1931	1935	1945	1950
Conservative	11 75	10 49	8 66	11 97	472	387	189	
National	05	10	14	09	2	3	2	297
National Liberal	63	87	76	45	35	33	13	
Total	12 77	11 60	9 56	12 51	522	431	204	297
Liberal	1 51	1 38	2 23	2 62	37	21	12	9
Labour	6 65	8 33	11 98	13 33	52	154	393	315
Independent Labour		14	05			4	3	
Common Wealth			11				1	
Communist	07	03	10	09		1	2	
Total	6 72	8 50	12 24	13.42	52	159	399	315
Minor parties and independents	26	34	1 03	17	4	4	25	3

* Sources for the above table 1945 and 1950, London *Times*, July 28 and August 2, 9, 1945, February 28, 1950, 1931 and 1935, Mallory, W., ed., *Political Handbook of the World* (New York, 1932, 1936).

One peculiarity of the figures given in the table should be explained. The observant student will notice that the figure given as a "Total" for each group of parties is not a precise total for any of the columns except those for the 1945 and the 1950 elections. The reason for this is that the list of parties is a selection of the groups which cast ballots and elected M.P.'s in 1945. It is impossible to assign some of the minor groups which appeared in 1935 and 1931 to an appropriate place in the political alignments of 1945. On the other hand, to list all groups in each election would make the tabulation so complicated as to rob it of most of its usefulness. The

"Totals" shown for 1931 and 1935 are therefore the total voting strength and parliamentary representation of the indicated party coalitions in those years, and the minor groups which contributed to the total (and then disappeared, in most cases) are not shown.

The intention of the table is to show major groupings of opinion on public policy, as measured by votes cast and M.P.'s elected, in the years in which a general election occurred. It must be remembered, of course, that many cross-currents of thought are generated between elections. The only official measurement of interelection shifts of opinion is afforded by annual local elections and by parliamentary by-elections. These are not at all accurate as a measure of the electoral strength of viewpoints in the whole community, but they are always the subject of much speculation and discussion as possible indicators of what the voters may be thinking. Public-opinion polls, which are now made in Great Britain and the results published in various newspapers, have the defect that the voter is only asked to express an opinion; this may not coincide with his decision when he casts his ballot.

Growth of Labour Strength. In order to assess the strength of differing political opinions, the various party groups are combined in the table to show general affinities of viewpoint. The first group shows orthodox conservative opinion on policy; in 1931 these parties formed the main voting strength of the government coalition. The steady voting strength of the Conservative party shows clearly in its popular vote; the strength of this combination of parties declined during the whole period, but in 1945 and 1950 it represented little less than half the total vote cast. The support for moderate socialist policy and social and economic reform is revealed in the third group in the table, and it is worth notice that even in the adverse circumstances of 1931, when a national crisis seemed to call for a unification of opinion, the popular vote for Labour and allied groups was about a third of the total. This fraction increased to the majority of the ballots cast in 1945 and dropped just under a majority in 1950. The Liberal party, occupying a central position, suffers from that circumstance, as the table shows. While it is probably true that the Labour leaders were surprised to find themselves in command of a genuine parliamentary majority in 1945, and certain that they were disappointed in 1950, the growth of the party is unmistakable.

The Labour Victory. The Labour victory in 1945 was clearly not a sudden overturn of opinion; it was the result of continuous agitation and recruitment of membership and support during the whole period since World War I. The vote won by the Labour party in 1945, while constituting a solid majority in both the country and the House of Commons, was not overwhelming. The 1950 campaign showed that both the Government and the Opposition realize that Britain's situation calls for reform and reconstruction. The strength of the Conservative party and its allies will impart great force to criticism of Government proposals.

The results of the election enforce caution upon the Labour Government. The popular majority was less than one million votes, not enough to justify a claim that there is strong support from the electorate. The narrow majority of seven votes against all other groups in the House of Commons is not enough to carry a big or controversial piece of legislation. There are precedents in English experience for continuance in office of governments that actually lacked a majority, such as Mr. Gladstone's from 1886 to 1892, but this situation is not frequent. The Attlee Cabinet is quite likely to be forced to dissolve the House of Commons and hold a new election whenever it takes up controversial projects of legislation. The nationalization of the iron and steel industry, which is scheduled to go into operation in October 1950, might be the occasion for a defeat that would lead to a dissolution. Problems of domestic or international policy might precipitate an election sooner than the autumn of 1950.

LABOUR'S RECORD, 1945–50

The record of the Labour Government formed the subject for a large share of the campaign speeches during February 1950. In order to understand the English political situation, we should review the work of the Attlee Cabinet. In preceding chapters there has been frequent reference to legislative policy and administrative action during Labour's four and one half years of power. Without repeating details, a sketch of the main outlines of the record can be made. This is not easy, for the first sitting of Parliament lasted fourteen months, and more than eighty major pieces of legislation were debated and passed. Since that first session, there have been few intervals in the work of Parliament; even the summer recesses

have rarely lasted more than ten weeks. At the same time ministers have been authorized to make regulations covering important aspects of big and complicated projects, so that there is a steady flow of administrative orders elaborating the statutes. The dimensions of the Labour Government's program are not the only difficulties presented when a short description is attempted. Much of the program is highly controversial, so that as yet it is not easy to find calm and judicial analysis to assist in explaining in simple terms the action that has been taken.

It must also be said that the policies show a mixture of two objectives, both of which influence the character of legislation and administration. One objective stems from England's postwar economic situation, the other from Labour's traditional socialist program.

Postwar Problems. The chief causes of the economic crisis were suggested in the opening pages of Chapter 2, but they should be repeated in this connection. The pattern of world economic development, which gave English industry and commerce a commanding place in the nineteenth century, now produces a serious, even dangerous, economic and social crisis, affecting not only England but the whole world. In England population increased four-fold during the nineteenth century while British industry and commerce were expanding. The present population of a little more than 45 million cannot find employment or food unless a large foreign trade is maintained. Since the return on the little remaining investment abroad will no longer supply a large part of the financing of purchases of raw materials and consumption goods, there must be a decided increase in exports. British economists and government departments have set the export goal at a figure 50 percent higher than in the years before the war.[4] This is the estimate of what is required to maintain the economic community as a going concern with a standard of living comparable to what formerly existed. Much of the government's action has been directed to meeting this situation—attempting to fill the needs of the economic com-

[4] *Economic Survey for 1949*, Cmd. 7647, and *United Kingdom Balance of Payments 1946 to 1948 (No. 2)*, Cmd. 7648, both published by H.M.S.O. in March 1949 are official analyses of the economic situation. *Survey '49* is a popular version of these official white papers and was published by H.M.S.O. at the same time. A good general discussion, still relevant for its fundamental analysis, is Soule, George, *America's Stake in Britain's Future* (New York, 1945).

munity—and probably much of what has been done would have been done by a Conservative leadership had it been in power. This accounts for the fact that there has often been approval from Opposition benches in the House of Commons, and that there has been praise for Sir Stafford Cripps' 1949 budget from the orthodox financial journals of the City of London (the British equivalent of Wall Street).

Socialist Principles. Most of Labour's program, however, has been animated fully as much by traditional principles of practical socialism as by the needs of the postwar British economy. Whenever there has been a choice open, the government has devised a socialist method of attacking the problem. Housing, for example, was undertaken with a much greater preference for the use of public authority and public funds than for encouragement of the private builder. Nothing else could be expected from a leadership which had been slowly built up after the action of MacDonald in 1931, when he joined Baldwin in forming a national coalition. Labour leadership came into power in 1945 with a majority sufficient to carry out a program of socialism and a determination not to repeat what was regarded as a betrayal of the rank and file of the party fourteen years before. It must be remembered that the socialism, while genuine and convinced, is practical, gradual, and constitutional. The Labour party believes in democracy as profoundly as it believes in socialism.

A tidy and logical description of the Labour record since 1945 can hardly be made. It is possible, however, to summarize in terms of four fields of activity. While these lines of policy are not clearly separable, for the reasons just stated, a general impression of the government's policy can be formed by considering each of them briefly.

Emergency Measures and Controls. A large part of the accusations of "dictatorship" brought against the government have arisen from emergency action. In October 1945, the first month's sitting of the new Parliament, two bills were introduced extending the time in which the government could make use of previously established wartime controls over the action of the economy. The Supplies and Services (Transitional Powers) Bill conferred these rule-making powers, as developed during the war, for a further period of five years. The Emergency Laws (Transitional Provisions) Bill made a similar grant of a number of powers. In August 1947, with

the funds of the American loan approaching exhaustion and the economic situation more serious in prospect than ever, another Supplies and Services (Transitional Powers) Bill was passed, vesting wide powers of control in the hands of the ministries. Under these laws the government has continued rationing of food and other consumers goods, allocated raw materials to industries, engaged in the bulk buying of supplies from abroad, and in September 1947 required the registration of all persons for employment, with further powers of directing anyone into an essential employment. This is a mere sampling of the range of authority; space would not permit a complete account of the full range of powers and of the regulations issued.

Some of these orders, particularly those allowing for direction into essential employment, establishment of bread rationing in peacetime, and controls of materials for house construction, have attracted attention in the press of the world as well as stimulating lively discussion among British citizens. The range of power is certainly striking, and words such as *serfdom* were used freely by the Conservative Opposition in the Commons and by critics in the press of Britain and other nations. An evaluation of the wisdom or effectiveness of the various regulations is a technical task far beyond the scope of a general summary, to say nothing of the fact that the data required for a careful judgment has not yet accumulated. Concerning the charges of dictatorship, there are a few facts which should be kept in mind.

All regulations are subject to the scrutiny of the Select Committee of the Commons on Statutory Instruments and may be brought to the attention of the House for discussion. This is a considerable safeguard against loss of democratic control of government action, though it must be remembered that the time of the House is limited and the flow of regulations is large. Practically all the regulations—the much-discussed control-of-engagements order which permits direction into employment is a good example—provide for appeals to ministerial tribunals and review of decisions when a citizen wishes to protest government action. The Crown Proceedings Act of 1947 simplifies the procedures by which a citizen may sue his government for redress for an injury suffered.

A number of rationing controls and material and supply allocations have been ended by the Ministry of Food and the Board of Trade. Rationing of bread ended in the late summer of 1948; cloth-

ing rationing ended completely early in 1949 after being eased considerably during the preceding year. Against these successes in the supply situation must be set the sharp reduction in the meat ration in late March of 1949. A dramatic episode in the rationing question was produced by the termination of the sweets (candy) ration in May of 1949. There had been widespread complaint about the maintenance of rationing in general, but when sweets went off the ration they also went off the shelves of the shops. Some people probably got indigestion, but most people got no sweets. The result was an amusing reversal of field by many critics, who turned from blaming the government for rationing to condemning it for ending this one, and rationing of sweets was resumed in August 1949.

While rationing was being eased, the president of the Board of Trade also ended many restrictions on raw materials and licensing of various types of commercial and industrial activity, the most conspicuous being the termination of over 200,000 such regulations in March 1949. This was only one of the "bonfires of controls," and more were promised as soon as the supply situation improved.

In November 1948 the Ministry of Labor issued its monthly report on the control of engagements order, covering a year of operation. The average number per month of directions under the 1947 order was between two and three, and the total for the year was twenty-nine. In the same year, under earlier orders, 338 directions to remain in coal mining and 129 to remain in agriculture were issued. These figures would indicate that the powers were being very sparingly used, but the indirect effect of the regulations cannot, of course, be estimated. During the same period, the employment exchanges filled 4.5 million vacancies in employment, and nearly one seventh of the applicants were placed according to their first preference.

An alien observer, living in England during 1948 and 1949 and striving to preserve detachment and impartiality of viewpoint, received the impression that controls were discussed in much the same way that government policy was discussed in the years before the war. There was criticism and praise, sometimes violent and extreme, but more often temperate and well-informed. A fairly wide sampling of the English press showed a similar reception of the government's policy. And the political opponents of the Attlee

government even committed themselves formally to the amount of control which the exchange situation, particularly the dollar shortage, requires or at least seems to require. The Industrial Charter adopted by the Conservative party at its conference at Brighton in October 1947, after condemning controls in general, said, "But we give this pledge. *We will not remove the control from any necessity of life until we are certain that it is within reach of every family.*" [5] The election manifesto of 1950 dropped the italics, so to speak, but declared that rationing would be abolished only when the prime necessities of life are within the reach of every family and every individual. The liveliness of political discussion during local elections, the wide variety of opinions expressed in the press, and the preparations during 1949 for the general election of 1950 make the occasional charges of dictatorship seem a little absurd.

Whether the controls are the only answer to the situation, and whether they are being skillfully administered to achieve the maximum benefit are questions of a very different kind, not yet admitting of certain and definite answers. It is worth keeping in mind, however, that while there is austerity, statistics show that there is also a very good general level of health.

Economic Planning and Nationalization of Industries. In this field of action the government's program is much more definitely socialist in motives and methods, but it is worth remembering that even the nationalizations have a good deal of historical precedent behind them. The first bill to be introduced provided for the nationalization of the Bank of England, and it placed the bank and the government in a relationship much like that of central banks in other countries. Since the Bank of England already had been subjected to government controls, its nationalization did not represent much alteration of the situation. The financial community of the City approved the change, on the whole. Hugh Dalton, then chancellor of the exchequer, facetiously referred to it as "making an honest woman of the old lady of Threadneedle Street," after she had had more than a century of illicit relations with the treasury. A corollary to this act was much more socialist in intention, the Borrowing (Control and Guarantees) Bill. This set up two committees, one administrative and one advisory, which together possessed sufficient power to channel investment into projects which

[5] *The Industrial Charter*, Conservative and Unionist Central Office (London, 1947), p. 14. Italics as in original.

would contribute to general economic activity and employment. For a system of socialist planning these financial controls are indispensable, but as far as the Bank was concerned the bill did not greatly alter the position already established.

The nationalizations of coal, electricity, transport, gas, and others, have already been discussed in Chapter 5. This is certainly socialist action, and closely linked with the conception of a planned economy. But the coal industry had moved a considerable distance toward nationalization under policies begun in the 1920's; the electricity grid had been set up by a Conservative Government nearly twenty years before; gas was on a recognizably similar footing; and the railways were subject to extensive public regulation and had been through two wartime public administrations. This does not underrate the socialist purpose in nationalizing these key industries, but the record shows that these changes are not so startling as they might seem to anyone lacking knowledge of previous policies. Even the steel industry (and amendments of the steel bill in the House of Lords postponed final action on it until after the election in February 1950) in the official statement of its own federation points out that the best case against nationalization is the already existing partnership of the government and the industry. A final commonplace of the nationalization policy is that in each instance owners and stockholders were compensated and, in the opinion of a good many nonsocialist critics, were perhaps compensated too generously.

Extension of the Social Services. Policies in this field reflect an attitude which has been maintained throughout the history of the Labour party. Certainly this type of action lies close to the hearts of many of the leaders, but in this case, as in the case of the nationalizations, there is an accumulated body of precedent. The Education Act of 1944, for example, was passed by Churchill's Coalition Government, and the present Cabinet had only to press for its accomplishment by increasing the staff and facilities of a state-maintained school system. The same is true for the Family Allowances Act of 1945, which contributes 5 shillings a week to the support of every child after the first in any family. The National Insurance Act, one of the early bills passed by the Labour Government, consolidated and extended existing insurance schemes dating clear back to 1911. The same is true, despite its wide publicity, of a good part of the National Health Service Act. These last two services, however,

incorporate enough new features to justify the wide attention they have attracted.

The national insurance scheme is an enactment into law of most of the major features of the Beveridge Report, which was prepared during the period of the wartime coalition. Broadly and generally, it provides insurance for every person over school-leaving age and under pensionable age. Contributions are made by sticking stamps on an insurance card, though in the case of most people this operation is performed by their employer, who deducts their contributions from their wages or salary. The employer also contributes, and the state contributes from public funds. Unemployment, sickness, maternity, and widow's benefits, guardian's allowances, retirement pensions, and a death grant are all available to the insured person, so that the service comes close to covering the individual "from the cradle to the grave." A Ministry of National Insurance administers the scheme through regional offices in charge of insurance commissioners, and the post office assists materially in the collection of contributions. The minister is advised by a national committee and by local committees.

The health service, established by an act passed in 1946, became effective in July 1948. It is administered by the minister of health, assisted by a national advisory council on which the medical profession is well represented. Local administration has already been described in the preceding chapter. It is carried on chiefly through the county councils. Like the national insurance scheme, this is an inclusive arrangement, covering everyone. Even the foreigner visiting Great Britain may avail himself of it, if he desires. It is financed partly through national insurance funds and partly from the national treasury. Though there was considerable controversy between the medical profession and the government, most of the disputed points are under discussion, and enough progress has been made on all of them to give assurance that the scheme runs little risk of outright resistance by the doctors. So far as the average individual is concerned, it means that he can go to any doctor, dentist, optician, or other professional medical practitioner he chooses and receive treatment free of charge. It should also be stated that the patient has the option of paying fees and obtaining services in the conventional way. He may also elect to have more expensive treatment by paying an additional amount, as when he wishes more expensive frames for his glasses than the standard prescrip-

tion. The doctor is compensated partly on a small salary basis and partly by capitation fees paid to him by public authorities according to the number of patients he treats. All of the hospitals of the country were brought into the scheme and are administered by committees set up by the county councils, with delegation of powers to district and to hospital committees.

Both of these acts, particularly the Health Service Act, have been the subject of widespread discussion in England and elsewhere. Beyond the fact that the first year's cost of the health service substantially exceeded the original estimates, mentioned when the national budget was discussed in an earlier chapter, there has not been much objective data as yet on which to form a judgment as to their practicability. Certainly these services will be costly, and they now present difficult problems of administration. Advocates of both confidently predict that they will pay off in a happier and more secure society, capable of much higher production. Even Conservative critics have been careful to explain that they applaud the purposes—partly because they don't want to get into the position of snatching the dentures away from the poor. The careful student must reserve judgment and wait until enough time in operation has elapsed to furnish the material for a discriminating analysis.

These two prominent extensions of the social services should not obscure the fact that there are others. Most of them have been mentioned in the chapter which dealt with local government. There is an active government housing program, which has been successful in finishing a large number of houses, though not nearly enough to meet the needs. Town and country planning has as much the aspect of a social service as it has of a planning operation. The educational system is not only being extended for children, but programs of adult education are being organized under its provisions. Food subsidies have been used to stabilize the prices of staple foods, and requirements for the manufacture of utility goods are bringing simple clothing and furnishing within the reach of small incomes. All of this reflects the welfare objectives of British socialism, which are among its oldest and most enduring beliefs.

Foreign and Imperial Policy. While the Labour Government has been striving to control the economic crisis, developing the mechanism for a planned economy and nationalization of industries, and making daring extensions of the social services, it has also

had to face an international situation of great seriousness and difficulty.

Socialist viewpoints have always carried the obligation of support to international organization. In fact, when MacDonald headed a Labour-Liberal coalition in the 1920s and 1930s, his foreign policy was one of his best achievements. The Attlee Cabinet has consistently supported international organization and has striven to make consultations between powers yield results. Bevin has transferred the negotiating skills he acquired in labor relations to international diplomacy. He has achieved no more success than any other representative of a Western power; but his dogged adherence to the traditional purposes and ideals of his party, and his stubbornness in international discussions as he tries to get problems solved, has frequently won him applause from both sides of the House of Commons when foreign policy has been debated.

In imperial policy the Labour leadership has been willing to take risks in order to carry out the tradition of the party. So far the record has been remarkably successful. Grants of independence have been reciprocated by friendly feeling and continued association, as has already been pointed out in this chapter. The colonial empire has benefited from policies initiated before 1945, which have since been extended and consolidated. The colonial development fund has been enlarged, welfare policies have been started in the colonies and economic activity stimulated.

BRITISH RESPONSE TO THE LABOUR RECORD

In the discussion of election statistics, reference was made on page 242 to the movements of opinion between general elections. An analysis of the results of local elections and parliamentary by-elections in the period from 1945 to 1950 deserves attention, especially since both were watched closely by journalists and political leaders. Another feature of the interelection period is the preparation of programs by the parties in anticipation of a campaign. Cabinet government may require an election at short notice—this is likely to happen after the indecisive results in 1950—so parties must declare their purposes before the precise date of an election is known. After 1950 newspapers will report election results and party programs; and the student should be able to assess their significance. The British response to the Labour record of

1945 to 1950, as measured by these activities, is a good recent example of interelection political action.

Local Elections and By-elections. In October 1947 there were council elections in the boroughs and urban districts. So far as they can be taken as an expression of opinion, the results were adverse to the Labour Government. In total popular vote, Labour gained only 18 percent over the preceding year, while Conservatives made a gain of 56 percent. Labour gained 43 council seats and lost 687; Conservatives won 636 seats and lost 18. Minor parties made various gains and losses. In April 1949 county-council elections showed a similar adverse result for Labour. The London County Council election finally ended, after an exciting campaign, with a Labour loss of 26 seats and a council made up of 64 Conservatives, 64 Labour, and one Liberal. Had it not been possible to elect the chairman from outside the council members, the position of the lone Liberal would have been uncomfortable. Council elections in all the councils outside London resulted in Conservative gains of 360 members and losses of 19, while Labour won 69 and lost 362. These local elections indicated that Labour had lost some of its hold on the voters, but it must be remembered that Labour had made very large gains in the preceding years, and some recession from the height of the tide might be expected. Winston Churchill seized the occasion of the municipal elections of 1947 to demand that a general election be held, but his challenge was ignored by the Cabinet.

The parliamentary by-elections showed an opposite result. In 52 by-elections between October 1945 and January 1950, Labour lost only one seat to a Conservative, and that one loss was of a seat held by a member of the I.L.P. and with a number of independent candidacies further confusing the election. During the same period Conservatives held all their seats in by-elections. The Labour performance was remarkable—a long search of the records would be needed to find anything like it. In a number of by-elections, such as that held in Hammersmith (a district of metropolitan London) on February 24, 1949, the Conservatives brought in the full resources of their national organization, with Churchill personally participating a number of times as a speaker.

Labour held its seats in the Commons, usually with reduced majorities, but lost seats in local councils. The apparent partial contradiction in results springs from the difference in the two types

of elections. Local government elections are held throughout the country but are much influenced by local issues and personalities; by-elections are fought largely on national issues but are held only in constituencies in which a seat becomes vacant. Neither is conclusive; a general election in 1950 settled what a narrow majority wants for the next parliamentary term.

Party Programs—The Labour Party. Another measurement of the response to the Labour record can be derived from the programs of the two major parties. Naturally this was even less exact than the results of the local elections and by-elections; but it did reflect what the high command of each party believed would appeal to the voters when the time for balloting occurred. Before the summer of 1949 both parties began to lay plans for the electoral campaign which took place in February 1950.

The Labour party, being in power, was forced to take the initiative in formulating its proposals of policy. It might also be added that, since the party has always had a fairly coherent program, it was willing to make a forecast of what its purposes would be for the future. The national executive committee of the party therefore drew up a statement on policy in April 1949, so that local and constituency organizations could consider it carefully before the national party conference met in early June. The program received wide discussion, not only in Labour circles but in the national press as well. Events changed the picture in Britain very little before the election was fought, and Labour's election manifesto, issued January 20, 1950, adhered quite closely to the program stated in 1949. Indeed, Labour's chief proposals are likely to remain fairly stable, defining the major policies whenever the party goes to the electorate for a renewal of its mandate.

The program was published by the central office of the party under the title "Labour Believes in Britain." Since the pamphlet appeared in April 1949, there was ample time for local organizations to discuss the substance of the proposals and to instruct their delegates to the party conference, which met at Blackpool, June 7 to 10, 1949. The delegates heard the leaders of the party explain their program, and among them Sir Stafford Cripps gave a clear and uncompromisingly realistic picture of the difficulties which lay ahead of Britain in the coming years. There was lively debate and discussion, and two full days were devoted to the program. It was finally adopted, after an eloquent speech by Herbert Morrison

to conclude the discussion, by acclamation with only one lone voice in the back of the hall shouting "No." The main lines of policy were set forth in the program and are briefly summarized here, because on all essential points Labour went to the polls in February 1950 with this platform.

The statement opens with a declaration of "Our Socialist Faith" which declares the principles of equality of opportunity and abolition of the extremes of poverty and wealth, the belief that economic destinies should be in the hands of the people and not in the hands of "a privileged minority of owners," the enlargement of productive power and raising the living standard, and the maintenance of a flourishing democracy. These are in the nature of slogans; the body of the document goes forward to propose specific policies. The first section makes proposals for a one third increase in production by pressing forward with a four-year plan which envisages increased participation of labor in the direction of industry, full employment for men and women, continued improvement of the nationalized industries with encouragement for initiative in the private sector of economic enterprise by the use of development councils and technical assistance for industry. Encouragement to agriculture and improvement of the conditions of rural life are dealt with in the second section of the program, with a number of specific proposals for improvement of rural housing, encouragement to producer cooperatives, and emphasis on agricultural research.

The third section of the program is entitled "A Square Deal for Consumers" and promises encouragement to the cooperative movement, continuance of government bulk buying, and the creation of consumers' councils to enable them to make their views effective. The fourth section promises maintenance and extension of the social services, pointing out that social services and food subsidies now amount to an expenditure of eleven shillings per person each week. Financing of these programs is to be based largely on the income tax, graduated according to ability to pay as at present. In this connection a rather startling statement is made regarding the distribution of income; the pamphlet declares that there are only 250 persons in Great Britain who are receiving an income above £5000 a year after taxes are paid, compared to 11,000 in that category before the war.

In the field of the social insurances, the subject of the fourth section of the program, the party proposes to create a national

scheme of industrial insurance. In connection with housing it proposes to transfer the cement industry to public ownership. With regard to education, old-age pensions, and the legal-aid scheme, it proposes to maintain and extend all these services. In foreign and imperial policy it declares the intention to continue its present policies.

To summarize, the program defends the party's record and promises to go further along the lines of policy which have been put into action during its term of office. The program naturally contains considerable party propaganda, but it also makes a large number of specific proposals—something unusual for party programs.

Party Programs—The Conservative Party. The Conservative party adopted the characteristic strategy of the Opposition party and waited until the Labour party had published and adopted its program before releasing "The Right Road for Britain" in July 1949. The program was issued in two pamphlets, an extended statement running to 68 pages, and a six-page leaflet for quick consumption by the harried voter. Both are Opposition documents and properly devote a large amount of space to criticizing the Labour record. The introductory statement places the issues in terms of a conflict between the socialist "nationalized monopolies" and Conservative emphasis on freedom of enterprise.

The first section, devoted to "Britain at Home," declares that the fundamental necessity is to cut costs in order to remain in a world market and condemns the socialist plans as raising production costs. A number of proposals are made: cutting government expenditure and reducing taxation, ending government bulk buying, and encouraging greater competition in retail distribution. With regard to industry, the program unhesitatingly repeats the guarantees to trade unions and collective bargaining that were made in the Industrial Charter in 1947. On nationalized industries, promises are made that nationalization of coal, railways, gas, and electricity will be maintained. The party will not proceed with the nationalization of iron and steel (amendments to the bill in the Lords postpone the vesting date of the bill until after the election has been held), will restore a good part of highway transport to private ownership, and will reopen the Liverpool Cotton Exchange, thus restoring trade in cotton to private dealers. For the nationalized industries the party promises a thorough review of methods and greater decentralization of administration. (It should be mentioned that the

Labour party proposes similar reviews of the nationalized industries.) For agriculture there is a strong similarity between Conservative and Labour proposals, both promising modernization, improvement of rural life, and continuance of marketing schemes. On housing the Conservatives promise greater activity and greater encouragement to the private builder, but they also say that local authorities will have to continue to play a leading part in providing for those who need houses or flats at subsidized rents.

On the social services the program promises extension of education, increase of old-age pensions, and extension of the national health service, though modifications in the administration of the last are declared to be necessary. An additional emphasis is given to these proposals by an appendix which lists Conservative contributions to the social services from 1918 to 1945—and the record of legislation on education, social insurances, family allowances, health service, and public housing is quite impressive.

For the Empire and the Commonwealth, the Conservative policies are to strengthen the machinery of cooperation and to increase expenditure on development schemes for the colonial empire. On foreign policy and defense continued action for world peace is the declared aim.

This program is open to the criticism that was immediately made: that it proposes economy and simultaneously promises heavier expenditure in all the areas of heavy spending. It benefited from a fighting speech by Winston Churchill, delivered at Wolverhampton on July 23, 1949. His ringing rhetoric indicated that the emphasis would be placed on the parts of the program which attacked the Labour Government's record. He characterized the bill for the nationalization of steel, for example, as "the naked pillage for party purposes of great and growing concerns."

During the campaign in February 1950 the parties adhered with more than usual faithfulness to the declarations that had been made in their programs of the preceding year. Winston Churchill capitalized on current discussion of the new hydrogen bomb and created a diversion in the field of foreign policy by calling for new high level discussions with the Soviet Union in a speech at Edinburgh on February 14. Considered simply as a campaign maneuver, it was a characteristic Churchillian ingenuity. Mr. Bevin lost his temper and unwisely called it "a stunt," but it introduced a new and important subject of discussion into the campaign. Otherwise

the battle was drawn up on the expected fronts: Conservatives criticized the Labour record but promised the maintenance of social services and necessary controls; Labour emphasized the maintenance of full employment and "fair shares for all" by continued socialist planning. There was much debate on socialism versus freedom of enterprise, but on many specific policies the position of the two major parties was not far apart. This explains, in large measure, the sensational failure of Liberal candidates; more than 300 out of 475 forfeited their election deposits. The complicated and puzzling result can hardly be summarized in a sentence, but it seems to indicate that Britain endorses planning but asks for caution in how it is applied.

SOCIALIST PLANNING AND DEMOCRATIC GOVERNMENT

In Chapter 6 the problem of planning with the maintenance of democratic freedom of choice was discussed, in the context of the work of administrative agencies. Now that the record of the Labour Government has been briefly summarized, the subject should be raised again in some of its wider implications.

Naturally the performance of the Labour Government in Great Britain is a matter of deep concern to the people of England, but it is a matter of great interest to other nations as well. It has been an experiment in combining planning with democratic responsible government. The long tradition of individual liberty, freedom of expression of opinion, and participation in self-government which has existed in England will not readily yield to the requirements of economic and social controls, unless those controls can be made responsive and responsible. The record which has just been briefly sketched reveals that, while policies have been decisive in some fields, such as nationalization of industries and the social services, they have often been based upon action which has been taken in preceding years. Safeguards have always been set up to protect the rights of individuals. Certainly all the policies have been thoroughly debated in Parliament, and there has been no inhibition on the free expression of criticism.

Planned Reconstruction. Two circumstances, arising from the recent history of England, are also significant in this connection. In the first place, the British community has had the experience of extensive government direction of economic activities in order to

maintain the effort of a great war, with the ever-present threat of invasion from 1940 to 1943. In the second place, the pressure of the financial and commercial problems which England faces in the process of her postwar reconstruction makes the need of united action very urgent still. Any leadership, therefore, can rely on a far wider consensus of support for decisive policies than the size of its popular majority would show. The necessities of housing, of rebuilding industrial plants, of educating an active and alert population to engage in efficient production for export, of safeguarding the welfare of the community through extension of the social insurances—these requirements brought about considerable similarity in the programs offered by the major parties in the 1945 and 1950 elections.

Planners and Experts. There are two features of English government, as it has been described in the preceding chapters, which will interest students watching the course of events. First, the administrative staff of the national government is of topnotch quality. It has developed, during the course of the nineteenth and twentieth centuries, a true feeling of impartiality in carrying out its duties. Perhaps a Labour leadership imposes a greater strain on the civil service than the alternation of Liberal and Conservative leadership produced, but the expert administrators have served the Attlee Cabinet as loyally as they worked for Churchill. This means that any new government will have competent expert advice on all its programs and careful and efficient administration of its policies.

Secondly, the electorate is actively interested in public questions, and the political parties have maintained discussion of public policy at a fairly high level. The drama of debate in the House of Commons and in the country is lively and vital enough to enlist the interest of most voters. In addition, there has been for many years a great deal of nonpartisan study and discussion of public questions by civic groups and workers' institutes and in adult education. Comment on these facts, by the way, should not be taken as praise for the British character; they are the products of the situation of England and the Empire-Commonwealth. The same generalization could be applied at present to the American voting community; interest in public policy is rising as the necessities of public action become more visible. In England this situation has existed for a longer time. Since the middle of the nineteenth century the political, social, and economic problems of the United Kingdom and the

associated communities of the Empire and the Commonwealth have claimed the attention of its citizens.

Conservatives and Planning. One prediction may be made with some confidence. Should Attlee lose his present majority, and a general election result in the return of the Conservative party to power, the broad outlines of policy will remain much the same. The extension of the social insurances, the introduction of some government planning into the export industries, the development of public housing and town and country planning, in fact, a wide range of policies now undertaken by the Labour Government, were all proposed by Churchill's Coalition Government as desirable postwar projects. A change of leadership would not interrupt, though it might modify, these proposals. They have been made necessary by circumstances; they are not the product of socialist doctrine alone. The foreign policy and the imperial policies which have been put forward by Bevin bear a strong resemblance to those of his predecessors; similarly, the successors of the present leadership will continue many policies which are now being put into action.

One advantage which the Conservative party has long possessed over the Labour party has been its greater and longer experience of office. Winston Churchill's experience of politics and public office is only one striking instance among many. Since 1945 he has been drawing a government salary provided for the leader of the Opposition under the terms of the Ministers of the Crown Act of 1937. He has been continuously in the House of Commons for many years, and he held ministerial posts in World War I, in the 1920s, and during World War II. Anthony Eden was foreign secretary and deputy leader of the Commons in Churchill's wartime Cabinet. Richard Austen Butler introduced the Education Act of 1944 and initiated the new educational reforms which have been continued and extended by the Labour government since 1945. Many other experienced political leaders might be mentioned. How many promising careers were begun during the years from 1945 to 1950 is anyone's guess until the younger men of the Conservative party have a chance to prove themselves in office as well as in opposition. What has been said in earlier chapters about the turnover of personnel in the Attlee Cabinet indicates that it is not easy to forecast the membership of a Conservative Cabinet if the party wins a majority. One generalization already suggested can be stated with

confidence: the English Cabinet system constantly recruits active and able leadership in both major parties.

The next few years in England, then, are of interest to many people besides the English. Cabinet government, which has been developed by centuries of practice, is being put to new uses. It possesses great merits of responsiveness to public opinion, promptness and decisiveness of action, and competence in administrative performance. It has been able to rouse the interest of its citizens, so that the participation of the electorate in party activity, in local government, and in public discussion, has been lively and sustained. At the same time, a long tradition of the rights of the individual, under a rule of law, serves to restrain any leadership from embarking upon extreme policies.

The problems faced by this government are of great complexity and danger. The resources of British national and imperial organization must be used to the full extent, if the difficulties of the postwar years are to be met and solved.

READINGS

The British Empire-Commonwealth is the subject of a vast literature. A few books can be mentioned, in addition to those already cited in the footnotes to this chapter, which not only discuss the subject but offer guidance for further study.

On the Colonial Empire:

The Colonial Empire (1939–1947). Cmd. 7167, H.M.S.O. 1947. This is an official publication of the Colonial Office. Lately annual reports on many of the colonies have been published, which are listed in the monthly and annual lists of H.M.S.O.

Simnett, W. E., *The British Colonial Empire* (New York, 1940). An interesting, brief, but useful account of the colonies.

On the Commonwealth and on the Empire as a whole:

Hancock, W. K., *Survey of British Commonwealth Affairs*, 2 vols., the second in two parts (Oxford, 1937–43).

Hodson, H. V., *Twentieth Century Empire* (London, 1948). An interesting and provocative study of what the author calls the Fourth British Empire.

Keith, A. B., *The Governments of the British Empire* (New York, 1936), and *The Dominions as Sovereign States* (London, 1938). These two books are works of authoritative scholarship.

The Round Table, published quarterly in London, is devoted to the affairs of the Empire-Commonwealth.

Recent British politics and the record of the Labour government are by now the subject of a very considerable literature. The student's attention is directed to the books cited in the footnotes to Chapter 7 above and to the readings listed at the end of that chapter, particularly the journals and periodicals listed. Three compact little books, published by Penguin, are useful, and are worth mention:

Hall, J. E. D., *Labour's First Year* (1947). Written by an experienced parliamentary reporter, the viewpoint is from the press gallery of the House of Commons.

Hogg, Quintin, M. P., *The Case for Conservatism* (1947, reprinted 1948). A slashing critique of Labour policies, as well as a statement of Conservative principles. The book is not merely partisan; it is able and well informed.

Parker, John, M. P., *Labour Marches On* (1947). A companion volume to the above. A defense of Labour, but careful and informative, not merely partisan.

It should be clear from the chapter that the situation in Britain is constantly changing, and that reading of journals and newspapers is necessary to keep information up to date. For official data on the various policies, reference should be made constantly to the catalogues of H.M.S.O. already mentioned. Both the Labour and Conservative party central offices issue year books which are in the main sources of information, and annual publications like *The British Political Yearbook*, *Dod's Parliamentary Companion*, *Whittaker's Almanac*, and Mallory, W., ed., *Political Handbook of the World*, are often very useful. The last named is published in New York, the first three are published in London.

FRANCE.

Chapter 11

THE FRENCH AND THEIR CONSTITUTIONAL HERITAGE

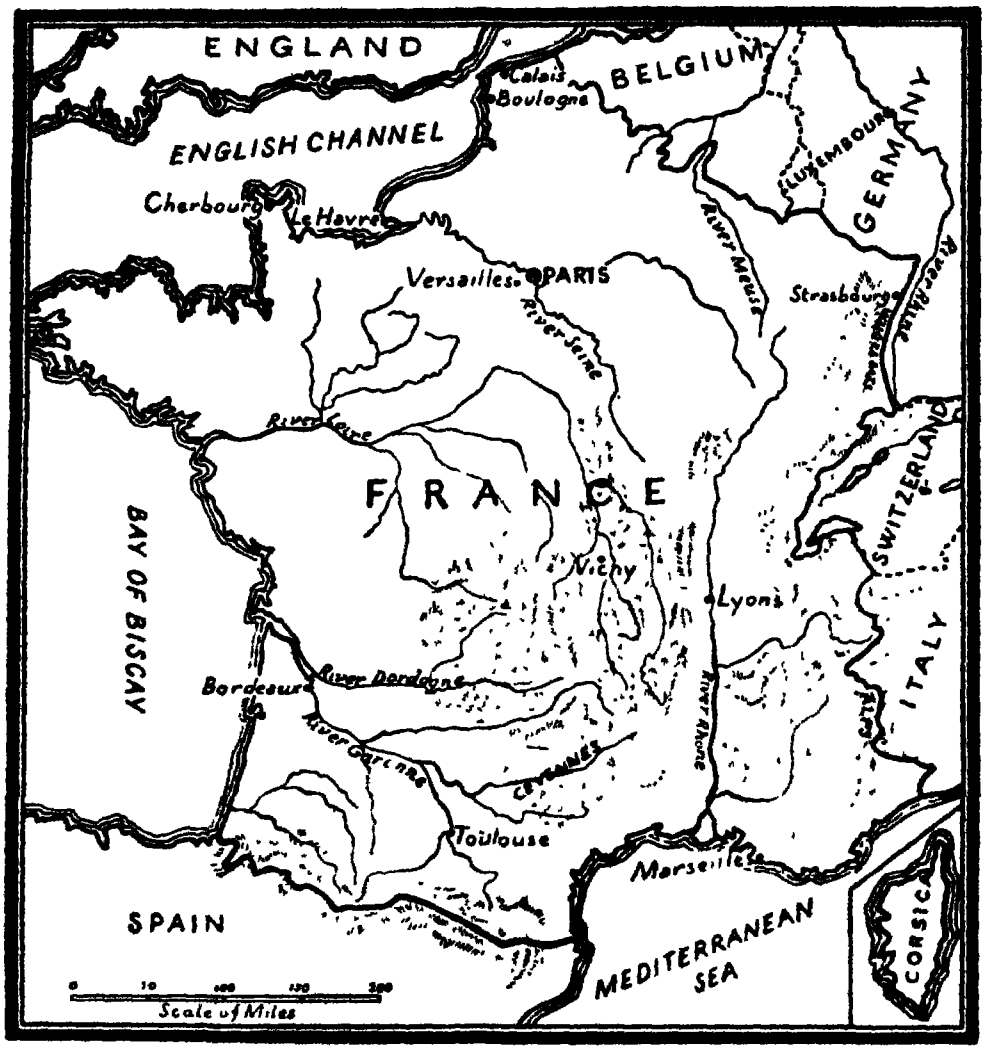
DISCUSSION of French Government should follow that of England, if for no other reason than the fact that the French writers, such as Montesquieu and Voltaire, had a high regard for English government and held it up as a model. The French revolutionary leaders formulated many of the ideas which underly the institutions of democratic government, though they relied on English government for much of the machinery of the constitutional state. It can be said that the democratic revolutions of the nineteenth century were based upon French ideas and English practice.

More than this, French parliamentarism served as a channel to communicate the institutions of democracy to the continent of Europe—the Italian constitution of prefascist days was imitative of French constitutional experiments. The differences between French parliamentary government and that of Great Britain also serve to illuminate the subject by comparison and contrast. Some of these differences arise, of course, from differences between the two communities which should be noticed first of all.

FRANCE AND THE FRENCH

The area of France is 213,000 square miles. This territory has gone through little change, except in its eastern boundaries, for centuries. The people who inhabit it have not been subject to great inflows of other peoples during their history. The community is therefore homogeneous; and while there is provincial pride and patriotism, the people are French in culture, in historical tradition, and in social attitudes.

Comparing this territory with that of Great Britain, we find that


ENGLAND
Calais
Boulogne
BELGIUM
ENGLISH CHANNEL
Cherbourg
Le Havre
Versailles
PARIS
River Seine
River Meuse
Strasbourg
River Rhine
GERMANY
River Loire
FRANCE
SWITZERLAND
BAY OF BISCAY
Vichy
Lyons
Bordeaux
River Dordogne
River Garonne
Cevennes
River Rhone
ITALY
Toulouse
Marseilles
SPAIN
MEDITERRANEAN SEA
CORSICA
Scale of Miles

it is nearly two and a half times larger than the area of the British Isles, excluding Ireland. And until the traveler across Europe reaches the boundaries of the Soviet Union, it is the largest European state he crosses. Traveling southward toward Italy or eastward toward Germany, he notices that there are few natural barriers dividing one part from another, and he also notices that a high percentage of the land is in cultivated fields. It is still a predominantly agricultural country, and during the twentieth century has usually been able to produce all but one fifth of its food supplies. If the visitor spends time enough in France, he will find that the climate is pleasant and even. Geographers classify it as a marine climate; the Atlantic and the Mediterranean are close enough to prevent extremes of heat and cold except in the most eastern and mountainous sections. The climate does not have the remarkable clemency which the Gulf Stream brings to Great Britain, but it shows much less fluctuation from season to season than does the characteristically continental climate of the United States or the Soviet Union.

There are a few facts about the population of France which are of special significance. In 1939 the numbers stood at 41.5 millions; in 1946 there had been a decline to just over 41.1 millions. Since the latter date there has been some increase, but it is limited by the fact that there is a great predominance of elderly people, a higher proportion than in any other great state of the world. Per thousand of population, the number of people over sixty years of age is 154; the corresponding number in England is 132, in the United States 104, and in the Soviet Union 66. Probably 22 million of the French population fall between the ages of twenty and fifty-nine years.[1] The decline in population has not been fully made up by immigration, though there are about 1.75 millions of foreigners living in France.

These population factors are a matter of concern to French statesmen and experts. The number of people has been stable or slowly declining over a considerable period of time. Two world wars within twenty-five years, each of which took a heavy toll of lives, have greatly accentuated this condition. Fortunately for the

[1] *La France Economique de 1939 à 1946*, 18e Année (Paris, 1948), pp. 17–19. This collection of essays on various aspects of the French economy, which ordinarily appears yearly, is one of the best surveys. It is written by a group of experts and covers a wide range of subjects.

future of the French economy, there has been an increase of births in the years since 1946.

In contrast to Great Britain and to other great powers, the ratio of urban to rural population is nearly equal in France. Not only is this rural proportion higher than in England or the United States, but the number of large cities is decidedly smaller. Paris is the only city in France with over a million inhabitants. Marseilles, the second city in size, has 636,000, and there are only fifty-four cities of over 50,000. There are nearly as many agricultural as industrial workers, though heavy industry has grown during the twentieth century.

Increase in large-scale industry is still far short of giving France the industrial character of England or the United States. Small industry has always had a large place in the French economy. Before World War II nearly one seventh of all workers were self-employed artisans, and nearly three fourths of industrial wage earners worked in small factories employing no more than a hundred workers. Current figures are hard to obtain, but it seems likely that these conditions have altered little. France has been, and is, a country of small enterprisers.

Much the same can be said for agriculture. In 1939 over half of the 7 million people engaged in farming were listed as "*chefs*" in official figures, meaning that they operated their own farms, and the same was true in 1945. But as a consequence of World War II there was a decline of one tenth in the agricultural working population between the two years mentioned. Figures of increased agricultural production in 1948 imply that this man-power deficit is being made up.[2]

A slightly declining population, a high proportion of individual ownership in both agriculture and industry, and a high ratio of rural to urban population make the French community all the more homogeneous. One might expect these same factors to lead to social and political stability. In some ways there has been social stability, for the occupational classification has been remarkably enduring. The paradox of political instability coupled with a stable and persistent social and economic pattern is a product of French history and of what might be called the French temperament.

[2] One of the best sources on contemporary economic developments are the *Reports* of the *Commissariat Général du Plan de Modernisation et d'Equipement*, headed by Jean Monnet, and popularly called "The Monnet Plan." Four reports have been issued since 1947.

The history will be summarized a little later, but some preliminary observations may be made upon temperament or character. Quoting a Scot humorist, we called the British a nation of poets. Similarly we venture to call the French a nation of philosophers. Such pat characterizations cannot be taken as sociological fact, but they do carry some truth. The Latin view of life is often sharp, clear, and logical. Compared to the vagueness and readiness to rely on general feelings which are characteristic of most Anglo-Saxons (including Americans for the moment), the French set a high value on clarity of ideas and expressions. Their language itself is distinguished for precision; English, by contrast, is a language of suggestion. French words more often than not have precise and definite meanings; English words not infrequently have several meanings or shades of meaning, and the context of a passage is needed for interpretation. None of these contrasts should be pressed far, but they contain some truths.

France and the French Union. In a discussion of France, some definition of terms is necessary, though the need is less great than in the case of Great Britain. France in Europe is usually referred to, precisely and formally, as metropolitan France. It is organized in ninety *départements* or districts of local government. The overseas *départements* of Martinique, Guadeloupe, Guiana, and Réunion have a similar status. These four territories have been colonies of France for over a century, and their people are French citizens. They are part of the republic and elect members to its legislative assemblies. Algeria approximates to this status, being organized in three *départements* and also electing representatives. It still remains a colony, however, and a governor general represents the French government. Only its French settlers possess citizenship, though some of the native population of Arabs and Berbers have acquired citizenship by naturalization.

The French Union, a new constitutional creation, is designed to associate all the territories of the old French Empire with the Fourth Republic. These territories include large areas in West Africa and Equatorial Africa, Madagascar, Indo-China, and a number of Pacific islands, of which New Caledonia is the largest. In addition, there are two trusteeships in Africa, Togoland and the Cameroons, and two associated states which were formerly protectorates, Morocco and Tunisia, in northern Africa. The total population of the French Union is approximately 67 million. Over

a million Frenchmen have made their homes in North Africa, but elsewhere there are only small groups of administrators or directors of business enterprises. The native populations of these lands have not been regarded as ready for any significant grant of self-government, but France has always tried to carry French culture into her overseas possessions. The constitution of the Fourth Republic carries the first clearly declared intention to bring these communities into some federal relationship to metropolitan France. Policies with regard to Indo-China indicate that the old French Empire is to have a new incarnation as an association of states comparable to the British Empire-Commonwealth. At the present time it is impossible to say what success may be achieved in this direction.

The terms *France*, *Fourth Republic*, or *metropolitan France* may be taken as essentially equivalent in meaning. They all refer to the France that appears on the map of Europe. When there is occasion to refer to other jurisdictions, more precise terminology will be used.

The Economic Situation of France. There is a strong resemblance between the economic problems which France now faces and those which have already been described in England. In fact, the United States European Recovery Program (Marshall Plan) is an evidence of the similarity in economic situation of all western European states. The dollar shortage is a common symptom of the effect of World War II. French industrialization is much less developed than that of Great Britain, but France shares the situation of most of western Europe, being a country that depends in large part on exports of finished goods and returns from earlier investment abroad to pay for imports of raw materials. With respect to food supplies the French economy approaches self-sufficiency, though the substitution of *"café national"* for genuine coffee in Paris cafés in 1948 and 1949 demonstrates the need for some products of foreign origin.

France's really serious import need is coal. She has resources of bauxite (the ore for aluminum) and fairly good iron ore deposits, but she has been dependent on increasing coal imports for the development of large-scale industry. In the peak production year of 1929 at least one third of the coal used was imported; in 1946 the tonnage had dropped but the proportion remained comparable. The source of coal supplies changed from Great Britain to the

United States—with a substantial increase in cost for the French. The simple statement that France is the greatest importer of coal in the world sufficiently emphasizes this prime necessity and the problems it creates.[3]

Coupled with the problem of the exchange balance, and naturally increasing its severity, is the serious destruction which was inflicted by World War II and the years of German occupation. The losses of capital and the deterioration of equipment are the chief concern of the directors of the Monnet Plan and the European staff of the Economic Cooperation Administration (the agency administering Marshall Plan aid). Gains are being made and production figures are rising, but the goals originally set are not being reached, except in agriculture.[4]

The French program to meet the economic problem is not unlike that being carried on in Great Britain. Broadly and generally, there is considerable economic planning. The Monnet Plan has already been mentioned, and a number of key industries have been nationalized. Government activities in these fields will be described more fully in succeeding chapters.

One feature of the French economic crisis requires special notice. Professor Charles Rist designates monetary stabilization as the problem which dominates all others in France. Inflation has arisen from budget deficits, the adverse balance of trade, and a deficiency in domestic saving.[5] The fall in the value of the franc, both in domestic and foreign purchasing power, has had the dislocating social and economic effect which inflation invariably produces. The rise in prices of goods which go into the average standard of living has outrun the increase of wages. This has produced repeated demands by organized labor for wage increases, and these in turn have stimulated further price rises. In the spring of 1949 a real improvement occurred. In January the government successfully floated a large loan by public subscription; severe economies promised a budget close to balance if not fully balanced; and improved agricultural production and crop prospects contributed to a decline in agricultural prices. While the general situation still showed elements of insecurity, the domestic and foreign value of

[3] *La France Economique*, 18e Année, pp. 441–44.

[4] An excellent short analysis of the situation is made in *The Economist* (London), June 11, 1949, pp. 1094–96.

[5] *La France Economique*, 18e Année, Avant-Propos by Charles Rist, pp. 2–6.

the franc improved decisively. Confidence in the endurance and the productive power of the economy began to revive and was reflected in the increased stability of the government coalition.

French Revolutionary Traditions. When the general character of the British people was discussed, some emphasis was placed on a record of experiments. The French have a record of revolution. There is a cynical French saying which goes, "The more things change, the more they are the same." The paradox suggested seems all the more striking when the revolutionary history of France is compared with its social stability. The revolutionary record is important, and in many ways the rest of the world is indebted to France for it. The evolution of Cabinet government in England gave the English Parliament the credit for being the mother of parliaments; in much the same way the French Revolution may be credited with the parentage of the rights of man. Cleavages of opinion in the past have often led to social conflict. That is one reason for the unease felt in France when grievances and distress exist, for the possibility of sweeping and violent change seems imminent.

To understand the French political system, it is necessary to examine the history of France. The purpose in so doing is to understand the significant characteristics of contemporary French political institutions by explaining their historical development. Viewed in this way, the story centers on two fairly continuous lines of development: (1) the creation of the agencies of effective national administration, and (2) the establishment of popular control of government policy through the use of parliamentary institutions similar to those which grew up in England.

THE GROWTH OF CENTRAL AUTHORITY AND NATIONAL ADMINISTRATION

National power originated in France almost as early as in England. The same institution—royal authority—was the means by which an effective national organization was created in feudal France. Skillful kings, aided by clever and often unscrupulous ministers, constructed a powerful central government by advantageous marriages, diplomacy, and the occasional use of military force. The story, quite as romantic and interesting as Dumas' tales of the three

musketeers, must be reduced here to notice of the fact that by the close of the seventeenth century an absolute monarchy had been established. The machinery of administration was still feudal in many of its outward appearances, but the real power was in the hands of the Bourbon kings and their ministers.

Royal Absolutism. The growth of royal authority in France was not accompanied, as it was in English constitutional development, by a parallel growth of representative institutions. Absolute monarchy was coupled with aristocratic privilege, and during the eighteenth century the power of the king was the subject of criticism by French philosophers, who worked out an intellectual and rational case for the civil and legal rights of the citizen and for the vesting of political sovereignty in the people as a whole. (It is only necessary to mention the names of Montesquieu, Voltaire, and Rousseau to recall that the doctrines of popular sovereignty were carefully thought out and given eloquent statement in eighteenth-century France.)

The Great Revolution. The accumulating grievances of the middle and lower classes, combined with the fiery statements of revolutionary programs by intellectual leaders, led to the Great Revolution of 1789. This political upheaval was so extensive in its effects that the patterns of administration were altered as much as were the institutions of royal absolutism, and the first steps were taken to create the highly centralized system of administration which has since characterized French government.

Because the republican reformers wished to abolish all the aristocratic features of the old regime, the ancient provinces were replaced by administrative districts called *départements*. And the new national democratic government, anxious to extend the program of the revolution to all France, exercised fairly considerable powers of supervision over these local districts, even though popularly elected councils were created in each of them. In the same way, plans were laid to replace local feudal customs by national laws. It was assumed by the leaders of the revolution that the law would be uniformly administered throughout the land.

The new revolutionary government of France was quickly involved in foreign wars, and at the same time great confusion was produced within France by the pace of change. The result was that power passed rapidly from the national assemblies to a Committee

of Public Safety and thence to a small body called the Directory. It was finally seized by Napoleon Bonaparte, who made himself emperor in 1804, having exercised the powers of an effective dictator since the end of 1799.

The Napoleonic Empire. Napoleon I was a great administrator and a great organizer as well as a great military commander. Probably his success in organizing France was due to those same qualities which won his victories—industry, ability to concentrate attention on essential problems, and personal magnetism which won the respect and loyalty of the men who worked with him. Another significant factor in the construction of the administrative patterns of the First Empire was the fact—which now seems paradoxical—that Napoleon was regarded by the people as "the son of the Revolution," the leader who would put into effect the program of 1789. He did do much to realize the goals of equality and fraternity by systematically organizing national services with opportunities for all classes to participate, and he completed the transition of France from a feudal monarchy into a patriotic national state, but he was hardly a democratic leader.

Napoleonic Centralization. Two of the reforms of the Empire, however, left a permanent imprint on French political institutions. The first was the centralization of administration. The new *départements* were supervised, if not fully governed, by prefects appointed by the central government. The national government extended its control over highways and public works, education, financial policies, and police administration. The people, after suffering from the disorders of the revolution, welcomed the systematic performances of the new officials, which guaranteed uniform conditions in all parts of the country. The new state services were open—just as Napoleon's officer corps had been—to all qualified citizens, and great care was exercised to establish "*la carrière ouverte aux talents*," equal opportunity for every able person to enter the service of the state. The result was competent and efficient administration of the public affairs of the whole national community, though liberty—in the sense of representation of the people and popular influence upon policy—was not achieved.

Napoleonic Codes. At the same time that the state services were improved, the administration of laws themselves were made the subject of thorough reorganization. A board of jurists, in whose

deliberations the Emperor himself often participated, drew up the Napoleonic Codes, which still impart the form and much of the substance of French law. Diverse local customs, varying enactments of the Revolutionary period, and ancient feudal practices were consolidated into comprehensive codes of law, of which the most important was the Civil Code, modeled largely upon Roman law. This covered a wide range of property, family, and contractual relationships, and its establishment had the result of making such laws uniform for all of France. In this way the new government was able to give every citizen an assurance of a system of civil rights which could be successfully invoked in any locality. The standards for the courts and the judges were improved at the same time; law and the administration of law acquired certainty, orderliness, and system. After the confusion of revolutionary change, the people seemed ready to sacrifice political liberty for the benefits which derived from a well-organized and efficient government.

Survival of Napoleonic System. The importance of the Napoleonic organization of France can hardly be exaggerated. This centralized administration and ordered symmetry of the codes of law survived all the succeeding changes of the nineteenth century. Centralization derived, of course, from the power of the absolute monarchy which had flourished during the eighteenth century. Under the Bourbons, particularly in the time of Louis XIV, a well-knit national state had been built up by determined kings aided by skillful ministers. The centralization of the First Empire persisted in the Third Republic. While French leaders and French students of government have often complained of the system, its merits were sufficient to maintain it until the defeat of 1940. It has reappeared in the Fourth Republic, largely because the French people have become fully accustomed to its precision and uniformity.

REPRESENTATIVE PARLIAMENTS AND POPULAR SOVEREIGNTY

Probably the best introduction to the vicissitudes of popular representation and responsible government can be obtained by recalling the chronology of the governments in France during the nineteenth century. Assuming that the century begins with the Great Revolution, a table of dates shows:

1789	The Estates General becomes a National Assembly, "the rights of man" are declared.
1790–95	The Revolutionary constitutions; the abolition of the monarchy; the involvement of the Republic in foreign wars.
1795–1804	The growing reputation of Napoleon; the Directory; Napoleon's seizure of power; proclamation of the First Empire.
1814–15	The Congress of Vienna at the close of the Napoleonic wars; the restoration of the Bourbon monarchy in a constitutional parliamentary form.
1830	The Revolution of July; establishment of constitutional monarchy of Louis Philippe, called the July Monarchy.
1848–51	Revolution, the establishment of the Second Republic.
1852	Coup d'état of Louis Napoleon; proclamation of Second Empire after plebiscite which showed popular approval.
1870–75	The defeat of France by Prussia; the election of a National Assembly; the episode of the revolutionary Commune of Paris; the adoption of the constitutional laws which established the Third Republic.

The most obvious fact in this chronology is the repeated change of the form of government, each time accompanied by revolutionary action. The Great Revolution declared the program of the "rights of man," including the right of representation in a legislative assembly. The Napoleonic Empire ended popular responsibility, but under a constitutional monarchy elections were restored. Napoleon III, though he made adroit use of plebiscites, again denied the citizens any real participation in government. The Third Republic provided the forms of parliamentary responsibility. The table of dates reveals, moreover, that constitutional parliamentary government never lasted longer than twenty years until after 1875 and that periods of personal or autocratic rule were equally short.

But the idea of popular government, once declared in 1789, persistently reappeared. Though the French people were at times willing to yield to the appeal of a dictator, a "man on horseback," the driving force of the democratic ideals formulated by the eighteenth-century philosophers was always strong enough to bring about the election of constitutional assemblies which, in turn, provided for parliaments and responsible ministries.

The Third Republic. The sequence of events which led to the establishment of the Third Republic began with the defeat of the Second Empire by Prussia in the autumn of 1870. Napoleon III, with one of his armies, surrendered at the battle of Sedan. The re-

maining effective army was quickly encircled at Metz. The collapse of the Empire necessitated the creation of an emergency government. A provisional government was organized in Paris after the news of Sedan and proclaimed a republic. Its leaders, notably Léon Gambetta, maintained resistance against the Prussians during a siege of Paris.

In January 1871 leaders of the provisional government arranged an armistice with the enemy. Elections for a national assembly, authorized to determine the final conditions of peace, were announced for February 8. Whether the assembly had power to frame a constitution for a new government—though it was called an *Assemblée Nationale Constituante*—was not clear in the minds of the voters who balloted for candidates. Since the Republicans were associated with the idea of continuing the war, conservative groups (chosen by an electorate who wanted to be sure of peace) commanded a majority when the body finally assembled in Bordeaux. While the negotiations for the peace were in progress, an insurrection in Paris created the revolutionary government of the Paris Commune. This socialist government had a brief life from the middle of March until the end of May. The National Assembly, which had moved from Bordeaux to Versailles at the very time that the Commune made its appearance, proceeded to the consideration of two laws of constitutional significance while progress continued in the arrangement of the peace. The Rivet Law, which made the president of the republic responsible to the National Assembly, was finally passed in August 1871; the Broglie Constitution, which forbade the president to address the Assembly except at the request of the Council of Ministers, was passed on March 13, 1873. These two laws expressed the discontent which many members of the National Assembly felt with the dominating leadership of Adolphe Thiers, a strong leader who had been designated "Chief of the Executive Power of the French Republic" in February 1871.

Whether the Assembly was fully empowered to frame a constitution became an academic question, as events forced it to assume this responsibility during these troubled years. The conservative majority hoped to create a constitutional monarchy, but there was division of opinion concerning the designation of a monarch. Conflicting claims were finally reconciled when it was agreed that the Count de Chambord, the heir of the Bourbons, should be king, with the succession going to the Count de Paris, grandson of Louis

Philippe. The Count de Chambord, however, refused to accept the tricolor as the flag of France and insisted upon the emblem of the Bourbon monarchy. These circumstances explain why a monarchist majority finally accepted a presidency. Marshal MacMahon, whose conservative views were widely known, had been elected president in May 1873, while Orléan and Bourbon supporters were still seeking a compromise. The following November the presidential term was fixed at seven years. Monarchists anticipated that by the end of the MacMahon presidency the question of the kingship could be permanently settled.

The law which determined the "septenate" (the seven-year presidential term) also created a committee of thirty members to draft constitutional laws. In 1875 a series of three laws, defining the executive power and providing for the election of senators and deputies, were passed between February and November. These constitutional laws, reflecting the debates of the preceding four years, served as the Constitution of the Third Republic. The National Assembly dissolved, and in 1876 elections were held for the Senate and the Chamber of Deputies, which together made up the French Parliament. These arrangements, despite their makeshift character, lasted longer than any of the more elaborate constitutions adopted in France during the nineteenth century.

Merits of the Third-Republic Constitution. The durability of the Constitution of the Third Republic is probably attributable to the simplicity of the three fundamental laws. The essential elements of parliamentary government were established. The president served as a formal head of the state and was chosen by the Chamber and the Senate, sitting together as a national assembly. The senators, indirectly elected for long terms—including, at first, prominent public men appointed to life senatorships—provided a restraining conservative influence upon government policy. The deputies, elected by direct universal manhood suffrage, continued the tradition of popular sovereignty established in the First Republic. Ministries were responsible to the Parliament, and in practice the Chamber exercised decisive powers over the life of any cabinet. One further token of the acceptance of the constitutional laws should be mentioned. During the life of the Republic there were only three amendments, and none of them affected the essential substance of the original laws.

This complicated story is frequently described as a series of para-

doxes. A National Assembly which was not specifically authorized to draw up a Constitution nevertheless proceeded to make the constitutional provisions which lasted until 1940. The National Assembly contained a large Monarchist majority, but it established the Third Republic. The Count de Chambord might have been king of France, but he would not sit upon a throne over which waved the tricolor. The constitution which finally went into effect was not a constitution, but three laws making minimum provisions for the organization of the government.

The complications arose from the cleavages of opinion which divided the French people. The Monarchists, the Republicans, and the Socialist revolutionaries who set up the Paris Commune, represented viewpoints which were able to win support in varying degrees. The eventual result was inevitably a compromise. While many Frenchmen were dissatisfied, the Third Republic proved to be an adequate government. Beginning in compromise, it provided the machinery for reconciling differing programs.

CONTRASTS WITH ENGLISH CONSTITUTIONAL DEVELOPMENT

Though it is hardly permissible to make direct comparison between the histories of two such different communities, the constitutional history of France may be clarified by pointing to some striking differences between it and that of England.

English and French Chronology. In the first place, there is an obvious difference in the timing of the two stories. French experience, compared to the slow process of establishing responsible parliamentary government in England, was compressed into approximately a century. In England the growth of national power and the corresponding development of parliamentary sovereignty stretched over seven centuries, from the twelfth to the nineteenth; in France there was no similar accumulation of experience with representative assemblies. While the old regime did not survive unchanged until the Revolution, the Estates General did not meet from the early part of the seventeenth century until called into existence once more to meet the financial problems confronting the government in 1789. It is not an exaggeration, therefore, to say that French parliamentary history is telescoped into a single century and that the French people had not acquired the requisite

experience to manage the difficult and intricate working of constitutional representative government.

French Philosophy—English Practice. A second contrast with the English story is equally striking. Parliamentary institutions in France were the product of a series of revolutionary changes. The Revolution of 1789 was in many ways more violent than the seventeenth-century struggle between Puritans and Cavaliers in England, and it was followed by the revolutions of 1830 and 1848 and the revolutionary character of the events accompanying the establishment of the Third Republic in 1871–75. Republican and representative institutions were born of conflicts in France, and each left a residue of political sentiments in the memory of the people. In England, parliamentary supremacy once established remained a stable way of organizing political sentiment. The English constitution was the product of gradual adjustment, even though the Reform Bill of 1832 followed agitation which exhibited some revolutionary symptoms. In France, the token of the persisting ideals behind political disturbances appeared in the continuance of attitudes supporting the various forms of government which held power during the nineteenth century. Even today a shadowy remnant of the aristocracy of the old regime remains, stubbornly defending the idea of monarchy. There are Bonapartists who look back wistfully to the glories of the First and Second Empires. Ardent republicans of all sorts argue with much passion that the ideals of the French Revolution are as yet unrealized.

This troubled development may be summed up by saying that the French political community harbors many groups which are irreconcilable, whatever the existing form of government. When a political crisis arises, the effect is often not merely a demand for change of leadership but an attack upon the existing constitution. During the course of the twentieth century, the Third Republic was often exposed to such agitations.

French Revolutions—English Reforms. A third contrast with English development is suggested by this revolutionary history in France. In one sense the Revolution of 1789 came too late. The political events which led to constitutional representative government in France occurred during the period of other great changes in European history. By the time the old regime was displaced politically in France, the Industrial Revolution was beginning on the continent. As a result, successive republican governments in

France had to grapple with the tremendous social changes which were brought about by the expanding trade and increased productive power of a new European economy.

Industrial Change and Socialism. The growth of the factory system in industry and accompanying new techniques in agriculture led to important shifts in the social structure. All governments were forced to concern themselves with the welfare of a new urban working class. Factory legislation, health regulations, education, and other social programs made their appearance. In addition, revolutionary socialist doctrines were formulated in all European countries during the course of the nineteenth century. Socialist parties with large working class memberships were organized in Germany, France, England, and Italy and exerted real influence in politics.

In England, the rise of a politically conscious working class was reflected in agitation for the electoral reforms of 1832 and in the programs of the Labour party, which began its career in the last quarter of the nineteenth century. The Liberal party was able to introduce its program of reforms during the course of the century, and the Conservative party participated in the changes made necessary by the new conditions. Change was accomplished by constitutional methods and parliamentary government responded to the demands of the electorate.

French Social Conflicts. In France, the life of representative institutions was interrupted by conflicts that often reached the dimensions of civil war. The temper of reforming groups was accordingly more intransigent, and manifestations such as the Commune in Paris in 1871 exhibited revolutionary social objectives. The Third Republic was forced immediately to deal with social conflicts of great importance. French politics have always been disturbed by the social attitudes expressed on the Left and on the Right. This need not imply that, if representative institutions had been firmly entrenched in popular confidence before the nineteenth century, all social conflict might have been avoided. But it is true that parliamentary government in France, established as it was during the course of the nineteenth century, was subjected to severe strain.

A fourth contrast with England will finally illuminate the character of French constitutional development. French democracy was based in considerable part upon the declared philosophy and programs worked out by French political theorists of the eighteenth

century. In France, political theory preceded practical political changes; in England, philosophy followed political change. This bald statement is hardly defensible as an historical generalization; nevertheless, it contains substantial truth. The Revolution of 1789 was based largely on the political philosophy enunciated by Montesquieu and Rousseau. Montesquieu had opportunities to observe English government in action, and was a close student of the writings of John Locke. His description of democratic practice, though incorrect in many important details, had a considerable influence upon the constitutions of France and the United States. Rousseau formulated a democratic program, declaring the rights of man and demanding that government should express the will of the community.

The "Unfinished Revolution." Revolutionary change in France was therefore designed to realize the benefits of democratic political philosophy. Doctrines and programs influenced the establishment of republican institutions as they were created during the nineteenth century. It is important to remember that the earliest constitutions of revolutionary France embodied an elaborate "Declaration of the Rights of Man." The English, while they undoubtedly believed in the liberties of the citizen, embodied the safeguards for his freedom in the ordinary practice of the law and courts.[6] When principles are declared, devotion is evoked among the people. It is not surprising that French politics show more doctrinal fervor than is found in Anglo-Saxon nations. A shrewd English observer of recent French politics has pointed out that the French citizen is still powerfully influenced by the ideas and purposes of the "Unfinished Revolution." [7]

FRENCH ADAPTATION OF PARLIAMENTARY GOVERNMENT

The result of nineteenth-century changes in France was the creation of constitutional parliamentary government, modeled in large part on English practice. Since conditions were not the same in the two countries, the French political system had certain distinctive features.

[6] See Dicey, A. V., *Introduction to the Study of the Law of the Constitution*, 9th ed. (New York, 1939), chs. IV and V for a classic discussion of this point.
[7] Middleton, W. L., *The French Political System* (New York, 1933), ch. 1.

Representation and Centralization. Representative institutions were combined with a much higher degree of centralized administration than in England, because local communities had never had the same vitality of self-government. While the Revolution developed the principles of popular sovereignty, its program was also designed to nationalize the government of the whole community. The elaborate administrative mechanism, centering in the national capital, made national affairs—and national influence in local affairs—an important factor in politics. The action of political parties accordingly conformed to the administrative authority of the central government. This produced a situation in which the citizen's interest was absorbed in the action of the ministers and the government departments; by the same token, political leadership was constantly subject to a variety of local influences.

Multiple Parties. Since the development of the constitutions was often the product of civil strife, greater diversity of political attitudes appeared in the French electorate. Parliamentary action was achieved by coalitions among many parties, and a multiple-party situation arose from the existence of various groups adhering to traditions declared by both republican and imperial leadership. Party sentiment ranged from an extreme conservative Right to a revolutionary socialist or communist Left. There were never less than five parties organized in the electorate, and these divided into as many as nine or eleven in the Chamber of Deputies. This made the operation of responsible Cabinet government very difficult.

Social Reform. A third factor increased the instability of politics: the promises of social change implicit in the program of the first revolution were never fully realized. During the course of the nineteenth century the Industrial Revolution gathered momentum, and by the opening of the twentieth century there was extensive large-scale industry in France. Working-class demands for improvement of working conditions were met by the reluctance of the business community to embark upon reforms. Added to this was the natural conservatism of the agricultural community, with an unusually large proportion of small farmers. Social and economic issues complicated the party situation and created further divisions in the electorate.

The result of this constitutional heritage, in which was combined revolutionary changes, political doctrines of contradictory implications, and the constant pressure of social and economic issues, made

it difficult for France to adopt successfully the institutions of constitutional government and Cabinet responsibility which had been effective in England. French politics under the Third Republic were chronically unstable, as the following chapters will show.

READINGS

The constitutional history of France has been the subject of as much research and writing as that of England, and the literature of the Revolution of 1789 is immense. However, the following titles are suggested.

Bodley, J. E. C., *France*, 2 vols. (New York, 1898). The careful observation of an English student of French affairs, still useful to read.

Brogan, D. W., *France under the Republic. The Development of Modern France, 1870–1939* (New York, 1940). A brilliant history of the Third Republic.

Dickenson, G. Lowes, *Revolution and Reaction in Modern France* (New York, 1928). A fine analysis of the ideas and achievements of the revolutionary movements.

Guérard, Albert, *The France of Tomorrow* (Cambridge, 1942) and *France, A Short History* (New York, 1946). Two penetrating and profound books by a distinguished scholar.

Laferrière, Julien, *Manuel de Droit Constitutionnel*, 2d ed. (Paris, 1947), Part I, pp. 1–261. A systematic and scholarly analysis of the development of constitutional laws and principles.

Chapter 12

ADMINISTRATION UNDER THE THIRD REPUBLIC

THERE ARE TWO REASONS for describing the administrative organization and practice of the Third Republic. In the first place, the administrative side of French government has been remarkably stable and enduring, despite constitutional changes which have frequently been accompanied by revolutionary outbreaks. This may partly be interpreted as a tribute to the organizing genius of Napoleon Bonaparte. The pattern he gave to the administration continued, at least in its broad outlines, to exist under successive constitutions, including that of the Third Republic. While the details of the story may never be fully known, there is much evidence that during the period of occupation and the Vichy government, these forms and practices continued. Certainly it is true that the Fourth Republic seems much like the Third, so far as the regular work of administration is concerned. A moment's thought shows that this is not surprising. The practical tasks of government are many and pressing, and an organization that has been developed to meet them adequately is likely to continue. The first reason, then, for looking at the administration of the Third Republic is to learn the principal features of identical or similar institutions carrying on the same sort of functions at the present day.

The second reason is a corollary of the first. What innovations have been introduced since 1945 are still tentative and experimental in character. French government has suffered very serious shocks since 1939, and French administration at present is somewhat disorganized. Much ordinary government action by ordinary officials has the atmosphere of improvisation. Hardly anything else could be expected in the circumstances. There are many serious problems to be met, so that new tasks have to be accomplished and new or-

ganization developed to do the work. At the same time there have been the destructive losses of war and occupation, so that staff, records, and equipment have been damaged or dispersed. In this partial confusion, before administrative innovations are established the effective procedures are often the familiar ones. Therefore, a survey of administration under the Third Republic must include some account of the ministries of the national government, the staff of civil servants, and the supervision of local government activities. The judicial functions of both regular and administrative courts also require description to complete the picture.

THE MINISTERS AND THE PRESIDENT

The ministers, who headed the departments of the national government in Paris, were quite comparable to Cabinet ministers in England. *Monsieur le Ministre* held his place by virtue of his participation in the leadership group of the coalition of parties which controlled a majority in the Chamber of Deputies, the popularly elected lower house of the Parliament. He was, therefore, an amateur in the actual business of administration, though his past experiences in the changing Cabinets may have professionalized his amateur status. Since the activities of all modern states must be much the same under the conditions of the twentieth century, the list of departments headed by ministers was much like that in England, though it was usually longer.

Departments and Ministers. Important activities such as finance, interior (home affairs and local government), foreign affairs, national education, war, navy, agriculture, commerce, and labor, were invariably represented in the Cabinet by ministers. Frequently the minister was aided by one or two undersecretaries who were, in effect, assistant ministers. There were, therefore, twelve to fifteen ministers and nearly as many undersecretaries in the typical Cabinet of the Third Republic. The Popular Front ministry headed by Léon Blum in 1936–37 included twenty-one ministers and fourteen undersecretaries. The longer list reflected the extended range of activities of this particular government, which was carrying out a program of reforms and therefore included a ministry of national economy and undersecretaries for sports and leisure and for child welfare.

Formation of a Ministry. The selection of a Ministry, which will be described more fully in the following chapter on politics, was formally announced by the president of France, upon the advice and suggestion of the parliamentary leaders of the group of parties which controlled a majority in the Chamber of Deputies. The announcement of a Ministry was always preceded by much consultation among the leaders of the many parties in the Chamber, and the necessities of compromise and adjustment among these political groups affected the size of the Cabinet. Quite frequently, in the years following 1936, influential political leaders were included in the list of ministers, being designated as ministers of state without portfolio and therefore participating in the formulation of government policy without the responsibilities of directing the affairs of a particular department. This practice is occasionally followed in England, but the exigencies of the political situation in France made it a commonplace.

The President. The president of the Republic, though his office has been the subject of many sarcastic epigrams by political leaders and students of government, had a definite place in the process of forming a ministry. The president was elected for a term of seven years by a majority of the Senate and the Chamber of Deputies, sitting together as a National Assembly. Since party allegiances were diverse and many, he was almost always a man who was acceptable to many groups, though not actively supported by any. He was not likely to be a strong leader in public affairs, but invariably he had long political experience in the Chamber and the Senate and also in some ministries. His knowledge of the political scene and the confidence inspired by his political experience and moderate partisanship contributed substantially to the compromises among party groups at the times when a new slate of ministers had to be selected. In addition he occupied the position of formal executive head of the French state—presiding over the meetings of the Council of Ministers, receiving ambassadors from foreign countries, and appearing at important state functions. His office—originating as it did, from a compromise between Republican and Monarchist sentiment in the National Assembly which finally drew up the fundamental laws of the Third Republic—combined some of the formal features of the English monarchy with some of the aspects of political leadership which have developed in the American presi-

dency. It is important to remember, however, that the prestige of the president of France fell far short of that of either the king of England or the president of the United States, since the office was not hedged around with the divinity which surrounds the Crown or invested with the authority of the people's choice. French presidents, in consequence, were almost always mild and inoffensive men like Doumer or Lebrun. Active and aggressive leaders like Millerand resigned the office, often as the result of political pressure springing from public disapproval of their positive exercise of political leadership.

Comparison of France and England. In summary, the French government in the Third Republic exhibited a form of parliamentary government recognizably similar to that of England. A Cabinet, made up of experienced parliamentary leaders, assumed responsibility for the general formulation of policy and proposed and defended that policy in the Chamber of Deputies and the Senate.[1] The ministers and undersecretaries at the same time undertook the general direction of the various departments of the central government. Selection of this leadership group was arrived at by consultation among the parties, assisted by the experienced and disinterested advice of the president of the Republic. The president performed the formal duties of the head of the state and also influenced the definition of general policy. But political support of the leaders depended upon a coalition of parties, because a majority of the Chamber was necessary to enact any legislation required by the announced policies. Consequently Cabinets resigned frequently and were succeeded by new ones. The new Ministry, however, was rarely greatly changed in membership from the preceding one, and the policies were gradually modified in response to the demands of a legislative majority that likewise had changed only partially from a preceding coalition. French government therefore exhibited the contradictory aspect of instability of Ministries combined with stability of fundamental policy.

The Precarious Ministerial Career. The changing membership of Cabinets had also the effect of giving a somewhat different experience to individual ministers than resulted from a typical

[1] For a scholarly study of the character and qualifications of these Cabinet members, see two articles by John G. Heinberg in the *American Political Science Review*, Vol. XXV (May 1931), pp. 389–96, and Vol. XXXIII (April 1939), pp. 267–79.

career in English politics. The chances were that the average minister had already had some experience with the responsibilities of office. While he remained an amateur like his British counterpart, it was nevertheless true that quite early in his career he acquired a good deal of actual contact with the duties of directing a department of the central government and had occasional opportunities thereafter to repeat this acquaintance with administrative and leadership activities.

THE CIVIL SERVICE—"*Les Fonctionnaires*"

The relation of amateur and expert, which has been earlier described in the English administrative pattern, existed in a somewhat modified form in the French Third Republic. The political head of one of the ministries possessed in some small degree the qualifications of the expert. On the other hand, he was disabled by the uncertain tenure of his office—sometimes as short as a few weeks or even a few days—so that his dependence on the permanent officials was even greater than it might have been had he been in the more secure position of an English Cabinet minister, who can count on the support of a disciplined majority in the Commons.

In any case, since *Monsieur le Ministre* could scarcely count on an opportunity to familiarize himself thoroughly with departmental routine, he was forced to place reliance upon the loyalty, efficiency, and practical experience of his staff of permanent officials.

The French people at times make fun of government officials, complaining of bureaucratic red tape which complicates so much of the government's work. The French word for these details is contemptuous, "paperasserie," conveying the impression of masses of paper and paper work. Even though a sneer is implied, the French realize that, for a great deal of practical action, the officials are the real rulers of France. Ministers may come and go, but the civil servants go on till retirement, and while that may not be forever, it is a good long time.

Selection. The method of selection of civil servants was based upon competitive examinations. As in England, the examinations for those categories which led to important and responsible positions placed a high premium upon a general university education rather than upon specific qualifications for a specific job. The tests

were administered by the individual ministries rather than by a personnel authority like the English or American civil service commissions. Applicants were numerous, and competition was consequently severe. The French word "concours," meaning a race, was the official (and appropriate) designation of these examinations. It should be added that a number of the tests were somewhat specialized in nature: prospective engineers for the Ministry of Public Works usually were graduates of the technical schools; most of the candidates for the Foreign Office had graduated from "*L'Ecole Libre des Sciences Politiques.*"

Promotion. Once inducted into the staff of a particular ministry, the civil servant began a long apprenticeship, rising slowly by promotion (based upon either merit records or further examinations or some combination of both) to a responsible job. As in every government service, there was considerable tension over the questions of pay and advancement, and under the Third Republic associations of government employees were formed, called *syndicats*, which brought pressure to bear upon the directors of the various bureaus and agitated for legislation to improve the situation of the public officials. These activities were stimulated throughout the period following World War I by the fact that the levels of pay were very low. In fact, a considerable number of the public officials really needed a private income in order to maintain even the unpretentious standard of living expected of the public servant.

Prestige of the Civil Service. Offsetting the disadvantages of a relatively low salary and a slow rate of advancement were some substantial inducements. Tenure was protected by regulations governing dismissal and suspension, and a right of appeal to the highest administrative tribunal made these guarantees effective. Provisions for pensions and retirement, while not generous, were sufficient to give a modest security. Finally, the social prestige of the public servant was fairly high. From Napoleon's time the importance of the place was recognized, and throughout the lifetime of the Third Republic this regard for the work of the responsible official was maintained. The American student, more used to a monetary measurement of success, should remember that in Europe, especially on the Continent, the social prestige attached to state service makes it attractive to a man possessing ability and educational qualifications.

Both French and foreign observers agree that, in general, the

public officials under the Third Republic were of good caliber and that many of them worked with distinction.[2] The industry and honesty of the civil servant could be relied upon by the average citizen, and, since the frequent changes of Ministry would otherwise have produced uncertainty in public policy, the permanent staff fulfilled an important function with important effect on day-to-day performance of governmental action.

CENTRAL SUPERVISION OF LOCAL GOVERNMENT

Under the Third Republic the citizen was especially dependent upon the work of officials because of the degree of supervision exercised by the national state over local community affairs. As our brief review of the history of France showed, the tradition of centralized direction of local government originated in the old regime; it was strengthened and elaborated in the First Republic; it was organized systematically by Napoleon. The American and British citizen, accustomed to a haphazard organization of relatively autonomous local communities, is hardly prepared to understand the symmetrical pattern of public business in the districts and communities of France.

Local Government Areas. The ancient provinces such as Normandy or Burgundy ceased to be units of governments at the time of the Revolution and were replaced by the *departements* that became districts in which the actual work of administration was carried on. There were—and still are—ninety *départements*, each about double the size of a typical American county. These districts were divided fairly symmetrically into *arrondissements*, subdistricts created to facilitate the work of administration—and these are again subdivided into cantons. The communes, ranging in size from small country villages to large towns and cities, constituted the lowest rank of the administrative hierarchy.

Local Government Executives. In the *département* and the *arrondissement* a prefect and a subprefect, respectively, appointed by the minister of the interior, bore the chief responsibility for the executive and administrative functions of government. In the commune the mayor, chosen by the locally elected council, performed similar duties, but he was subject to a substantial degree of direc-

[2] Sharp, W. R., *The French Civil Service, Bureaucracy in Transition* (New York, 1931). This is one of the most careful scholarly surveys of the nature of the service.

tion and supervision by the prefect and the subprefect. In each of these districts a council was elected by the citizens; but, by the very nature of the system, its powers over the practical conduct of administration were limited. As might be expected, the prefect was chiefly concerned with matters pertaining to police, education, health, and the like; but he inevitably exercised a number of informal and extralegal political duties connected with representing the national government in his locality. The prefecture was the center of a wide range of political and administrative activities.

This centralized control of local affairs was accepted without serious objection by the average Frenchman. It was traditional and therefore seemed natural and appropriate, and it possessed the solid merits of imparting uniformity and consistency to local governments. The system was, of course, accompanied by the defects of delay in having to secure confirmation from Paris for all sorts of community projects. It also frequently invited the pressure of local politics upon matters of national policy. While the French system might seem dictatorial to an Anglo-Saxon because of frequent interference in matters of local concern, it could be depended upon to efficiently administer the business of the community and the larger district.

JUDICIAL ADMINISTRATION—ORDINARY AND ADMINISTRATIVE COURTS

The system of courts in the Third Republic was as highly organized as the administrative divisions. The Court of Justice of the Peace existed in every *canton*, and handled the type of litigation, both civil and criminal, which is dealt with by the corresponding court in England and the United States. More important cases originated in the Courts of First Instance in each *arrondissement* —the Poincaré reforms in the twentieth century grouped some of these districts for greater efficiency in handling judicial business— and then appeals were possible to the appropriate courts set up in larger districts.

Legal and Judicial Careers. The general character of the legal profession was similar to that of England. The distinction between the trial lawyer and the legal adviser was not quite so clearly defined, but after 1908 admission to the bar required a period of apprenticeship for every legal aspirant, followed by an investigation

of his qualifications and character by the leaders of the local bar. In this manner a young man might become an *avoué* or a *notaire* and carry on a private practice much like that of an American attorney-at-law. If a young man who had completed legal training in a university wished to embark upon a judicial career, he took a competitive examination which, if successfully passed, led either to an appointment as an assistant prosecutor in the ordinary courts or to membership on the staff of one of the administrative courts which will be described on the following page.

There existed, therefore, three distinct types of legal career: (1) the practice of law after admission to the bar, (2) the judicial hierarchy of the ordinary courts, and (3) the work of a councilor or judge in the administrative courts. While it was difficult to transfer from one field to another after reasonable advancement, each offered satisfactory opportunities.

Promotion in either the ordinary or administrative courts was recommended by boards of judges designated by the minister of justice. Occasionally political pressure influenced these recommendations, since every minister was exposed to party and personal demands. Nevertheless advancement was usually the result of meritorious service, and the French people had genuine confidence in the professional qualifications and personal integrity of judges and other officials of their courts.

Court Procedure. French court procedure differed from English and American court procedure in two ways. In courts above that of the justice of the peace there was usually a group of justices. This practice of "collegiality" is ordinarily found only in appeal courts in Anglo-Saxon countries. The second difference springs from the first: there was less use of the jury in French trials. The bench of judges could weigh evidence on matters of fact and could serve also as a group of experts to apply the rules of law to the circumstances. For important criminal trials a jury was always impaneled, but most proceedings were controlled entirely by the judges. Since the judiciary was a career, quite carefully administered, the interests of the citizen were sufficiently safeguarded in actual practice.

Administrative Courts and Law. Enough has been said of the character of French administration to suggest that the citizen, being frequently subjected to the authority of appointed administrative officials, needed some method of appealing from their decisions, if he had a legitimate grievance. Therefore, in addition to

the hierarchy of regular courts, there existed a system of administrative courts.

Anglo-Saxon common law embodies the maxim that "the king can do no wrong," and consequently an English or American citizen cannot institute a suit against the state without the state's consent. Since 1946 in the United States, and 1947 in England, this situation has been modified, but the maxim still has some force, He may, however, sue the individual official who has exceeded or abused his authority. The Frenchman, on the other hand, could readily initiate a complaint against the government in the administrative courts and confidently expect a full investigation of any injury done him by state action.

The lowest administrative court was called the Council of the Prefecture. Its members were appointed by the central government and were either trained in the law or were experienced officials. Many of the councilors were selected by competitive examinations, as has been explained earlier in the discussion of the legal profession. In 1926, *départements* were grouped into larger districts, and the administrative courts (for these councils should really be regarded as courts) handled cases for the wider area. The jurisdiction of each was defined by law, and covered minor complaints concerning taxation, public works, elections, and similar matters. More important litigation and appeals from the decisions of the lower administrative courts could be brought before a national tribunal, the Council of State. The members of the Council of State were distinguished jurists and administrative officials. This system of administrative courts made it possible for the French citizen to obtain a careful hearing whenever administrative action had an injurious effect upon his business or his property.

The administrative law which defined the relationships of citizens and officials was partly enacted by the national parliament and partly built up by the decisions of the Council of State. Precedents and judicial interpretations gave it the character of "judge-made" law, and in this respect it differed from the ordinary law which was more fully expressed in codes. While the original intention of the system was to protect the official against the protest of the citizen, its development during the nineteenth century clarified the mutual relationships of public official and private citizen. These rules, and the prestige of the tribunals which interpreted and enforced them,

were clearly valuable in the highly centralized government of the Third Republic.

ADMINISTRATION IN A NEW FRENCH GOVERNMENT

The administrative system of the Third Republic has been presented in the past tense, but it is well to keep in mind when considering future possibilities that the accumulated weight of custom and tradition is powerful in every community. During the nineteenth century these forces were especially significant in France, and the Third Republic succeeded—not without criticism, naturally—in giving a systematic and orderly administration of public affairs from 1871 to 1940. The centralized administration of local affairs was criticized, especially by the advocates of "regionalism," for being too much subject to excessive administrative delays and for failing to evoke genuine local initiative. The pressure of local interests upon national affairs, invited by the centralization of the government, also seemed to many observers an undesirable feature which in some ways corrupted the activity of political parties.

The necessities of action under a provisional government and the problems France faces under the Fourth Republic have led to some changes in these traditional patterns. These will be discussed in a later chapter, but it is undeniable that the government of the Third Republic worked sufficiently well to provide a reasonably satisfactory condition of affairs. Certainly the basic institutions which have just been described are still functioning, and current changes in them are much more intelligible if studied in the light of the well-established forms which previously existed.

After the action of parties has been reviewed, some assessment of the working of the Third Republic will be made. But it may be pointed out now that many administrative institutions of France today bear a strong ancestral resemblance to the ones which served to carry on affairs for the greater part of three generations.

READINGS

Ensor, R. C. K., *Courts and Judges in France, Germany, and England* (London, 1933). A brief but valuable description and analysis of the ordinary courts.

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Valeur, R., "French Government and Politics" in R. L. Buell (ed.) *Governments in Europe*, rev. ed. (New York, 1938).

These books are still valuable for the study of French administration. Sources of information on administration under the Fourth Republic are given in Chapters 14 and 15 below.

Chapter 13

POLITICAL PARTIES AND PARLIAMENTARY PRACTICE UNDER THE THIRD REPUBLIC

THE JUSTIFICATION for a brief survey of the administration of the Third Republic holds good in all essentials for a similar review of its political parties and parliamentary practice. The specific advantages gained are even greater, for the parties and political alignments of present-day France have a direct connection with those which existed in the years between the wars. Communists and socialists on the Left maintain the organizations and support the basic doctrines and programs that made each of them strong before 1939. Radical Socialism, though it has lost its place as one of the big parties and has been forced much nearer the Center by the drift of postwar politics, still retains a membership of some consequence. Above all, the multiple-party situation persists, even though new groupings have appeared and old organizations have been forced to change their names or their relative positions or both. When the political alignments of the Fourth Republic are examined more closely in a later chapter, the political scene will be much more intelligible if it is looked at in the light of political behavior under the preceding government.

After all, a decade has elapsed since the fall of France, little more than the ten years between the elections of 1935 and 1945 in England. A review of the recent political history of France, comparable to the short summary of English politics made earlier, must deal with the parties and parliamentary action under a constitution

which is gone. Although it is gone, it cannot be forgotten by any Frenchman. Whether he approved it or not, its practices persist.

The conventional approach to the study of parliamentary institutions, indeed to democratic government in general, is to study first the composition and procedure of legislative bodies. This may well be a mere inheritance from jurists and constitutional lawyers, who for a long time viewed government entirely from this standpoint and ignored extralegal political organization. Whatever its merits, it is not a satisfactory method for the study of parliamentary institutions in France. The Chamber of Deputies and Senate of the Third Republic from the time of their earliest sittings began to adapt their procedures to the many existing party divisions. It is a moot point whether the use of parliamentary dissolution, discussed later in this chapter, might not have made a difference in the number, size, and discipline of parties. In any case, the National Assembly which enacted the fundamental constitutional laws in 1875 contained a number of different parties, and the subsequent history is one of adaptation of parliamentary practice to the multiple-party situation.

A full appreciation of the French political scene must begin with the parties and then proceed to the work of the legislative assemblies. The existence of many parties and the consequent necessity for arranging compromises to secure a working majority are the clues for understanding the procedures of the Chamber of Deputies from 1876 to 1940. It is equally valuable as a means of interpreting the behavior of the National Assembly under the constitution of the Fourth Republic.

THE MULTIPLE-PARTY SYSTEM

The American student often observes the behavior of parties in France with a feeling of rising exasperation. The puzzles presented by the simultaneous action of eleven or more parties in a legislature seem designed solely to confuse the foreigner. But it is important to understand the appearance and continuance of a group of parties.

Constitutional History and Party Development. As was suggested in the chapter on constitutional development, the most satisfactory explanation of the multiple-party system lies in French constitutional history. The story presents a series of constitutions,

with each successive change of government depositing a residue, so to speak, of traditions and loyalties. Monarchists, Bonapartists, Republicans of various kinds, liberals, and socialists—all look back on episodes in the development of political institutions and cling to the doctrines formulated by their fathers or grandfathers. Coupled with this history is another influence readily comprehensible to an American, the persistence of attitudes of mind in various parts of the territory of France. The ancient provinces of Brittany and Normandy harbor a traditional conservatism, made up of the natural caution of a thrifty farming population combined with the restraining influences of devout Catholicism. The "Midi," the France south of the Loire river, has been the setting for active republicanism and moderate socialism—the trumpet notes of the *Marseillaise* are a token of revolutionary tradition. In the industrial suburbs of Paris, called the "red belt," and the working populations of the industrial cities of the North lies the strength of labor unionism and working-class socialism and of the more extreme programs of the Communist party. The financial and business communities of the great industrial areas in the northeast, where much of France's heavy industry is located, furnish leadership and funds for moderate conservative groups.

French Temperament and Parties. In the chapter on English political parties some reference was made to the possible effect of national temperament on political party organization.[1] Many acute observers of the French political scene have pointed to the French temperament as a reason for the multiplicity of parties. Certainly many French citizens, despite the Anglo-Saxon's impression of their excitability, have a harder, clearer, and sharper view of parties, programs, and leaders than have many Englishmen or Americans. The typical voter prefers to have his ballot express precisely his views on public policy; and if no existing political association embodies these opinions, he is quite willing to start organizing a new party which will. It is perhaps wise to repeat the qualifications made before on the subject of national characteristics. Frenchmen differ from each other as much as they differ from Americans, and generalizations regarding a national spirit or mentality are always deceptive. The fact remains, however, that numerous parties existed during the life of the Third Republic; and after all, it was a nation of Frenchmen who made the history of France.

[1] See Chapter 7, p. 118.

What has just been said is not meant to suggest that any one of these factors fully explains the existence of many parties. French governmental history, with its series of revolutionary constitutions, may only mean that there is some persistent characteristic which produces many constitutions and many parties. Perhaps a better statement is: The story of the constitutional development, the influence of local conditions, and the political temperament of the people, combine to produce the multiplicity of parties. Other subtler influences may have an effect as well.

Parties and Parliament. Given this kaleidoscope of parties, it is not surprising that French parliamentary practice has been adapted to fit the situation. One peculiarity of cabinet government in France is worthy of notice in this connection. Unlike the House of Commons in England, the French Chamber of Deputies was dissolved but once in the history of the Third Republic. That occasion—famous enough to receive the name of the "Sixteenth of May"—took place in 1877 during the term of the first president, Marshal MacMahon. He exercised his constitutional right to dissolve the chamber. His own conservative views influenced his action, and when the electorate returned the group of parties supporting the Ministry then in office, he eventually resigned. Since then, the right of dissolution has never been exercised, with the result that adjustment and coalition among parties has been the traditional means of forming a majority in support of a Ministry. Once these procedures were well established in practice, they exerted a steady influence in the direction of maintaining many parties. The absence of elections turning upon hotly debated specific issues (as in England) did not require the citizens to align themselves into two groups. Since multiplicity of parties has been a consistent feature of French politics, it must always be taken into account as giving a special character to the operation of cabinet government in the Third Republic, and so far it has persisted in the present government in France.

THE ELECTORATE AND THE PARTIES

During the Third Republic French parties ranged from a Communist Left to a Conservative, if not Monarchist, Right. Eleven or more parliamentary groups were represented in the Chamber of Deputies. The table of postwar elections given in the following

chapter illustrates the situation which existed under the Third Republic.[2] However clear and sharp the French voter's mind might be, he would suffer a nervous breakdown if he tried conscientiously to discriminate between such delicate gradations of political doctrine. It was only natural, therefore, that certain parliamentary groups associated with others at the time of a Chamber election, which occurred every four years. This produced a distinction between what have been called electoral parties and parliamentary groups.[3]

Electoral and Parliamentary Parties. A striking example of an electoral association of parties was the *Alliance Démocratique*, which presented candidates in many electoral districts (usually with the same boundaries as the arrondissements), maintained committee organizations for campaigning, but did not function at all as a parliamentary group in the Chamber. Deputies elected by its support affiliated with various Republican and other parties of the center and with the moderate right. The opposite phenomenon was also observable. Frequently there appeared in the Chamber a "splinter" group, separated from either the Radical Socialist or Socialist party. Such a parliamentary group lacked an electoral party organization. Communists, Socialists, Radical Socialists, and Popular Democrats were successful in maintaining a higher degree of discipline in their membership, and ordinarily functioned in both capacities—as electoral parties conducting campaigns in the country and as parliamentary groups engaged in parliamentary maneuvering.

Elections. The normal procedure of elections for the 615 deputies in the Chamber was adapted to this political situation. To determine the representation of an electoral district, elections on two successive Sundays were invariably necessary, very like the two successive ballotings in the Democratic primaries in a number of the southern states in the United States. On the first ballot a number of parties presented candidates, and the result was usually indecisive. The following Sunday the two leading contenders and their supporters continued the electoral battle, the less successful candidates by then having withdrawn and pledged their support to one or the other of the candidates who had polled the largest votes. The voter cast his ballot for the candidate of the party whose program was closest to that he had originally supported.

[2] Chapter 15, p. 351.

[3] Middleton, W. L., *The French Political System* (New York, 1933), ch. IV.

Voting qualifications were much the same as those required by law in England and the United States. Local officials drew up a list of qualified male electors, and verification of this list was by challenge and inquiry after it was published. Participation was high; ordinarily three fourths to nearly nine tenths of the male citizens exercised the suffrage.

While this electoral process may seem confusing to the foreigner, in practice the French voter found that he could make fairly simple and significant choices. The committee of the party of which he was a member agreed to support a candidate. The activities of the campaign were conducted in public meetings, café conversations, and local newspapers. At the first general election he cast his vote strictly in accord with party loyalties and convictions. If his candidate polled a sufficiently large vote to remain in the running the following Sunday, he maintained his loyal support. If not, consultation and discussion gave him sufficient information to choose one of the two leading competitors.

Candidates for Deputies. As a result of this general party situation, the typical candidate for deputy was a man who had built up a considerable reputation in his own electoral district. National-party organization was not strong enough to induce local committees to accept recommendations from central-party headquarters. This contrasts sharply with the strength of the central office of an English party, which frequently proposes candidates to local party leaders. The potential deputy had a record of membership in local government councils, frequently had been a mayor of a town or village, or in other ways had built up a personal as well as a political following in his own community.

The general quality of the candidates was quite good; most of them were solid citizens. The conduct of elections, while not so strictly regulated as in England, was responsible and respectable. The usual methods of campaigning were employed; newspaper advertising, wall posters, public meetings, and, in addition, a great deal of discussion in small neighborhood groups. Expenditure of money was rarely excessive, even though legal regulation of political campaign funds was not elaborate.

Senators. The constitutional laws had clearly established the Senate as a checking and restraining influence upon the action of the popularly elected Chamber. Senators were chosen by electoral

councils made up of members of local-government councils, deputies, and delegates chosen from the communes, the small villages receiving excessive representation. Since the Senator's term was for nine years, and the body was renewed one third at a time every three years, the political temper of the Senate was often quite different from that of the Chamber, whose members' term lasted only four years. Its membership was usually distinguished, but it was once removed from the source of popular sovereignty and its authority, and hence its influence upon policy, was less decisive, though not inconsiderable.

LAWMAKING AND POLICY FORMULATION IN PARLIAMENT

Forming a Cabinet. As in English Cabinet government, one of the most important tasks of the Chamber of Deputies was to organize a majority coalition willing to support a group of leaders, the Ministry. In the preceding chapter the difficulties of arranging a coalition of the various party groups was suggested. The president of the Republic conferred with the leaders of the chief parties in the Chamber; a premier accepted the task of finding leaders who would act with him; and finally the names of the Ministry were announced. At times a painful period of suspense occurred, while the terms of association were being arranged; not infrequently a Ministry would resign within a few weeks, or even a few days, while a stable coalition was in the process of formation.

Once the Ministry was assured of a true majority in the Chamber —the Senate rarely felt strong enough to exercise powers of life or death over the Cabinet—it assumed powers comparable to those of a Cabinet in England. All major projects of legislation were introduced with ministerial sponsorship, and refusal of the Chamber to pass them or the introduction of substantial and vital amendments precipitated a resignation and a new alignment of parties behind a new or modified leadership. At the same time every minister was subject to questions on his conduct of the affairs of his particular department. The *interpellation*, a question addressed to a minister followed by a debate upon the answer given, was frequently used. This practice was quite different from that of the question hour in the English House of Commons, where the minister's answer is not debated. Since the French Cabinet's majority

was always somewhat unstable and unreliable, frequent changes of ministry occurred as a consequence of debates upon legislation or administrative policy.

Committees. The committees of the Chamber of Deputies exercised much greater influence upon the legislative process than do the committees in the English House of Commons. Chosen by ballot, with allotment of members in proportions to the shades of opinion in the Chamber, each committee gave thorough consideration to projects of legislation; and the chairman and the reporter of the committee frequently took as important a part in the general debates as the minister. The list of committees approximately paralleled the ministries. For example, the committee on finance carefully scrutinized the budget proposed by the finance minister, and in the days of the Popular Front (1936) succeeded in forcing the modification of budgetary policy after general debate in the Chamber.

These variations from English parliamentary procedure are all explicable as products of the multiple-party situation. Frequent opportunity for debate in the Chamber, committee action affording careful consideration of policy, reconsideration under similar procedures in the more decorous and restrained atmosphere of the Senate, allowed for the continuous arrangement of compromises between differing parties and viewpoints, and for the necessary changes of leadership, as conditions in France and Europe shifted.

Merits and Defects. The defects of the system should be apparent to the student. It was always hard to organize leadership, and it was hard for any leadership to take decisive action. Sometimes France was actually left leaderless in times of crisis, or an existing leadership found itself powerless to embark upon a new or aggressive policy. The merits of the system were, oddly enough, an aspect of its faults: it furnished responsive government. The necessity of continuous adjustment of programs reflected fairly faithfully the shifts of public opinion and also prevented hasty action which might have proved injurious, either to groups or to the nation as a whole. Stability of policy was provided even though the personnel of Ministries changed. There was rarely a sweeping change; instead, there was a continuous "dance of the portfolios," in which ordinarily a number of ministries reappeared in successive Cabinets—not infrequently in their former positions.

Political Careers. In one way the French cabinet system produced the same effect attained in England. The Chamber and the Senate offered opportunities for a political career and served as a training school for leaders. The deputy was elected because he had performed public duties in his home district and had acquired some acquaintance with the problems of government. In the Chamber he had an opportunity to participate in debates on public policy, and in his committee assignments he learned much about the intricacies of administration of public affairs. Changes of ministry and realignment of party groups gave him chances to hold an undersecretaryship if he showed promise; eventually he became, in the French phrase, *ministrable*. Minor ministries led to more important posts, and finally, if his career continued successful, to the premiership. In his later years he might well be elected to the Senate, where his experience and knowledge could still be valuable to his country, though he might be excluded from decisive participation in more active political life with its frequent dramatic crises.

A POST-MORTEM ON THE THIRD REPUBLIC

The saddest single fact about the period from 1875 to 1940 is that the Third Republic never seemed able to arouse any enthusiasm among its citizens. Some actively despised the government, most accepted it with a Gallic shrug as a working institution, but few expressed any real devotion to it. After World War I it was frequently said that the Republic governed badly but defended itself well. Even the crises of war did not seem to elevate the Constitution in the minds of its citizens. It was France that was defended, not the political arrangements of the French government.

Cleavages in French Opinion. The most fundamental problem that afflicted the Third Republic still confronts the Fourth. There are deep divisions of opinion as to how government should be organized and what it should do. The essential characteristic of democracy is that the community accepts a machinery of compromise, so that all issues can be settled by counting heads instead of breaking them. But if this method is to be successful, people must be willing to accept the results of the count. If there are irreconcilable and intransigent groups, the method may degenerate

into counting heads and then breaking them. That risk existed in the French community; and outbreaks of violence in 1934 after the Stavisky scandal showed tensions that imperiled the continuance of constitutional government.

The diversity of the schisms makes it difficult to label them. The most evident division is between Left and Right in political orientation. The extreme Left has had a number of different names and doctrines—syndicalist, doctrinaire Marxist, or communist. It was revolutionary in temper and believed in direct action (general strikes or civil conflict or both) as a means of effecting social change. Its intransigence was matched on the extreme Right, which was royalist and authoritarian. France is one of the few twentieth-century communities in which a genuine philosophy was declared, by such men as Leon Daudet and Charles Maurras, to justify the re-establishment of aristocratic authority as a means of meeting the problems of modern society. This fraction, though small, was always vocal and skillful. At times this sector of opinion achieved the dimensions of a popular movement—the *Croix de Feu* organized by Colonel de la Rocque in the 1930s is an example of a semi-fascist league that capitalized on this kind of sentiment.

Issues of religion complicated these divisions of opinion. Clericalism and anticlericalism (the controversy over the place of the church in society) was a continual source of division. The church was finally completely separated from the state during the first decade of the twentieth century: and while church schools continued to educate a fairly large proportion of the children of France, they no longer had any state support, and the government maintained a system of secular education. But the history of France convinced many people that the Roman Catholic Church was allied with reaction. They pointed to the benefits the restored Bourbon monarchy received from the attitude of the Church in the early nineteenth century and accused the Church of interference in politics all through the life of the Third Republic. An American or an Englishman finds it difficult to understand the bitterness of this issue, for he has become accustomed to a situation in which the position of the churches has been clearly limited to that of mere voluntary associations. If he considers the matter carefully, however, he can recall many instances where religious affiliations have had definite political effects, and so he should be able to

imagine the sharper conflict of clericalism versus anticlericalism in France.

The process of industrialization brought one of the classic issues of modern society into sharp focus—the claims of organized labor for higher wages and for some share in the management of industry. This was further complicated by the fact that labor organizations were from their inception affiliated with political viewpoints and dependent on political agitation to increase their membership and their influence. In the years between the wars, the *Confédération Général du Travail* (C.G.T.) had a strongly socialist temper but was forced to compete with the *Confédération Général du Travail Unitaire* (C.G.T.U.), which was communist and revolutionary. Not at all surprisingly there was also the *Confédération Française des Travailleurs Chretiens* (C.F.T.C.), which affiliated Catholic workers, who felt that they could hardly participate in labor organizations of definitely socialist, and therefore anticlerical viewpoints. Industrialization in many ways was prejudicial to the farming community, with the result that the *Confédération Général d'Agriculture* (C.G.A.) arose to defend agricultural interests. What has been said already about the number of people engaged in farming is sufficient to identify this as a pressure group of considerable weight.

Perhaps no democratic government could successfully adjust relationships between these diverging groups. The revolutionary history of France during the nineteenth century reveals the number of times that conflicts of opinion were resolved by force. The Third Republic managed to avoid civil war, and that in itself constitutes a modest success. The strain on the mechanism was revealed in some of its characteristic practices.

Instability of Ministries. Given the conditions just described, it is not surprising that ministries were unstable. Coalitions were formed to achieve compromises. Whenever the terms of the compromise required adjustment, ministries changed accordingly. Perhaps on occasions any decision is better than interminable negotiation without reaching the point of action. One of the greatest advantages of the two-party system in England and the United States is that by the admittedly crude method of mobilizing a popular majority, an election produces a government and a leadership that is able to make decisions and pursue a policy.

Dissatisfaction with this defect of the government led André Tardieu, a former prime minister, to retire from active politics in 1934 to lead a crusade for constitutional revision aimed at establishing the use of the dissolution as a means of forcing elections which might have effects comparable to an English general election. Gaston Doumergue, called from retirement after the Stavisky scandal, made similar proposals. Many academic critics of the Chamber of Deputies made like suggestions. None of these efforts yielded any constitutional amendment, or indeed active use of the provisions in the constitutional laws, but their aftermath can be read in parts of the Fourth Republic's Constitution.

Proportional representation was also put forward as a remedy. If electoral divisions were reflected precisely in the Chamber of Deputies by this method of choosing representatives, it was argued that compromises reached would have the added authority of proceeding from an assembly that truly reflected the wishes of the parties. The Chamber was frequently condemned as a "broken mirror" that inaccurately represented the wishes of voters after the balloting of the run-off elections was completed.

Finally, various amendments in the procedure of the legislative bodies were proposed. Restrictions on the use of *interpellations*, cooling-off periods before a vote of no confidence could be put to a decision, modification of the powers of the committees—all were discussed as a means of achieving stronger and more secure leadership. As will be seen later, a number of these devices have been incorporated in the Constitution of the Fourth Republic, but none achieved any practical effect in the years before 1940.

Centralization. A French political philosopher once condemned the centralized administration of France as leading to "apoplexy at the center, and paralysis at the extremities." The most important movement to increase local responsibility and give more genuine powers of self-government was expressed by various civic organizations under the name *regionalism*. Instead of the *départements* with boundaries which did not conform to local community sentiment, larger districts (regions) were advocated as giving an opportunity to recognize affiliations which corresponded in some part to the ancient provinces. It was argued that more active community government would relieve the central government of the apoplexy arising from the flow of business from local districts and at the same time would relieve the deputies from much of the pressure of

local interests. To many critics, the existing degree of centralization was actually unreconcilable with democratic government.

Certainly the burden imposed upon the central government was very great and clogged decisions in the ministries and in the legislative assemblies. As in the case of the other reforms which have been described, no significant action was taken.

None of the critics could have foreseen that the Third Republic was to fall before a German attack in 1940. While more and more of the story of those tragic years is coming to light, full details are not known. But the series of events must be listed, because it is fresh in the minds of all Frenchmen and influences their action under the new constitution.

THE FALL OF FRANCE AND THE OCCUPATION

On September 3, 1939, Premier Daladier announced in a national broadcast that France, fulfilling her treaty pledges, was entering the war because the Hitler government had attacked Poland. Mobilization of the army had already begun, and the government proceeded to organize for war by a series of emergency decrees. There followed the period which was called "the phony war," during which the Maginot Line was garrisoned and industry was organized for the war effort. Preparations were made for civilian defense, and rationing schemes, price controls, and financial plans were undertaken to meet the demands of war. The Ministry was reorganized to widen its political support, and the Chamber voted to give the Cabinet powers of issuing decrees.

In March 1940 the successes of the German campaign in Norway led to criticism of the Daladier Cabinet, and Paul Reynaud, following Daladier's resignation, organized a new Ministry with a wider representation of parties. Political disunity was apparent, however, and the Chamber failed to give the new leadership the support of an absolute majority, many deputies abstaining from voting.

The Blitzkrieg. In May the German blitzkrieg began in Belgium and Holland, and the German armies crossed the French frontier before the end of the month. General Weygand replaced General Gamelin as commander of the French armies, but the military situation was quickly revealed as hopeless. On June 10 Italy entered the war against France. Four days later the German

armies entered Paris, which had been declared an open city to spare it the effects of an attack. The government was removed to Bordeaux, and Reynaud appealed to President Roosevelt for American aid in supplying military equipment, especially airplanes. While the reply to this appeal assured all possible help, it was clearly not enough to alter the desperate situation. On June 16 the British government proposed a plan for a Franco-British union, in the hope that the French leadership could be induced to continue the war. But by this time there was a profound division in the Ministry. Reynaud resigned, and General Pétain headed a new Cabinet which asked the Germans for an armistice. On June 22 and 25 armistice agreements were signed with Germny and Italy respectively, and by July 10 a partial membership of the Chamber and the Senate, sitting as a National Assembly, voted to abrogate the constitution of the Third Republic and adopted a few basic laws which conferred wide powers to organize a new government upon Marshal Pétain.

Any complete explanation of why the Third Republic fell is as yet impossible. Among many conflicting views which have been expressed concerning these events, a few substantial causes can be discerned. First of all, France was a victim—immediately after Poland, Belgium, and Holland—of a new type of mechanized warfare, the blitzkrieg. The Allied nations were unable to win a victory over the German armies until they had adopted and improved this new technique. Defensive preparations were shown to be inadequate against new weapons and new methods of using old ones.

The French high command has been criticized for rigidity of mind and lack of imagination in being unable or unwilling correctly to foresee future possibilities and to develop new techniques to meet the dangers. There is probably considerable truth in this criticism, but it does not apply to France alone. British and American military leadership was also slow to act. The Germans, forced by the necessities of their situation, were more ready to make use of invention and discovery.

Finally, political leadership in the Third Republic has been accused of weakness and corruption. Many of the stories of unworthy intrigue among parliamentary leaders probably have some foundation, but the evidence is not yet conclusive. One undisputed conclusion may be taken as significant; it always was difficult to organize decisive leadership within the parliamentary framework and

under the political practice of the Third Republic. It was especially difficult in 1939 and 1940, because there were deep divisions in French opinion, stemming from controversies which had arisen over the Popular Front program of 1936. Confronted by the grim necessities of war, the methods of coalition and compromise did not deliver sufficiently prompt and effective action.

For the student, the fact that France fell is the most important consideration, for it made necessary an emergency government to deal with the situation after the defeat.[4]

The Vichy Government. The armistice agreement with Germany divided France into two zones. The northern part, including the whole of the western coast down to the Spanish border, was occupied and administered by German military authorities. The remainder was left under the rule of the Vichy government, of which Marshal Pétain was the chief, with Pierre Laval as an influential member of his Cabinet. Though this area was called "unoccupied France," it was soon clear that the Marshal's government was subject to German control in all significant policies. The political temper of the Vichy Cabinet combined ultraconservative viewpoints with acceptance of the idea of a permanent domination of Europe by Germany.

It is hardly necessary to give more than brief mention to the organization and policies of the Pétain government, since after V-E Day its work was almost completely swept away. There was a great concentration of power in the hands of Marshal Pétain as the chief of the French state, though his ministers probably exercised all real authority. Constitutional acts proclaimed that legislative assemblies would be created, but no meetings were ever called. The system of courts remained much as it had previously existed, but extensive changes were made in local administration. The powers of the central government were increased by diminishing the degree of local initiative and representation possesed by the larger towns and cities. The *départements* were grouped into regions, and regional prefects coordinated the work of the *département* prefects. The civil rights of citizens were greatly reduced; freedom of expression and of political organization and the civil rights of Jews and of Freemasons were substantially modified.

In brief, the program of Pétain and his colleagues resembled the

[4] See the list of references at the end of this chapter for discussions of the fall of France.

organization of a totalitarian state. Since the Vichy government lasted only from July 1940 to the summer of 1944, it may be regarded as an interlude in the life of the nation. Eventually many of its leaders were convicted of treason, and a number were executed. It is unlikely that its existence left any permanent impress upon French political institutions, though its brief existence revealed the desires of many ultraconservative elements.

READINGS

Because the constitutional system of the Third Republic is still influential, especially the political alignments which developed under it, a few books dealing with its practice are listed below. Most of the references given at the end of the two preceding chapters also have a bearing in this connection.

Goguel, François, *La Politique des Partis sous la III^e^ République*, 2 vols. (Paris, 1946). At present this is probably the most systematic and complete work of scholarship on the subject.

Middleton, W. L., *The French Political System* (New York, 1933). A penetrating analysis of parties and *parlement* by a shrewd English journalist.

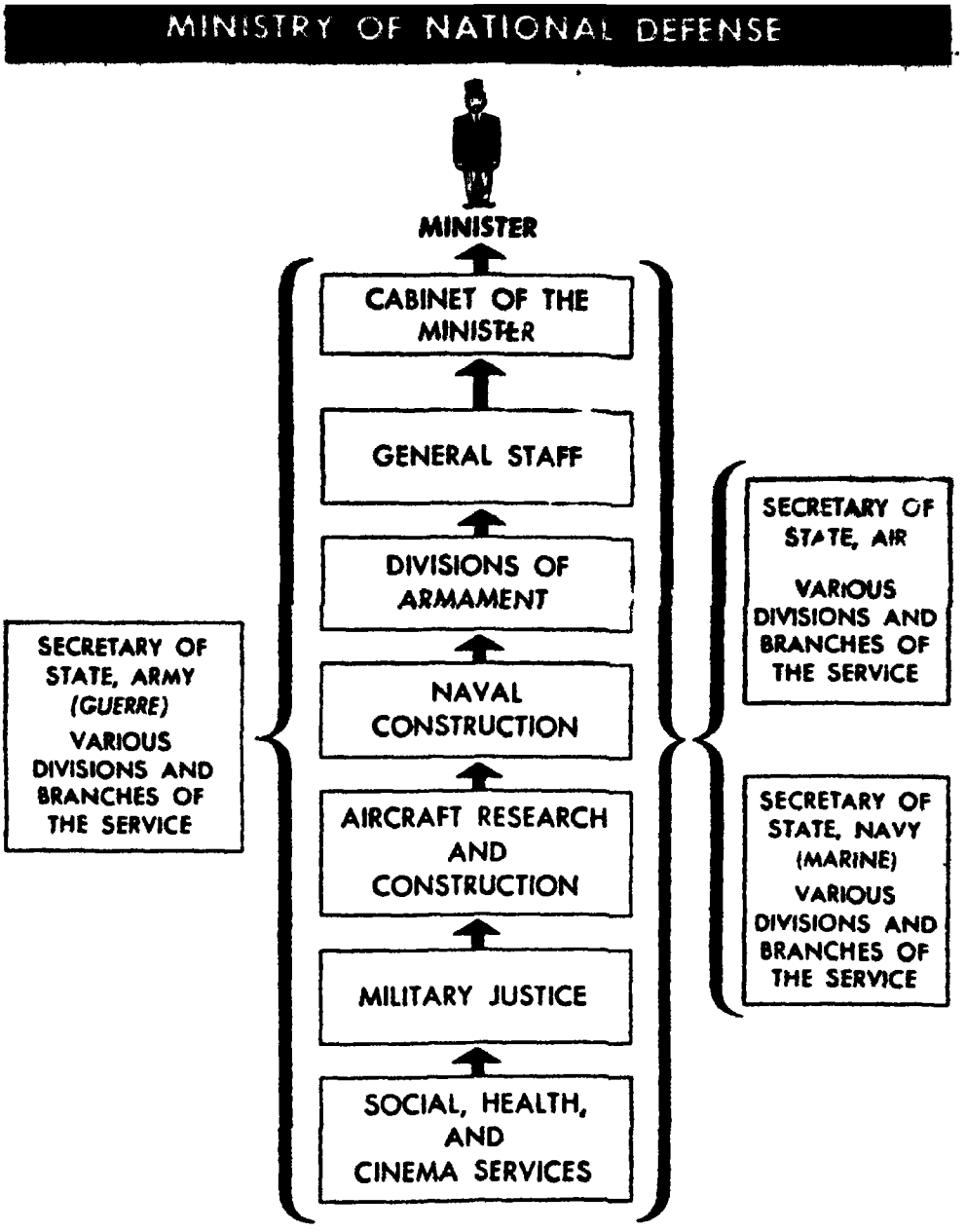
Siegfried, André, *France, A Study in Nationality* (New Haven, 1930). A brilliant essay by a distinguished French scholar on political psychology and behavior.

Soltau, R. H., *French Parties and Politics*, rev. ed. (New York, 1930). A brief but thorough and careful account of the history and conduct of the parties.

Thomson, David, *Democracy in France* (Oxford, 1946). A penetrating analysis of social and economic forces, as well as of political institutions.

Werth, Alexander, *France in Ferment* (New York, 1934), *Which Way France?* (New York, 1937), and *The Twilight of France* (New York, 1942). These three books by the Paris correspondent of the Manchester *Guardian* give an excellent account of the political movements in France before, during, and after the Popular Front Election of 1936. Their continued relevance is apparent.

The fall of France in 1940 has produced, and will continue to produce, a very considerable literature. The student should remember that more work will be done on the subject and that the material available will increase. The following three books have each been written with care and objectivity.



In the coordination of the defense services, the three secretaries of state are associated with the Ministry of National Defense rather than being subordinated to the minister. The Ministry has charge of a number of services that are used mutually by all the three services, which in some ways represents a more effective coordination than has so far been achieved in Britain or the United States, where similar reorganizations have been in progress. However, without extensive and concentrated study, it is difficult to estimate as yet how much this common use of the Ministry's agencies by the various services will actually amount to in the long run.

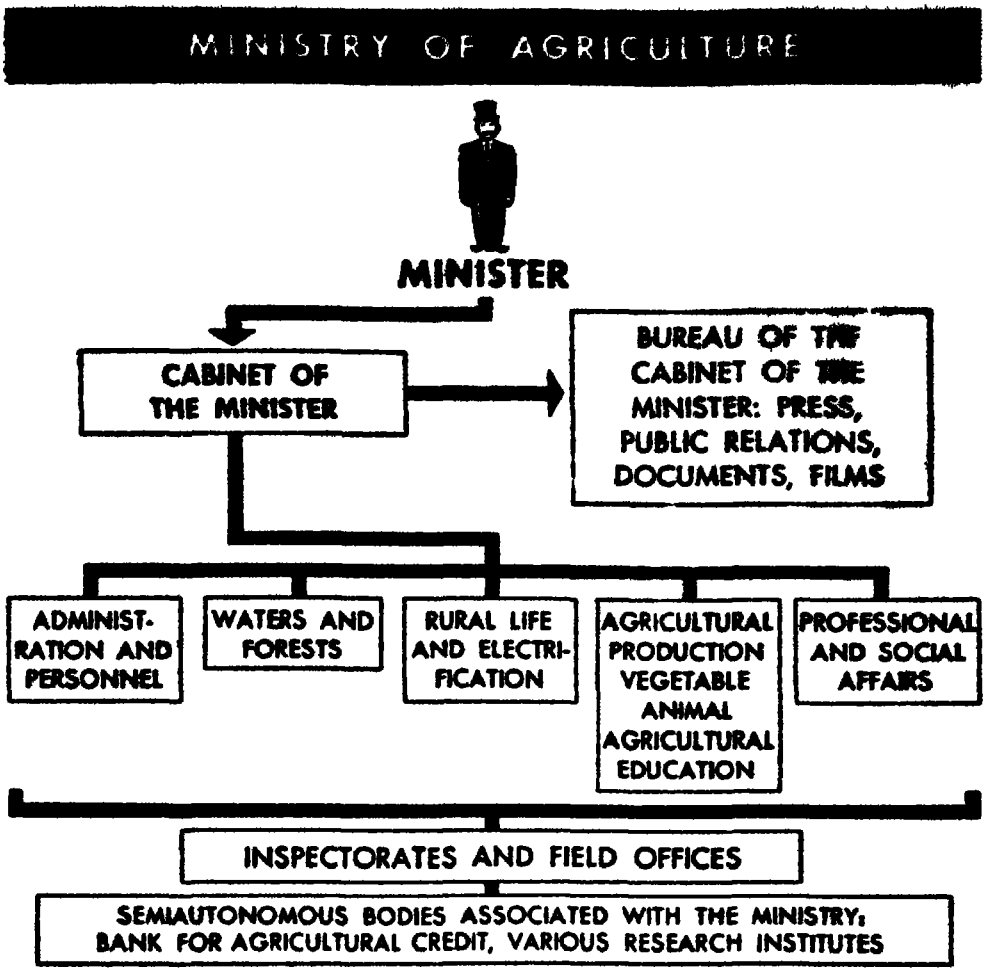
mean a change in the party coalition and imply adjustment of policy to modification of programs and viewpoints. Experience under the Third as well as the Fourth Republic shows that there are, fortunately, some countervailing influences in this situation. Schuman is an example—the foreign minister in one Cabinet may have had experience of the office in a preceding Ministry. After World War I there were long periods when Aristide Briand was foreign minister, regardless of what Ministry was in office or of what coalition was supporting it.

The most important safeguard for continuity of foreign policy lies in the competence and experience of the permanent staff. Its members are chosen by a rigorous competitive examination, receive specialized training, and through their long experience have built up a high level of expert knowledge. All of the directors of the various divisions of the ministry shown in the diagram have had between ten and twenty years of experience in the ministry's staff.

The diagram for the Ministry of National Defense (p. 337) reflects the same tendencies that are now manifest in Great Britain and the United States. World War II convinced all major governments that it was necessary to make a determined effort to set up a real coordination of the three principal armed forces. The shape of the French ministry is recognizably similar to the Ministry of Defense in Britain and to the formation of the Department of Defense in the United States. The note to the diagram points to one interesting feature of the Ministry in the Fourth Republic—the common services offered to the three branches of the armed forces by the defense ministry. The ministry thus has genuine tasks to perform which may have the effect of bringing about genuine unification of the conventional organizations. This whole development is too recent in all governments to give any opportunity of evaluating the effectiveness of the different schemes, but the potentialities in France are revealed in the diagram.

The Ministry of Agriculture is an important part of the French government and has been recognized as such for a long time. As will be observed in the diagram, it shows strong points of similarity to the organization of foreign affairs and defense. Study of these three ministries suggests some common features of French administrative organization which are worth brief discussion.

In all three of these ministries there is a *cabinet du ministre*, and a similar cabinet is found in all the other central government de-



This is a considerable condensation of the work of a large and important ministry in French government. Agriculture has an important place in the national economy, and this range of activities has been carried on for a long time.

partments. It varies in size, sometimes there are as many as ten or twelve members, sometimes as few as only five or six. The qualifications of these aides to the minister are also various. In every case, half of them are permanent members of the staff of the ministry itself or of some related ministry. Of the remainder, some are journalists, some are academically or professionally qualified in appropriate subject matters, some have been associated with the minister in some capacity before he came into office. The need for such a confidential staff is obvious. The minister comes into a big and complicated enterprise and is immediately confronted with the need to make decisions. The permanent staff of the ministry are of

high quality, but they may be comparative strangers to him. He feels the need of having the aid of people whom he knows and who have, in most cases, competence to assist him in the task of interpreting data and weighing the opinions of the experts of the official staff. The conventional use of this type of agency was well established in the Third Republic, but it has always provoked some criticism, particularly when the minister tries to find a permanent position for some of the people he has brought into his personal cabinet. In Great Britain the private secretary to the ministry is almost always selected from the regular service, but the British Cabinet minister can usually count on a sufficiently long tenure of office to be sure of working out a satisfactory relationship with his most immediate aides. The French minister has some claim for special assistance, and the *cabinet du ministre* has become the accepted means of meeting this need.

The rest of the organization of each central department is close enough in structure and function to the corresponding organization in British government to require no special description. The subdivisions are indicated in the diagrams, and these may be regarded as exemplifying the structure of other ministries.

The Civil Service. All the fundamental aspects of the civil service, *les fonctionnaires*, were described in Chapter 12, when administration under the Third Republic was described. The essential features of this service remain much the same under the Fourth Republic.

The only changes of consequence are embodied in the general law of October 1946, which is a broad statute defining the status and the duties of government staff members. It gives greater recognition to the civil service unions and defines many relationships which had hitherto had the status of regulations but not of law. Its most important innovation is the creation of *commissions paritaires*, representing both supervisory staff and the rank and file of officials. These commissions lead up to the superior council of the service, which has a similar composition, and the whole machinery increases the facilities for consultation on all matters of pay, advancement, conditions of service, and retirement. This development seems likely to lead, as did the somewhat similar Whitley Councils in Great Britain, to improvement in organization and particularly in morale.

Another innovation was the creation of the National School of

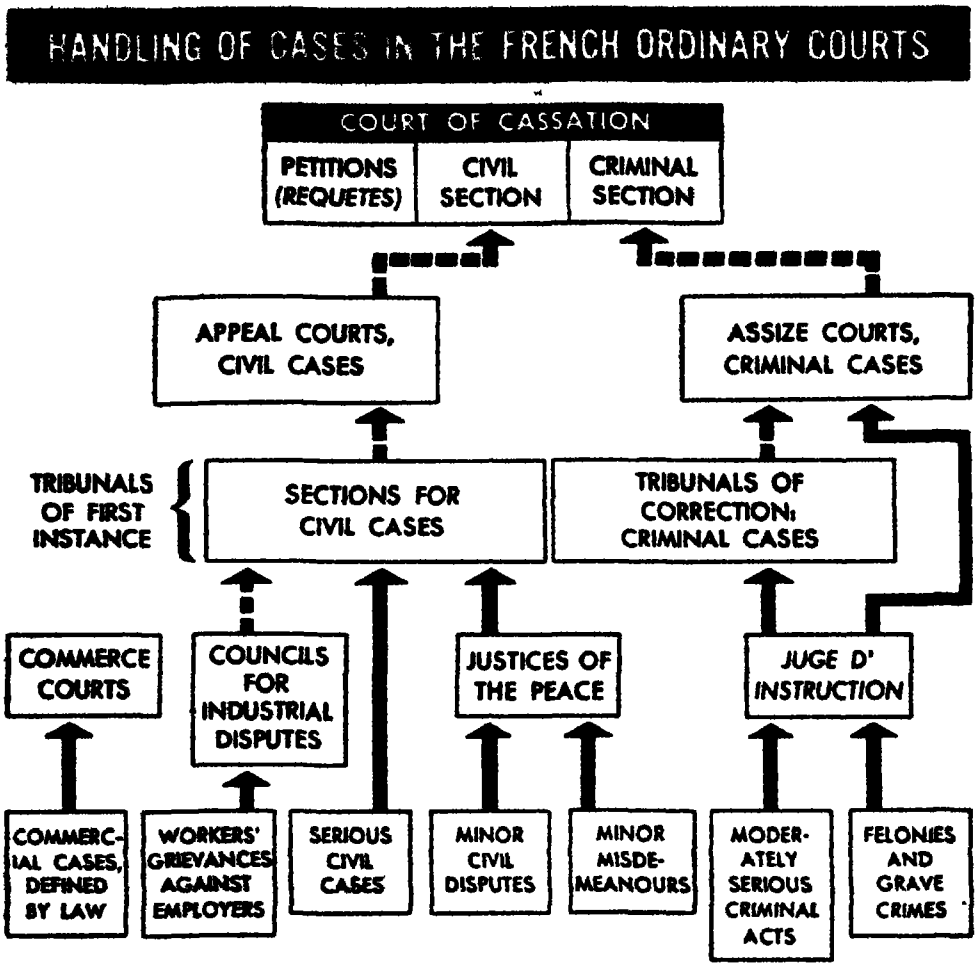
Administration in 1945. This admits promising young people to studies carried on at the *Fondation Nationale des Sciences Politiques* (in substance the successor to the former *Ecole Libre des Sciences Politiques*) after a competitive examination, fully as severe as most French *concours* usually are. The students are ranked as civil servants, and are paid a salary during their three years of study. After successful completion of their studies, they enter the permanent service of appropriate ministries. This training is of too recent date to assess with any certainty, but more than seventy young men have entered the service in this way and have gone into fairly responsible posts. The school was formally opened in 1945, and there has been a steady flow of students through the training program since.

Though the changes just described may eventually have effects of some consequence, as yet the general administrative organization, the procedures for getting tasks accomplished, and the nature of the civil service bear a strong resemblance to corresponding features of the Third Republic, and the description given in an earlier chapter may still be applied to the present functioning of the government.

COURTS OF LAW AND LOCAL GOVERNMENT

The hierarchy of courts and the system of local administration have always been resistant to change, as was made evident in the brief survey of French constitutional history. There are excellent practical reasons as well as the force of political continuity to explain the continuance of existing institutions and practices. The amount of work performed by these agencies and the detailed nature of their tasks make it difficult, if not impossible, to introduce any sudden or sweeping changes. Brief description of actual and contemplated reforms is all that is required to bring the description already given of law and courts and local government in the Third Republic completely into accord with existing organization and practice.

The Law and the Courts. The following diagram shows the relationship of the various levels in the hierarchy of ordinary courts. The path of various types of litigation is indicated. The separation of criminal and civil cases is a characteristic of the French system, just as it is in English judicial organization. A study of the shape of



This diagram gives a conception of the general working of the French system of handling cases. Recalling the earlier discussion of English law and courts, the student will realize that this is only a rough sketch. The solid arrows indicate the original proceedings, and the broken arrows indicate the appeal of the first decisions. The duty of the *juge d'instruction* is to conduct a preliminary examination in a criminal case and then to assign the case for trial. He is an examining magistrate, not a judge.

the hierarchy should recall to the student the general features already described for the administration of the law. The codes of law simply returned to full effectiveness after the end of the German occupation and the Vichy government. Indeed it can be said with substantial accuracy that the working of the system continued during that period with only minor modifications. The lawyer who was trained in the days of the Third Republic has found little difficulty in carrying on his profession since 1946; all the fundamental aspects of practice remain the same, and his task in keeping his knowledge

of the codes up to date, although more arduous as laws and regulations show an increasing pace of change, is still much what it was before the war.

The bench has the same character as before. Collegiality of judges is still a prominent feature in all courts above that of the justice of the peace. But appointment of judges may well change, because the Constitution creates the Superior Council of the Magistracy. This Council is composed of the president, the minister of justice, six members elected by a two-thirds majority of the National Assembly from outside its own membership, four representatives of the bench chosen by their fellow magistrates, and two members appointed by the president from the judicial profession. Appointments to the bench are made from a list of people nominated by this body, and rules governing the discipline of judges must be prescribed by the Council. The general intention is to free the courts from the occasional criticism that the magistracy is removed from the people and that it is also subject to the influence of favoritism, if not political pressure, in the advancement of its members in the judicial hierarchy. After a sufficient period of time, the work of the Council may have a considerable influence on the character of the bench. It should be said, however, that on the whole the judges have been well respected and have justified public esteem by a high standard of conduct.

Procedure and action in the courts, under the codes of law, has changed little if at all. On the whole, the French people had confidence in the impartiality and competence of judicial performance, and what happened after liberation was that the prewar system was restored to full effectiveness.

Administrative Courts and Law. As in the case of the regular courts, the administrative courts simply resumed their functions. The task of adjudicating this type of controversy between government agencies and the citizen is certain to increase, as what French jurists call the "secteur *public*" of the economy extends its boundaries by nationalization of industries and even invades aspects of the "secteur *privé*" and as the presumptions of economic planning exert a greater influence on the French economy. Extension of planning in England was accompanied by the passage of the Crown Proceedings Act of 1947, and the extending range of state activity will undoubtedly make this type of judicial activity more and more important during the twentieth century. Students of administrative law

will do well to observe closely the action of the administrative courts in France, because experience and tradition in this system may be fruitful for countries which employ the principles of English common law.

While this significant possibility requires mention, the whole subject is far too technical for extended discussion here. The administrative courts of the Third Republic, organized as councils in districts larger than the *départements*, and the Council of State, functioning as before as a high court of appeal and review for this kind of controversy, are well equipped by the quality of their membership to undertake the increasing burden which is sure to come to them. Jurists in all countries will study their action.

Local Administration. The Constitution of the Fourth Republic declared principles regarding changes in the centralized administration of local affairs in France. Some of the clauses in the section dealing with local government made specific commitments for the future, declaring that, while the areas would be known by the same names, there would be regrouping of jurisdictions and provisions for extension of the powers of locally elected councils. The general intention of these declarations pointed in the direction of greater powers of self-government for communities and more careful definition of the supervisory powers of the central government.

It is not surprising that little, if anything, has been accomplished in fulfilling these promises of change. The predominant problems of the Fourth Republic have been of a national character. The framing of a new Constitution, the organization of effort to meet the problems of economic reconstruction, and the difficult position of France in international affairs have absorbed the time and effort of leaders and assemblies. Not only are national questions pressing, but the task of reorganizing the government of the localities is a huge one. Any effort to achieve "decentralization" and "deconcentration," the two projects which are now under discussion in governmental and academic circles in France, will encounter obstacles of large dimensions in the shape of a preliminary need to consider the bases of local revenue and a lack of experience by citizens in the affairs of the locality. These difficulties arise in the *départements*, not in the communes. It is the larger area in which the power of the prefect has traditionally been very great that is the object of concern. The villages and cities have always had a fairly lively civic consciousness, but the *départements* originated as ad-

ministrative districts, and in Napoleonic times their prefects were somewhat bitterly characterized as "little Napoleons." There has been a revival of the project of "regionalism," and it is not unlikely that when the bigger problems of France as a nation have begun to approach solution there will be a determined effort to recast the traditional pattern of local administration. At present, the mechanisms of the Third Republic continue to function. The symmetry of the system does not require a diagram. The communes lie within the supervisory authority of the subprefect in the *arrondissement*, and the *département* still depends very largely on the prefect's powers as an agent of the national administration.

FRENCH GOVERNMENT TODAY

General impressions are usually the monopoly of the journalist, and the academic observer is inhibited from expressing them by the conventions of his profession. But one general impression has already been mentioned in earlier discussion. Naturally enough in a government recently organized in a country that has just suffered from war and occupation, there is considerable evidence of confusion. Even government publications are a little spasmodic and erratic, and the work of ordinary government officials often lapses from the precision, which was at times excessive, of prewar days. Administration of new and difficult tasks, like rationing, often runs into serious difficulties. During the winter of 1948–49 there were several investigations which revealed laxity and even carelessness in enforcement. Improvement was observable, but it is slowly and painfully achieved.

A second general observation may also be risked, and it is paradoxical. There is obvious persistence of traditional ways of doing things, coupled with willingness to embark upon innovations. The Fourth Republic is at once old and new. Many of the same procedures in government, as has been frequently pointed out in these chapters, continue with relatively little change. At the same time, policies such as the nationalization of industry have the qualities of novelty and adventurousness. Cynicism that things have not changed or are not changing for the better is mixed with the rise of new viewpoints that declare new objectives. The Resistance movements were determined not only to liberate France but to make a different France after liberation. This cynicism is readily

understandable, if any thought is given to the stresses of the last ten years.

Finally, there is a considerable amount of tension, socially and politically. Many individuals have been able to make easy money out of the situation of postwar France. At the same time many people have paid heavily in the sacrifice of secure positions. Difficulties beset the workingman whose living costs have risen rapidly as a result of currency instability but whose wages have risen slowly because it has been necessary to increase production while keeping costs down. All the postwar shortages, particularly of housing, have imposed heavy burdens.

Change seems always imminent in postwar France—even the possibility of revolutionary change seems constantly present. It is occasionally manifest in disorders which approach the pitch of riots. It is a tribute to the courage and fortitude of the French that dogged effort continues to find moderate solutions for difficulties and that the solutions have yielded sufficient improvement in the situation to encourage more persistent work at meeting the economic and social problems which confront the community.

READINGS

The most important single documentary source on French government is the *Journal Officiel*, which publishes laws, decrees, and parliamentary debates. It is more accessible in the form of the *Annales*, yearly volumes indexed.

The administrative side of French government is not easily accessible to the scholar at present, for the reasons that have been suggested in the chapter. A few sources of information on the national administration are therefore worth listing:

Annuaire des Ministères, published annually in Paris with monthly supplements. This is an instance of private enterprise supplying a lacking governmental documentary series. It is a very useful guide to the pattern of national administration.

Répertoire Permanent de L'Administration Française, issued now by the *Sécrétariat Général du Gouvernement*. In May 1949 the latest available issue was of April 1948, and the original agency of issue had been disestablished as an economy move. It is the official list of the national government departments and bureaus, and is illuminating.

La Revue Administrative (Paris), issued bimonthly since January 1948. A carefully edited scholarly publication, with departmental divisions dealing with various aspects of administration.

In addition to the above there is an excellent bibliography:

Puget, Henri, and others, *Bibliographie de la Fonction Publique et du Personnel Civil des Administrations Publique* (Paris, 1948) issued under the sponsorship of the *Centre des Recherches Administratives* of the *Fondation Nationale des Sciences Politiques*. The Center's purpose is to issue a yearly revision.

Finally, the student is urged to look at the reading list at the end of Chapter 1, where a number of French journals and bibliographical guides are listed.

As has been implied in the chapter, a large number of the studies made of the administrative pattern of the Third Republic are still of great value, and the items listed at the close of Chapter 12 remain useful. One or two excellent small books of recent publication are worth listing:

Les Nationalisations en France et a L'Etranger, Vol. I, *Les Nationalisations en France* (Paris, 1948). Published under the auspices of the *Institut de Droit Comparé* of the University of Paris, under the direction of L. Julliot de la Morandiere and Maurice Byé.

Rolland, Louis, *Précis de Droit Administratif*, 9th ed. (Paris, 1947). A good description of administrative organization as well as of the principles of administrative law.

Waline, Marcel, *Manuel elementaire de droit administratif*, 4th ed. (Paris, 1946). Similar to Rolland above.

For discussions in English, see the journals and periodicals listed at the close of Chapter 1.

Chapter 15

THE FOURTH REPUBLIC FACES ITS PROBLEMS

THE GENERAL SHAPE of the economic and social problems of France today have been discussed in the preceding chapters. Postwar conditions are at the root of most of the pressing needs, though some antedate the war and represent arrears of social action. All of them are difficult and complex, and it is not possible to analyze them in a single chapter. In addition, many aspects of the current situation require the attention of the trained economist, and his analysis is often obstructed by limitations on the data available. The most urgent needs of France in 1948 and 1949 are to increase production, to bring her foreign trade with the rest of the world closer to a real balance of payments, and to stabilize the franc. Merely naming these problems clearly indicates that they are technical in character. Their full ramifications fall outside the scope of a book of this kind.

The action of government has been invoked to meet these necessities. The Monnet Plan is bringing government action into the "*secteur privé.*" Monetary policies are simultaneously the concern of the Ministry of Finance, of the Banque de France, and of the commercial banks in which the government has taken a hand by the ownership of stock and participation in the direction of credit policy. Production increases must be contingent on the performance of the nationalized railways, coal mines, and gas and electricity enterprises. While the implications of government intervention may still be debated so far as its eventual effect upon the economy and the society is concerned, the resort to government action in dealing with these problems makes leadership and administrative skill very important to the future of France.

A classic problem of the French political system therefore en-

gages the attention of the student of government first of all. What are the chances of organizing effective political leadership in France? Strength of leadership and decisiveness in policy depend very largely on whether the persisting cleavages in French opinion can be bridged by party organization and by successful compromise among the party groups. Even though the history of the Fourth Republic is still short, some tendencies in the drift of opinion and the strength of the parties shed light on these questions.

THE APPEARANCE OF THE BIG PARTIES

It has never been easy to interpret the French political spectrum. Since liberation several of the old parties have reappeared, and new ones have been organized. Underground movements existed during the years of German occupation, and when political freedom was recovered they quickly developed into parties. The necessities of resistance brought about new associations among Frenchmen, with the result that the new parties have large voting memberships and may eclipse the old in popular influence.

The first opportunities for French voters to declare their sympathies at the ballot box occurred April 29 and May 13, 1945, when communal councils were elected. On September 23 and 30 of the same year cantonal elections were held. These two elections, each requiring second ballotings to determine final choices, did not clearly show political alignments. Local personalities and issues were considerable factors, and more than twenty parties put forward lists of candidates. Nevertheless, these elections had a considerable value, for active campaigning stimulated interest in public affairs and gave leaders opportunities to meet the voters after a political blackout of more than four years.

In October 1945 and June 1946 national elections were held for the constituent assemblies which framed the two constitutions. After the adoption of the second Constitution, an election for the first National Assembly of the Fourth Republic occurred. Proportional representation, employing the method of counting votes which was explained in the preceding chapter, was the procedure used in all three of these elections. The results, therefore, give a fairly accurate reflection of the strength of party groups and furnish the basis for some analysis of the trends of opinion. Interest was keen on each occasion; more than 80 percent of the voters cast bal-

lots. There was some adverse criticism of the methods of balloting and vote counting, because surpluses of votes gained by parties in each *département* were not combined for larger districts. Strictly and technically, the proportionality of the results was limited to the *départements*, and foreknowledge of this method led a number of the parties into local alliances in the hope of improving their chances. Even with these limitations, the results are significant as a measure of opinion and are therefore given on the following page. The table summarizes official figures of the popular vote in numbers and in percentages of the total and also gives the actual parliamentary representation won by parties or groups of parties.[1]

These are the only national polls of the period from 1946 to 1949. The next assembly election will be held in 1951, as required by the general electoral law of October 1946. Until then, these are the only results covering the whole nation on national issues. Some of the movements and groupings of opinion which appear in these figures should be analyzed, after which the results of some subsequent elections may be briefly considered.

The most striking single fact which emerges from these election figures is the strength of three chief party organizations, both in popular vote and in parliamentary membership. The total number of party groups is just as large as it was in the days of the Third Republic, but the dominant position of the Communist and Socialist (S.F.I.O. and allied groups) parties and the Popular Republicans (M.R.P.) is relatively new in French politics. There were times in the past when a *Bloc des Gauches* or a *Bloc National* or a *Front Populaire* achieved electoral and parliamentary cooperation, but as the terms imply these were all unions of parties and were subject to the usual risks of coalition. The three principal parties of the Fourth Republic are both electoral and parliamentary parties in the sense that was explained in Chapter 13, and they have developed or maintained effective country-wide organization.

This suggests the possibility that the French party kaleidoscope might be simplified to the three primary colors and that other delicate shadings of opinion might diminish into fringes of the dominant traditional colors of Left, Center, and Right. Before making any further analysis of these tendencies, however, the party groups should be characterized.

[1] The data for the table is taken from *Le Monde*, October 25, 1945, June 4 and 6, November 11 and 12, 1946.

NATIONAL ASSEMBLY ELECTIONS, 1945 AND 1946

Parties	Popular vote						Seats		
	1945		June 1946		Nov 1946		1945	June 1946	Nov 1946
	Millions	Percent	Millions	Percent	Millions	Percent			
Left									
International communist	0.01	0.07	0.04	0		0.3	154	148	168
Communist & U R R	5.00	26.1	5.14	25.9	5.2	28.2			
S F I O , S I I O - U D S R , S F I O - M L N	4.49	23.4	4.19	25.11	4.2	17.1	96	120	107
Rad Soc , U D S R Jeune Rep , other left	2.02	10.6	2.30	11.6	1.19	11.1	41	40	45
Center									
M R P	4.58	23.9	5.51	28.22	5.5	26	145	162	160
Right									
Entente Rep , All Dem , Fed Rep , Parti Paysanne, P R I other right	2.83	15.2	2.55	12.77	3.14	16	43	43	82
Others Unaffiliated									
Algerian groups and independents	0.11	0.6	0.01	0.06	0.09	0.5	8	17	12

Abbreviations used above
All dem *Alliance democratique* (moderate Right or Center)
Entente rep *Entente republicaine* (moderate Right or Center)
Fed rep *Federation republicaine* (moderate Right)
Jeune rep *Jeune Republique* reformist republican)
M L N *Mouvement de libération nationale* (northern resistance groups reformist)
M R P *Mouvement Républicain Populaire* (Catholic moderate reformist)
P R I *Parti Républicain de la Liberté* rightist and conservative)
Rad Soc *Radical Socialiste* moderate socialist and reformist)
S I I O *Section Française de l'Internationale Ouvrière* (socialist)
U D S R *Union democratique et socialiste de la resistance* (reformist groups of the resistance)
U.R.R *Union des republicains et resistance* (Leftist groups of the resistance movement in the south)

PARTY DOCTRINES AND PROGRAMS

Any satisfactory understanding of the political scene involves some acquaintance with the political programs and doctrines of the big parties and the principal political alignments. This is a difficult task, for nuances of viewpoint are subtle in French politics and do not yield readily to summary. It must be kept in mind that the following short descriptions are suggestive rather than precise.

The Left—Communists, S.F.I.O., and Others. The Left, in twentieth-century politics, means some form of socialism. There

was a time in the late nineteenth century when such terms were fairly precise. Compressed into a few sentences, the general socialist objective is the creation of a society in which productive property—by which is meant natural resources like land and minerals—and capital goods such as factories and machinery are owned and managed by the society itself. In such a society, the members of the Left argue, there will be no income from ownership; all incomes will be earned. Socialists believe that equal division of the total social product will increase its amount, for they anticipate that a new spirit of cooperation will stimulate the productive powers of the society. The distinctions between the various parties of the Left do not arise from any deep disagreement over the general purposes which have just been stated, instead they spring from quite widely different notions on how the program is to be achieved and how the future society shall be organized. We will begin our discussion of these various groupings of the Left at the extreme position and work toward the center.

Until 1936 the Communist party in France was regarded as the extreme Left, but since 1936 there has existed the *Parti Communiste Internationale* It subscribes generally to the doctrinal position which made it impossible for Leon Trotsky to remain in Russia This party maintains a national headquarters and manages to poll a few hundred thousand votes in national elections Whenever it manages to elect a deputy, he usually votes with the Communist party. It is an instance of one of the small "splinter" parties which still exist in France.

The *Parti communiste* separated from the Socialist party in 1920 and is now one of the big parties of present day France. It subscribes to the doctrines of Marx and Lenin and declares itself in support of revolutionary action designed to introduce the dictatorship of the proletariat which must precede the establishment of the classless society. Since communism is an international movement, this party maintains contacts with the Cominform, and with Communist parties in other countries Given the French social structure with its high percentage of small entrepreneurs and independent farmers, it has had to be opportunist in its programs It has always insisted that it was patriotically French, and the facts of the Resistance period indicate that it was one of the most effective of the organizations which maintained opposition to the Germans. Its electoral strategy in recent years has been to strive for associa-

tion with the other parties of the Left in popular-front movements against the growth of parties on the Right. The tabulation of Ministries given on page 363 shows that until the second Ramadier Ministry the Communist party was able to work in uneasy coalition with the other big parties. In spite of its devotion to classic doctrine which calls for direct action, it has supported various projects of social reform and economic planning, and it has devised various programs of agricultural and industrial reform aimed at attracting the votes of farmers and workers. It has a dues-paying membership of between 800,000 and a million members and in the national elections of 1945 and 1946 quite consistently secured one fifth of the votes cast. It is undoubtedly the most tightly organized and disciplined of the large parties, its members in the National Assembly usually obey the dictates of the party line issued by its political bureau. *L'Humanité*, a newspaper of over 400,000 circulation, is its press organ.

The Socialist party, *Section française de l'internationale ouvrière* (usually known by its initials, S.F.I.O.), has been a little smaller in membership and in voting strength than the Communist party since the foundation of the Fourth Republic. Its Marxist doctrine is much like that of the Communists, but it has always been moderate and constitutional in its declaration of methods. Its general position is not unlike that of the Labour party in England; it believes that a gradual development by constitutional and legal means can eventually establish a socialist society. It is as well organized as the Communist party, maintains a national headquarters, and publishes a newspaper, *Le Populaire*. Since 1947 its discipline has been tightened, largely because the continued participation of its leaders in coalition Ministries has raised suspicion among many of its members. They feared that essential points of socialist doctrine might be lost in party bargaining. It has suffered losses of its more militant members to the Communists and of its more moderate members to the parties of the Center, particularly the M.R.P. Nevertheless it has a regular membership of nearly 350,000 and has drawn a vote of between one sixth and one fifth of the ballots cast in the last three national elections. Socialist thought has a long history in France, running back to movements preceding the Great Revolution of 1789, and the present party has had its unified organization since 1905.

These two large parties have organized most of the effective ac-

tion of the Left since liberation, but there are various groups of the resistance movement which have allied themselves with either the communists or the socialists during the life of the Fourth Republic. These parties have been listed and named in the table of election figures given on page 351. As the table shows, their strength is not great enough to warrant discussing them in detail.

The Center—Radical Socialists, M.R.P., R.G.R., and Others. It is more difficult to define the Center in French politics. The best that can be done is to say that the Center is not positively socialist in temper like the Left and that it refuses to be as cautiously conservative as the Right. All the parties of the Center are willing to support programs of reform, and all are careful to disassociate themselves from the revolutionary implications of socialist doctrine.

The *Mouvement Républicain Populaire* (M.R.P.) is by far the largest of these parties. It has the appearance of a new party; but it stems from a small prewar party, *Democrates populaire* (the Popular Democrats), which was formally organized in 1924. It also draws a considerable part of its membership from an even earlier organization, *Jeune République* (the Young Republic), which still continues to function as a separate party group, having a history which dates back to 1899. The M.R.P. may owe some of its membership, and certainly a large part of its tradition, to these earlier organizations, but in its present size and voting strength it may fairly be characterized as a new phenomenon in French politics.

Explanation of the political position and program of the M.R.P. requires reference to the issue of clericalism in French politics, which was mentioned in Chapter 13. More than three fourths of the people of France are affiliated in some way with the Roman Catholic Church. While only a few would conceive of the re-establishment of the Church as a state religion, many refuse to be associated with any party which has a positively anticlerical tradition. All the parties of the Left, in the eyes of Roman Catholics, have been guilty at different times of attacking the Church. As the large membership of the M.R.P. demonstrates, there are many Catholics who believe in an active program of social reform and economic planning, and they have organized in order to make their attitude yield positive results. Avoiding excessive refinement of statement, we can say that the leaders and adherents of the M.R.P. believe in moderate socialism without anti-clericalism. They have adopted a position which is also of significant political strength in Italy, and

which is usually described by the term "Christian Socialism." The materialism of the Marxian dialectic is rejected by them, but the social reforms and economic reconstruction proposed by socialist leadership appeal to their humanitarian sentiment.

This is a delicately balanced position to maintain. Their affiliation with the Catholic faith arouses suspicion among the parties of the socialist Left, where the fear of "clericalism as the enemy" is always latent. At the same time their program of reform arouses the antagonism of the other moderate Right and Center groups, who suspect that they are giving too much aid and comfort to potential social revolutionaries. The present voting strength of the party is much more than a reflection of the strength of Catholic affiliation in France; it derives also from the large middle class of farmers, small business people, and artisans who want to see that caution is used in embarking on programs of economic planning.

The present organization dates from a meeting held in Paris, November 26, 1944, and conforms quite closely to the typical party diagram on page 366. A national headquarters, an executive committee, a national committee of delegates which ordinarily assembles every two months, and annual congresses serve to coordinate a nation wide network of *départemental* federations and local sections. The M.R.P. can claim 450,000 regular members and has polled about one fifth of the vote in national elections. *L'Aube*, a daily newspaper published in Paris, is the official organ of the party's viewpoints, often expressed in the editorials written by Georges Bidault. The patriotic record of many of its members during the period of the Resistance contributes to its present influence.

Most of the rest of the Center groups are affiliated in the *Rassemblement des gauches republicaines* (R.G.R.). To the experienced student of French politics, the decline of the *Parti radical et radical socialiste* (Radical Socialists), is a surprising development of the postwar years. Its tradition runs back to the Great Revolution, and it was formally organized with a unified organization in 1901. Its leader now is Édouard Herriot, a statesman of experience and reputation; and Georges Clemenceau, the "Tiger" who defended France in World War I, is one of the great names of its history. In prewar days it was one of the strongest parties and maintained a well-articulated national organization. Its influence has now greatly declined, but it still remains one of the strong elements in the associated groups of the R.G.R. The recent rise of "The

Third Force" (which will be explained below at p. 360 ff.) indicates an improvement in its position. In doctrine it is reformist—one of the stock epigrams of journalism has been that the least radical of the socialists were the Radical Socialists. Its organization also approximates closely to the diagram, and the editorials of Edouard Herriot in the *Dépêche de Paris* publicizes its views in the newspaper press.

Other parties participating in the R.G.R. are on the whole less well organized. The *L'Union démocratique et socialiste de résistance* (U.D.S.R.) is an association of various Resistance groups who cling stubbornly to the notion that a new France should be built after the German occupation. In the table of national election figures on page 351 this federation is placed on the Left; its present Center position is the result of the drift of politics since the adoption of the Constitution. The *L'Alliance démocratique* (Democratic Alliance), a federation of small parties without a real electoral organization in the days of the Third Republic, has been reconstituted and is able to make some use of political affiliations which have persisted since 1901. There are other and smaller parties in the R.G.R., and the next Assembly elections will probably demonstrate whether they are able to maintain any separate existence and influence.

The Right—The R.P.F., the P.R.L., and Others. The classic formations of the Right, which were discussed in Chapter 13, have virtually disappeared. A tiny remnant of monarchists may remain, but the aristocratic philosophy expressed by *L'Action française* seems at last outdated. The *Parti républicain de la liberté* (P.R.L.), defending principles of political liberalism and economic *laissez faire*, maintains an electoral organization and claims 65,000 members. The *Fédération républicaine* (Republican Federation), a moderate conservative group which survives from the days of the Third Republic, still reflects the attitude of the big business community. It has declined in importance to the point where it now possesses no parliamentary representation. *L'Union paysanne*, an association of agricultural interests, does have seven members in the National Assembly and maintains local federations in a number of *départements* in the central part of France. The use of the adjectives *republican*, *liberty*, and the like indicates that even the Right has moved a considerable distance toward the Left in the postwar upheavals of politics.

The *Rassemblement du peuple français* (R.P.F.), now assured of the prestige of General de Gaulle's leadership, is the only strong and nationally organized party on the Right. The General himself would probably object to the location of the party in this sector of the political spectrum. He would claim that there is no Right, Center, or Left; there is only France and the French. The movement—for de Gaulle refuses to regard it as a party among the other parties—exhibits all the features shown in the party diagram. A national headquarters and council, local federations and sections, and a weekly news bulletin, *L'Etincelle*, give the organization a very strong family resemblance to the other political parties. This family likeness was accentuated in the public mind by the aggressive campaign made in the local elections of 1947. The one feature lacking—representation in the National Assembly—has been supplied in large part by the organization of an intergroup. Its real national strength will be measured in the next national election, but its organization and action has already had a considerable effect on the other parties.

Now that the character and attitudes of the parties have been briefly summarized, the story of their action during the three years from 1947 to 1949 can be understood.

POLITICAL MOVEMENTS AND ELECTIONS, 1947–49

During the first year following liberation the government of France was regarded as entirely provisional, pending the adoption of a constitution. A high premium existed on cooperation among all party groups, and the prestige of General de Gaulle was sufficient to produce a sentiment of national unity. But the general's temperament was not suited to the task of negotiating agreement among the divergent groups in the first National Constituent Assembly. In January 1946 he resigned as President of the provisional government and was succeeded by Felix Gouin. Gouin, an experienced Socialist politician of the Third Republic, was able to hold the three big parties together in triparty coalitions until the election of May 1946. The growth of M.R.P. strength, revealed at that time, placed the task of leadership on Georges Bidault, and tripartite cooperation continued.

The Growth of the R.P.F. During this period a Gaullist movement developed, a curious mixture of people sincerely devoted to

the General as the savior of France and a varied cluster of conservatives who viewed with alarm the increasing strength of the parties of the Left. The Gaullist Union was further embarrassed by the general's refusal to enter active political agitation, so that it found itself in the absurd position of supporting a leader who refused to lead. His political strategy was to retire from politics to a country retreat, occasionally emerging for a speech or sending a statement of his views to the press. By such conduct he maintained a position of appearing superior to partisan divisions of opinion—but superiority to politics is hardly a practical attitude for a potential political leader. His occasional pronouncements and the organized activity of the Gaullist Union had the effect of reducing the total vote in the constitutional referendum of May 1946. It became clear to him and his associates that more positive political action was necessary, if any concrete results were to be achieved.

In March and April 1947 the General took the decisive step of accepting the leadership of the *Rassemblement du peuple français*, soon known by the briefer form of its initials, R.P.F. The leadership around de Gaulle changed a little, and Jacques Soustelle became the secretary of the group, replacing René Capitant in the leader's confidence. De Gaulle and the organizers of the movement stressed their belief that what they were organizing was a general movement of the French people to which all patriots could adhere; they were not organizing another political party. The General has always treasured a belief that there was a France which was somehow apart from the organized action of political parties, particularly parties on the Left. Declarations of this sort immediately provoked charges of fascism from the Socialist and the Communist parties, with the result that the membership of the R.P.F. inevitably took on a rightist and conservative tinge. It made heavy inroads among the more conservative members of the M.R.P., which had striven to support social reform and social reconstruction but not socialism.

Party or not, the R.P.F. seized the first opportunity to show strength at the polls by putting forward candidates for the councils of the communes in the municipal elections of October 19 and 26, 1947. In many communes it allied itself with other parties, more often the M.R.P. and parties farther to the right, but occasionally with the R.G.R. (*Rassemblement des gauches républicaines*) and kindred groups which may be regarded as just left of Center. Preliminary results from counting the votes cast indicated that the

R.P.F. with the aid of these alliances had succeeded in obtaining 38.5 percent of the votes cast in the first balloting. This was sufficiently sensational to be widely reported and discussed in the French press, indeed in the press of the world. The final results in seats won were much less dramatic. Seats in all communal councils held by the R.P.F. only amounted to a little more than 8 percent; in a little more than 20 percent of the communes the R.P.F. with allied groups controlled a majority.[2]

Whatever figures are used, the result was impressive for a political movement which had only six months to build up an organization, even though it was able to take over a good part of the work done by the Gaullist Union. However, the force of this showing is diminished if one recalls that the National Assembly is sometimes regarded as a "broken mirror." Using the same analogy, one may say that the communal elections are a mirror completely broken into more than 38,000 pieces.

Not at all surprisingly, the R.P.F. repeated this success in the elections of the Council of the Republic in November 1948. It can certainly be credited with more than 20 percent of the seats won, but since the electoral colleges which chose the councilors contained delegations from the communal councils, the result is attributable in considerable part to the communal elections a year before.

This show of growing popular strength also produced a response in the National Assembly, and an "intergroup" of over fifty members declared themselves as ready to support the ideas and program of the R.P.F. Subsequent opposition by the other party organizations diminished the size of the group, but it still had about twenty members in January 1949.

One other election deserves brief notice, the election of the councilors of the *departements*, for which the electoral units are the cantons. In March 1949, after the two ballotings were complete, returns showed that the R.P.F. had doubled its membership in these councils and won about one fourth of all the contests in the 1505 cantons. At the same time the Communist party lost nearly four fifths of the seats it had formerly held, and the moderate groups lost a little less than a sixth.[3] These elections, like the com-

[2] Figures of the Ministry of the Interior, quoted in Mambuto, Paul, *Les Partis Politiques et les Mouvements Sociaux sous la IVe Republique* (Paris, 1948), pp. 259–60.

[3] *Le Monde*, March 29, 1949.

munal elections in 1947, were much influenced by local questions and personalities, but the results were some measure of the movement of opinion.

Effect of the R.P.F. on Other Parties. The story of these elections has been told almost exclusively in terms of the growth of the R.P.F., but its increase in strength was at the expense of the other parties. Detailed study of the statistics on these elections does not repay the time expended on them, for the reason just mentioned that local issues and personalities often have considerable influence and that in any case the results are a collection of results from small constituencies. In the municipal elections of 1947 the R.P.F. made its gains largely at the expense of various groups on the right and also made serious inroads on the M.R.P. The Communists lost a little, and so also did the Socialists. In the elections for the Council of the Republic in November 1948 the same result was repeated, because the earlier municipal elections had a powerful influence upon the composition of the electoral colleges, as has already been mentioned. In the elections for councilors of the *départements* in March 1949 the chief effect of R.P.F. strength was to produce a heavy loss in the Communist party strength in the cantons, though the Moderate Center and Right parties also lost strength. Certainly the R.P.F. ranks as one of the large parties of France, but until a National Assembly election is held it is still impossible to estimate its voting power with any precision.

The "Third Force" and Divisions in the Labor Movement. The rise of the R.P.F. to potential political strength was viewed with hostility by the parties on the Left. The Communists were unable to regard its program as anything else than a direct challenge. This interpretation on their part was not far off the mark, for de Gaulle's hostility to the Communists had been frequently demonstrated by his actions when in office and his occasional pronouncements when in retirement from politics. Fighting words were used on both sides. De Gaulle accused the Communists of being more devoted to a foreign country than they were to France, while they substituted epithets such as *Fascist* or *Hitler* for *Boulanger* when they accused him of wanting to make himself a dictator.

The Communists possessed one stronghold of power which was not directly part of the parliamentary or party systems—the C.G.T. (*Confédération générale du travail*). Communist members held many key positions in this, the biggest trade-union organ-

ization in France. Working people had very genuine grievances, which have already been suggested. Inflation increased their living costs more rapidly than wage increases met their needs. In addition, the spectacle of black- and gray-market operators making large incomes out of housing, staple commodities, and the fluctuating exchange rate of the franc added to their feeling that grave injustice was being done. It must be remembered that Communist doctrine has always favored direct action in economic affairs as the most effective way of improving the situation of workers in an industrial society.

The result of these accumulating discontents was a series of strikes, many of them in key industries like the railways and the coal mines, during the spring and summer of 1947. Sometimes they were serious stoppages of production lasting for days or weeks; often they were "token" demonstrations which cut off electricity in Paris or other large cities for a few hours or stopped the Paris subways or took all the taxis off the streets for some hours or a day. There was a mixture of motives in these strikes which probably can never be fully analyzed. Certainly in part they were political and ideological, expressing resentment against the government for not stabilizing prices or protesting the line of colonial or foreign policy. At the same time the economic grievances were genuine and might well have produced strikes whether any questions of political doctrine were involved. Each one led to active and often embittered discussion, with accusations of betrayal of France by both sides.

The strikes continued through the autumn of 1947, but the Ramadier and Schuman Ministries adopted a firm line of action. They did negotiate and yield on a good many wage demands, but at times they called men up under the army regulations and operated some essential services. The turning point came in December 1947, when a Paris transport strike ended partly because of firm government action and partly because a very considerable back-to-work movement developed among the workers. Léon Jouhaux, general secretary of the C.G.T., and five other members of its executive committee withdrew from the organization and a week before Christmas 1947 formed a new labor organization, C.G.T.—*Force Ouvriere*. They claimed that they could carry with them 1.5 million of the 6 million total membership of the C.G.T. This "*scission*" in the strongest labor organization in France had the

effect of gradually reducing the number of strikes during the course of 1948 and 1949. It also reassured many people who had regarded the strikes as approaching very close to actual social revolution.

While this was happening in the labor movement, a corollary political alignment was developing in the National Assembly and among the leaders and members of the moderate parties. The national council of the Socialist party, at the initiative of Léon Blum, decided to constitute a political affiliation of the moderate parties as a counterbalance to the growing strength of the R.P.F. and the direct action of the Communists. This action was taken at a meeting in December 1947, and when the M.R.P., the Radical Socialists, and various smaller groups of the Center and Left Center announced that they were willing to participate in such an alliance, it was formally announced on the day before Christmas 1947. The Schuman Ministry, which had been given a vote of confidence by the National Assembly a month earlier, represented in large part this same group of moderate parties, and it is not inaccurate to say that the succeeding Ministries of Marie and Queuille continued this "Third Force" association.

The Ministries under the Fourth Republic. One of the greatest merits of the French political system is the possibility of adjusting party coalitions and leadership to the shifts of public opinion as it is expressed in the Assembly, in the press, and by various organizations outside the legislative bodies. Since there have not been many Ministries since liberation, it is possible to tabulate their party composition. The following table[1] reveals this gradual adjustment of political leadership to the changing situation. It should be remembered, that this table does not pretend to absolute precision; since it shows only the party affiliations of the members of successive Ministries and does not show the relative importance of the offices held by each minister, it is only a record of the changing character of the coalitions which have been carrying on the government of the Fourth Republic. This is all by way of saying that such a tabulation should be regarded with a proper academic caution. If conclusions are not pressed too far upon the basis of the facts presented, a great deal can be learned from it about the recent course of French politics.

The figures in the table call for some explanation. The ministries fluctuate in the number of ministers and secretaries of state

MINISTRIES UNDER THE FOURTH REPUBLIC

Number of members of each party in the Ministry

Premier	Duration	Communists	Socialists	Rad Soc	M R P	Moderates	Independents
De Gaulle	Sept 10, 1944, to Nov 21, 1945	Various groups of the resistance and various party leaders					
2d De Gaulle	Nov 21, 1945, to Jan 20, 1946	4	5		6	5 (including R. Soc., independents, Dem Alliance)	
Gouin (Soc.)	Jan 26 to June 11, 1946	7	7		6	1	
Bidault (M R P)	June 24 to Nov 25, 1946	7	5		8	1 (Dem Union)	
Blum (Soc.)	Dec 17, 1946 to Jan 22, 1947		17				
Ramadier (Soc.)	Jan 22 to May 9, 1947	5	9	4	5		1
2d Ramadier	May 9 to Oct 22, 1947	0	12	5	6		2
3d Ramadier	Oct 27 to Nov. 20, 1947	0	6	2	3		1
Blum attempted cabinet, November 21 to November 23rd, 1947							
Schuman (M R P)	Nov 24, 1947 to July 20, 1948	0	5	3	7	1	
Marie (M R P)	July 27 to Aug 28, 1948	0	6	5	6		2
Schuman (M R P)	Sept 5-9, 1948	0	7	4	10	1	1
Queuille (Rad. Soc.)	Sept 11, 1948 to Oct 6, 1949	0	5	3	4	1	
Bidault (M R P)	Oct 28, 1949 to	0	5	3	6	2 (U D S R.)	2

because administrative needs and political adjustments sometimes make it desirable to have sometimes a larger, and sometimes a smaller, number in each category of offices. In this table there has been deliberate selection of important ministerial posts, so that the

fluctuation in the total number is apparently increased a little. Such selection is justifiable, for the intention is to give a rough count of the members of various parties in this succession of coalition Ministries which have directed the policies of France during the founding and early life of the Fourth Republic.

A few characteristics of the French political system, ingrained in the Third Republic and now reappearing in the Fourth, immediately strike the eye. Americans or Englishmen, accustomed to either a fixed term of four years for the executive or close to five years for a government which has a secure parliamentary majority, are often amazed by the varying life spans of French ministries. Of these twelve Ministries only one lasted more than a year until the Queuille Ministry went into office.

Ministries of short duration are a characteristic feature of French politics. Two gallant attempts by Léon Blum to meet conditions approaching crisis show in the record. His seventy-five years did not deter him from trying to find a way of reconciling viewpoints, and even though the Assembly was not willing to support him, there was great admiration for his devotion to the welfare of his country. Sometimes, as in the case of the short-lived Marie Ministry of mid-summer 1948, the forming of the Ministry is an experiment to find a stable coalition. After Schuman altered the pattern a little, Queuille was at last able to find a political equilibrium which continued for a long enough time to make a real advance in meeting economic and financial problems. Sometimes, as in the case of the series of Ramadier Ministries, this adjustment is continued under successive reorganizations of one Ministry.

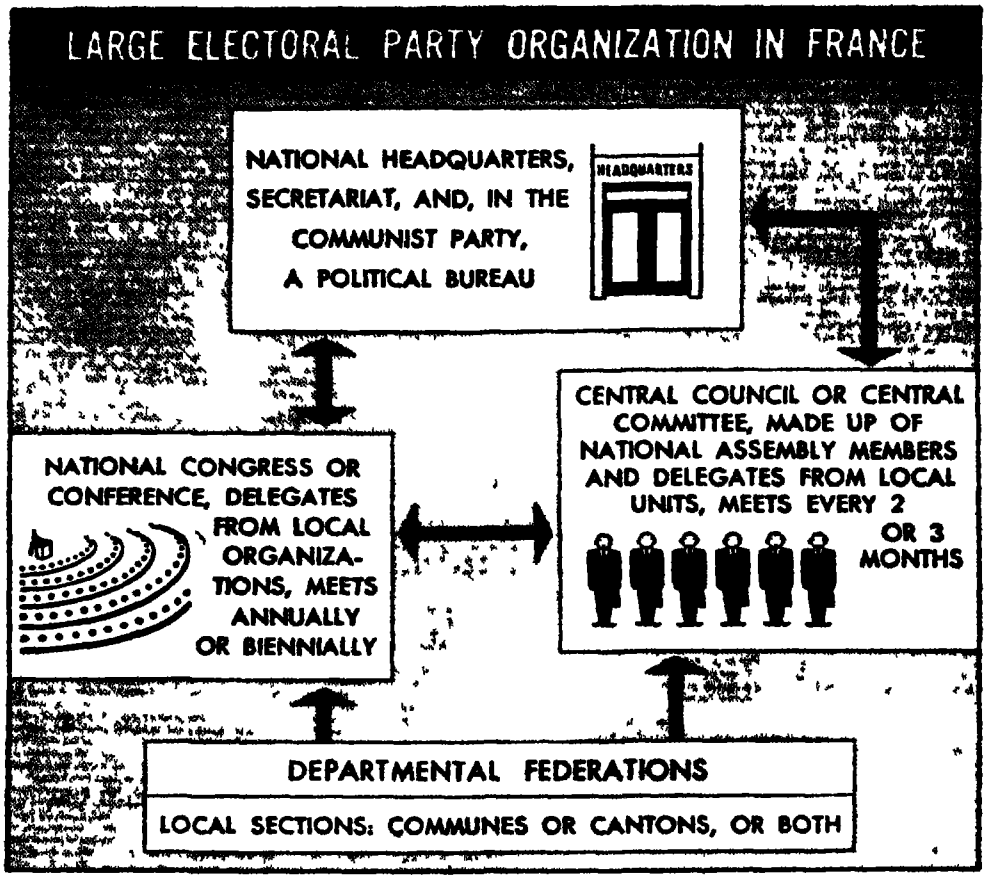
The whole series reveals the drift of opinion and policy which has already been discussed. The tripartite Ministries of the immediate postliberation period barely lasted out the time required for the framing of the constitutions and the beginning of regular, as contrasted with provisional, government. The Schuman Ministry of November 1947 marked the beginning of the alignment of moderate groups which finally developed into the party association of "The Third Force." The Queuille Ministry and its relatively long term of office is a token that moderate groups in France, with the assistance of Marshall Plan aid in economic reconstruction, seem to be fairly well on the way to finding moderate solutions for the pressing economic and social problems of France. As has been said before, unless the so-far unused machinery of dissolution should

be put into action, there will be no national poll until the National Assembly elections of the autumn of 1951. Prospects seem not unfavorable for the continuance of moderate leadership in France. This should not be taken as a prediction, all predictions in politics have many times been demonstrated to be undependable, and certainly enough has been said to indicate that the crystal ball is especially clouded in French politics. Present circumstances create a reasonable presumption that reform can meet the problems before revolutionary action occurs from either the Right or the Left.

POLITICAL PARTY ORGANIZATION

For Great Britain two diagrams, one for each of the major parties, were sufficient to show the main outlines of party organization. If a similar procedure were to be applied to the French parties, at least four would be necessary. Fortunately for the student who wishes to gain a sufficiently reliable conception of the pattern of party organization, one typical diagram can be constructed which will show the principal features of a national electoral party. The diagram which follows is a rough sketch applicable only to the big parties, which maintain a country-wide organization. Many smaller groups are either locally entrenched or manage to establish a distinguishable parliamentary group without maintaining an electoral organization.

The justification for a single typical diagram has been implied by all the foregoing discussion. To swing weight effectively, a party must be able to mobilize votes in the electoral districts, since the system of proportional representation operates within those districts (usually *departements*) by the system of the highest average, as was explained in Chapter 14. This accounts for the organization of federations and sections of the party in local districts, an invariable feature of all the large parties, though there may be variations in the form assigned to these and in the participation of local groups in the national organization. At the national level, as the diagram indicates, there are two policy and discussion organs of each of the large parties. The first and most representative is the congress or conference attended by delegates from local groups, which meets once a year in most instances but occasionally is held only once every two years. This is comparable to the annual conference of either of the two major parties in Great Britain or to



This pattern of organization is characteristic of the larger parties which maintain electoral organizations, and, in general, is applicable to the Communist, Socialist, M R P., and Radical Socialist parties. The R P F. has built up an organization which quite closely approximates this type, though beyond the existing organization of the Gaullist Union, it has had only since the autumn of 1947 to construct these units. In the case of an association of parties like "The Third Force," an understanding was reached among the parties at the level of the Council, and working arrangements were then built up at lower levels.

the national party conventions in the United States. The Socialist party sets a high value on these annual meetings, and declarations of party policy are formulated after lively discussion.

The central council or committee, the second policy and discussion group, also has a representative character and usually is made up of delegates from local organizations. It must also include some deputies from the National Assembly, since they were elected by the party in local constituencies at a national election and are

charged with responsibility for explaining and defending the party's program in Assembly debates.

This party machinery is recognizably similar to corresponding organization in Great Britain and the United States. The problems which have to be met by party organization are the same in all democratic countries. Programs must be formulated and declared, and leaders must be selected. Discussion at all levels of party organization contributes to both processes. In French and English parliamentary government the structure of the legislative assembly and the choice of a Ministry from its membership contributes substantially to the process of selection of leaders. The deputies have been through an election in their locality and have made a sufficient impression on the electors to gain their votes. Their subsequent performance in Assembly debates is a measure of their competence. Service on committees and minor places in Ministries gives some indication of their ability to handle practical details. This simultaneous action of party and parliament is quite a satisfactory method of screening potential leaders from among the most energetic and promising members of the party.

These general features of organization are found in all the major parties of the Fourth Republic. While there are, of course, differences in detail among the parties, all of them are required by the French political system to operate in the manner indicated. These are all practical matters of fact, and a generalized picture can be taken as covering all the essential aspects of party organization. Nation-wide party organization is not a new phenomenon in French politics—it existed in the Radical Socialist and in the Socialist parties under the Third Republic. What is novel is the simultaneous appearance of at least four major parties, all having central policy committees and local district organization. This is of great interest to the student of French government, for it might presage important differences in the future working of the parliamentary system in France.

LEADERSHIP AND FUTURE PROBLEMS

Before attempting any analysis of the future problems of the Fourth Republic, we summarize briefly some of the highlights of its history. Liberation was achieved in 1944, and a provisional

government which enlisted the support of all parties was led by General de Gaulle and his successors. A National Constituent Assembly was not elected until the autumn of 1945, and then the strain of reconciling viewpoints among the parties began to be evident. The first constitution was rejected in May 1946; but the Assembly which was elected the following June finally managed to draft a document which received approval, with many voters abstaining, in October of that year.

A Short Summary of Politics in the Fourth Republic. As soon as the actual process of government began under the new Constitution, the changes in the party situation were evident. The formation of large parties with country-wide electoral organizations has been the most striking feature of French politics since liberation. On the Left, the Communists and the Socialists, in the Center, the M.R.P., and on the Right, the R.P.F.—all exhibit the organization and tactics of what were called electoral parties in the days of the Third Republic. Since groups which cannot completely accommodate themselves to the programs of the large parties are sure to exist in French politics, there are a number of small parties which since 1946 have generally been found in the Center.

Since the end of 1947 these small groups have been associated together in the movement which calls itself the "Third Force" and includes the group of center parties affiliated in the *Rassemblement des Gauches* (R.G.R.). Since early in 1947 the political strength of this center group has been reflected in a series of moderate Ministries and has been supported by a corresponding alignment in the labor movement, *Force Ouvriere* (C.G.T.). The continuance in office of the Queuille Ministry, which began in September 1948, and the choice of the Bidault Ministry to succeed it in October 1949, suggests that there is a fairly good prospect for moderate leadership to maintain itself in power, pursuing moderate policies. The possibility of a political overturn in the next national elections exists, however, and might be accomplished by the Communists on the Left or the R.P.F. on the Right. Both movements have demonstrated considerable electoral strength. French people are also apprehensive that violent action might be attempted in the event that an existing moderate leadership was unable to satisfy the demand for aggressive and decisive policies.

The new Constitution is very much like that of the Third Republic. For that very reason, fears sometimes rise that the problem

of finding effective leadership may be as difficult in the Fourth republic as it was in the Third. So far the mechanism of dissolution has not been employed to force decision on conspicuous issues by a national election. At the same time, it must be noted that the mechanism of parliamentary government has the same merits of flexibility of adjustment to movements of opinion that existed under preceding institutions, and this may make it possible for the present coalition of the Center groups to satisfy demands and thus remain in power.

Future Action and Leadership. The fundamental problems confronting the Fourth Republic have been discussed throughout this chapter in the context of political party organization and programs. This is the proper approach for a textbook and sufficiently reveals the essential nature of the difficulties that are being met and must be solved by the French government.

The essential action required is clear enough: production must be increased, reconstruction of capital equipment and housing must go forward; the budget must be kept close to balance; and the franc must be stabilized. This all constitutes a very large order, and whether economic planning furnishes the answers or not, no party in France proposes to undertake these tasks without making a large use of government authority. Unless the action taken gives sufficient regard to the claims of workers, farmers, and small business people, it cannot expect to draw support from a strong majority of the French community. The revolutionary tradition is strong enough in France to create the possibility of social revolution, led either from the Left or from the Right.

In these circumstances the Fourth Republic could hardly have had a less troubled life than the record shows since 1944. One of its afflictions is a shortage of effective political leaders, and this is not meant in any way as a reproach of the men who have been carrying the heavy burden of responsibility for the past few years. A glance at the tabulation of Ministries reveals names which were long familiar in the annals of the Third Republic: Gouin, Blum, Ramadier, Queuille. If full ministerial lists had been given, this impression that a group of men from the past are administering the affairs of the present would have been strengthened. This is not a surprising situation. France has been through a political blackout, which lasted from 1940 almost to 1945. Probably a citizen body can make some acquaintance with leaders who are un-

able to appear in public view; and it is arguable that associations formed underground are more intimate than those made in the broad light of day on the surface.

But people who are forced to live in caverns cannot make a wide acquaintance; the circle is relentlessly limited by the size of the cave. When politics and government once more can emerge from the half light of the underground passages, people look for the figures whom they have known in happier days. New leaders are coming into notice, but they have had only since 1945 to demonstrate their gifts and declare their purposes to a wide public. The result is that leadership in France has devolved upon elderly men, and the problems have been great enough to make heavy demands upon their flagging vitality.

With all these handicaps, the Fourth Republic still has a record of dogged purpose and sufficient adventurousness. Persistent failings of the Third Republic still clog its action at times. But though Frenchmen may say with weariness, "The more things change . . . ," they can take heart from the fact that gains have been made and cherish hope that more advance may be made in future.

READINGS

Obviously the items listed at the close of Chapter 14 and the guides to current sources of information given at the end of Chapter 1 are of great importance in dealing with the subject matter of this chapter, which shifts as events change. Most of the documentary sources have been referred to in the Readings given for Chapter 14. American newspapers like *The New York Times* give good reporting of current French affairs. As might be expected, however, *The Times* and the *Economist* (London) and *Le Monde* (Paris) devote more space to reporting the political situation in France in considerable detail. Most of the English periodicals mentioned at the end of Chapter 7 are also useful.

A few books which have a direct bearing on the foundation and the history of the Fourth Republic are listed here.

Fauvet, Jacques, *Les Partis Politiques dans La France Actuelle* (Paris, 1947). An excellent compact handbook of the present parties, written by one of the principal political commentators of *Le Monde*.

Marabuto, Paul, *Les Partis Politiques et Les Mouvements Sociaux sous la IVème Republique* (Paris, 1946). This is a careful and objective work of scholarship, done on a very considerable scale.

Munro, Katharine, *France Yesterday and Today* (London, 1945). A very good brief study of the situation of France up to the date of publication, with a good account of the parties.

Roure, Rémy, *Pages Libres. La IVème Republique, Naissance ou Avortement d'un Régime 1945–1946* (Paris, 1949). The provocative work of an able journalist, also on the staff of *Le Monde*.

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ITALY

Chapter 16

THE ITALIANS AND THEIR POLITICAL HERITAGE

THE AREA of the Italian peninsula is approximately 193,000 square miles, substantially less than the 213,000 square miles of metropolitan France. The population is a little larger than that of France, being estimated at just over 46 millions in 1948. The density of population is, naturally enough, a little higher than in France, 193 persons per square mile in Italy as compared with 190 in France. This is not an exceedingly high figure as is the 750 per square mile in England and Wales or the 481 in Germany, but to Italy it means much more in population pressure, because she has relatively much less industry than any of the other countries mentioned.

France has been described as a rural community; Italy is even more agricultural in occupational pattern. Of the 18.3 millions of employed people in 1936, the year of the last Italian census, 8.75 millions were engaged in agriculture, nearly half of all the earning population. Of further significance is the fact that over 500,000 agricultural owner operators were cultivating a holding of about one half an acre in size. This suggests the character of Italian agriculture. There are big estates, nearly one fifth of Italy's 71 million acres of cultivable land is farmed in large units. The greater part of the agricultural land is under intensive cultivation, producing fruits, wines, olives, dairy products, and other specialized crops.

Italy's population is not only large for her area and resources, but it has a high rate of increase. During the years since 1936 the surplus of births over deaths has never been less than 200,000 a year, often has been close to 400,000, and in 1946 was 481,000.

Before World War I nearly 500,000 Italians emigrated every year. After 1918, the figure dropped sharply to little more than


FRANCE
GERMANY
AUSTRIA
HUNGARY
SWITZERLAND
ALPS
Milan
Turin
River Po
Genoa
FRANCE
Trieste
Venice
YUGOSLAVIA
ADRIATIC SEA
APENNINES
Florence
Pisa
Arno
River Tiber
ROME
CORSICA (FRANCE)
SARDINIA
Naples
Brindisi
Palermo
Messina
Reggio
SICILY
Catania
MEDITERRANEAN SEA
AFRICA
Scale of Miles

100,000 as a result of restrictions on immigration into the Americas and the fascist population policy. In the late 1930s Italian emigration averaged less than 25,000 a year.

This situation was often used by Mussolini as a basis for his claims for empire, but the history of the North African colonies does not bear out the claims. Just before World War II, there were less than 250,000 Italians living in Libya and East Africa. Though overseas territories do not relieve Italian population pressure, some solution is needed. The answer might be sought in increased industrialization, but there are grave difficulties in the way of such a development. There is a serious lack of the basic raw materials for industry. Coal, iron ore, petroleum, and even timber do not exist in satisfactory quantities. Some important industrial minerals are produced in significant amounts, such as mercury, sulphur, zinc, and bauxite. The shortage of coal might be met in part by hydroelectric power, but, while considerable advances have been made, the capital outlays and engineering skills required are not easily found.

It might be expected that a community living within the close confines of the peninsula, most of which has a characteristically Mediterranean climate, and possessing a long historic past, would be fully as homogeneous as the French community. In large part this expectation is realized, but there is the story of delayed national unification in Italy which created provincial loyalties and differences. In addition, there is a considerable difference between northern and southern Italy—a difference which has often been called "the problem of the South" by Italian statesmen. The most unobservant traveler in Italy is sure to be struck by the contrast between the people of the northern provinces and the Neapolitans and Sicilians. Besides the differences in speech and appearance, there is also a difference in economic situation. Generally speaking, the south is poor. Industry in Italy, with the exception of the sulphur mines of Sicily, lies almost entirely north of Rome—in fact, north of Florence. The northern cities of Milan and Turin, for example, give the impression of thriving and busy commercial towns, while Naples and Palermo are much less lively. The agricultural areas of the southern provinces are also much less fertile and productive—the best agricultural land in Italy lies in the Po valley. The result of all these differences is not merely shown in the energetic character of the northern people, as contrasted with

the *dolce far niente* of Naples and Sicily, but also gives rise to a political schism. There is a sense of grievance in the south which might be compared to the suspicion and dislike felt toward the industrial and financial East by the western states of the United States. This has long been an acute political problem in Italy, and it continues to persist.

The Italians have felt a sense of inferiority and grievance toward the other nations of Europe. Mussolini capitalized on that feeling when he led them into the unprofitable adventures of *Fascismo*. In many ways the history of Italy during the nineteenth century bred some resentment against the more secure states of Europe. The student should keep in mind that the Italians are one of the Latin peoples and that their view of life may be compared with that of the French in many ways. The Anglo-Saxon often forgets that the vivacity and excitability of the Latin temperament conceals a logical and philosophical attitude that is in many ways much less subject to feeling and emotion than the outward liveliness of talk and gesture leads him to imagine. Even the emotionalism of the fascist episode was constantly tempered by cynicism.

The Economic Situation of Italy. The economic problem which confronts the new Italian Republic is enormous. In spite of the fact that the economic life of the peninsula is predominantly agricultural, the community is not self sufficient in one of its most basic food supplies, wheat. The wheat for the bread and spaghetti which form so important a part of the typical diet cannot all be produced at home; nearly 500,000 metric tons were normally imported yearly before World War II, even when Mussolini's "Battle of the Wheat" was being most determinedly waged. Meat production is also short of home needs, although some agricultural crops, notably rice, are exported.

The growth of industry, as a means of balancing payments, is limited by the shortage of the basic industrial materials. The normal Italian foreign-trade situation showed a persistent adverse balance of payments which was met by invisible revenues from the tourist trade, immigrant remittances, and returns upon investment. All these items have been sharply reduced since World War II, with the result that the situation of the economy is in many ways much more serious than that of other European countries. The problems are more pressing than those of France or England, because the long-run factors are adverse. It is not merely a question

of recovering productive powers; the continued growth of population and the limitations on natural resources require actual change in the structure of the Italian economy. Probably the best prospects lie in the development of hydroelectric power and in the increase of the most favorably situated industries, such as the textiles.

Both the political and economic problems of Italy are closely related to the nation's history. National unification was slow during the nineteenth century, and the lack of effective political organization hampered industrial and social development. The stresses of two world wars, which ended both times in misfortune, add to the stringencies of the present situation. It is hardly surprising that political conditions in Italy are unstable and that the future of the republic is full of uncertainties. Any real appreciation of these problems must come from an understanding of the chief aspects of Italy's political and constitutional development.

THE UNIFICATION OF ITALY

Less than a hundred years ago the Italian peninsula was divided politically into several small states and petty kingdoms. The tradition of the medieval city states, the great temporal authority of the Popes, and the power of the old Austrian Empire had prevented the establishment of a national government. Differences in economic activity and social structure, particularly between northern and southern communities, emphasized political disunity. Liberal and national movements in Europe had stimulated men like Mazzini and Cavour to work for the idea of national unity. The *Resorgimento* is the name given to the period during which this idea grew into a movement.

Mazzini and Cavour. Mazzini, forced to spend much of his life in exile from Italy, expressed his idealistic hopes in his writings. Cavour was one of the leaders who was able to secure the establishment of a liberal constitution, called the *Statuto*, in the northern state of Piedmont. An attempt to free northern Italy from Austrian rule failed in 1848, but the succeeding king, Victor Emmanuel II, refused to revoke the *Statuto*, even though he was strongly pressed to do so by the Austrian government. This steadfastness of purpose attracted sympathy throughout all Italy, and within the next ten years the diplomatic skill of Cavour, now for-

eign minister, secured foreign support for the liberation of Italy. The wars which were fought to achieve independence were made romantic by the exploits of Garibaldi and "The Thousand." In 1860 Victor Emmanuel was proclaimed king of Italy, and the *Statuto* was adopted by plebiscites held in various Italian states. Italy was not yet fully united. The Austro-Prussian War in 1866 and the Franco-Prussian War in 1870 made it possible to bring the remaining provinces of Venice and the Papal states in central Italy into the newly created nation.

These are the bare facts of the story. However shrewd Cavour's diplomacy had been and however heroic the performance of Garibaldi and his volunteers, a large share of the final success was due to the aid of France and Prussia. The role of Italy in European affairs was destined to be subordinate to that of the other powers of Europe during the latter part of the nineteenth century. Newly created Italian national feeling suffered some disappointments, and the frustrated desire to assert the strength of the new nation was one of the sentiments which an aggressive leader could turn to advantage later.

Parliamentary Institutions under the *Statuto*. More important than the psychological effects of national unification was the nature of the parliamentary government which was established. Cavour, and other leaders, were admirers of English government; the *Statuto* provided an adaptation of English parliamentary practice to the political situation of Piedmont.

Victor Emmanuel II, though he had exercised some powers of popular leadership in unifying Italy, readily accepted the position of a constitutional monarch. He was willing to appoint ministers who were leaders of a parliamentary majority and, in the manner of an English king, to abide by the policies they put forward. The national parliament was modeled on the legislative bodies of England and France and was designed to represent popular sentiment.

Deputies and Voters. The Chamber of Deputies was elected from districts. It increased in size, as successive territories were added to the kingdom, from 204 members in Piedmont to 535 at the close of World War I. The life of the Chamber was fixed at five years, but the use of dissolutions limited the average term to about three years during the period from 1849 to 1915. Premiers often dissolved the Chamber for reasons of political strategy, choos-

ing favorable moments to wage an electoral campaign, and unhesitatingly making use of local officials and government influence to increase and consolidate their parliamentary majority.

The voters who chose deputies were at first a very small proportion of the citizens, by virtue of property-holding and tax-paying qualifications. Literacy was accepted as an alternative qualification in 1882, and in 1912 and 1919 the suffrage was finally extended to all male citizens. Since the percentage of illiteracy was high—ranging from 11 to 25 percent in the north to over 60 percent in the provinces south of Rome—this extension of the franchise brought in many voters who were seriously disabled in their understanding of public affairs.

The extension of the franchise in Italy was not made in response to popular pressure, such as that which brought about the Reform Bills of 1832 and 1867 in England. It was rather a campaign device employed by parliamentary leaders to increase their influence, and its ultimate effect was to grant an unwanted privilege to a large number of uninformed and uninterested citizens. Over a third of the electorate abstained from voting in 1909, and nearly a half in 1913 and 1919.

Elections were held in single-member districts until 1882. Larger districts returning five members were used for the following nine years, and, after a resumption of the single-member district, a system of proportional representation was adopted for the elections of 1919 and 1921. The average voter, hardly ready to express any convinced opinion on questions of national policy and much influenced by local loyalty and provincial patriotism, was unable to make effective use of his ballot.

The Senate. The Senate, under the Piedmontese *Statuto*, was designed to act as a restraining influence upon the popularly elected Chamber. Its members were appointed by the king, on the advice of the premier, from twenty-one categories, including administrative officials, army officers, distinguished scholars and scientists, and persons who paid high direct taxes. Senators held office for life, and the body steadily increased in size, since there was no constitutional limit upon its membership. In 1921 there were 391 Senators; Mussolini packed the Senate by increasing it to 440 in 1925. Despite a fairly high proportion of men of experience and distinction, the Senate exerted little influence upon the

course of national policy. Ministries were always able to influence its attitudes by appointing new members with the proper point of view.

Courts and Local Government. Judicial organization was similar to that which existed in the Third French Republic. Beginning with praetors (comparable to English and French justices of the peace) in localities, a symmetrical system of courts was provided. District courts and Tribunals of First Instance in larger districts heard cases. Appeal courts reviewed the decisions of these lower courts, and five Courts of Cassation served as the highest courts of appeal. The law administered in all these courts was strongly influenced by the tradition of the Roman law and, like the French law, was systematically codified. Judges were chosen after a training which prepared them for the bench and were assured permanence of tenure. While Italian justice was not as unified in administration as French, it was well organized and adequately applied by competent personnel.

Local government was highly centralized. The central government appointed prefects who exercised large powers over the administration of affairs within the provinces, assisted and advised by locally elected councils. The provinces were divided into smaller districts, with similar functions and organization. The most genuine expression of local sentiment was found in the towns and villages, called communes. These were governed by a locally elected council, headed by a mayor (*sindaco*). The work of running local affairs was directed by committees of the councils, but all these local authorities were subject to supervision by the prefects, very much as were the communes in France.

Church and State. The relationship of the Roman Catholic Church to the new state created a difficult problem. The final establishment of the capital at Rome was made possible when the Franco-Prussian War necessitated the withdrawal of French troops who had afforded protection to the temporal authority of the Pope. The Law of the Papal Guarantees, which had been designed to compensate the Church for its loss of political authority, led instead to a controversy between Church and State. The Pope declared himself to be "the prisoner of the Vatican" and called upon devout members of the Church to refrain from participation in the new government. It was not until 1904 that the Pope's prohibi-

tion on voting in elections for deputies was lifted; and while it is likely that Catholics had taken some part in politics before that time, this ban on political activity reduced the chances of developing a party organization which would fully reflect public opinion.

Political Parties and Parliamentary Leaders. It has been said, wittily but cruelly, that "Italy found herself endowed with a constitution imitated from Britain imported in a bad French translation."[1] In Piedmont the outstanding leadership of Cavour had made possible the union (*connubio*) of all parties in the struggle to establish a constitutional monarchy and extend its influence to the whole peninsula through national unification. Once the process was finally completed in 1870, divergent political views, often intensified by local and sectional interests, led to the creation of a number of political parties. These parties aligned themselves into a Right and a Left in the manner of European politics.

Liberals, Republicans, Italian Democrats, Democrats, and Social Democrats maintained the liberal constitutional viewpoints which had contributed to the creation of a united Italy. Socialists, Reformist Socialists, and Unitary Socialists represented the growth of socialist doctrines and made their appearance during the nineteenth century. Communists and socialists of a more revolutionary temper than the other socialist parties began to exert some influence during the twentieth century and increased their activity after the Bolshevik revolution occurred in Russia in 1917. All of these party groups secured representation in the Chamber, and their leaders engaged in the intricate maneuvers of forming coalition Ministries.

Social and Economic Changes. While the new government was being established and put into operation, it was confronted with the social problems arising from the Industrial Revolution. In this respect the political development of Italy may be compared with the history of the Third French Republic.[2] Large-scale industry appeared in the northern provinces; labor and management relations assumed new forms. Divergence of economic interest between the industrial North and the agricultural South became a perennial problem of Italian politics. The need for enlightened consideration of the new social problems became steadily more

[1] Quoted by Hentze, Margot, *Pre Fascist Italy* (London, 1939), p. 21.
[2] See Chapter 13 above, pp. 295–300.

urgent, but neither the electorate nor the leaders seemed able to take the necessary steps to secure effective action by the government.

National feeling had been brought into existence by the *Risorgimento* and by the wars for national unity. A true consciousness of the character of democratic government and a willingness on the part of the citizens to concern themselves actively with public affairs were not produced at the same time. Italy had been created, but the Italians were not ready to undertake the responsibilities which parliamentary democracy required.

THE DEFECTS OF PARLIAMENTARY GOVERNMENT

The persistence of provincial loyalty was enhanced by the power of the central government over local affairs. The average member of the Chamber of Deputies regarded himself as a delegate from his locality, obliged to obtain as much financial benefit and administrative favor as possible for his constituents. This made him susceptible to parliamentary maneuvers and led him to organize pressure upon whatever Ministry was in power, in order to induce it to make concessions or dispense funds in return for his vote.

Multiple Parties. The long-run effect of a multiple-party situation was much the same in Italy as in France. Coalition Ministries were always in office but rarely in possession of real power. Parliamentary maneuvering, conducted by such masters of strategy as Giovanni Giolitti, absorbed the attention of leaders and deputies. Instability of Ministries made conduct of national policy indecisive. While the system developed some great statesmen, the risk was always present that a national crisis might find the country unable to mobilize effective leadership.

Popular Distrust. *Transformismo* (the Italian term applied to this grouping and regrouping of ministers and parties) affected the attitude of the citizens at the same time that it weakened the action of the government. Italians lost confidence in their parties and political leaders. Pressing issues, such as "the problem of the South" with its agrarian unrest and chronic economic depression, failed to receive the close attention and careful action required. Fluctuations of domestic and foreign policy, based upon party alignments in the Chamber of Deputies, discouraged the voter who wanted his government to declare and explain its policies.

Don Sturzo, a Roman Catholic priest who organized the Popular party (*Popolari*) in the years following World War I, characterized this situation in the phrase, "the crisis in the political class." [8] One of the symptoms of the citizen's discouragement is revealed in the low percentage of voting in the parliamentary election. Hardly more than 60 percent—and often less—of the eligible voters actually exercised their franchise.

Under the *Statuto* the government of Italy, even though it had a respectable record of achievement, failed to recruit leaders who declared positive policies or who could evoke wide popular support. The strain imposed by a great war was likely to lead to political revolution.

WORLD WAR I AND ITS AFTERMATH

When the Austro-Hungarian Empire issued an ultimatum to Serbia in July 1914, Italy was a member of the Triple Alliance. The clauses of the treaty to which Italy, Austria, and Germany were parties imposed obligations on each to consult with the others on diplomatic policies and to give aid in the event of a defensive war. Antonio Salandra, the Italian prime minister, perceived that Austrian action did not oblige Italy to enter the war on the side of the Central Powers. Since the Libyan War with Turkey (1911) had revealed serious deficiencies in Italy's military organization, and since public opinion was clearly not willing to give assistance to the Austrian Empire, long a traditional enemy of Italian national unification, Salandra's Cabinet declared a policy of neutrality and nonintervention.

As the war spread to other states of Europe, it became increasingly difficult for Italy to remain neutral. Sympathy for the Allies developed in Italy, and diplomatic promises made by England and France in the secret Treaty of London finally led to Italy's declarations of war against Austria, Germany, Turkey, and Bulgaria during May 1915. The Italian war record was a mixture of crushing defeats and heroic resistance. The war effort seriously disorganized the home economy, and the military campaigns took a heavy toll in casualties.

The settlement which followed was a profound disappointment to Italian national aspirations. While some territorial gains were

[8] Sturzo, Luigi, *Italy and Fascismo* (London, 1926), ch. III.

granted, popular acclaim for the poet D'Annunzio's romantic seizure of Fiume was a token of dissatisfaction with the peace terms. The nation felt that its leaders had failed to present its case at Paris and that the sacrifices made during the war had been disregarded.

Even more disturbing was the social and economic distress which became manifest during 1919 and 1920. The dislocation of finance, industrial production, transport, and agriculture produced acute hardships in the form of unemployment, labor disputes, inflation of prices, and shortage of goods.

Faced with this crisis the government was unable to formulate effective policies and win popular support for them. Strikes in the industries of the North exhibited the alarming form of occupation of factories by the workers. The Bolshevik Revolution in Russia had deeply influenced the socialist parties; and conservative groups feared that a communist revolution might occur. Italian socialism, divided into extreme (*Maximalist*) and moderate (*Minimalist*) wings, was not able to conduct a revolution, but the social disturbances of the winter of 1919–20 encouraged both revolutionary and counterrevolutionary sentiment.

Had the government and its leaders during the years since 1870 been able to convince the people that the Chamber and the Ministry afforded means of proposing needed measures and winning public support, the crisis might have been surmounted by constitutional measures. As matters stood, many Italians began to look for a leadership which could solve the problems by creating a new government. Benito Mussolini and his Fascists were already advocating revolutionary action.

THE FASCIST PARTY AND THE MARCH ON ROME

To the visitor in Italy after 1922, fascism seemed to be mostly Mussolini. He began his political career as a revolutionary socialist and endured some hardships for the cause. By 1912 he had risen to the editorship of the leading socialist newspaper, *l'Avanti!* Before Italy's entrance into World War I, he had been expelled from the party for organizing workers' groups to support intervention in the war on the side of the Allies. He founded a newspaper, the *Popolo d'Italia*, in Milan in September 1914, after a brief service in the army. In 1919, declaring a vague program of

nationalism and reform, he began recruiting ex-soldiers, small shopkeepers, and some laborers into groups called *Fasci di Combattimento*. The symbol of the bundle of sticks (*fasces*) recalled the grandeur of the Roman Empire. In 1915 he had had experience with similar groups which had agitated for Italian intervention in the war. For nearly two years the movement was only a loose association of these local groups but, in a meeting at Rome in November 1921, the National Fascist party was established and a more regular discipline imposed upon the local squads.

As a party engaged in the normal activities of campaigning and electing candidates to parliament, the movement was a failure. Making use of an alliance with the Nationalist party and propagandizing actively, the Fascists were able to elect only 35 deputies to the Chamber in the election of 1921, compared to 122 Socialists and 106 of the new Popular party. Beyond aggressive and obstructive tactics in the Chamber, the performance of Mussolini and his Fascist colleagues was not impressive in parliamentary action.

Illegal activities were more successful. By the use of violence and intimidation, Fascists captured local governments or frightened local authorities into accepting their policies. Taking advantage of the fear of Bolshevist Revolution, they broke up socialist meetings and obstructed trade union activities. Though it may never be completely proved, there is little doubt that they received funds from large corporations who wished to destroy the socialist movement, and it is certain that their activities were permitted and even encouraged by the police in many cities.

Black Shirts and Propaganda. The pageantry of the movement became more conspicuous during 1921: the black shirts of the party militia, the parades, and the lively tune "Giovinezza" were in evidence throughout Italy. While a program of specific proposals was not declared, a philosophy of action and nationalism was propagandized. Though the economic and social situation improved, the Ministries headed by Bonomi and Facta were unable to arrive at decisive policies which would receive parliamentary or popular support. Consequently, the Fascists were ready to embark upon an unconstitutional seizure of the power of the state, and many Italians, weary of the hardships and confusion of the war and the postwar years, were ready to give consent to such a move.

In October the "March on Rome" was proclaimed, and some

thousands of Fascists—not including Mussolini—assembled in Civitavecchia, a little north of Rome. Fascist demonstrations occurred in other cities at the same time. Prime Minister Facta, a good-tempered and well-meaning man, was obstructed from taking effective army or police action by the lack of a solid majority in the Chamber and by the refusal of the king to sign the order for a state of siege and to sanction the use of the army. Salandra asked Mussolini if he would serve under him in a Ministry, and the proposal was refused. On October 29, a week after some 50,000 Fascist militia entered Rome, the king sent a telegram to Mussolini in Milan, where he had been prudently awaiting the turn of events, inviting him to form a Ministry. Accepting the offer, Mussolini announced with his customary flair for drama, "Tomorrow Italy will have not a Ministry but a Government."

Mussolini's First Ministry. The Ministry included himself and four other Fascists, several members of other parties, and two technical experts without party affiliation. Unlike previous prime ministers, Mussolini dominated the Cabinet's deliberations and declared its policies. Appearing before the Chamber, he lectured it for its inconclusive debates and demanded approval of the Cabinet's program. After receiving one or two votes of confidence, his first major legislative proposal was a revision of the electoral laws. The law provided that the party which polled the largest popular vote, provided it was at least one fourth of the total vote cast, should receive two thirds of the seats in the Chamber. The remaining one third of the seats would be distributed among the other contending parties in proportion to the votes each received. The Chamber approved the law, and after a dissolution in January 1924, the elections were held the following April for a new parliament. Active campaigning for the national Fascist list of candidates, including illegal acts of the party militia, brought a result which was a surprise even to the Fascists. The national list received nearly two thirds of the popular vote.

Parliamentary Crisis. When the Chamber assembled the minority groups freely exercised the usual parliamentary rights of criticism, even though the solid Fascist majority assured the new government complete control of policy. Once more Mussolini insisted upon full powers for his government and was criticized by the Socialist deputy Matteotti. In June 1924, Matteotti was murdered, in circumstances which indicated that government police

officials had connived in the crime. Popular indignation mounted against the regime, and the membership of the Cabinet was modified in an effort to disarm criticism and rally support. At this point the opposition groups withdrew from the Chamber and met as a separate body of protest in a hall which they engaged on the Aventine hill. After a period of uncertainty, Mussolini assessed the ineffectiveness of the opposition. He became confident that the Fascist leadership could override unfavorable public sentiment, and, disregarding the protests of the dissenting minority, he began to entrench fascism in power. Censorship was imposed upon the press; local Fascist groups engaged in violence and intimidation; political opposition was suppressed.

Dictatorship. Fully in command of political power and having successfully survived the risks of loss of support which attended the Matteotti murder, the new government proceeded to establish the Fascist state and confer dictatorial powers upon the party and its leader in a series of laws enacted in 1925 and the years following.

READINGS

The record of parliamentary government in Italy is analyzed in the following:

Hentze, Margot, *Pre Fascist Italy* (London, 1939).
Spencer, H. R., *Government and Politics of Italy* (Yonkers-on-Hudson, 1932).
Salamone, A. W., *Italian Democracy in the Making* (Philadelphia, 1945).
Sturzo, Luigi, *Italy and Fascismo* (London, 1926).

The story of the Fascist Revolution has been the subject of many books. Besides Spencer and Sturzo, listed above, others are:

Borgese, G. A., *Goliath: The March of Fascism* (New York, 1938).
Rossi, Angelo, *The Rise of Italian Fascism* (London, 1938).
Salvemini, G., *The Fascist Dictatorship in Italy* (New York, 1926).
Schneider, H. W., *Making the Fascist State* (New York, 1928).

All the books listed above give bibliographies which can serve as guides to further reading.

Chapter 17

THE LEGACY OF ITALIAN FASCISM

On June 2, 1946, the first open and free election of a national popular assembly since 1921 was held in Italy. This was not the first election in which Italian voters had participated, for in the preceding March and April municipal elections had been held throughout most of the country. But this time one entirely new group of voters cast ballots—Italian women had been granted the suffrage for the first time in March of 1946.

These two occasions were political experiences for all citizens, and participation was very high in both elections, partly because voting was compulsory and partly because voters were eager to use the newly recovered rights of open choice of parties and policies. Italian men, if they were forty-six in 1946, had had the opportunity to cast a ballot in 1921 under similar conditions of freedom and those who were forty-eight had exercised the franchise in 1919. Citizens who were over thirty had a youthful recollection of political campaigning under the *Statuto*, which until 1922 had been in force and had thus maintained parliamentary government until the Fascist seizure of power. All other members of the electorate could remember nothing but the emotional pressures and political intimidation of the Fascist dictatorship.

What has just been said indicates that any analysis of the present Italian republic should be preceded by a survey of the institutions and practices of Mussolini's Italy. The dictator's end was ignominious, and the end of the Fascist episode fortunately seems to be final and complete. Efforts to revive the slogans and doctrines of Fascism have so far been sporadic and brief. But the fact cannot be ignored that it was firmly entrenched as the political and economic organization in Italy from at least 1924, assuming that

the first two years were uncertain, to July 25, 1943, when the king invited Marshal Badoglio to form a government. This is a period of twenty years. While it is already diminishing in the perspective of history, it cannot yet be forgotten by the people who lived under it, and particularly by young people under thirty years of age who can hardly remember any other form of the Italian state. In fact, it is not easy for the student and observer outside the country to recall earlier political organization in Italy.

One other comment should be made before the general outlines of the Fascist state are described. For a great many Italians, the Fascist dictatorship was exciting and romantic. The pageantry, the parades, the imperialist adventures, the importance of Italy in international affairs, the constant fanfare of propaganda, combined to make *Fascismo* exciting and interesting. It is not too much to say that one of the problems of the second half of the twentieth century, in Italy and elsewhere, will be to find a satisfactory political and emotional substitute for dictatorship. One of the most genuine perils to the new republic is that many of its citizens may begin to say that things were better under Mussolini, or if not better, at least more interesting.

THE DOMINANCE OF THE FASCIST PARTY

Developing from a loose association of local squads, the Fascist party finally achieved a disciplined hierarchy. Commanding authority was placed in the leader and in the Grand Council. In every province there was a secretary and a council, which supervised the activities of local groups and their secretaries. Loyalty to the person of the leader, and to the fluctuating policies of the party, was enforced by the organization. Given the status of an auxiliary branch of the regular military establishment in 1924, the party militia occupied the position of a private army under the direction of the party leaders, and its force was used to suppress opposition.

The Fascist militia originated in the early days of the party, when it was expected that the capture of power might have to be achieved by force, even to the extent of outright civil war. While the party was "capturing" local governments and breaking up meetings organized by trade unions and socialist organizations, the members of these Fascist squads terrorized local officials, in-

flicted brutal beatings on individuals who opposed the movement, and administered castor oil to leaders and members of opposition groups. The victims of the attacks frequently died or were permanently disabled. After the seizure of power, the use of violence diminished somewhat, but the wrecking of shops and homes, the attacks upon persons and groups, the beatings and the occasional murders continued as an organized technique of maintaining power.

Recruitment of Membership. Regular party membership was limited. After the early revolutionary days, recruitment was conducted by a series of training organizations. The Wolf Clubs and the *Balilla* took in little boys of six to nine years of age, and the *Avanguardista* continued the training for youths from fourteen to eighteen. These training organizations included girls in separate divisions, for the Fascist party was a men's organization and women held places only in auxiliary associations. Discipline was strictly enforced by the leaders. Policies were declared by the Grand Council, though there were provincial and occasional national meetings. The influence of the party was spread among the citizens by many affiliated organizations. Fascist syndicates were organized among laborers, and professional associations of lawyers, doctors, journalists, and teachers extended the influence of the party among Italians who were not members.

Pageantry and propaganda were skillfully used. Marching parades, athletic contests, uniforms, and banners were all combined with speeches of the leaders and propaganda in the press to maintain enthusiasm for the greater Italy under fascism. The threat of violence, the operations of the secret police (O.V.R.A.), and the sentences imposed by the Special Tribunal for the Defense of the State continued to be forces in regimenting opinion.

To describe fully the methods of espionage, the secret trials, and the large number of sentences of imprisonment or banishment to the Lipari Islands is impossible. Many distinguished Italian journalists, political leaders, and labor-union officials were convicted and punished by these procedures. The stories told by people who escaped from Lipari are full of horror. Any protest against the regime had to be organized in secret, and every member of an anti-Fascist group knew that he was endangering his own life and liberty and that of his friends and family when he engaged in such activities.

Fascist monopoly of political activity depended in large part

upon its control of the wide powers exercised by the government. After 1934 a government undersecretary controlled the press, and after 1937 he expanded his activities to justify the new title of minister of popular culture. The Ministry of Education imposed fascist doctrine on the teaching and the textbooks in the schools. Even the universities, long seats of free learning, were dominated by the party program, though many scholars refused to yield and left Italy. Films and radio were also carefully controlled.

Organized opposition was quickly suppressed whenever it appeared. The final effect was the establishment of a one-party state, with Fascist party leaders completely in command of political activity.

THE FASCIST GOVERNMENT

In the first few years after the march on Rome, the powers of the state were concentrated in the hands of Il Duce. As head of the government, he and his Ministry possessed the power of issuing decree laws, subject only to the compliant advice of the Grand Council of the party. This was an advisory body made up of party leaders and high officials. Whether its advice was completely in accord with the desires of the party chiefs, many of whom were among its members or whether it exerted some real influence upon the course of policy has never been clearly revealed. In either case, there were no outward evidences of any divergence of views between the head of the government and his Ministry and the Grand Council until military defeat was apparent in 1943.

New Electoral Laws. The Chamber of Deputies in 1924, as has already been explained, contained a solid Fascist majority of carefully selected members. Further modification of the electoral law in 1928, which entrusted to the Grand Council the task of nominating all the candidates for the Chamber in a single national list, converted it into a docile cheering section. In 1938, the Chamber of Deputies was replaced by the Chamber of Fasces and Corporations, the members being delegates from various economic and political organizations. This was a large body and worked chiefly through its committees. The Senate, which continued to exist, remained a body of appointed members as it had been under the Statuto. Because of its composition, it was chiefly an honorary assembly and exerted little influence on government policy.

This concentration of power was enhanced by Mussolini's practice of taking over two or more important ministries himself.

Indeed, at times he came close to being both the head of the Ministry and the Ministry as well.

Centralized Administration. Besides the concentration of authority, there was also a great centralization of power. Italian local government, which had formerly been supervised by prefects in the provinces, was brought under more complete national control by the appointment in every town and village of a *podesta*, responsible to the prefect and to the minister of the interior. Correlated with the tightly organized hierarchy of the party, this meant that the whole country was effectively ruled by the Fascist government in Rome.

The civil service and the courts were staffed with loyal Fascists, since officials who would not give full loyalty to the party lost their positions. The same policy, it should be added, was applied to teachers in the schools. There is insufficient information for an accurate assessment of the qualifications of administrative officials, but the evidence indicates that a party spoils system seriously impaired the quality of government personnel.

The Accord with the Catholic Church, 1929. The political strength of the Fascist movement benefited from the agreement with the Roman Catholic Church which Mussolini was able to conclude in 1929. This Lateran Accord provided for a financial indemnity to the Church, in settlement of its claims which had been pressed since 1871. Vatican City was recognized as an independent sovereign state, and the Pope's authority within the small area was fully guaranteed. At the same time the Vatican agreed that it would remain aloof from the usual questions of national and international foreign policy, confining its activities to the religious and moral sphere. The moot question of education was settled by a compromise, which provided for religious education in schools but left the control of the regular curriculum in the hands of the civil authorities. The vexing question of Church and State, which had long been a problem of Italian politics, was settled in a way which contributed substantially to Mussolini's power and prestige.

THE CORPORATIVE STATE AND SOCIAL POLICY

The essential purpose of Fascist economic policy was to organize the economic activities of the community under the guidance and direction of the state. Fascism was to end the class conflict;

and the authority of the government was to reconcile the interests of all economic groups. The claims of the whole society, expressed by the Fascist party and realized in the action of the state, would enlist the willing cooperation of labor and capital, industry and agriculture, in a national harmony which would make the nation strong and prosperous. This, at least, was the theory, but it included no specific proposals for reconciling the interests of different social groups.

Labor Syndicates. Laborers were organized in Fascist syndicates, which replaced the former trade unions. Pressure by the government and the party broke up the socialist and Catholic unions, but the new syndicates never succeeded in enlisting all the labor force of the nation. An elaborate hierarchy of local and provincial syndicates centered in the national confederations of syndicates existing in each industry or groups of industries. By these means labor was organized in industrial groupings and was consistently denied the opportunity of building a national organization which would express its general interests. The influence of the party permeated all of these organizations, for most of the key positions were held by Fascists.

It must be remembered that most laborers were forced by intimidation and violence to enter the new Fascist syndicates. The free trade unions were disbanded by the power of the state, their leaders were beaten or bribed to cooperate, and the strength of the labor movement in Italy was broken. The new labor syndicates never received representation in the councils of the corporations at all commensurate with their membership. The whole system was weighted heavily in favor of large financial and corporate interests.

Employers' Confederations. Employers were grouped in corresponding syndicates and confederations. The Charter of Labor, promulgated in 1927, envisaged a system of collective labor contracts between employers' and laborers' syndicates, which would regulate wages and working conditions in all industries.

The function of the state was to act as an arbitrator and guide in the relationships of the parallel organizations of capital and labor. A series of corporations, giving representation to the employers' and employees' syndicates and confederations, was set up by the state. These corporations were all represented in the National Council of Corporations, and the government maintained a Minis-

try of Corporations, which directed and supervised all corporate activity. In addition, the state established a system of labor courts, which heard and decided disputes between capital and labor under the terms of the collective-labor contracts.

The essential features of this corporative organization may be indicated by a tabulation, as follows:

Labor	The State	Capital
Employees' syndicates grouped into federations and confederations in industries, agriculture, commerce, and banking.	The Ministry of Corporations. The Council of Corporations. Twenty-two Corporations, containing representatives of labor and capital. The labor courts.	Employers' syndicates grouped into federations and confederations, paralleling corresponding workers' groups.

This tabular statement can be elaborated by naming some of the twenty-two corporations, which were designed to cover a whole cycle of productive enterprise: *grains*, covering all operations from growing of wheat to milling of flour and baking of bread; *textile products*, from growing of silk to manufacturing of all types of yarns and textiles; *metallurgy and machinery*, from mining and smelting of metals to the manufacture of metal products; *tourist and hotel trade*, covering all aspects of the conduct of these enterprises.

To illustrate further, workers in the textile industry through their syndicates and confederations, dealt with the syndicates and corporations of employers in the same industry. Each set of organizations was represented by delegates in the Corporation of Textile Products. So far as possible, disputes between labor and employer organizations were reconciled and adjusted in the corporations, where government and party influence was exerted by the Ministry of Corporations. At the same time, it was possible for the state to approach industries through this machinery and ask for policies which would contribute to the national strength and economic welfare. Particular industrial disputes were subject to arbitration in the labor courts.

State Guidance of the Economy. Theoretically, the guiding hand of the state was thus imposed on the whole range of the na-

tion's economic activity, and at the same time the rights of private ownership and individual initiative were preserved. It was the function of the state to arbitrate between groups and, at the same time, to safeguard the public interest by directing the policies of industry toward the real needs of the community. Strikes and interruption of production were prohibited, on the assumption that adjudication by the state would provide means for protecting the equities of all individuals and groups.

In actual practice, labor was consistently underrepresented in the corporations. And, while the labor courts frequently gave decisions in favor of labor's claims, the economic effect of many rulings was simply to diminish slightly the amount of wage reductions. It is extremely difficult to assess with accuracy the changes in wage levels and standards of living. Money wages were lowered consistently throughout the whole period of Fascist rule; living costs tended upward as the result of policies of economic self-sufficiency, so that the laborers' standard of living was steadily depressed. Since the labor syndicates were dominated by party influences, and the corporative system allowed no effective protest by labor organizations, workers were unable to do more than complain of the hardships.

Probably the most significant aspect of the corporative system was the powerful influence of the state in economic affairs. Financial and foreign-trade policies were directed toward the objective of national self-sufficiency. In many respects what was achieved in Italy was a war economy in peacetime. This result was greatly intensified by the response to sanctions imposed by the League of Nations during the period of the Italo-Ethiopian war, 1935–36. Policies for increasing grain production and for developing essential industries were carried out through the mechanism of the corporations.

The objective of national self-sufficiency imposed hardships on the whole Italian community. The "Battle of the Wheat" increased the cost of bread and spaghetti for all Italian consumers, because it limited the importation of wheat from abroad. Grains of all kinds could be purchased more cheaply on the world market than they could be produced in Italy. The diversion of labor and capital from the production of dairy products, wines, and olive oil, to the production of cereals was a wasteful and costly use of Italy's resources. This was true of a large part of the Fascist economic pro-

gram, and the general effect was to distort the whole economy in order to maintain an artificial self-sufficiency.

Welfare Activities. Besides these economic controls, the Fascist state encouraged various welfare policies. *Dopolavoro*, an organization of laborers sponsored by the party and the state, carried on a variety of leisure-time activities for workers and made vacation trips and recreation available on moderate terms for working men and their families. It also administered a number of social services, such as unemployment benefits, health and accident insurance, and similar programs. While the scale of these benefits was not generous, the workers felt that the Fascist state did have a genuine concern for their welfare.

ITALY AND FASCISMO

The fact of political dictatorship long was obvious in Italy. The Fascist party maintained a monopoly of political activity and through its youth organizations recruited the small disciplined membership which could successfully dominate the state and its people. Violence and intimidation were used unhesitatingly; pageantry and propaganda mobilized popular acquiescence; power was concentrated in the hands of Mussolini and a small group of leaders; and centralized administration made this power effective in all parts of Italy. The seizure of power in 1922 was accomplished by a mixture of force and propaganda, and Socialist and Popular parties were unable to organize successful opposition. Once the state was in the hands of the Fascists, its full power was utilized to make dictatorship effective and permanent.

Fears of Socialist Revolution. The weakness of parliamentary government in Italy opened the way for the establishment of some sort of revolutionary leadership in the years of social and economic distress which followed World War I. In some ways it seems surprising that socialist groups, encouraged by the success of the Bolsheviks in Russia, were unable to win power. Part of the explanation lies in their own divisions into Maximalist and Minimalist wings, part lies in the fact that the Fascist glorification of nationalism, denied to all socialists by the international character of their program, was better suited to the temper of the Italian people after the disappointments of the peace settlements.

Undoubtedly the fear of Bolshevist or socialist revolution brought

funds to the Fascists from large industrial enterprises and enlisted the support of a considerable part of the middle class. Later developments in corporative organization seriously hindered the free play of capitalist enterprise, and the record of wage levels and living standards shows that the laboring classes suffered hardships under Fascist rule. Social policy, while it had some small achievements to its credit, was not liberal or generous. The lot of the average citizen was undoubtedly hard.

Mussolini's preoccupation with colonial empire, and with an aggressive foreign policy, was the most dangerous factor in the Italian situation during the years of fascism, as the final defeat of the German armies on Italian soil in 1945 was abundantly to demonstrate. While the excitement of a few victories in Ethiopia and a few diplomatic triumphs in Europe was probably a source of satisfaction to a number of Italians, the eventual risks of war and the economic hardships of self-sufficiency more than outweighed the doubtful prestige gained in these adventures.

The period of Fascist rule brought hardship and suffering to most Italians. There followed the humiliation of German occupation, and the whole sorry adventure concluded in defeat by Allied armies. Liberty of thought and expression had been sacrificed; political and intellectual leaders had been forced into exile or imprisonment; many people had been beaten, abused, or murdered; living standards had declined, and propaganda had distorted the thinking of the new generation. The boasts of national discipline, the promises of a new Roman empire, the glorification of national feeling—all this culminated in domination by Nazi armies.

An Autopsy on Fascism. One of the research tasks which confronts social scientists and historians is a careful assessment of the twentieth century Fascist dictatorships in Italy and Germany. Now that the record is becoming available—though it is not yet complete in all significant details—a careful analysis should be made. Some of the general aspects of Italian fascism have just been considered, but we should carry the analysis a little further. To the professional political scientist who has lived through the years since 1922, the general phenomenon of twentieth century dictatorship is a matter of more than scholarly interest. It seems both strange and tragic, when the period since the end of World War I is reviewed, that the powerful presumptions in favor of a world made safe for

democracy were not fulfilled. People who saw service in World War I were genuinely hopeful that a better world was likely to come into existence. What actually happened was that the world was not made safe for democracy—it was not even made safe.

A final judgment on the phenomenon cannot yet be made, but an attempt to understand what happened in Italy is of value. Though the Axis has been defeated, the risk of the reappearance of some form of political dictatorship is still present in the twentieth-century world.

The simplest interpretation of Mussolini's success in capturing power is that the Fascist dictatorship was an instance of crisis government. It has already been made clear in preceding chapters that the economic and political situation of Italy after World War I was truly serious. Industry was dislocated; unemployment was widespread; the currency was depreciated and depreciating; and a real conflict between capital and labor existed. All these conditions led to civil disorder, so that neither life nor property was safe enough to give ordinary people any sense of security. In the face of all these problems, the parliamentary government was unable to find effective leadership or to agree upon a decisive course of action.

In a sense, therefore, Mussolini's dramatic bid for power and his promises of a rapid improvement in conditions was simply the organization of an emergency government to meet the crisis. Because the existing government was unable to mobilize united action, many people turned to the unconstitutional and revolutionary leadership of the Fascist party. The generalization can be made that if an existing constitutional government is unable to deal with conditions of genuine distress, people will turn to any unconstitutional one that offers promise of meeting the situation. The United States and Great Britain, confronted with similar problems at a time of depression, were able to organize effective leadership within the constitutional framework. Emergency measures were used in 1931 by the MacDonald-Baldwin national government and in 1933 by President Roosevelt to meet the needs created by unemployment, industrial depression, and social unrest. The policies in 1936 of the Popular Front government led by Léon Blum in France might be put into the same category. Crisis conditions clearly call for action, and if it cannot be delivered by legal means, some illegal or revolutionary method will appeal to people who prefer almost any policy to no policy. The story of the Nazi dictatorship in Germany shows

many points of similarity with the Fascist record in Italy—in both countries, dictatorship was a response to a crisis situation.

Another prominent aspect of fascism has already been suggested when reference was made to the support that Mussolini received from industrial and business interests and from a large part of the middle classes. This support can be regarded as a counterrevolution which anticipated the revolution. While the action of strikers in taking over the northern factories could hardly be regarded as the actual outbreak of social revolution, it was sufficiently similar to alarm property owners and employers. To them Mussolini seemed the appropriate leader to forestall a revolutionary movement from the Left. The Fascist squads had been breaking up socialist meetings and attacking trade-union headquarters. As much of Fascism as was clear—and it must be said that the theory was never clearer than very cloudy—seemed to guarantee the continuance of private property rights and the managerial position of employers. In the long run, the property owners and the industrialists discovered that the Fascist state had no hesitation in restricting their freedom to conduct their business, or in interfering in their affairs to serve what was defined as the national interest. In 1919 and 1921, however, these groups were comparing Mussolini's declarations of future policy with the sweeping changes in economic organization that the Bolshevik leaders were introducing in Russia. Today there is little doubt that the fear of revolutionary action from the extreme Left was greatly exaggerated. National sentiment and the economic position of Italy both combined to reduce the likelihood of such action, to say nothing of the divisions of opinion in the Italian socialist movement.

The effectiveness of revolutionary action from the extreme Right —for fascism cannot be located anywhere else in the political spectrum—was a great surprise to orthodox Marxists. "The Revolution" had always seemed to be a monopoly of the communists or the revolutionary socialists. To be forestalled by a movement willing to make use of violence in defense of a large part of the economic rights of the existing order was not predicted by the Marxian dialectic. The eventual result was a change in socialist and communist tactics and formation of associations of liberal and socialist parties in an effort to preserve the freedoms of political expression and organization which made possible the continuance of agitation for their point of view.

Besides interpreting fascism as a mixture of crisis government and counterrevolution, we need to emphasize one particular aspect of the crisis. Looking at the Italian record, it seems safe to say that economic distress played a very large part in Mussolini's success. This is an aspect of the Fascist capture of power which is worth the most careful attention of all industrialized countries. Widespread unemployment, interruptions of industry, and currency instability produce a potentially revolutionary situation. People who have lost their jobs and their savings and see little prospect of economic security feel that they have little to lose by engaging in any movement which promises action and change. In effect, what happened in Italy was that a clearly recognizable dictator promised to plan and direct the activities of the society in a way that would take care of all its members. Many supporters of the movement had very little idea of how this was to be achieved. In fact, the fumbling and uncertain record of the corporative state suggests that the leaders had not worked out definite economic plans. Nevertheless, the general promise made by the movement was that the interests of the national community would be served and that all loyal members of the community would be assured a secure place in the economic activities of Italy.

When the Fascist record is reviewed, the contrast with France and England stands out. In the latter countries, general economic plans have been at the present time formulated and executed without sacrifice of liberty of discussion and opinion. Nevertheless, the effect of economic distress in producing a situation in which a dictatorship can be established is worth careful consideration by the citizen of every democratic community. Economic prosperity, or at the very least, stability, are important guarantees of the maintenance of political freedom. The great scale of modern industry has diminished the average individual's power to find alternatives for himself when he is in danger of losing his job and livelihood. His government should therefore devote serious attention to the social services which reduce hardship and to the controls which offer promise of maintaining economic activity. Much social experimentation under a democratic form of government is infinitely preferable to any form of totalitarian dictatorship.

There are a number of psychological aspects of the Fascist performance which merit mention. Mussolini's skills—and his complete lack of scruples in using them—were an important factor. He

combined the resources of the actor, the journalist, and the advertising man, all potentially dangerous gifts in a world of mass means of communication. He was able to make use of a specific aspect of the Italian situation, the partially frustrated feeling of nationalism. There is very little more to Fascist theory than the exaltation of the state in all human affairs. The disappointments following the peace settlements and the delayed record of national unification gave an opportunity for a doctrine of glorification of the state to create an atmosphere of adventure, daring, and collective enterprise. The pageantry of the movement was skillfully devised to play on these emotions and to keep excitement at a fever pitch.

All these factors brought Fascism into power and contributed to its maintenance of authority for over twenty years. The continuance of the Fascist regime, however, must be judged in terms of the economic history of its time. The years from 1919 to 1921 were years of postwar economic dislocation throughout the world. Mussolini came into power in October of 1922, and by that time economic conditions had begun to improve. As was later the case with the Nazi dictatorship in Germany, the seizure of power was made when economic depression was severe, and Mussolini's regime was able to take credit for conditions which would have mended under any leadership. Uncritical judgments on his performance at the time gave him credit for mastering the problems; it is closer to the truth to say that a degree of recovery took place in Italy in spite of the autarchic policies of the government. However, Fascism was able to absorb credit for achievements which might have been made by any leadership at the time.

These comments on the Fascist record must not be taken as final. There is still a need for a close survey of the conditions of its establishment, and its achievements while in power. It may be regarded as symptomatic of the political and economic problems which exist in the twentieth-century world. The record after World War II is moderately encouraging compared with the postwar years after 1919. A much more determined effort is being made, through the Marshall Plan and the organization of western European states, to hasten the processes of reconstruction and to stimulate the resumption of economic activity. It is not overstepping the bounds of factual presentation to suggest that funds and effort expended in re-establishing economic health in Italy are not only a means for reducing distress in the period following World War II but may

properly be regarded as a valuable safeguard against the repetition of the dangerous developments which followed World War I. Italy's economic problem cannot be solved by her own efforts alone, and international action which assists in meeting them is likely to pay off in the maintenance of a democratic republic and a better prospect of international peace and security.

READINGS

Much has been written about the Fascist government. The books listed below have been chosen because most of them are brief and compact descriptions, and each makes some assessment of the results of the Fascist experiment. Each offers bibliographies which furnish suggestions for further reading.

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Chapter 18

THE NEW ITALIAN REPUBLIC

PRESIDENT ENRICO DE NICOLA promulgated the constitution of the Italian Republic on December 27, 1947, and it went into effect as the basic law of the republic on January 1, 1948. It was thoroughly discussed by the constituent assembly which had been carrying on the government of Italy as well as framing the constitutional law, and it expressed the determination of the people to try democratic forms of government after their experience under a Fascist dictatorship. Many Italians had clung to the idea of democratic government all through the years of Mussolini's rule, and as soon as the end of the Fascist regime occurred many political parties emerged from underground to declare support for representative institutions.

The situation was analogous to that in France at the time of liberation, though Italian parties did not have the benefit of an organized headquarters such as that of the Free French in North Africa. This lack was quickly supplied by the organization of party headquarters in various parts of Italy, even in territory still under the control of German armies. This prompt appearance of political organizations was one of the most encouraging signs of the Italian revival of public interest in the working of representative government. On the whole, the record since 1943 has fulfilled the promise of the early years, even though the problems of political organization and economic reconstruction have made the initial period difficult for the leaders and the community.

WORLD WAR II AND THE COLLAPSE OF FASCISM

The story begins with Italy's participation in World War II—a curious story because before hostilities ended the Italians had fought on both sides. The Italo-Ethiopian war and the imposition of sanctions by the League of Nations had led Mussolini into association with Hitler's government in Germany. Both dictators

shared the position of having broken with the League, and the formal diplomatic accords of 1936 acquired the now-familiar and notorious name of the Rome-Berlin Axis. The next year this agreement was widened into the Anti-Comintern Pact, which Japan joined. The aggressive military and diplomatic successes of the Spanish civil war and the Munich conversations of 1938 seemed to imply that great gains could be made in prestige and power. Il Duce had need of every advantage he could secure from them, because there were evidences that fascism had begun to lose the glamor it had first possessed.

However profitable the Axis association had been, when England and France declared war on Germany in September 1939, following the German invasion of Poland, Mussolini waited before fulfilling the obligations of the military alliance of the Axis agreement. His hesitations were prompted by the practical reason that Italian strength was impaired by the strains of military and economic action in Ethiopia and Spain. A further reason for waiting lay in his temperament, for despite all the flamboyant language of the dictator, his whole life shows a careful calculation of chances. He preferred to minimize risks and seize the moment which seemed to offer sure advantage. The moment arrived on June 10, 1940 when the success of the German campaign in France opened the prospect of participating in conquests already made by Hitler's armies. Accordingly, an Italian declaration of war was made on England and France; and only two weeks of minimum action by Italian troops secured the maximum advantage of the Italian-French armistice agreement, following the armistice made three days earlier between Germany and France.

Unfortunately for his calculations, which at that time seemed brutally reasonable, the war did not end. Axis Europe became fortress Europe, with severe economic hardship on Italy and involving contingents of Italian soldiers in Hitler's Russian adventures. Eventually Sicily and Italy were designated by Allied strategy as "the soft underbelly of the Axis" and received the first shock of Allied invasion. Even before the Sicily landings began in May 1943, Mussolini had assumed greater and greater powers in the government, taking over the Ministries of Foreign Affairs, Interior, War, Navy, and Air in a reshuffling of his cabinet in February 1943. He was therefore in the position of having publicly assumed almost sole responsibility for Italy's action. When that responsibility led to a

steadily increasing subordination to German military command in all theaters of war, with the additional burden of heavy drafts on Italian labor for German heavy industry, discontent with his choice of policy developed among the high officials of the Fascist party.

The "Forty-Five Days." On July 19, 1943, the last conversation between Mussolini as head of the Italian state and Hitler typified the ruthlessness of the association between the two dictators. Mussolini had gone to this meeting at Feltre with the intention of securing German reinforcements to withstand the successes of the Allied campaign. Hitler instructed him on the necessity of improving defenses, but no mention of Italian needs came into the discussion. On his return to Rome, the Fascist Grand Council met to hear Il Duce's report on the situation. After a long and stormy debate which lasted into the small hours of Sunday July 25, a motion was passed asking the king to take over the command of the armed forces and "the supreme initiative of decision." Mussolini met King Victor Emmanuel that afternoon, handed in his resignation in a brief and embittered discussion, and was amazed to find himself put under protective arrest as he left the interview. The king called Marshal Badoglio to head the government; a Cabinet of little known personalities who were all experienced officials was formed; and the whole Fascist regime seemed to have disappeared overnight.

Although Fascist party organizations were dissolved, corporative institutions abolished, and some anti Fascist leaders placed in responsible positions, the people were disappointed in their hope that the war would immediately end with this change of leadership. This gave a peculiar character to the "Forty five Days" from July 25 to September 8, 1943. The Fascist dictatorship which had brought the war to Italy was ended, but the war continued. By August, six parties (Liberals, Christian Democrats, Labor Democrats, the Action Party, Socialists, and Communists), which were later to act together in a committee of national liberation, had built up underground organizations and were appealing for a termination of hostilities. Badoglio was caught in an intolerable situation. He could not arrange peace until he had assurance of Allied aid, because German forces were in command in a large part of Italy. Finally an armistice was announced by General Eisenhower and Marshal Badoglio on September 8, 1943, and Allied forces landed in Calabria on the same day.

A second and equally curious period of suspense followed, while the slow and painful process of driving German armies northward out of Italy ensued. At the same time, Mussolini, having been released from Italian arrest by German paratroops, proclaimed the Italian Social Republic in northern Italy. He managed to revenge himself on the leaders of the Grand Council who had deposed him in July by having them tried at Verona in January 1944. All who had not escaped into hiding were executed, his son-in-law Count Ciano among them.

Parties and Partisans. Partisan bands, who were ready to risk their lives by aiding the Allies, came into existence in northern Italy in the autumn of 1943 and during 1944 organized local committees of national liberation. Finally a central committee, *Comitato della Liberazione Nazionale per l'Alta Italia* (C.L.N.I.A.), was formed and became the agency for expressing the political hopes of the anti-Fascists. Meanwhile Allied armies advanced slowly toward Rome, and the king and Marshal Badoglio moved the government of Italy to Brindisi, associating themselves completely with the Allies. An Italian declaration of war was made on Germany, October 13, 1943, and Italy was granted the status of a cobelligerent.

The months that followed are similar, in their psychological effect, to the time spent by France on the framing of the Constitution which was finally adopted in October 1946. In both countries uncertainty produced a feeling of frustration among the citizens; delays in action meant that serious problems increased in intensity for lack of policies developed by a government in authoritative position. The debate over "the institutional issue," the future status of the monarchy in Italy, may be compared to the discussion in France over the question of the bicameral or unicameral national assembly. In both countries the delays were unfortunate, for a citizen body that was ready to take up the task of organizing a new government and beginning the work of economic reconstruction was prevented from doing either by the existing circumstances. In Italy the loss of time was inescapable. Nothing could be done while German armies and a neo-Fascist republic were in command of the traditional capital at Rome and the industrial and agricultural resources of the north.

In spite of the dangers created by the Germans and Mussolini's republic, the parties and partisans continued to organize in the

north and risked their lives in resistance operations. This heroism should not be forgotten. Partisan casualties have been estimated at 27,000 killed and 17,000 wounded in combat, while the number killed in reprisals, usually the shooting of hostages, by both the Germans and the Italian Social Republic has been placed at nearly 20,000. How many more went in peril of their lives during these months will probably never be known.

Eventually this partisan courage received its reward. The major offensive of the Allied armies in north Italy began in mid-April 1945. Bologna fell on April 21, and then the advance moved rapidly northward. Partisan bands came into action and participated in the capture of territory. One understandable act of vengeance occurred when Mussolini and his mistress, Clara Petacci, were arrested near Lake Como by a group of partisans and summarily executed. Their bodies were taken to Milan and exposed in the Piazzale Loreto, which had been the scene of one of the mass shooting of hostages. Not long thereafter the war in Europe ended, and the work of organizing Italy as an independent democratic community began under Allied occupation. There were, however, two aspects of this strange period in Italian history which must be noted before the story of Allied occupation and the establishment of the republic can be told.

In the first place, the government for which the partisans were at least formally fighting had a questionable aspect in the eyes of many. The king's position had been deeply compromised during the twenty years of Fascist rule, and Marshal Badoglio's Cabinet in no sense represented the spirit of the Italian republicans, liberals, and socialists. The local committees of liberation, and the national committee when it was finally formed, were determined to set up democratic government. But, in view of history, there was grave doubt that these goals could be realized under a constitutional monarchy headed by the House of Savoy.

A political and diplomatic disadvantage developed from this strange situation. Allied military government first encountered the southern Italians, whose political opinions were by no means so active, or so well directed, as were those of northern Italians. The somewhat contemptuous attitude of many military government officers is attributable in large part to the apathy and poverty they saw in the southern provinces.

Chronologically, the organization of partisan activity by the

northern Italians and the work of Allied Military Government in southern Italy were simultaneous developments. We now turn to the record of occupation, but the student must remember that this story roughly parallels in time the story of the collapse of fascism.

ALLIED OCCUPATION AND CONTROL

After the armistice had been signed on September 8, 1943, an Allied Control Commission was established to enforce its terms. In the summer of 1945, the word *Control* was dropped from its title, in accordance with the general intention of assisting Italy to set up the type of government which was consistent with the aims of the Allies. The policy followed by the Commission, and by local military government units, was directed toward the encouragement of democratic government, the termination of Fascist influence in politics and local government, and the restoration of economic activity. The most urgent needs were the establishment of civil order after the confusion produced by combat operations and the organization of relief for a distressed civilian population.

Teams of American and British civil-affairs officers went into Sicily with the invading troops and often preceded combat units in taking over towns. The first duty of these military government units was to establish order, organize necessary services, and thus give aid to the continued progress of military operations. Once these initial responsibilities were fulfilled, the units took up the more difficult tasks of organizing civil government and restoring economic activity. These stages were repeated on the mainland of Italy and continued until the final surrender of the German armies in northern Italy.

The tasks of the Allied Commission and the Allied Military Government, important and significant as they were, need only be briefly summarized here.[1] Subcommissions took over the supervision of a number of vital tasks: public health, displaced persons, monuments and fine arts, courts and the law, transport, public safety, local government, and performance of other economic and

[1] For a brief and authoritative, but vivid and interesting account, see *Review of Allied Military Government and of the Allied Commission in Italy, July 10, 1942 to May 2, 1945*, Public Relations Branch, Allied Commission. Recently the record has been carefully assessed in Friedrich, Carl J., and Associates, *American Experiences in Military Government in World War II* (New York, 1948), pp. 23–35 and ch. VI.

political functions. A continuous effort was made to encourage Italian initiative in conducting all these essential services. When the king and his prime minister, Marshal Badoglio, moved to Brindisi, the Allied Commission thereafter followed the practice of handing over territory to this government of Italy as rapidly as possible.

A year later the political support of the Badoglio Cabinet was enlarged by the cooperation of various partic , and it was possible to entrust larger territories to the administration of this Ita 'an government. In June 1944 Rome was occupied by Allied armie . King Victor Emmanuel transferred the royal authority to his son, Prince Humbert, as lieutenant general of the realm. Marshal Badoglio resigned, and Ivanoe Bonomi was named premier, heading a coalition Cabinet composed of representatives of the political groups which had been active in a Committee of National Liberation. Election of a national assembly was promised at the earliest practicable date.

Despite the unifying demands of participation in the war as a cobelligerent, the relationships between the various Italian parties were difficult. Divergence of views arose on the monarchy, on programs of social and economic reform, and on the purge of former Fascist officials. Bonomi resigned in November 1944 but was able to reconstitute his Ministry at the invitation of Humbert, the lieutenant general. This Cabinet remained in power till the collapse of the German resistance in northern Italy. The parties which had been associated in a Committee of National Liberation of North Italy then demanded a new leadership, and a Cabinet headed by Ferruccio Parri took office. The Bonomi and Parri Cabinets were unable to claim the support of a popularly elected legislative assembly and were faced with great difficulties in reconciling the position of the various parties.

POLITICAL TRENDS AND RECONSTRUCTION PROBLEMS

The question of the continuance of the monarchy, as we mentioned earlier, became one of the most prominent political issues. As a result, one more Cabinet change occurred before the first national elections were held: the Parri Cabinet resigned at the end of November 1945 and was succeeded by a Ministry headed by Alcide de Gasperi. He was the leader of the Christian Democrats, a moderate reformist party much like the Popular party which had

been led by Don Luigi Sturzo in 1919. This Cabinet, despite the increasing agitation over the monarchy and one or two dramatic episodes staged by young followers of Mussolini, was able to remain in office till the national elections were held on June 2, 1946.

Referendum on the Monarchy. A referendum on the continuance of the monarchy was combined with the elections to the na-

NATIONAL ASSEMBLY ELECTION, JUNE 2, 1946

Party	Popular vote (thousands)	Seats
Left		
Communist	4343	104
Socialist	4745	115
Center		
Action Party	334	7
Christian Democrat	8083	207
Republican	998	23
Right		
Uomo Qualunque (Common Man)	1210	30
National Democratic Union	1559	41
National Freedom Bloc	636	16
Scattering affiliations		
Small parties and independents	1045	13
Totals.	22,953	556

tional assembly. The vote on the monarchy was decidedly but not overwhelmingly in favor of the establishment of a republic, approximately 12.7 million votes for, to 10.7 millions against, a republic. Humbert, who had succeeded to the kingship after his father's formal abdication on May 9, 1946, waited till June 13 before finally leaving Italy. A few riots occurred between monarchist and republican groups before the issue was finally settled by the Court of Cassation's announcement of the final vote on the referendum.

The elections for the national assembly, which was to frame a constitution for the new republic and also serve as a national legislature, showed the predominant strength of a few large parties. This result had been foreshadowed in the municipal elections of March 10, 1946, when the parties which had taken an active part in the movements for national liberation had won majorities in

many communes. The results of the elections[2] for the assembly are shown in the table on page 412.

This summary shows the principal political alignments. The classification of parties into Right, Center, and Left viewpoints is somewhat confused by the importance of the issue of the monarchy. In addition, the disputed territories of Venezia Giulia and Bolzano did not hold elections for the thirteen seats and four seats assigned to each respectively, which would have brought the total number of seats in the assembly up to 573.

Election districts were large, ranging from seven seats in Caserta to thirty-six in the district of Milan. Each party put forward a list of candidates in a district, and there was a national pool of surplus votes cast in each constituency, which in this election accounted for eighty of the seats won. This was not a precise system of proportional representation, but, as the figures show, each party received approximately the share of the assembly which its popular vote justified.

Tasks of the Assembly. The life of the assembly was limited to eight months. During that time it had to draw up a constitution and also to designate and support a government. This latter task was not easy. The assembly met on June 25, 1946, and in the course of the first four days by a large majority elected as provisional president of the Italian Republic, Enrico de Nicola, a former Liberal leader of the old Chamber of Deputies. Alcide de Gasperi, leader of the Christian Democrats, was able to form a Cabinet which combined the three other large parties, Socialists, Communists, and the Republican, with his own. This was, in effect, a continuance of the leadership in power at the time the elections were held, for de Gasperi had been designated premier to succeed Parri in December 1945.

The de Gasperi Cabinet received an overwhelming vote of confidence from the assembly on July 25, 1946. At the same time resolutions were carried instructing the prime minister, who was temporarily acting as minister for foreign affairs, to strive to secure a just peace for Italy. After that time, much of de Gasperi's time was spent at Paris, where he presented the Italian case to the peace conference.

[2] Data taken from *The World Today*, Royal Institute of International Affairs, London (July 1946), vol II, p 311, see also pp 305–13

THE CONSTITUTION OF THE REPUBLIC

Almost exactly a century after its adoption, the *Statuto.* was replaced by the Constitution of 1948. The assembly had worked industriously at preparing the draft; and it is a scholarly document, reflecting the ideas of the many intellectual leaders who had participated in the work of formulating it. Although the problems of reconstruction had pressed upon the attention of its framers, the work of drawing it up was finally complete by December 22, 1947, and it was adopted by a vote of 453 to 62. It was promulgated by President Enrico de Nicola five days later and has been in effect since January 1948.[3] The decline of Communist political strength, which was finally made clear by the elections of April 1948, resulted in a good many modifications of early drafts made in 1946.

Description of the republican government still has to be put largely in terms of the provisions of this Constitution, for not enough time has elapsed for the normal and expected encrustation of usage and precedent which elaborate the bare declarations of the fundamental laws.

Declaration of Principles and Rights. Like many other postwar constitutions, the Italian document opens with general declarations of principle and makes a number of guarantees of social and economic rights as well as affirming the classic political liberties. Article 1 declares that the government is a republic "founded on labor." The next eleven articles guarantee equality of the citizens, protection of linguistic minorities; freedom of worship and of research in cultural and technical fields. Article 11 affirms that the republic will conform to the norms of international law, repudiates war "as an instrument of offensive action against the liberty of other peoples and as a means for the resolution of international controversies," and Article 12 declares in favor of participation in international organizations for the maintenance of peace and justice among nations. These general declarations of principle may be compared to similar affirmations in the French and Japanese postwar constitutions.

The first part is divided into three sections dealing with the rights

[3] The text of the Constitution is given in the Appendix of this book. For an excellent and informed analysis of the constitution, see Einaudi, Mario, "The Constitution of the New Italian Republic," (*The American Political Science Review*, Vol. XLII (August 1948), pp. 661–93.

and duties of citizens, and here again the tendencies of the postwar years are displayed. The first sixteen articles recite the classic civil rights of personal liberty and freedom of thought and expression. The second and third sections reflect the social trends of the twentieth century and are entitled respectively "Ethical-Social Relations" and "Economic Relations." The rights enumerated include the right to work, with appropriate compensation; the right to social insurances; freedom for organization of labor unions, with the right to strike within the limits of regulatory laws; private property rights, with the express limitation that expropriation with compensation is permissible in the public interest, reorganization of agriculture to aid the medium- and small-scale proprietor; and other similar economic assurances. These provisions are much like the rights enumerated in the first French Constitution that failed of adoption in 1946 and are paralleled by the promises of the preamble in the Constitution of the Fourth French Republic. The final section on rights deals with political rights in conventional terms, save for one declaration that taxation shall conform to ability to pay.

These declarations, in other postwar constitutions as well as that of Italy, have the character of promises of social policy. Probably none of them would be enforceable in any specific and practical way, but they have the effect of committing assemblies and ministries to certain defined lines of action. As has been said, these provisions reflect the temper of the time in which these documents were drafted and amount to a declaration that the state which is being established is to be a social-service state, bound to fulfill economic and social responsibilities as well as to guarantee political freedoms. Had communist party strength maintained itself in the movement of public opinion, many of the declarations would have been much more positive and less often qualified by phrases saying that the end is to be achieved within the framework of regulations set up by law.

One other aspect of these general declarations is worth brief notice. Many of them clearly express in their phrasing the intention to sweep away the practices of the Fascist government. The insistence on freedom of political association, the specific limits on legal requirements which must be fulfilled by trade unions, the freedom for research and education—all call to mind the regimentation of the Fascist regime and are clearly intended to operate, so far as a

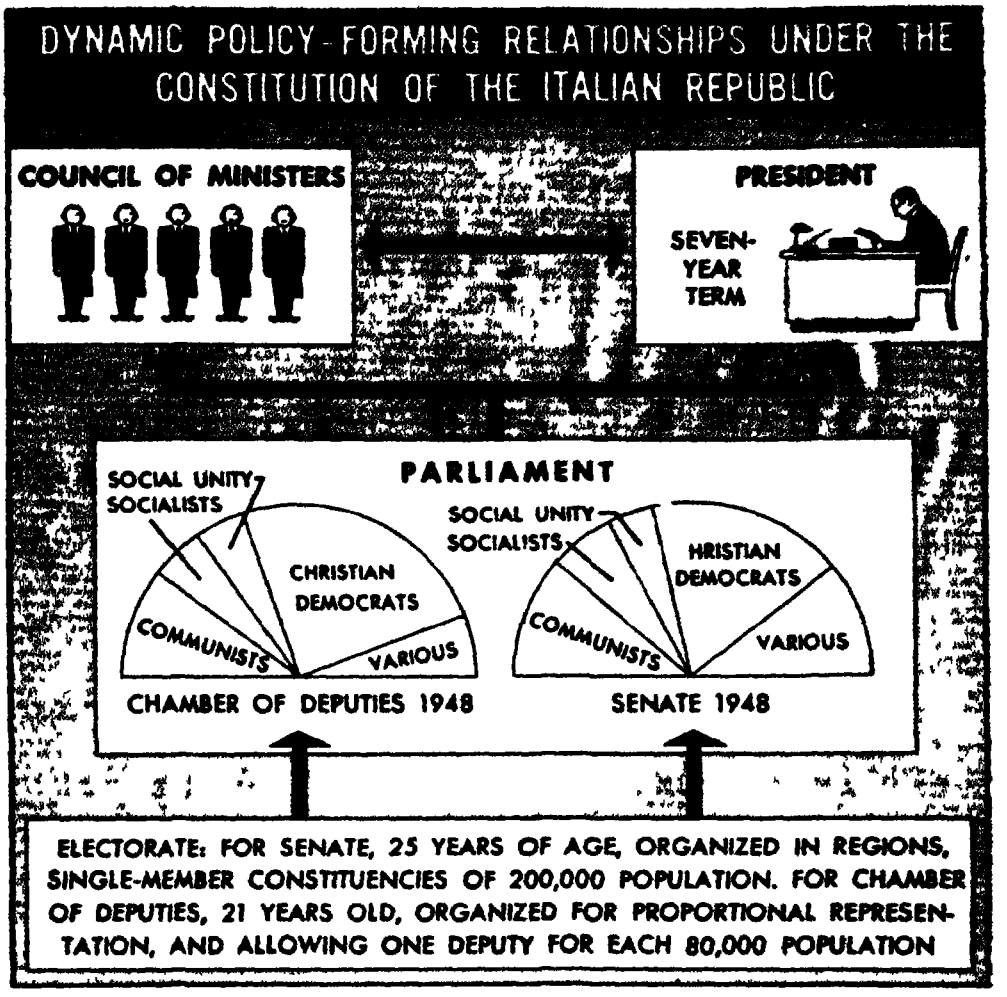
constitutional safeguard can, to prevent the re-establishment of the controls of thought, expression, and organization which Mussolini had imposed. No constitution can survive the effect of a revolution, but whether or not these affirmations can protect the continuance of democracy in Italy, they are encouraging signs of the determination of the present leaders to do their utmost to protect personal and political liberties.

THE FRAMEWORK OF GOVERNMENT

The diagram on the following page outlines the machinery set up by the Constitution. The student should take note of the fact that this is merely an expression of the constitutional provisions and may well undergo changes after there have been more years of practical operation. In general character the government is parliamentary, of the sort which was established by the Statuto and quite closely comparable to the Third and Fourth French Republics. The diagram indicates the essential features, and the Constitution defines them in detail.

The Presidency. The presidency is comparable to the office of president under the Third and Fourth Republics in France. He is elected by the two chambers sitting in joint session, with three delegates from each region added to the meeting. For the first two ballotings a two-thirds majority is required; if a choice has not been made by then, a simple majority suffices on the third ballot and thereafter. President Enrico de Nicola, an experienced political leader, is probably a good representative of the type of man who is likely to be elected. He is widely liked and respected and has no decisive political affiliations or viewpoints. The president bears a responsibility toward the Council of Ministers very like that of the head of the state in other parliamentary governments. He nominates the prime minister, whose formal title is President of the Council of Ministers, and formally nominates the other ministers on the proposal of the prime minister. His choice must be skillful and informed, for ten days after the formal announcement of the Ministry, it must present itself to the chambers and receive a vote of confidence if it is to continue in office.

The president is also authorized to send messages to the chambers of the Parliament, so that it would be possible for him to exercise some influence on the determination of policy. In addition, he possesses a modest veto power. He may refuse to promulgate a law, returning it to the chambers for a new decision, with his



This is a diagrammatic representation of the relationships established under the Constitution. It does not show the possibilities of referenda and initiative which are discussed in the text Sources are those mentioned in the text

reasons for so doing If the chambers hold to their original decision, the president's decision is overridden, and the law must be promulgated. Given the usual parliamentary relationships, however, it seems unlikely that the president would do otherwise than act in accordance with the general lines of policy established by the Council of Ministers. Obviously, these provisions express an intention to make the presidency a somewhat stronger center of political leadership than is the case of the French president or the English king. The Italian president may dissolve either or both of the chambers, after hearing the opinion of their presidents. But the experience of cabinet government in France and England would

make it seem reasonable to predict that he will be more a formal head of the state than a political leader, and the recent holders of the office have confined themselves to that position in the government.

The Ministry. Active political leadership and administrative responsibility has centered in the Ministry. One reason, of course, has been the successful record of Alcide de Gasperi, the leader of the Christian Democrats. He has been able to win and hold the confidence not only of the chambers but of the country as well. The Council of Ministers is closely comparable to other cabinets; its members carry responsibility for the administration of a central government department as well as the duty of participation in formulating government policy. The list of ministries is quite conventional; the description given for French government would come very close to the list of departments in the Italian Ministry of 1948 and 1949. The de Gasperi Ministry of May 22, 1948, contained three deputy prime ministers, two without portfolio and one responsible for the merchant navy; in addition there were two other ministers without portfolio. These arrangements reflect the need of awarding places to members of the right-wing socialists who acted in coalition with the Christian Democrats; they also gave ministerial place to an independent and a liberal.

The Constitution sets up some safeguards against capricious or sudden changes of Ministry, probably based upon recollection of the phenomenon of *transformismo* under the *Statuto*, with the additional motivation of knowledge of French experience. It will be remembered that the Fourth French Republic also has attempted to give greater stability to an existing leadership. Under the present Constitution in Italy a formal motion of want of confidence, signed by at least one tenth of the members of the Chamber of Deputies, is required to initiate such action. Three days must elapse after proposal of the motion before it is discussed. An additional protection for the Ministry is the constitutional provision (Art. 94) that an opposing vote on a government motion does not require the Ministry to resign. The general effect of these provisions, taken together, is to require a deliberate intention on the part of the chambers to withdraw confidence from a leadership, taken after three days of notice and following full discussion, before any government is obligated to resign.

The Parliament. One feature of the Italian constitution which contrasts with that of the French Fourth Republic is the full legislative equality of the two chambers. One basis for this is the method of election of each. Members of the lower house, the Chamber of Deputies, are elected by proportional representation from thirty-one districts, each of which has the right to send about eighteen deputies. National pooling of surplus votes is allowed for any party that is able to return at least one deputy. The regions (to be described on pages 420–23) are the units for the election of Senators, but the actual election occurs in districts, and the result in the 1948 elections was a close correspondence in party strength in the two chambers as the diagram on page 417 shows. It is probable that this will continue to be the case, although the terms of deputies and senators are different, and so long as this situation exists, fundamental agreement between the two can be maintained without serious difficulty. The president may nominate life senators on the basis of distinguished service to the nation, and it is possible that, if this prerogative is freely exercised, a divergence in composition might appear in the two legislative bodies. It should be emphasized that agreement between the two houses extends to the support of the Ministry, so that the practical day to day decisions will require a genuine and continuous agreement in views. Until more time has elapsed, it is impossible to judge how well these arrangements will work out in practice, but if parity of power is maintained between the Chamber and the Senate it will be a novel feature of parliamentary government.

A device, which has often been discussed by scholars and was tried in some of the new constitutions of central Europe after World War I, is employed to create a difference in age between the two legislative chambers. Eligibility for election as a deputy is attained at a citizen's twenty-fifth birthday, and qualification to vote for a deputy at the age of twenty-one. Senators must be at least forty years old, and the right to vote for senators is not reached until the elector is twenty five years old. Since most public men are forty years of age or older, it hardly seems likely that this will create much of a difference in character in the two houses, but conceivably some distinctive characteristics might result.

One other modern device has been incorporated in the framework of government. A bill drafted in the form of articles, and sup-

ported by 50,000 electors, may be initiated by the people, and a referendum may be demanded by 500,000 electors or five regional councils. Referenda are not applicable to tax laws, the budget, laws regulating amnesty or pardon, or the ratification of international treaties. Procedure for both initiative and referendum is to be established by law.

The Constitutional Court. A final novelty of Italian parliamentary government calls for comment. The Constitutional Court, composed of fifteen judges, is authorized to rule on controversies regarding the constitutionality of laws and acts having the force of laws, on conflicts arising from the assignment of powers to the central government and the regions, on conflicts of jurisdiction between regions, and on impeachments of the president or the ministers. The judges are named one third by the president of the republic, one third by the two houses in joint session, and one third by the supreme judicial bodies of the ordinary and administrative hierarchy of courts. Brief mention was made in Chapter 14 of the constitutional committee in the French Fourth Republic which has authority to rule on the compatibility of laws with constitutional provisions. The establishment of this constitutional court in Italy indicates that there is a determined intention to provide some amount of judicial review. Part of the motivation for this certainly arises from experience of Fascist rule, for all through the excesses of Mussolini's dictatorship the *Statuto* technically remained in force. In both France and Italy there is as yet no record to show whether judicial review will be used to limit the legislative powers of the parliament.

REGIONAL ADMINISTRATION

What is probably the most striking novelty in the new Italian republic is the regional plan, a development that already has considerable significance and is likely to grow in importance.

A considerable part of the Constitution (Arts. 114–33) is devoted to defining the status and powers of the regions, and nineteen regions are declared to be constituted.[4] The plan for establish-

[4] An excellent discussion of the history and present practice of the regional system is given in "Regionalism in Italy," *The World Today*, Vol. 5 (February 1949), pp. 81–92. As might be expected, the plan has attracted the attention of French scholars, and Henri Puget analyzes it in "*Le regionaliasme dans la nouvelle Constitution Italienne*," *La Revue Administrative*, 1ère Année, No. 2 (March-April 1948), pp. 77–80.

ing regions is a mixture of two general tendencies. The first is the practical desire of some areas to possess a certain degree of autonomy in the government of their own particular conditions, the leading instances of this being Sicily and Sardinia. The Sicilians have long regarded themselves as somewhat apart from the Italians —and not infrequently the Italians have been ready to agree that they were not quite Italians. At times Sicilian separatism has reached a sentiment of resentment against Rome—it has often been an important constituent of "the problem of the South." Sardinia has also regarded itself as a separate or at least autonomous community. When Allied landings liberated Sicily, the royal government took action, even while it possessed authority only in southern Italy. Marshal Badoglio's Cabinet feared the growth of Sicilian and Sardinian separatism as a risk to the future unity of the country. Royal decree laws were therefore issued for Sicily on January 27, 1944, and for Sardinia on the following March 18. These laws created high commissioners for both areas, empowered to exercise executive functions. A little more than two years later a royal decree law granted a statute conferring a considerable degree of autonomy on Sicily. The result of this sequence of events was to establish Sicily as an autonomous region before the Italian constitution was promulgated. The fundamental laws perforce recognized this action and proceeded to set up regional schemes for other areas. In practice, therefore, it is correct to say that in two instances (Sicily and Sardinia) regions were created before the Constitution established the regional scheme.

The second tendency leading to the creation of regions lay in the history of Italy and its government. The student will recall that Italy was once a cluster of separate principalities, many of which continued to exist as separate states until unification was finally completed in 1871. There has therefore been for a long time a considerable degree of provincial loyalty, supported by genuine differences of history, culture, and tradition. An additional emphasis is given to these communal characteristics in the region of Trentino-Adige, better known to people outside Italy as South Tirol. Nearly 60 percent of the people of Alto Adige (the northern part of the region) are German speaking, although many have moved to Austria under agreements dating back to the time of Hitler and Mussolini and earlier. A similar case is that of the Val d'Aosta, another example of a partially separate community.

This diversity of communities has created in Italy a mild sentiment in favor of federal organization; which was denied fulfillment by the leaders in Italy's unification during the nineteenth century, because they were anxious to achieve a genuinely united Italian nation. Naturally any such hope was suppressed by Mussolini as he labored to create the myth of the grandeur that was Rome by the extreme centralization of *Fascismo*. Federalism was actually discussed, though not very seriously, while the constitution of the Italian Republic was being drafted, and the regional scheme is an approach toward such an arrangement, though it falls short of conferring sovereign powers upon the regional communities.

The powers of the regions extend over a considerable range of local affairs, including policing, public health, technical and professional education, communications, public works, and many aspects of agriculture. The full list is given in Article 117 of the Constitution. These powers are assured practical fulfillment by granting powers of local taxation and promising a quota of the taxes collected by the national government.

The governing authorities are a locally elected council, varying in size with the population of each region. A *giunta* (executive committee) acts in ways comparable to those of a responsible ministry under a president. Central-government control prevents conflict between national and regional policies. A central-government commissioner is appointed for each region and authorized to coordinate central and local administrative action. In addition, he must approve the laws passed by the regional council, and the central government has authority to dissolve regional councils and call new elections in case of outright conflict of policy.

The regional scheme has brought to the Constitutional Court some of the most significant cases which have fallen within its jurisdiction. In January 1948 Sicily had recourse to the court on the question of amendment of the regional statute. The Sicilian government asserted that agreement of its regional council was necessary for any modification of the statute, but the court was unimpressed by the claim. The following June, on a question of conflict of financial policy, the court upheld the power of the Sicilian government in a matter which was not fully covered by the fundamental statute and the provisions of national law. It is obvious that reconciliation of central and regional powers is likely

to bring a number of cases to the court, and as time goes by there will be a continual need for adjustment of jurisdictions.

As has already been said, this is by far the most experimental feature of the republic's Constitution. The development of the scheme seems well worth the close attention of jurists and students of central-local relationships. The increasing power of central governments in the twentieth century state, apparently made inevitable by the large scale of modern industry and economic enterprise, has long been a matter of concern to students of government and often has achieved significance as an issue of practical politics. The regional scheme in Italy is an attempt to find a solution slightly different from the federal type of organization and may well be imitated in countries where unitary organization is appropriate because the community is homogeneous. At the same time it offers a method of recognizing communal differences and of avoiding overload on central government agencies. The problem of central-local relationships in English, French, and Soviet government bear a recognizable similarity to Italian conditions which the regional plan is designed to meet and may possibly solve.

PARTIES AND POLITICS IN THE REPUBLIC

Current Positions. The first elections under the new Constitution were held on April 18 and 19, 1948. The popular vote is hardly comparable to the constituent assembly elections of 1946, so it has been omitted from the table on page 424. But first a few comments on the alignments which appeared in the electorate. The most striking change in distribution of the popular vote was the increase in the Christian Democratic following, which rose from just over 8 millions in 1946 to 12.75 millions in 1948 or, expressed in percentages of the total vote cast, from just over 35 to nearly 49. This increase was achieved principally at the expense of various parties of the moderate Right and liberal Center, for the vote in that sector of opinion fell from almost 5 millions (about 21 percent of the total) to just over 3 millions (only 12 percent of all votes cast). Socialist and Communist strength changed little, each winning close to 5 million votes, amounting for each to over 18 percent of the total. If the vote of all the parties on the Left is combined, it stands at over 9 millions in 1946 and in 1948,

PARLIAMENTARY ELECTION RESULTS, APRIL 18–19, 1948

Party	Seats in Chamber of Deputies	Seats in Senate
Left		
Communists	132	68
Socialists	51	41
Socialist Unity	33	23
Center		
Christian Democrats	306	151
Left Democrats	..	10
Liberals	15	10
Right		
Republicans	10	12
National Monarchist	13	
All other (scattering)	14	29

- It should be noted that in the above tabulation the Liberals are assigned the place nearest Right in the Center. This is probably the best placing of them, but it would be equally accurate to say that they are the closest Center of the parties on the Right.

The figures for "All other" parties includes a wide variety of small groups which might be placed either on the Right or in the Center.

or between 35 and 40 percent of the total vote in each year. But, while it is statistically possible to show the strength of opinion on the Left by combining these figures, it is not politically justifiable because there is a real schism between right-wing and left-wing Socialists and the usual divergences between Socialists and Communists.

Since the elections for the Chamber of Deputies were made under the same system of proportional representation used in 1946, the following tabulation [5] reflects with fair accuracy the distribution of popular voting strength in the country. The Senate election results correspond fairly closely to those for the deputies, but the use of regions as the basis for the election of Senators introduced some variations between the two houses. The student should turn to the diagram on page 417 which graphically expresses the figures that the table shows.

Commentary on the character of these parties can be made in the manner used earlier for French parties; in fact, the Italian

[5] Source for the above tabulation is Mallory, Walter S., ed., *Political Handbook of the World* (New York, 1949), p. 110.

political spectrum is much like that of France. The main divisions of opinion into Left, Center, and Right are much like the corresponding alignments in French politics, and there is a recognizable similarity in attitudes and doctrines. One other general comparison can also be made. In Italy, as in France, the multiple-party situation of the early twentieth century has been considerably modified by the appearance of mass parties which dominate the political scene. These big parties may be called electoral parties in the same sense that the term was used in describing French politics; they maintain national headquarters and a country-wide electoral organization. The patterns of organization which were described for French parties are applicable to the present large Italian parties. National committees or councils are chosen and exercise a directing force on party strategy. National conferences or meetings deliberate on programs and elect the members of these committees, and local committees and regional councils perform the continuous tasks of carrying on propaganda, collecting funds, and mobilizing voters at election times. When this much is said for the general features of party organization, the viewpoints and programs of these groups may be characterized.

The Left—Communists and Socialists of Various Views. The Communist party in Italy is closely comparable to Communist parties elsewhere in the world. It is affiliated with the Cominform, and Palmiro Togliatti, its leader, spent much time in Russia and is familiar with the techniques of party organization in the Soviet Union. Italian Communists, like their French colleagues, are forced to modify the true Marxist-Leninist doctrine in order to fit it to the Italian situation. Industrial labor groups in the north can take the doctrine more or less undiluted, but agricultural workers and tenant farmers are not willing to subscribe in full to a revolutionary collectivist program. Nevertheless, the party has been consistently aggressive, and the figures show that it has had considerable success in enlisting popular support.

The Socialist party is divided by a real schism, which goes back to the division between Maximalists and Minimalists in Italian socialism of pre-Fascist years. The right-wing Socialists, led by Giuseppe Saragat, broke away from the left-wing Socialists, under Pietro Nenni, at the party congress of January 1947. The breach has remained ever since, although efforts have been frequently made during 1948 and 1949 to find some basis for common action

which might unite all socialist groups. The congress of the right-wing socialists held in June 1949 was concerned with this question, but it was further embarrassed by the need to reconcile divisions within its own ranks.

These divisions are reflected in Italian labor organizations, in ways strongly reminiscent of the corresponding situation in France. The *Confederazione Generale Italiana del Lavoro* (C.G.I.L.) lost its Catholic members when they formed the association of Free Italian Workers (L.C.G.I.L.) in August 1948. These divisions in trade-union organization reflect contests between Communists and other groups more than divisions among socialists, but the unity of the labor movement has been seriously injured by these ideological differences.

Besides the two wings of the Socialist party, there is also a small Socialist Unity party which appears in the election table. Given the tendencies toward divergence in the Italian Socialist movement, others are likely to appear from time to time.

The Center—Christian Democrats, Left Democrats, and Liberals. The Christian Democratic party, led by Alcide de Gasperi, has been the strongest party in Italy since the first national election in 1946. It traces a fairly direct line of ancestry back to the Popular Democrats organized after World War I by Luigi Sturzo. Given the strength of the Roman Catholic Church, it is hardly surprising that the party was able to secure nearly half of the votes cast in the election of April 1948. It is not at all inaccurate to compare it with the M.R.P. in France, since it advocates a very similar program. The party supports nationalization and economic planning, and a wide range of social reforms. Like the French M.R.P., it has been able to work successfully with the Socialists, and if Marxian doctrine were not so strongly associated with anti-clericalism, the association between the two parties might be even closer. It has benefited in the last few years from the successful record of the de Gasperi Cabinets and will probably continue to gain strength on the basis of advocating association with western European powers, thus obtaining Marshall-Plan aid for Italy and economic cooperation from other European states.

The Liberals may be assigned a place in the Center at present, though in 1946 they were regarded as a party of the Right. The tendency which draws the party toward the Right is the belief of many of its members in economic liberalism and *laissez faire*. On

social questions it is reformist and progressive in attitude, and this willingness to support social reforms and the social insurances will probably always keep it close to the Center. As the election results for both 1946 and 1948 show, it is able to hold a fair amount of popular support; and it numbers among its leaders a number of distinguished men, notably the philosopher, Benedetto Croce. It can certainly be counted on to defend representative institutions and civil liberties, and it is only in its attitude toward economic planning and nationalization of industries that it has suffered losses in its moderate but stable voting strength. The Left Democrats, who survive only in the Senate since 1948, may be compared to the Liberals in general attitudes.

The Right—Republicans and Monarchists. There is no justification for expending much discussion on Monarchist groups, for their virtual extinction seems as certain in Italy as it has been in France. The "institutional question" produced a political group which has sufficient stability to appear in the 1948 election, and, as the table shows, it was able to return thirteen members to the Chamber of Deputies. It is perhaps premature to predict its eventual disappearance, but now that the prospects for the republic are steadily improving, it is hard to imagine a set of circumstances which would give any real significance to a party under this name.

The solid body of conservative opinion is found in the Republican party, more accurately designated as a group of Republican parties. Just as in French politics, a measure of the shifts of opinion during the twentieth century is the need for conservative groups to call themselves Republicans. In Garibaldi's time the Republicans were the revolutionary radicals, and that time is little more than eighty years ago. The chief unifying viewpoint among conservative groups in Italy is their opposition to economic planning and the extension of the public sector of the economy. Their difficulty in maintaining a popular following for this set of ideas is sufficiently exhibited in the 1948 election figures. One party which was organized in 1945, *Uomo Qualunque* or Common Man, had practically disappeared in 1947 and 1948.

The encouraging aspect of these parties of the Right in Italian politics is that none of them can properly be called reactionary. The social and economic tendencies of the mid-twentieth century have been so decisively in the direction of some form of collectivism, both in Italy and in France, that many nineteenth-century

radicals now have to be classified as conservatives. This naturally leads to moderate conservatism. The election figures for 1948 show that these party groupings have not been able to win many votes.

Leadership and Policies. Liberation began as short a time ago as 1943, and the republic has existed only since 1948. Hence a brief chronology of the Ministries aids in forming a picture of the trends in Italian politics during the postwar years.

ITALIAN MINISTRIES SINCE LIBERATION

July 26, 1943, to June 5, 1944. Ministries headed by Marshal Badoglio, composed chiefly of officials with some addition of party leaders.

June 19, 1944, to June 12, 1945. Two Ministries headed by Ivanoe Bonomi, with representation of the six parties which had participated in the National Committee of Liberation.

June 19 to November 24, 1945. Ministry headed by Ferrucio Parri, representing the same group of parties but giving more representation to northern groups.

December 9, 1945—Present. Ministries headed by Alcide de Gasperi, chiefly made up of Christian Democrats but with cooperation from other parties. Reorganized about six times. The reorganization of May 22, 1948, included 11 Christian Democrats, 2 Independents, 2 Liberals, 1 Republican, and 3 Right-wing socialists. Communists dropped out of these Cabinets in the reorganization of May 24, 1947.

Luigi Einaudi was elected first president of the republic, after the first elections had been held under the new Constitution. He was in his seventies and had a long and distinguished record in Italian politics.

The strength of the Christian Democrats and the effectiveness of de Gasperi's leadership give promise of stability and reform. Much like those already described in France, Italian policies are aimed at reconstruction of the economy, economic planning, and social reform. One of the most difficult of all problems in Italy, dividing up the big estates, in order to satisfy the aspirations of tenant farmers and agricultural laborers, is being attempted in a program announced by the cabinet in April 1949. This is a large order, and a great deal of determination will be needed to carry it through. It is a sample of the reformist intentions of the Christian Democrats and has reduced the effectiveness of Communist demands for revolutionary changes.

The chief obstacles to large-scale social and economic change have been discussed in Chapter 20. Much will depend on how well

the Italian trade balance can be adjusted with the rest of the world, especially the United States, and on the availability of capital to undertake investments in industrial expansion and agricultural improvements. In many ways, however, the future of Italy offers great promise of improvement in economic and social conditions. The stability of moderate political leadership during the past few years encourages optimism among the Italians, however great the problems of the postwar years.

READINGS

Few books have yet been published, dealing with the constitutional and administrative patterns of the Italian republic. The following good recent studies bring the story up to 1947 or 1948:

Grindrod, Muriel, *The New Italy* (Royal Institute of International Affairs, London) 1947. An excellent compact survey, aided by the resources of the Institute.

UNRRA, Italy Mission, *Survey of Italy's Economy in 1947*, by John Gorvin and others (UNRRA Administration, Rome, 1947).

Wiskeman, Elizabeth, *Italy* (London, 1947). In the "World Today" series published by the Oxford University Press.

Current authoritative reporting frequently appears in the following:

The New York Times
The Times, London
Le Monde, Paris
Foreign Affairs, New York
Foreign Policy Reports, Foreign Policy Association, New York
The World Today, Royal Institute of International Affairs, London
The Contemporary Review, London.

In addition to the foregoing, the journals and bibliographical guides listed at the end of Chapter 1 are often valuable for information on the current Italian situation.

GERMANY

Chapter 19

GERMANY FROM EMPIRE TO HITLER

GERMANY'S SITUATION today is so strange and uncertain that it is very difficult to characterize the country and its people. *The German problem*, a phrase frequently employed by journalists, suggests the essential features of the situation as well as any other. Although two republics were set up in the area of prewar Germany during 1949, the future organization of the nation is still in doubt.

The basic factors which lie at the root of these uncertainties have a history which runs well back into the nineteenth century and even earlier. The German nation—it was not really organized into a national state until after 1870—has been the aggressor in two world wars during the course of the last three decades. At the end of World War II, German resources and the potential strength of the German community were a bone of contention in all attempts at a final settlement. Agreement on a policy for Germany has not yet been reached by the occupying powers.

The Germans have always been regarded, by themselves and by others, as participants in the political and cultural tradition of Western Europe. This is certainly true of their cultural contribution to music, art, and literature; but it is not fully true of their political tradition. Much as in the case of Italy, history shows national unification to be a development of the nineteenth century, indeed, of the latter part of that period. The result has been that the German state exhibited an aggressive and self-conscious national sentiment. The break with Western democratic tradition during the Nazi dictatorship is probably explicable by reference to the process of national unification, achieved by the wars of 1866 and 1870. The Germans had a tendency to take themselves and their new national patriotism too seriously. Fichte and Hegel, spokesmen for the na-


NORTH SEA
BALTIC SEA
Kiel
Hamburg
SOVIET ZONE
POMERANIA
Bremen
BRITISH ZONE
BERLIN
UNDER POLISH OCCUPATION
POLAND
NETHERLANDS
GERMANY
BELGIUM
Cologne
Leipzig
Dresden
Breslau
SILESIA
CZECHOSLOVAKIA
Frankfort
Mainz
Wuerzburg
Nuremburg
FRANCE
Munich
AUSTRIA
HUNGARY
SWITZERLAND
Scale of Miles

tion and the state which was built by Bismarck's diplomacy and Von Moltke's army into the German Empire, expressed a passionate feeling that was shared by many of their countrymen. Later in this chapter a brief historical review tells the story in greater detail.

One aspect of the history of the German economy should be emphasized because it is relevant to what has just been said about the intensity of national feeling. As was the case in Japan, to be described in subsequent chapters, a feudal economy was transformed into a modern industrial community in a relatively short time. Moreover, this was achieved under the leadership of a ruling class which occupied a dominant position in the political life of the society. In a word, a ruling group, which derived its authority from social caste, economic possessions, and a privileged political position, encouraged the shift from a handicraft economy to large-scale industry, using the power of the state to accelerate the process. The resulting transformation was very rapid, because full advantage was taken of state subsidies and aid. In addition, deliberate use was made of scientific knowledge and the results of experience in other countries. The development began late in the nineteenth century, because it had to wait upon the changes brought about by political unification. Until the customs barriers and separate currency systems of the many tiny states which made up greater Germany were swept away, the growth of industry and trade was much obstructed.

The story of industrial and commercial development may be summarized by saying that in the mid-nineteenth century Germany was still a cluster of little states, all lacking the industrial plant and transport network which would make them serious competitors with any industrialized nation. Hardly fifty years later the Ruhr valley was one of the world's great centers of heavy industry, German trade extended from Europe to America, the trademark "Made in Germany" was known all over the world, and Great Britain was pressed by German competition in world markets. Population increased and large cities appeared. Because there was a large amount of conscious direction of the whole process, experience of urban conditions in other countries was studied; and before the end of the nineteenth century many regulations of urban living conditions were instituted. The social insurances made their appearance even earlier than in Great Britain, the country in which the Industrial Revolution began.

GERMANY'S ECONOMIC SITUATION TODAY

Any description of the German economy is at present complicated by the fact that Germany is today divided into occupation zones and newly organized republics. The best recent information is reported by the occupation authorities in each zone. A description of the German economic community as it existed before World War II would be based on data which is already more than a decade out of date. The most accurate contemporary picture, therefore, must be assembled from information on each of the four zones.

A census was taken in 1946, and the population of the whole area numbered nearly 66 millions. The combined area of the four occupation zones amounts to approximately 137,181 square miles, substantially less than the 181,630 square miles in the greater Germany of 1939. The three largest occupation zones, administered by the British, American, and Soviet governments, are nearly equal in area and not widely unequal in population. The French zone is less than half as large as any of these three, containing a population of nearly 6 millions. Populations in the other three zones stand at a little more than 22 millions in the territory administered by the British, at just over 17 millions in the American zone, and at almost the same number under Soviet administration.

Zones as Economic Regions. These regions have been made familiar to every newspaper reader since V-E Day in 1945, but their differing characteristics should be recalled. The eastern area under Soviet administration is predominantly agricultural, though it must not be overlooked that there are important industrial areas in the southern parts of the provinces of Saxony and Thuringia and some significant manufactures in the cities on the Baltic. The provinces of Brandenburg and Pomerania, particularly the latter, were formerly areas of large-scale farming. As a whole, the Soviet zone is a food-surplus area and before the war sent large food shipments into the western parts of Germany. The Rhineland and the Ruhr valley, under British and French administrations, contrast sharply with the zone of Soviet control. The whole Rhineland area was formerly one of the great industrial workshops of the world, closely comparable to another industrial "black country," the midlands of Great Britain. The American area of administration is mixed in economic activity, containing both industrial centers and agricultural re-

sources. As these brief descriptions imply, the division of Germany into occupation zones or into two separate republics disrupts the economic relationships which grew up during the latter part of the nineteenth century.

Economic Aspects of "the German Problem." Though it is impossible to pass judgment on the many controversial issues involved, some of the prominent features of Germany's economic situation should be pointed out. Most of them spring from the basic factors which have already been discussed. National unification was accompanied by the building up of a coherent national economy. Industrial areas purchased food from agricultural sections, and a transport network came into existence to serve these needs. The industrial Rhineland became a manufacturing center for all of Europe; and the coal and iron resources of the Ruhr valley acquired a general European importance. The division of Germany into occupation zones, with Soviet policies imposing severe restrictions on interregional trade, created grave difficulties. Western Germany was forced to draw its food supplies from other parts of Europe and from overseas. Moreover, strategic bombing during the war, and the dislocations produced by the uncertainties of settlement after the German surrender, seriously damaged the productivity of industry. Much of the food supplies for western Germany were financed by the British and American governments. The industrial future of the Ruhr valley still remains in doubt, because there is controversy over the extent to which industry should be dismantled in order to reduce war potential.

Though information is limited, it seems clear that economic hardship also exists in the eastern zone. The situation presents extreme difficulties, because agreement has not been achieved among the powers who must draw up the final peace settlement. The creation of two separate republics does not improve matters; until trading and transport relationships are restored, conditions will remain much as they were under separate zones of occupation. The real root of all the problems lies in the fact that during the nineteenth century Germany built up a national state, and a national economy as well. The severing of established relationships after defeat in World War II has produced economic hardships.

In addition to these internal problems, the German economy suffers at present from the same dollar shortage which afflicts all European countries. The general situation to which this phrase re-

fers has been explained earlier in describing the economic position of Great Britain and France. The loss of trading connections, of foreign investment, and of industrial productivity is as serious for the Germans as it is for the French and the English. European industrial and commercial expansion during the nineteenth century, in which Germany shared, produced economic relationships with the rest of the world which were dislocated by World War II. A new equilibrium cannot be reached easily. Readjustment as well as reconstruction must be achieved, and this is particularly difficult in the case of Germany.

Implicit in all this discussion is the significance of the history of the nineteenth century. For Germany, this history exhibits a special characteristic—the rapid pace of change. This speed can be exemplified in the life of one man who had an important share in shaping policies. On June 4, 1941, the former Kaiser, Wilhelm II, died at Doorn in Holland. He had been living in exile since 1918, when the imperial government collapsed on the eve of Germany's submission to the Allies. At the time of his death he was eighty-two years old. In the last year of his life he had seen the armies of the Third Reich occupy Holland, and his death preceded by little more than two weeks the beginning of Hitler's invasion of Russia. Wilhelm's life reflects the political changes which occurred in his country during the twentieth century—he was emperor of the first of three successive governments of the German people, observed the second from exile, and died at the time the third reached the peak of its power in Europe. Germans in their middle forties can recall the days when he was Kaiser Wilhelm II, and any German over twenty has some recollection of the Second Reich, the Weimar Republic. The story of German political and constitutional development is a prerequisite for understanding the present situation and future prospects of the German people.

THE UNIFICATION OF GERMANY

Until the middle of the nineteenth century, Germany, like Italy, was more a "geographical expression" than a nation. The patchwork of medieval free cities and petty kingdoms, further confused by the persistence of the idea and some of the institutions of the Holy Roman Empire, prevented the process of national unification which took place much earlier in France and in England. The Na-

poleonic wars imposed a brief but alien organization upon the many German states. The settlement of Europe at Vienna in 1815 approved the establishment of a German Confederation which provided a minimum basis of association among the cities and principalities.

Dominance of Prussia. One of the German states, Prussia, achieved a considerable place in the affairs of Europe during the eighteenth century under the leadership of able and vigorous monarchs, assisted by capable ministers. Her military strength and economic development made her a likely candidate for dominant influence in the process of unification during the nineteenth century. A customs union, the *Zollverein*, was organized among the northern states in 1834, and the membership of other states was invited. This initial economic tie demonstrated the advantages of associated action. In 1848 liberal sentiment was expressed in revolutionary action in a number of the German states, and the Frankfurt Congress of that year proposed a democratic constitution for a united Germany. The refusal of the king of Prussia to accept a crown limited by constitutional rules defeated this movement, with the result that it remained for Prince Otto von Bismarck, after he became president of the Council of Ministers in Prussia in 1862, to achieve the unification of Germany by "blood and iron."

The story of Bismarck's diplomacy need not be told in detail here. The Austro-Prussian War in 1866 led to the establishment of the North German Federation. The Franco-Prussian War, four years later, aroused national feeling and enhanced the prestige of Prussia. In 1871 the First Reich [1] was proclaimed at Versailles, during the conference which settled the terms of peace with France, and Wilhelm I, grandfather of the late Wilhelm II, was made the first Kaiser.

Centralized Federalism. The new state was a federation, faintly comparable to the United States but differing sharply in the large powers assigned to the central government and in the limited influence of the *Reichstag* (the lower house of the legislature). The emperor continued to be king of Prussia also, and this increased his influence. The real powers of determining policy gravitated into the

[1] Strictly stated it was the Second Reich, the first being the medieval empire. For convenience in this chapter it is referred to as the First Reich, the Weimar Republic is referred to as the Second Reich, and the Nazi State as the Third Reich.

hands of the chancellor who headed the Cabinet, since the legislative body lacked prestige. The broad powers of the federal or imperial government, coupled with the predominant economic and political power of Prussia, gave an autocratic character to the First Reich.

In 1890, two years after Wilhelm II succeeded to the throne, Bismarck resigned—the inability of the two to act in concert being aptly characterized by Tenniel's cartoon in *Punch*, "Dropping the Pilot." The aggressive economic and diplomatic policies pursued by Germany from 1888 to 1914 led to her involvement in World War I. Defeat was followed by political revolution, and the Second Reich, a republican federation, was established in 1919.

Comparison with Italy. The similarities between Italian and German unification invite comment. Both were instances of delayed national unification, compared to other European states. National feeling was stimulated in both communities, but neither Germans nor Italians had experience in the management of representative institutions. The effects of the Industrial Revolution complicated the situation faced by the new governments during the last quarter of the nineteenth century and the first decade of the twentieth. In 1918 the Germans lost the war, and in 1919 the Italians felt that they had lost the peace. Political revolution followed in both countries.

But the differences are as striking as the similarities. Constitutional democracy accompanied unification in Italy, though it failed to operate successfully. Liberalism in Germany yielded to the militaristic nationalism mobilized by Bismarck. Coalition governments in Italy failed to develop decisive policies to meet domestic problems or to make a place for Italy in the diplomatic affairs of Europe. Autocratic government in Germany was admired throughout the world for the efficiency of its civil service, its paternal direction of an expanding economy, and its advantageous manipulation of diplomatic relations. Because of the identification of imperial Germany with the humiliating defeat of World War I, a new democratic government should have succeeded. But imperial Germany had produced a state of mind in its citizens and had created a set of institutions that foreshadowed the eventual failure of democratic ideals.

The maneuvers by which the separate states were finally bound into a formidable nation were directed by the diplomatic skill of

Bismarck and the military genius of Count Karl von Moltke. The power of Prussia under the leadership of a Junker ruling class supplied the energy and resources upon which these strategies relied for success. The ideas which contributed to the doctrine of the dominant state were declared by a group of philosophers and historians, of whom Fichte, Hegel, and Heinrich von Treitschke are among the most famous. It must not be forgotten that until the collapse of 1918 the Reich had a continuous record of success. The steady growth of economic activity, the diplomatic strength which made Germany one of the powerful states of Europe, and the efficiency and competence of the civil service had a powerful effect upon German attitudes of mind. It is easy to understand that many Germans developed a belief in the power of their nation which later could impart conviction to the myth of the "master race" in the twentieth century.[2]

Imperial institutions had done more than create national patriotism and confidence in the state. There was concentration of power in the hands of high officials which tended to persist after 1918. In the days of the Empire, the chancellor and his Cabinet owed responsibility as much to the emperor as to the legislative assemblies, and this conception of the authoritative position of the executive did not give way readily to the idea of parliamentary responsibility. By the same token, the lower house of the imperial legislature (the *Reichstag*) had little experience of real power in directing policy, even though it was a popularly elected assembly. Legislative authority gravitated into the hands of the upper house (the *Reichsrat*), and in that upper house the delegation from Prussia had a preponderant influence. The *Reichsrat* represented state governments rather than communities, and in Prussia the government had an aristocratic character. Finally, the general staff had an intimate connection and influence in the government and continued to exercise a powerful influence on policy. Officials of the higher civil service maintained much the same attitudes of mind that had been ingrained in them during their service of imperial Germany and never accommodated their ideas to the new republic.

The student will be interested by the parallel between German

[2] The intellectual and philosophical influences which contributed to these attitudes have been brilliantly analyzed by a distinguished historian in a volume of penetrating essays. See Gooch, G. P., *Studies in German History* (London, 1949).

and Japanese economic development. In both countries, as will appear later in the account of Japan's emergence as a modern state, political unification and industrial change occurred late in the nineteenth century. In both, the processes of political and economic change were directed by a ruling class which derived its authority from its position in the feudal society which had previously existed. The power of the new national state was used by German and Japanese leadership alike to underwrite and stimulate the creation of large-scale industry and urban society. While the two developments are not precisely comparable, there are striking similarities. In each community, growth of power and influence contributed to an aggressive national spirit which provoked conflict with the other great states of the world. Now, after World War II, Germany and Japan constitute major problems, because their history has made them part of the international community while neither fully participates in the traditions of Western democracy.

Once more comparison with Japan suggests itself. The persistence of institutions and attitudes carried over from the Empire to the Republic, made it difficult to establish the traditions of popular government and parliamentary responsibility. Even in 1919, after the new constitution had been adopted, students of politics and public affairs recognized that many of the omens were unfavorable to the creation of genuinely democratic government in Germany.

THE WEIMAR REPUBLIC

The Second Reich never escaped its legacy as the inheritor of defeat. Loss of territories, the war-guilt clause, and the continuing burden of reparations were unwillingly accepted by it under the terms of the Versailles Treaty. The Empire's record of efficient and decisive government had not prepared the Germans to be loyal to representative institutions, which necessitated endless discussion and compromise.

The Weimar Constitution. The Constitution, framed and adopted by the liberal democrats, social democrats, and parties of the center, provided an elaborate mechanism of representative and responsible government. Much earnest purpose and expert knowledge was applied to the framing of its provisions. The president was elected by the people, to avoid the weakness of the presidential office in the French Third Republic; the lower house of the

Reichstag was chosen by a complex system of proportional representation, which accorded to each political party a share of the seats almost precisely in accord with its popular vote; an economic council, representing the chief industries, agricultural interests, and the financial community, was empowered to offer advice on legislation affecting economic activity. Cabinet responsibility to the *Reichstag* was required, and provisions for referenda on policy were designed to afford opportunity for the electorate's verdict on national policy. In the event of an emergency, special powers were available under Article 48 by which the president, with the countersignature of the chancellor, could issue decrees having the force of law. The *Reichstag* had power to revoke them within six months, but presidential decrees became very nearly the regular method of government after 1930.

The Weimar Republic was an expression of the ideals of liberals and reformers in Germany. It reflected the hope of the time of its framing that the world had been made safe for democracy. It made use of the modern devices of constitutional government: proportional representation, direct legislation by initiative and referendum, the advice of a council representing economic groups. It declared the responsibility of the Cabinet to the representative legislature and still provided for strong leadership by giving real authority to the popularly chosen president. The federal pattern limited the powers of the states, and particularly it curtailed the influence of Prussia. When it was first adopted, Germans had high hopes that stability and prosperity could be achieved under reformist leadership and that their country might soon have a respected place in the councils of European states. Remembering the spirit of this Constitution and the quality of the leadership which took power, no one can easily explain why these hopes failed to materialize.

Failure of the Weimar Republic. An important part of the difficulties arose in the field of foreign policy. Gustav Stresemann, as chancellor and as foreign minister, defined the policy of "fulfillment" which guided the Reich's relations with other states from 1923 to 1929. This required observance of the terms of the Versailles Treaty, in the expectation that eventually Germany would be recognized as a peaceful partner in world affairs. Examples of this observance are the Dawes Plan for reparations and the signing of the Locarno guarantees of the frontiers of Germany and her western neighbors. Germany was admitted to the League of Nations, and

adjustment of her relationships with other powers seemed to be progressing favorably. German national feeling, however, suffered from the continuance of the war-guilt clauses and from the losses of territory, particularly the corridor which separated East Prussia from the rest of Germany. Reparations, even when finally determined by the Young Plan in 1929, had the appearance of a long-term mortgage upon the German economy. Demands for equality of armament, either by the disarmament of other states or the raising of restrictions on the Republic's armament, were fruitless. Adolf Hitler was able to tell excited crowds that Germany was "enslaved" and have an increasing proportion of the people believe him.

Multiple Parties and Coalition Ministries. The system of proportional representation, as was intended, gave expression to the many varieties of public sentiment and made it possible for numerous parties to achieve representation in the *Reichstag*. The result was not unlike the situation in France and in pre-Fascist Italy—there was a succession of coalition ministries, unable to agree upon decisive policies. When the world depression wrecked some of the most important German banks, and the decline of industrial activity produced unemployment figures exceeding 6 millions, Chancellor Bruening was forced to resort to the use of emergency powers in order to carry on the policies of retrenchment and deflation his Cabinet deemed necessary. The various parties tended to become class and interest groups, and the conflict of views between them was irreconcilable. It is not exaggerating the situation to say that democratic procedures were suspended after 1930, under the stress of domestic problems and adverse relationships with other states.

Effects of Inflation. The inflation which followed the end of World War I had inflicted a severe shock upon the social structure. Many middle-class families lost all or a large part of their savings and suffered serious losses of income. A great many of the solid citizens lost confidence in the government and its policies. Fears of social revolution were added to the discouragement which accompanied loss of economic security and opportunity. Trade unions, associated with the Social Democratic party, tried to defend the standard of living of the workers. Big corporations, fearing the possibility of a communist or socialist revolution, looked about for political movements which would support the existing order.

Reichstag Elections. The voting record in the *Reichstag* elections gives some measurement of the effect of this political and

social unrest, for the system of proportional representation accurately mirrored the strength of various parties. It is unnecessary to give the election figures in detail; a summary will suffice. In May 1928 a cluster of moderate parties (including the Social Democrats, the Catholic Christian Socialist, and Bavarian Peoples' parties) and a few liberal and democratic parties received approximately 70 percent of the popular vote and a corresponding share of the seats in the *Reichstag*. In the election of 1932, after a steady decline of strength in the intervening elections, this proportion had dropped to 39 percent. During the same period the Communist party vote rose from less than 12 to a little more than 15 percent, and the National Socialists (Nazis) rose from 4 to 37 percent. This meant that extreme points of view, both of the Left and the Right, increased their voting strength at the expense of the moderate groups of the center. A larger and larger number of Germans were ready for revolutionary action. The only question was: what kind of revolution, brown or red?

THE NAZI REVOLUTION

As early as 1919 Adolf Hitler became member No. 7 of the executive committee of an insignificant political party in Munich, the *Deutsche Arbeiterpartei* (German Labor party). He discovered in himself a rewarding talent—and he had earlier tried many activities without success—the ability to stir the emotions of a crowd. At first the crowds were small, but before the end of the year he was attracting thousands of people to mass meetings conducted by the party, now named the *Nationalsozialistische Deutsche Arbeiterpartei* (National Socialist German Labor party, NSDAP, nicknamed Nazi). The twenty-five points of the program, many of which contradicted others, were formulated by Hitler and Gottfried Feder early in 1920. The story thenceforward was one of continuous agitation, increasing membership, and the organization of a party militia to protect the meetings and to engage in various forms of violence.

The Munich Putsch. In November 1923, in conjunction with General Ludendorff and various dissatisfied veterans' groups, Hitler attempted to capture the city of Munich by violence, with the intention of eventually seizing the state of Bavaria and then of rebelling against the government of the Reich. The failure of this ef-

fort was a mixture of tragedy and comedy, and early the following year Hitler was tried and sentenced to prison. The effect of the trial and the sentence, ironically enough, was to further the Nazi movement. The trial gave him an opportunity to attract the attention of Germans in all parts of the country and to declare his intention of gaining power by legal means. The imprisonment, humanely administered in the fortress of Landsberg am Lech, gave him a needed interval of peace and quiet which he devoted to the writing of *Mein Kampf* (My Battle). This extraordinary autobiography, partly a discussion of political strategy and propaganda, partly a defense of the twenty-five points (and all reading very much like a psychiatrist's case history of a hopeless patient), became a best-seller even before political pressure was applied to its sale.

Nazi Electoral Success. Released from prison after nine months, Hitler resumed his activities. As the situation in Germany grew worse, the Nazi membership increased, and after 1929 it became the second largest party in the *Reichstag*. In 1930 the party began to achieve substantial electoral successes. The intrigues which finally led to Hitler's appointment as chancellor are quickly summarized. President von Hindenburg, after refusing to grant further emergency powers to Bruening, placed in office two successive Cabinets headed respectively by Franz von Papen and General von Schleicher. Neither of these "monocle" Cabinets could claim popular support, nor was either able to deal with a *Reichstag* made unruly by the noisy tactics of the Nazis. Meanwhile Hitler had been able to assure German business leaders that he would defend the state against communist or socialist revolution, and a basis of cooperation was arranged with the conservative Nationalist party led by Dr. Alfred Hugenberg. On January 30, 1933, President von Hindenburg invited Hitler to become chancellor, though in earlier interviews he had stubbornly refused to deal with this upstart leader.

The reasons for Hindenburg's action are still obscure. Hitler was asked in August 1932 to accept the vice chancellorship in von Papen's Cabinet. He refused and, according to the story told by several observers, made a very unfavorable impression on the president. The following January, however, the difficulties encountered by presidential Cabinets which lacked popular and parliamentary support had been fully demonstrated. It is probable that the men around Hindenburg induced him to accept Hitler on the presump-

tion that Hitler and his mass following could be used to strengthen the government without concessions to declared Nazi policy.

Hitler's First Cabinet. Hitler's first Cabinet, much like Mussolini's first Ministry, had few members of his own party. Goering and Frick were given important posts, and the rest of the Cabinet were orthodox conservatives, Nationalists, or men without definite party affiliation. The power of the government was immediately used to disband the Communist party and to suppress its political activities. The *Reichstag* was dissolved February 1, 1933. The night of February 27, the *Reichstag* building was burned. The government accused the Communists of the act; a wave of fear swept over Germany; and decrees were issued to "protect the nation from the Communist menace." On March 5 elections for the new *Reichstag* resulted in a meager Nazi and Nationalist majority, 52 percent of the popular vote and *Reichstag* seats. The Nazis received 44 percent of the total popular vote, the Catholic Center parties 14, the Social Democrats 18.3, and the Communists 12.3. The election was not a free election, though it was conducted in an orderly manner in many districts. The power of the government was used to restrict the agitation of the moderate parties, while intimidation by the Nazi party militia was in no way obstructed in many parts of Germany.

The *Reichstag* assembled on March 21 in the Garrison Church in Potsdam, with the 81 Communist members excluded. Two days later Hitler introduced an enabling act which gave decree powers to the Cabinet. Only the Social Democrats voted against it. Equipped with these powers, Hitler was able to achieve his "legal" revolution. Henceforth, the Fuhrer's words could be given the force of law. Under the leadership of his mystical intuition, Germany entered the Third Reich.

READINGS

Analysis of the record of the Weimar Republic and of party alignments under it are found in the following books:

Brecht, Arnold, *Prelude to Silence: The End of the German Republic* (New York, 1944).

Ermarth, Fritz, *The New Germany: National Socialist Government in Theory and Practice* (Washington, D. C., 1936), Ch. 1.

Halperin, S. W., *Germany Tried Democracy* (New York, 1946).

Kosok, Paul, *Modern Germany* (Chicago, 1933).
Kraus, Herbert, *The Crisis of German Democracy* (Princeton, 1932).
Schuman, F. L., *Germany since 1918* (New York, 1937).
Stolper, Gustav, *German Economy, 1870–1940* (New York, 1940).
Taylor, A. J. P., *The Course of German History* (New York, 1946).

Of the many accounts of the Nazi revolution, the following books are suggested:

Heiden, Konrad (tr. from the German), *History of National Socialism* (London, 1934).
——— (tr. by Ralph Manheim), *Der Fuehrer* (Boston, 1943).
Hitler, Adolf, *Mein Kampf*, ed. by John Chamberlain and others (New York, 1941).
Hoover, C. B., *Germany Enters the Third Reich* (New York, 1933).
Rauschning, Herman, *The Revolution of Nihilism* (New York, 1939).
Roberts, S. H., *The House That Hitler Built* (New York, 1938).
Schuman, F. L., *Nazi Dictatorship*, 2d ed. rev. (New York, 1936), Chs. I–VI.

Chapter 20

THE NAZI NIGHTMARE

THE REASON for reviewing the Nazi record is expressed in a remark frequently heard by American military government personnel in Germany: "Things were better under Hitler." This should not suggest that all Germans believe this, for many have as strong a loathing for the outrages committed during those years as any liberal in any country. No person who lived under Hitler's domination can forget the regimentation imposed on his thought and action during those twelve years or the savagery with which those controls were enforced. Nevertheless, there are many Germans who remember the triumphs with pride, for at their greatest extent the Nazi dominions reached from the Atlantic coast of France and the Low Countries to the banks of the Volga at Stalingrad. The German state was in charge of Europe, and many of its people could not help feeling that they were indeed the "master race." These conquests had been preceded by a series of diplomatic successes which transformed the position of Germany from that of a defeated nation at the close of World War I to a powerful force in world affairs. At the end of this chapter a tentative assessment of Nazism will be made. Just as was the case with Fascismo, the whole story should be carefully studied, for the two dictatorships demonstrated that democracy was not so secure in the twentieth century as many of its advocates believed.

When one looks back from the vantage point of the world after V-E Day, much of the story seems fantastic, and one is reminded of Bernard Shaw's dictum that fact is stranger than fiction, because fiction must confine itself to the range of reasonable probability. While it seems reasonably probable that the phenomenon will not recur, the Nazi record should be attentively surveyed. The conditions that led to the creation of Nazi totalitarianism could reappear, and any citizen of the twentieth-century world should be alert to recognize the dangers in good time, if need should arise.

THE PARTY AND THE PEOPLE

Once the Nazi party was in power, its recruitment of members was comparable to the methods used by the Fascists in Italy. Youth organizations inducted boys and young men into the discipline and inculcated the doctrines; auxiliary organizations for girls and young women carried on similar activities. Adults qualified for membership if their ancestry and their loyalty to the Führer proved acceptable. Purges—the most sensational being the "Blood Purge" of 1934—assured unquestioning obedience to the leadership.

Party Organizations. The Nazi party spread to all of Germany and was systematically organized with characteristic German thoroughness. Cells, the smallest party unit, included four or five blocks in the cities and small communities in the country. From these cells a hierarchy rose through community groups and provincial organizations to the forty-odd party districts. The leader of each district was appointed by Hitler, and the enforcement of the leadership principle brought the whole organization under the direction of a central party Cabinet. This Cabinet was not unlike an army high command, with appropriate divisions for finance, propaganda, women's auxiliaries, and other activities. The two divisions of the militia, storm troops and elite guards, were under the command of high party leaders and owed ultimate allegiance to Hitler. These troops appeared quite early in Nazi history and functioned as a private army under the Führer's direction. The constant threat of force which they conveyed to the nation made them comparable to the Fascist militia. Their shirts were brown while those of the Fascists were black, but their behavior was much the same and their enthusiasm for their duties just as keen.

Party Methods. Full party membership was held by some 6 million people during the heyday of Hitler's power. The way of extending the influence of the ruling elite to the rest of the population combined propaganda, pageantry, economic pressures and inducements, education, and terror. Again the parallel with Italy is obvious. Other political parties in Germany were disbanded within four months after Hitler assumed the chancellorship. The distorted genius of Goebbels made the Ministry of Propaganda and Public Enlightenment a means of regimenting the press, the motion pictures, the radio, the theater, and even night clubs and music halls. Pageantry and parades were used with great skill to whip up a

frenzy of devotion—the rotogravure sections of newspapers during the years following 1930 are worth study to recall to the student the ingenuities of lighting, banners, and massed demonstrations which took place at the annual Nuremberg Congress or at occasional meetings in the Tempelhof airdrome in Berlin. The climax of one of these meetings was carefully arranged: the crowd assembled, bands played, lights flooded the platform crowded with Nazi symbols, and the Führer entered with his trusted aides, guarded by his faithful uniformed troops. Then followed a few speeches, ending with Hitler's feverish harangue, interrupted by thunderous "Sieg heils!" The American student can recognize the familiar techniques of the football rally; only the speech would have baffled him, for it lasted literally for hours.

Racial Doctrines. To this political pageantry was added the myth of race. Jews were persecuted in ways which reached horrible excesses during World War II. They were denied the privileges of membership in the German *Volk* (people, folk, or race). Many Jews lost their property by confiscation; and infinitesimal traces of Jewish blood, inherited from great-grandfathers or more remote relatives, disqualified professional men and civil servants from their occupations and their place in society. To the hardships of loss of livelihood were added the horrors of the concentration camps. Still the opportunity to leave Germany was denied to this oppressed minority.

Terror was employed with calculated brutality to intimidate the whole citizen body. The Gestapo (the secret police), after 1934 under the direction of Heinrich Himler, used methods of espionage, secret arrest, concentration camps, and punishments of extraordinary cruelty. Political activity was monopolized, education and communication completely controlled. By these methods, now notorious, the Nazi leaders galvanized their following, and worked their will upon the German nation.

THE NAZI GOVERNMENT

The structure of the government exhibited the two characteristics of concentration of authority and centralization of power which have been described in the Fascist government of Italy. The Enabling Act of 1933 conferred full decree powers upon the Cabinet. These powers were never relinquished, though they were finally de-

stroyed by defeat. The Cabinet, in which Hitler held a dominant place, exercised powers of legislation and administration. The *Reichstag*, summoned occasionally to hear pronouncements of policy, never debated but always applauded.

End of Federalism. The federal division of powers between the nation and the states was abolished in 1934, and each state was placed under a national administrator (*statthalter*). Through a chain of command, the same control was exerted over the provinces of Prussia and all local districts and municipalities.

Coordination of the Civil Service. This extension of government authority increased the range of activities of the civil service. Germans had long been accustomed to efficient and methodical performance by government officials. Nazi policy toward government personnel was ingenious. The administrative services were purged of nonsympathizers in the first two years after the seizure of power. The Civil Service Acts of 1935 and 1937, while requiring "Aryan" ancestry and loyalty to the Nazi program from every civil official, also maintained a fairly rigorous standard of training and experience for responsible positions. The temper of the administrative staff undoubtedly changed, but the quality of performance was quite well maintained. Since many experienced officials had families to support and pension rights to safeguard, they were forced to accept the situation and give at least formal support to Hitler. Consequently, the service was disrupted less than might have been expected.

Coordination of Courts and Law. The courts and the judiciary were subjected to as rigorous a discipline as the administrative staff. The system of courts rising from district tribunals to the supreme courts of the states was left undisturbed, and the handling of civil cases was not much modified. But criminal trials were substantially altered, in accord with the doctrine that the "tradition and instinct of the *Volk*" should control the principles of law. Judges were summarily removed if they did not conform to this mystical standard. In addition, a hierarchy of People's Courts, using summary procedures, was created to deal with treasonable acts against the new regime. The traditional civil rights, which the Weimar Constitution had made certain and secure, practically disappeared.

Use of Plebiscites. Plebiscites were frequently used, not only to elect the members of the Reichstag by balloting for one national list but also to give the affirmation of the whole citizen body to

general lines of policy such as Germany's withdrawal from the League of Nations and the Disarmament Conference. These occasions were strategically chosen; propaganda was organized on a tremendous scale; and questions were framed to elicit an affirmative vote. Such mass expressions of unanimity, in which the percentages of approval reached extraordinary figures exceeding 98 and 99 percent, were hailed as acts of the *Volk* endorsing the policies of the leadership. While the claim was constantly made by Hitler and Goebbels that this was true democracy as contrasted with the plutocracy of other states, it was in truth an expression of control by emotion and hysteria.

Coordination of Schools. The mobilization of the educational system to produce support for the government in the minds of children and young people was one of the powerful instrumentalities used by the state. Textbooks were rewritten to foster a conception of history, politics, and economics which would accord with Nazi doctrine. Teachers were subjected to Nazi discipline by a professional association, and their race and loyalty were made the subject of careful investigation. Ceremonies placed emphasis upon the swastika and other symbols of the regime.

The schools were used as a reservoir for the recruitment of the Hitler youth. Service in the army, and in the labor battalions on farms and in public works, took a year or more of every young person's life, and offered means of indoctrinating him with the creed of the "New Germany." Even the universities, as was the case in Italy, were subjected to the discipline of totalitarianism. Science was declared to have a racial character; slogans proclaimed that people thought with their blood. Scholars in the fields of anthropology, economics, literature, history, even physical science and mathematics, often resisted the process of intellectual coordination and lost their positions or were placed in concentration camps.

THE STATE OF ESTATES

The organization of the economic life of the community was comparable to the corporative state in Italy, though it was much more elaborate and more efficient in controlling industry, labor, and agriculture. Employers were associated in the Reich Economic Chamber and grouped in divisions of industry, power, banking, insurance, trade, and handicrafts. Chambers of commerce and in-

dustry in every district and province made possible the transmission of policy to every individual enterprise. Each of the divisions maintained a hierarchy which supervised a group of related industries.

The Labor Front. The free trade unions were suppressed, and their funds were seized. In their place a Labor Front organized the workers and their employers (as leaders of the workers) into industrial and territorial associations corresponding to the divisions of the Economic Chamber. Relationships of management and labor were institutionalized with remarkable thoroughness, and courts of "trusted men" performed functions analogous to those of labor courts of the Italian corporative state. The commanding position of the government's agencies, such as the Ministries of Economics, Labor, and Public Works, assured accomplishment of the state's objectives by employers' and employees' organizations.

Welfare Policies. A welfare policy was conducted for workers through a nation-wide organization called Strength through Joy (*Kraft durch Freude*). Its purposes were quite closely comparable to those of the Italian *Dopolavoro*. Educational and recreational programs, permeated with Nazi and "Aryan" doctrine, were sponsored in plants and localities. Holiday trips and vacations were provided by nationally organized facilities; and a considerable part of the social insurances was administered by the workers' organizations. In any case, membership was one of the conditions of eligibility for benefits.

The Food Estate. Agriculture was brought into the Reich Food Estate. The most significant aspect of the Estate's activities was the control of the marketing and processing of agricultural products. Various types of producers' and credit cooperatives (which had existed for a long time before the Nazi capture of power) were brought within the jurisdiction of the general agricultural organization. The power of the Ministry of Agriculture was as great in this field as the authority of the ministries in industry and finance. Determined efforts were made to make Germany self-sufficient in food crops, though this ran contrary to the long history of industrial development. The Land Law of 1933 was designed to guarantee the continuance of ownership of farms by peasant families and contributed to each farmer's acceptance of extensive government control. While this afforded a measure of protection against loss of land through debt, at the same time it resulted in tying the farmer to his land.

Finance and Investment. Great ingenuity was exhibited in the management of currency and finance. Banks, investment houses, and the stock market were controlled in order to provide a flow of investment funds to finance the enterprises of the expanding economy. Foreign trade was closely regulated by elaborate exchange controls, blocked balances, and various types of currency. The ultimate effect of the complicated financial policies was to insulate the German economy from the currents of world trade and to make it possible to control wage levels and price levels, regardless of changes on international markets. Again, the general purpose was to make the nation self-sufficient, so that it could survive isolation in the event of war. It was also possible to pay off debts owed abroad on advantageous terms. A drive for increased foreign trade was carried on, particularly in southeastern Europe, and currency and exchange manipulation contributed powerfully to the extension of trading influences in neighboring states.

Trade policy, like foreign policy, was aggressive. The economy of the state of estates was mobilized for war, even in times of peace. Domestically, the results were successful. Activity expanded, employment increased, and hope replaced pessimism regarding future opportunities. People saw chances for jobs and felt at the same time that welfare policies would give assurance of security to the laborer and the farmer.

One remark should be made concerning the stimulation of economic activity. Hitler had the good fortune to come to power on a rising market. In 1933 the world depression had reached nearly its lowest point. After 1934 the world's foreign trade began to recover, and economic activity revived in every country. Recovery in Germany would probably have been better balanced, and the living standard of the people would have risen more, without the unorthodox methods used by the Nazi leadership. Germans, and many people outside Germany, gave Hitler credit for performing miracles, when what actually occurred was largely the consequence of a reviving economic activity throughout the world.

GERMANY UNDER THE THIRD REICH

Viewed in retrospect, it seems surprising that Hitler and the Nazi party were able to remain in power as long as they did. Without attempting a final judgment, the student may wish to consider

some aspects of the people's attitudes toward the new government.

In the first place, the Third Reich gave satisfaction to national aspirations. World War I had ended in a crushing and humiliating defeat, and the years following seemed to make Germany's situation worse rather than better. Reparations appeared to be the cause of economic depression; diplomatic defeats entailed loss of prestige; resentment of German minorities outside the Reich's boundaries were manipulated by Hitler to stimulate demands for revision of the peace treaties. The nation was apparently caught in a cycle of inaction that produced despair, and despair that produced inaction. Until 1939 Hitler delivered a series of bloodless diplomatic victories by aggressive foreign policies. State control of the economy was accompanied by increased economic activity and increased opportunities for employment. Germany seemed to be winning her proper place in Europe.

Secondly, the state of estates, however much it might impose regimentation upon enterprise, gave to many people the feeling of participation in a tremendous collective effort. Germany was building things: networks of highways, great public edifices, the fortifications of the Siegfried Line. Laborers could get jobs; university graduates obtained professional opportunities; farmers were were guaranteed possession of their land.

To the stimulation of national feeling and the satisfaction of economic activity was added the excitement induced by skillful use of propaganda. The dismal years after defeat were succeeded by times of feverish activity. Life had been dull; suddenly it became exciting.

The price paid by the German people in lowered living standards, shortages of commodities, and regimentation of conduct through terror was ignored by many. The war sacrifices to come were only dimly discerned, if not entirely disregarded, as the Rhineland was reoccupied by German troops, and Austria was brought into Greater Germany. Despite the apparent successes, however, it must be remembered that underground movements continued to oppose the Nazi policies.

An Autopsy on Nazism. The operation already performed on Italian Fascism was revealing of many of the characteristics of Nazism in Germany. It is unnecessary to repeat at length the analysis made in Chapter 17, but the similar aspects in the two

regimes should be emphasized here. There are differences between the two dictatorships which should be noted as well.

Both were the result of crisis, although the German crisis had a different character. Italy was caught in the sharp decline in the world economy which immediately followed the dislocations produced by the end of World War I. Germany, though a defeated nation, had a brief period of artificial and insecure prosperity in the 1920's, as soon as the real miseries of the postwar inflation had been survived. Following the stabilization of the mark, foreign capital was invested in German industry and municipal public works, producing something of a boom in economic activity. The crisis which finally overturned the Weimar Republic was a slow, creeping crisis—the world economic depression which manifested itself in the failure of the Credit Anstalt and others of the great German banks in 1931. Economic activity steadily declined, and unemployment figures rose to tragic dimensions, in excess of 6 millions. Like the hero of Hans Fallada's novel, many people fell into despair, seeing no hope in the future. During this time, the coalition Ministries of the Weimar Republic were unable to initiate decisive policies.

A long period of unemployment in an industrial community produces a social and psychological effect beyond the hardships of loss of savings and the reduced income supplied by relief payments. Stated simply, the unemployed begin to feel that they have lost their membership in society. Holding a job is the token of membership in a community. The man or woman who goes out each morning to a factory, a small workshop, behind the counter of a store, or to an office desk feels a sense of real participation in essential activities. Anyone who has held a job knows that there is much more to it than being on the pay roll, though of course that fact is not without significance. Often there is trade-union affiliation, which diminishes in importance for the unemployed union member, even though membership may continue. There are all the social contacts with fellow workers, the mild excitements of episodes which may occur any day or any week, and the genuine hopes that position or pay may improve. The meanest routine tasks in an industrial society carry with them a sense of having a part in its productive enterprises.

The Germans who were unemployed were not mere industrial

wage earners. As was the case from 1931 to 1933 in the United States, many were engineers, minor business executives, accountants, and members of other professions. The unusual phenomenon appeared of people paying for the privilege of having a job—some of the big chemical and electrical companies collected bonuses from the relatives of promising graduates of the universities and technical schools in return for allowing these young men to work without pay in their organizations for a year or two. Many of the jobless were people of training and ability, and their resentment against a state of affairs which gave them no membership in the community's economic activities was all the more dangerous for the established order.

This discussion of some of the psychological effects of unemployment is not a digression from consideration of the German situation. All of these symptoms were manifest in Germany; and Hitler seized the occasion to lay the blame for them on reparations, the Weimar Republic, and the Jews. While the tensions accumulated, the leaders of the moderate parties sought for moderate and reasonable solutions of Germany's problems. Their achievements were not inconsiderable, but they were not dramatic nor striking. Too many Germans had reached the point where they were seriously confused as to what was happening and were taking refuge in such thoughts as "If it weren't for the war-guilt clause, I'd have a job." Too many Germans, also, felt that sense and reasonableness had been tried without improvement of their situation and were ready to try nonsense. Hitler was there to supply the nonsense.

Besides a general similarity to the Italian situation in crisis conditions and economic distress, there was also fear of social revolution. This was perhaps not quite so groundless a fear in Germany as in Italy, but it should not be forgotten that the Communist party voting strength rose only a little above 15 percent of the vote cast in the many elections. The evidence that the business and financial community were willing to finance the Nazis as defenders of the existing order is more complete in Germany than in Italy; there are the memoirs of Fritz Thyssen and others to establish the facts. Nazism, like Fascism, was counterrevolution in advance of "the revolution." No one can say with finality that a communist revolution would or would not have occurred, though the existing evidence is against the possibility. The political fact behind Nazism is that a section of the industrial and financial community feared

the possibility enough to give substantial financial aid to Hitler as an insurance against the risk. Just as in Italy, they found that instead of purchasing the service of a political servant, they had put themselves under the domination of a master.

Hitler was able to take advantage of frustrated national feeling in the same way that Mussolini had made use of it in Italy. Since Germany had lost the war and the peace, while Italy had only lost the peace, the German grievances were deeper. Looking back at the history of the years between the wars, the tragedy of belated adjustment of the German position seems especially useless and dangerous. Concessions were made too late, when Hitler could claim the credit for them, and each could be regarded as a victory for a totalitarian government.

One characteristic of the Nazi propaganda which hardly appeared at all in Italy was the myth of race and the attack upon the Jews. Mussolini could get along with the legend of Roman imperial grandeur; Hitler went back to the ancient Teutonic gods. Anti-Semitism made brief and fitful appearances in Fascist Italy, chiefly after the Axis association had been cemented. But the attack upon the Jews appears in *Mein Kampf*, long before the Nazi movement had achieved any real political importance, and eventually produced some of the most grisly horrors of the concentration camps.

Both regimes made use of propaganda and violence, but the Nazis were more skillful, more calculating, and more brutal. Terror was developed into a fine art, and torture was refined in horrifying ways. At the same time the pageantry of the movement was arranged with greater skill and employed every device of picture, sound, and communications.

THE RISKS OF FASCISM IN THE FUTURE

The Fascist and Nazi states were destroyed by World War II, but their disappearance should not be taken as a guarantee that there is no risk of the recurrence of fascism in the future. Enough has been said in the analysis of both to show that in a sense fascism is "a state of mind" which has roots in all countries. It might appear again in any of the great industrialized communities of the world. There have been disturbing manifestations of the persistence of fascist ideas in both Germany and Italy; and there are symptoms

in other states of similar movements. Some of the general aspects of the fascist dictatorships should therefore receive attention.

The Fascist Break with Western European Tradition. · One of the most disquieting features of the fascist movement, as it ran its course in both Italy and Germany, is the break with some of the most firmly established tendencies of Western European political and social tradition. To students of politics and government this was both astonishing and alarming.

From the eighteenth century to the twentieth steady progress was made toward the establishment of the democratic constitutional state. This has already been explained in tracing the history of English and French constitutional development. The idea that government policy should accord with the popular will, as expressed in general elections and organized by full freedom of political association, is a steady tendency which runs throughout this whole period. After World War I this method of conducting public affairs spread to a larger and larger number of countries, while at the same time the right of suffrage was extended in nations where constitutional democracy had enjoyed its longest history. The philosophy which justified this right of popular participation was declared in the eighteenth century in England and France, and the nineteenth century is a record of putting the principles into practical form.

Both the Fascist and the Nazi states ran directly counter to this line of development, despite Hitler's and Mussolini's claims that their states were superior to the "plutodemocracies" as expressions of the people's will. What the fascist states demanded of their citizens was obedience to the command of the tightly organized leadership of one dominant party, and all the machinery of plebiscites cannot obscure the fact that the leadership was in charge of the state. The rights of criticism, of freedom of expression, and of organizing any competing political organization were ruthlessly denied. More than this, all sorts of social activities were organized and dominated by the Fascist and Nazi parties: trade unions, professional associations, even cultural and artistic associations. For the real rights of discussion of public policy and the expression of opinion by elections freely held were substituted the empty privileges of marching in parades, or of making the Fascist or Nazi salute while parades passed by. Legislative bodies, if permitted to exist, became mere mechanisms for registering the will of the

dictator and his associates and utterly failed to examine proposals of policy or even to represent the people who had chosen them.

Closely akin to the denial of the rights of democratic, representative government was the denial of the worth of the individual. Valuation of the individual is one of the precious traditions of Western Europe. The ideal may never have been fully realized in any state; but the protection of individual rights, particularly at law, and of individual opportunities in education and economic opportunity had been surrounded with constitutional and legal safeguards of increasing effectiveness. Fascism demanded the complete subordination of the individual to the state, exalting the state to a position of supreme importance. Children were taught to revere the leader and to accept the command of the state without question. Citizens who remembered a period of greater freedom were brutally compelled to obey the party and the state.

Finally, the democratic tradition in Europe placed reliance on the exercise of reason and common sense. The eighteenth-century philosophers who developed the theories of democracy had faith in man's rational faculties. Democracy rests upon the hope that reasonable discussion among the citizens of a community will finally result in an equitable solution of problems, and often in the choice of the wisest and best policy. Like the valuation of the individual, this was an ideal that was never perfectly realized. But the extension of public education, the growth of an uncensored press, and the maintenance of the rights of free expression of views were agencies for the achievement of the ideal, and steady progress was made in these directions.

Both the Fascist and Nazi states substituted government by emotion for this democratic process. The myth of race or the glorification of the nation replaced the open discussion of public policy. The arts of propaganda were continuously and skillfully used to stimulate an uncritical devotion to the state, and common sense gave way to frenzy. The success with which these techniques were employed was a disturbing revelation of how easy it can be to revert to barbarism in human affairs.

The Dangers of Fascism. There are two aspects of fascism, as revealed in the Italian and German records, which stand out above all others. The first is the resort to violence in order to settle problems. It has already been pointed out that both Italian Fascism and German Nazism were counterrevolutionary movements, revolu-

tions to prevent change. In both countries, established interests supported these movements, in order to defend their position in society. Violence was used against socialist parties and against trade unions and the labor movement in general. This conflict of interests is possible in any industrialized community; and the danger of the rise of a fascist state of mind must be regarded as genuine, even in the United States. Once violence is used as a solvent for social conflict, it may run to any length.

The second danger has already been suggested, but its special aspect should be noticed. Appeal to emotion, instead of to common sense, may take a wide variety of forms. Extreme nationalism in Italy, and anti-Semitism in Germany, were used as a means to stimulate excitement and gain support for the movement. Emotion is excited on irrelevant issues and then is channeled into the pageantry of the party. In a similar way, anti-Semitism, racial prejudice, and other emotional responses can be employed in any country to create a movement which is fascist in character, whatever label it may bear.

Active Democracy as a Defense against Fascism. Great Britain, France, and the United States were all able to maintain the fundamental procedures of democracy in the face of economic and social stress comparable to the conditions which led to the rise of the fascist dictatorships in Italy and Germany. This was possible because the tradition of constitutional democracy was firmly entrenched in their history. But there is a further aspect of the British, French, and American record which must be noticed and emphasized.

During the periods of distress which followed World War I, democracy was active in each of these countries. Reforms were undertaken to meet social grievances; policies to meet problems were thoroughly discussed and then embarked upon energetically. This does not imply that the record was perfect, or even satisfactory. It does mean, however, that the democratic constitutional state found means to attack problems actively.

The twentieth century is a period of social and economic change. The safest way to undertake a program of change is by full and free discussion, and to act by peaceful and legal means. The proper safeguard against the emotion and the violence that go with fascism is the determined use of constitutional and legal means to meet and solve difficulties as they arise. There has probably been no

other time when the proverb that declares that eternal vigilance is the price of liberty has had so clear and imminent a meaning.

READINGS

The Nazi state has been discussed in many books. The following all give suggestions for further reading:

READINGS

Ebenstein, William, *The Nazi State* (New York, 1943).
Loewenstein, Karl. *Hitler's Germany*, new ed. (New York, 1940).
Morstein Marx, Fritz, *Government in the Third Reich*, rev. ed. (New York, 1937).
Munk, Frank, *The Legacy of Nazism* (New York 1943).
Pollock, J. K., *The Government of Greater Germany* (New York, 1940).

The following books analyze the economic organization and policies of the Nazi state·

Brady, R. A., *The Spirit and Structure of German Fascism* (New York, 1937).
Nathan, Otto, *The Nazi Economic System* (Durham, N. C., 1944).
Neumann, F. S., *Behemoth: The Structure and Practice of National Socialism* (New York, 1942).
Reveille, Thomas (pseud.), *The Spoil of Europe: The Nazi Technique in Political and Economic Conquest* (New York, 1941).

In addition to the foregoing, most of the books listed at the end of Chapter 19 discuss the organization of the Nazi government and its economic policies.

result that on March 24, 1947, the State Department of the United States released the full text of some of the agreements reached in order to establish the agreed intentions with greater clearness. Some points can hardly be established with finality, for the conversations between the three statesmen ranged over all the aspects of the treatment of Germany.

Military surrender followed in May 1945. On June 5, 1945, the four occupying powers issued a declaration regarding the defeat of Germany and assumed control of the territory, dividing it into the four occupation zones and conferring authority for the administration of affairs upon military government in each area. At the same time the structure of the Control Council and its Coordinating Committee was established, and the boundaries of the four zones defined. Practically, most of these arrangements had already taken shape through the action of the military commanders of the various armies, but this declaration gave a legal basis and a more enduring design to the occupation authorities.

The Potsdam Agreement. Further consultations among the Allies resulted in the publication on August 2, 1945, of the most complete and detailed statement of the objectives of the Allies in Germany. The Potsdam Agreement, in spite of the organization of two republics during 1949, still remains one of the fundamental documents governing the policy of control of reconstruction in Germany. It has become conventional to group the provisions of the agreement under the headings of "the four D's": demilitarization, denazification, democratization, and deindustrialization. This rubric suggests the main outlines of the policy, though naturally it does not set forth its full complications. The general intentions expressed in it are worth brief comment, as a guide to the nature of the specific provisions of this and later agreements.

One of the general statements with which the document begins declares the intention which runs through the four policies already mentioned: [1]

> It is the intention of the Allies that the German people be given the opportunity to prepare for the eventual reconstruction of their life on a democratic and peaceful basis. If their own efforts are steadily directed to this end, it will be possible for them in due course to take their place among the free and peaceful peoples of the world.

[1] *Department of State Bulletin*, August 5, 1945, p. 154.

This general purpose is the guiding principle for the four lines of policy mentioned. The German military establishment, which had survived the defeats of World War I and which had gained in power and prestige during the period of Nazi rule, was to be divested of its power and influence, and its material resources were to be taken from it. This was, of course, an immediate minimum condition which any victor would impose upon the vanquished.

The other three policies embodied long-term objectives and clearly would require a fairly long period of Allied control. Denazification aimed at the complete destruction of the Nazi party and the abolishing of its many affiliated organizations which have been described in the chapter preceding this one. More than this, the whole structure of the Nazi state was to be swept away—its laws discriminating against racial groups, its totalitarian controls of opinion and culture, its machineries of labor discipline and economic controls. It was also designed to punish individuals who had been active in the party and state organization and to preclude the possibility of a revival of the movement.

Democratization comprised a considerable range of objectives. First among them was the restoration of civil and legal equalities, the guarantees for freedom of speech and press and for organization of political parties, and the establishment of a fully representative form of government. Equally important was the encouragement of self-government for local communities and the breaking up of the extreme centralization of the dictatorship. The history of Germany clearly shows that this would be a major undertaking, because the old Empire and even the Weimar Republic had built up a very considerable centralization of authority, which had been greatly increased under Hitler's rule.

Deindustrialization was directed toward two similar but not identical goals. The German industrial plant, as has been pointed out in preceding chapters, was one of the most highly developed in the world. It was, therefore, a powerful weapon of war. Control of its operation and reduction of its potential power in the heavy industries could be expected to diminish Germany's future ability to make war. The Allies were also mindful of the fact that the great cartels and combinations in the management of industry had contributed substantially in money and influence to the success of the Nazi party. Deindustrialization was therefore expected to take the form of breaking up the highly concentrated control of in-

dustry, which was regarded as imperiling the future development of democratic government.

The Potsdam agreement is a much more extensive and detailed document than is conveyed by a summary of its declared purposes under these four headings. It sets forth in some detail a number of political and economic principles which are to serve as guides for action of the occupation authorities in all the zones. The broad intentions embodied in these principles are expressed with substantial completeness in the summary which has just been given. The agreement goes on to say that while no central German government is to be established for the time being, the Control Council is to set up certain essential central administrative departments such as finance, transport, communications, foreign trade and industry, and that these are to act under the direction of the Control Council. So far as possible, Germany was to be treated as an economic unit, and uniformity of conditions was to be achieved, within practicable limits, in all parts of the country.[2]

The Yalta conference, and the practical conditions of victory, divided Germany into four zones of occupation. The accomplishment of the program of reconstruction and political and economic change had to be carried out in four separate territories, with some degree of coordination of activity through the central Control Council in Berlin.

THE STRUCTURE OF ALLIED MILITARY GOVERNMENT

The creation of two republics in 1949, the Federal Republic of Western Germany and the Eastern German Republic, has not made so much difference to the structure of occupation authorities as might be expected. From 1945 to 1949 the government of Germany was carried on in four zones, with the Allied Control Council acting as a coordinating agency. This pattern is now reproduced in a tripartite form, with an Allied High Commission for Germany exercising general powers of supervision over the new federal republic of the western German states. The charter for the High Commission for Germany was signed by the representatives of the

[2] Pollock, J. K., James H. Meisel, and Henry L. Bretton, *Germany under Occupation: Illustrative Materials and Documents*, rev. ed. (Ann Arbor, 1949). This is a very valuable and useful collection of the most important documents, including the new Constitution for the western German Federal Republic, with illuminating editorial and explanatory comment. The text of the Potsdam Agreement is given at pp. 17–23.

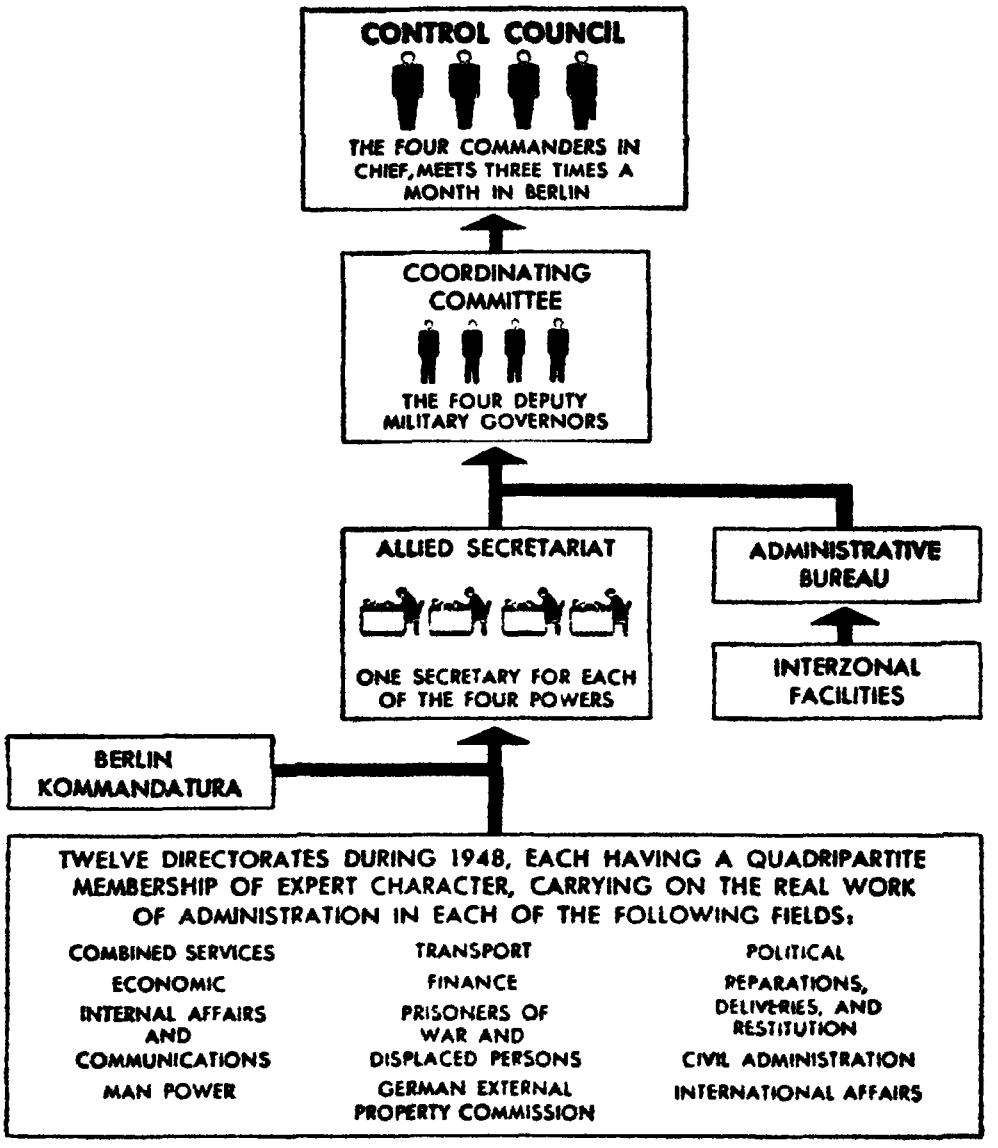
United States, Great Britain, and France at Paris on June 20, 1949. The document clearly reflects experience gained under the former four-power occupation, and the organization is modeled quite closely on the structure that was employed during the preceding four years.

Quadripartite Organization, 1945–49. The record of the first four years of occupation is in many respects crucial for the future development of Germany. The form of Allied organization during this period should therefore be described. The diagram on the following page sketches the principal features of the Allied Control Authority, with its headquarters in Berlin. In fact this diagram is restricted to the quadripartite organization, and some explanation should be given of the limits to what it shows. This is a representation of the coordinating agencies of occupation, so far as reconciliation of policies was achieved. The actual administration of day-to-day affairs in localities was carried on by the military government organization of each power in its respective zone. There is no need to deal with the details of military government in each of the areas administered by the four powers. There was a general chain of command leading up to the headquarters establishment in each zone, and an effort was made to assimilate the pattern of organization to the civilian activities of government in villages and towns, in districts, and in provinces and states. There was, naturally, a good deal of variation from one zone to another, but in main outlines each military government was forced to deal with the usual problems of administering the ordinary business of civilian affairs.

To be complete, therefore, the diagram should show four military governments, with their structure of organization, in relation to these central coordinating authorities. Since some degree of coordination in the activities of military government in each zone is achieved by this four power agency, it is appropriate to restrict the diagram in order to make it simple.

Some comment on the operation of the agencies shown will lend life to the diagram. The real detailed work of analyzing problems and of making recommendations for action was carried on in the twelve (or more, for the number varied according to the problems handled) directorates. The personnel in each directorate was made up of civilian and military personnel with special competence in the subject handled. The quadripartite division was faithfully followed in each unit, and American, British, French, and Russian members of these directorates found it possible successfully to

ALLIED CONTROL AUTHORITY FOR GERMANY



This diagram is approximately correct, although there were occasional modifications from time to time, particularly in the assignment of tasks to the directorates. It should be remembered that the four powers—France, Great Britain, the Soviet Union, and the United States—are all represented at each level, as the diagram indicates. Sources are Friedrich, Carl J., and associates, *American Experiences in Military Government in World War II*, and Mallory, Walter S., ed., *Political Handbook of the World*.

work out solutions to a good many vexing problems. At times, as happened in the last week of May 1948, the whole organization was paralyzed by a complete Soviet withdrawal from all parts of the organization, but on the whole more was achieved than might have been expected under the conditions of conflict of policy that plagued the whole life of the Allied Control Authority.

Sometimes the directorates initiated the study of a problem; more often they worked on an assignment which came to them from the Control Council, or from the Coordinating Committee made up of the four deputy military governors. Final decisions, after the process of study and recommendation which has been summarized, were made by the Control Council composed of the four commanding generals. Each of the generals was naturally bound by instructions from his home government and much the same applied to the Coordinating Committee made up of the seconds in command. Given this system of channels, with communications running from the Control Council to Washington, London, Paris, and Moscow, it is not surprising that delays occurred in reaching decisions. The achievements of the Allied Control Authority in the revision of law, recasting of administration, and organization of some degree of local self-government are all the more impressive when these complications of adjustment are kept in mind.

The Allied Kommandatura for the government of the city of Berlin conformed to the quadripartite pattern. There were military governors for each of the zones of the city, and a subordinate military government organization under the command of each. Committees and sections worked out problems among the zones. As the diagram indicates, there was a close contact between the Kommandatura and the various policy organs of the Allied Control Authority for Germany. Variations in administration from zone to zone in Berlin were in many ways more exasperating than similar variations in Germany as a whole, because the inconveniences were felt at close quarters by the inhabitants of a large city.

THE TREATMENT OF GERMANY—IMPLEMENTATION OF THE PROGRAM

The East-West split between the Allies, which was latent at the time of the Yalta and Potsdam Conferences, developed quickly into a genuine conflict of purposes that obstructed accomplishment

of the proposals for the treatment of Germany. In spite of divergent policies, however, some progress was made from 1945 to 1949. Though any evaluation of achievements must at present be tentative, a review of the record, under the four aspects already stated, reveals much about the present situation.

Demilitarization. All the immediate tasks of disarming Germany, such as the disbanding of the armed forces, the destruction of ammunition depots, and the impounding or destroying of armament and equipment, were accomplished in the early days of occupation by the various Allied armies. More than this was achieved, for the semimilitary formations of the Nazi party were also promptly disbanded at the same time. The early steps in the program of denazification also contributed to this purpose. Most of the leaders were arrested and imprisoned in a relatively short time, and the most dangerous centers of Nazi organization were brought under control. These actions were incidental to military operations, were performed by each army as it entered German territory, and, while the method varied from one area to another, were completed in all essentials before much time elapsed.

The long-term aspects of demilitarization were much more difficult, being involved with the other objectives set at Yalta and Potsdam. The reduction of military potential depends on a policy for restricting the plant devoted to heavy industry, and the establishment of controls over operations. Equally important is the program of denazification, and the establishment of democratic procedures of government. There was a substantial measure of agreement among the four occupying powers that the creation of a democratic community was the best guarantee against the risks of future aggressive action, but there were widely differing views as to the best method of achieving this purpose.

The collapse of government in Germany introduced a complication. There could be no orderly progress from one set of occupation objectives to the next, because invading armies were immediately confronted with the necessity of administering all the affairs of the communities in the areas they entered. This entailed the organization of all sorts of civilian activities. To cite only one example, essential public utilities, such as water supply, had to be restored.[3] Military authorities in every area were therefore required to make

[3] This problem is discussed by Zink, Harold, *American Military Government in Germany* (New York, 1947), Ch. VII.

decisions on a wide range of activities as soon as their troops moved in, with the result that action was taken which affected objectives other than those connected directly with disarmament. Sometimes, the need to get essential services into action had an effect upon the policies of denazification, for it was difficult to find experienced personnel without making use of people who had been connected with the Nazi party or one of its subsidiary organizations. Much the same situation arose with regard to other objectives, the re-establishment of some minimum form of local government had an effect upon the working out of policies of democratization. The Allied formula of unconditional surrender was expected to create situations of this nature, but the full implications of the complete collapse of German government had not been foreseen. Occasionally, decisions taken by military governors, as they strove to deal with complicated situations, had the effect of influencing the future shape of the policies that had been agreed upon for Germany.

Denazification. Closely allied to the immediate necessary steps of disbanding and disarming German troops was the policy of breaking up the Nazi party organizations and of arresting and trying all their members who had a record of active participation. One of the practical difficulties in carrying out this policy has already been suggested. At the time that it was important to break the power of the Nazi party, it was also necessary to find experienced personnel to perform necessary tasks in getting essential governmental services in action. Many former officials had been only formally members of the Nazi party, in order to safeguard their jobs and their pension rights. Administrators in districts and cities were confronted with a difficult dilemma: if they made use of experienced people who had the taint of party connection, they ran the risk of discrediting the whole program of Allied occupation; if they appointed amateurs with blameless pasts, they ran the risk of serious confusion in carrying on the essential tasks of government. As might be expected, the decisions made under these circumstances varied widely. This explains, in part at least, the amount of criticism that has been directed at the program of denazification.[4]

In the American zone, questionnaires (*Fragebogen*) were used to check on connection with the party and affiliated organizations.

[4] For a severely critical analysis of American policy and performance, see Herz, John H., "The Fiasco of Denazification in Germany," *The Political Science Quarterly*, Vol. LXIII (December 1948), pp. 569–94.

This method had both its merits and defects, but the opinion of most observers is that in the beginning a determined effort was made to search out people with criminal records and hold them for trial, and to exclude from responsible positions all persons who had connections with the party that rendered their motives questionable.

While our knowledge of the action taken in the Soviet zone is necessarily incomplete, there is one definite contrast between the policy used there and that employed in the other three zones. Russian policy took the form of encouraging the Germans to take over the task of denazification, conferring responsibility on people who were regarded as trustworthy by the Soviet administrators. At the same time membership in the SED (Socialist Unity party) was encouraged, because of its affinity of viewpoints with the Russian and German communist parties. This difference in methods led to mutual accusations of failure in carrying out denazification: the Soviet government accused American, British, and French authorities of being too lenient with many people of former Nazi affiliation; the Western powers insisted that the Russian methods were equally open to criticism and in any case tending to result in an undesirable political pressure from the opposite direction.

The work of the Control Council was of great importance in clearing away much of the influence of the Nazi government. The laws and proclamations issued during the first two years abolished the elaborate racial and political discriminations which had been imbedded in the laws, restored the rights of freedom of press and expression of opinion, permitted the organization of labor unions and the unrestricted exercise of collective bargaining, and abolished the manifold arbitrary practices in the enforcement of law and the administration of public affairs which had grown up in the years of Hitler's rule. The proclamations and directives issued by the Control Council are impressive in their extent and in the thoroughness with which details of practice are covered. Difficult as the reconciliation of viewpoints among the occupying powers was, the record of achievement in sweeping away the laws and practice of the Nazi government is solid and significant. This was an indispensably necessary operation; the accumulated rules and practices of the dictatorship had to be stricken from the statute book and from the instructions to officials.

All these achievements are substantial, but if traditions and atti-

tudes which often run back to the days before Hitler achieved power are to be altered, genuinely democratic practices must be built up to the point where they can be relied upon to exert real influence upon the conduct of the community. Establishment of a democratic tradition is a very difficult task, even though there is the history of the revolutionary movements of 1848 and the record of the Weimar Republic from 1919 to 1933 to aid in creating the requisite attitudes.

Democratization. Both the Yalta and Potsdam Declarations recognized that the substitution of democratic institutions and practice for the methods of the dictatorship would offer the best means to change the doctrines inculcated during the Nazi dictatorship. The most serious obstacle in the way of achieving this objective was the divergence of views among the occupying powers concerning the eventual form of the central government. The Potsdam Agreement postponed this question, merely stating that for an indefinite interim period there should be no central German government but that certain essential administrative departments should be established. It was impossible to reach any satisfactory basis of cooperation in the Allied Control Council on either a proposed central government, or even on a satisfactory working arrangement for these central departments. The result was that military government authorities in each zone made decisions on how to proceed, and practice in the four zones varied considerably.

Circumstances required that the first steps in setting up institutions of self government should take place in local communities and districts. This resulted in a fair degree of uniformity of practice in all parts of Germany. Nominated local councils, chosen by military government authorities, were established in all communities during 1945. Elections of communal (*Gemeinde*) councils were promised for the earliest practicable date in 1946, and were held as early as January in Hesse and Bavaria in the American zone. City elections had been held in all parts of Germany by October of 1946. Participation in these elections was quite high; between 80 and 90 percent of the qualified electorate cast ballots.

Political parties had already made their appearance before these local elections were held; in fact, their organization was encouraged in all zones before the end of 1945. In the early months of occupation, the Germans were anxious to demonstrate that they were ready to take part in the duties of popular government. They were

impelled by a further motive: party activities and electoral performance gave them an opportunity to express attitudes toward the creation of a central government for their nation. Though this hope was frustrated by the course of events later, in 1945 and 1946 they took advantage of chances to express political beliefs.

Communal and municipal elections were followed by referenda adopting constitutions in the states (*Länder*) of the American and French zones from November 1946 to May 1947. Each of these constitutions set up the fundamental forms of responsible government, and while the framing of them was guided in considerable part by occupation authorities, they express the intention of the people of those areas to adopt representative institutions.[5] These political activities were combined with the publication of newspapers which were subjected to only minimum restrictions on editorial policy by the occupation authorities, and a fairly active political consciousness began to develop.

The methods of Soviet administration showed a difference from those employed in the western areas. More was done in the way of developing central administration, the obvious purpose being to lead the people in eastern Germany in the direction of the establishment of a socialist republic. At the same time pressure was exerted to bring about a fusion of the Social Democratic party with the Communist party. The fusian was finally effected in April 1946, and the formal ceremonies of the union of the two took place in Berlin. Despite this political success, viewed from the Soviet standpoint, the SED (Socialist Unity party) managed to poll barely half the votes cast in municipal elections in Leipzig and Dresden and other cities of the eastern zone in September 1946. A month later similar results were recorded in the Berlin elections.

The parties which made their appearance before these elections, and which conducted active campaigning in all parts of Germany, bore a strong family resemblance to the parties which had existed in the Weimar Republic. Reading from Left to Right in political viewpoints, the chief political groups were the SED (Communists and some left-wing socialists, particularly in the Russian zone), the Social Democrats (a moderate socialist party comparable to the

[5] Useful synopses of the constitutions adopted in the American zone are given in Pollock, Meisel, and Bretton, *op cit.*, pp. 128–41, and in Pollock, J. K., ed., Change and Crisis in European Governments (New York, 1947) Appendix I.

SFIO in France or even the Labour party in England), the Christian Democratic Union (CDU, a Catholic centrist party comparable to the MRP in France), the Liberal Democrats (a moderately conservative party committed to maintenance of *laissez faire* and free enterprise so far as conditions would permit), and various groups expressing local and provincial sentiment in all areas. Considering the fact that none of these parties could propose any significant national program as long as Germany was divided into four occupation zones, the amount of political activity shown was fairly encouraging.

Deindustrialization. This aspect of occupation policy presented problems of extreme difficulty. The mere division of Germany into eastern and western areas, with Soviet policies imposing severe restrictions on interzonal trade, was enough to make it almost impossible to take effective steps to alter the economic pattern of the country. The coupling of the question of reparations with plans for reducing industrial war potential made every discussion more difficult.

The Soviet administration in the eastern zone embarked upon decisive action very early after occupation was completed. Trading relationships between the eastern agricultural area and the western industrial community were strictly controlled, and very little exchange of commodities was permitted. The industrial plants which existed in parts of the eastern areas of Germany were dismantled to a very considerable extent, and machinery was moved to Russia as reparations in kind. Restrictions on information regarding these policies still make it impossible to calculate with any precision how far these policies went, but operations of considerable magnitude were completed.

At the same time, an active agrarian policy of breaking up the large estates was pursued, and the organization of collective farms was encouraged. These Soviet policies interlocked with the encouragement given to Communist parties, and the Russian zone took on much of the character of a communist society. Many of these policies had been envisaged in the Yalta and Potsdam Agreements, but the independent action of the Soviet administration became the subject of controversy in the Control Council.

In the western areas there was considerable controversy over the principles and the practice of dealing with heavy industry, and particularly with its cartel form of organization. The record of support

on the part of the industrial and business groups of the Nazi party lent urgency to proposals to modify in fundamental ways the structure of industrial organization and management. One of the earliest proposals for dealing with the German economy was the Morgenthau plan, which was presented to President Roosevelt in 1944 by his Secretary of the Treasury.[6] This plan has been the subject of heated discussion, for it made drastic proposals for converting the western part of Germany into a predominantly agricultural community. Many students of the economic history of Germany and of the place of German industry in the European economy felt that such a suggestion was impracticable. How much influence the plan exerted on American policy is not measurable, but it certainly had a considerable effect upon the formulation of early proposals for deindustrialization. It is not too much to say that there was genuine divergence of views among American authorities concerning the extent to which German industrial potential should be reduced.

French and British views were not entirely reconcilable with each other or with American purposes. French leaders, fearful of the possibility that another German war machine might come into existence, wanted severe plans of deindustrialization or strict and careful international control. The British viewpoint was more lenient, and perhaps might be described as more realistic. They wanted restoration of Germany's productive capacity, and they relied on plans for the socialization of heavy industry to prevent future use of it for warlike purposes. The "dismantling issue" is still a live one and has been under active discussion during 1949, particularly after the establishment of two republics.

The East-West split further exacerbated the discussion of this subject, and the implementation of the Marshall Plan during 1948 and 1949 further complicated discussion. The importance of the German industrial area was more and more clearly recognized during 1949, and it is not too much to say that the objective of deindustrialization gradually changed to reindustrialization.

Treatment of Germany: Summary. This review of the chief aspects of the four-power occupation has necessarily been brief and tentative. The record is extremely complicated, and it is still too

[6] Secretary Morgenthau's own account of the formulation of this plan is available in Henry Morgenthau, Jr., *Germany Is Our Problem* (New York, 1945), especially the preface, and in "Postwar Treatment of Germany," *The Annals of the American Academy of Political and Social Science*, Vol. 246 (July 1946), pp. 125–29.

soon to make any final evaluation. Broadly and generally, it is possible to say that the initial steps of demilitarizing the nation were effectively accomplished and that most of the institutions and practices of the Nazi dictatorship were swept away. The most dangerous of the leaders and organizations which had grown up under the leadership were removed from active organized influence. Many democratic procedures were begun, particularly in localities, and political parties made their appearance. Economic reconstruction made some progress, and some changes were imposed upon the structure and organization of industry.

There has been constant reference during this review of the years from 1945 to 1949 to the conflict of viewpoints concerning the establishment of a central government for Germany. Until a final settlement is made of the form of government for the whole community, the answer to "the German problem" must remain in suspense. It is necessary, therefore, to tell the story of the pull and haul among the occupying powers and to assess the forces which have led to the establishment of two republics.

SEARCH FOR A CENTRAL GOVERNMENT, AND THE "COLD WAR" AMONG THE OCCUPYING POWERS

It cannot be repeated too often that one of the world's great industrial areas lies within the German boundaries. The industrial potential of the Rhineland and the Ruhr valley has a great importance for the economy of Europe as a whole; for many years this region has been an important supplier of the products of heavy industry to other European states. Many European communities depend upon it for coal, iron, and steel and for the chemical and electrical equipment of modern industry. Control of this area has been an important part of Germany's economic and political influence in the world since the last quarter of the nineteenth century; and control of this area at present would be of equal importance to any European state.

These industrial resources have made it possible for the German nation to wage two world wars which inflicted grave injuries on her neighbors and spread the destruction of war to the whole interdependent world of the twentieth century. The danger that these resources might be used again for such a purpose imparts one genuinely unifying aim to the association of the four occupying powers.

All are willing to expend effort and funds in trying to create a Germany which will not be a risk to world peace, but even this agreed purpose could be realized in a number of different ways. The United Nations were united during wartime by the peril of German aggression, but a prostrate nation has become a bone of contention among them.

To make matters worse, a diplomatic contest has developed between the Soviet Union and the Western states, and the German resources are an important stake in the game. Some of the aspects of the situation should be briefly stated, though it must be remembered that a certain amount of speculation has to enter into the process of reckoning the objectives and purposes of nations. Two alignments of powers exist: the Soviet Union and its satellite states in Eastern Europe, and the western European states with the United States willing to act with them. This "cold war," as the journalists call it, has constantly confused and complicated the development of occupation policies in Germany. Each group of powers has clung to certain strategic advantages, some real and some imagined, which have resulted from their position in Germany.

Soviet Economic and Strategic Advantages. The Soviet Union occupies the eastern provinces and states of Germany. Moreover, a considerable part of this eastern area is now under the administration of Poland, one of the satellite states in the Soviet sphere of influence. As has already been explained in Chapter 19, this is an agricultural area which produces a food surplus. An east-west trade existed in prewar Germany, the agricultural surplus in the eastern area being exchanged for the products of the western industrial communities. By restricting this trade and by limiting communication and transportation, the Soviet Union can impose heavy economic hardships on the zones of British, American, and French occupation. Taxpayers in each of these countries have had to bear a considerable part of the burden of financing at least a minimum food ration for the people of the Rhineland and the Ruhr.

Besides this economic advantage, the city of Berlin lies within the Soviet occupation zone. It is the traditional capital of Germany, and under quadripartite administration has been the central headquarters of the Allied Control Authority. It is hard to imagine any unified government of a new Germany with its capital city located elsewhere. The Soviet blockade of Berlin by the restriction of land communication, and the air lift organized by the United

States and Great Britain as a countermeasure, were dramatic illustrations of how strategic resources could be utilized by each side. The blockade began in late June 1948 and was not lifted until the middle of May 1949. That both sides were willing to hang on so grimly for very nearly a year is a token of how deeply seated are the mutual suspicions between them.

Western Economic and Strategic Advantage. However costly it may be to maintain food supplies in the western zones, the British, American, and French administrations have the economic advantage of administrative control of the great industrial area of Germany. The Soviet Union's greatest immediate need, both for strategic security and economic development, is to build up industrial equipment and plant. Ready access, on favorable terms, to the industrial plant of western Germany would be of great advantage in reconstructing Soviet industry damaged by wartime destruction and in expanding industrial development in all the ways projected by the five-year plans. In prewar years much of the electrical machinery and plant equipment for Soviet industry was obtained from Germany. The Western powers possess an economic advantage which can be used for bargaining purposes in determining the policies to be applied to occupied Germany.

Twelve months of the air lift demonstrated the other obvious advantages possessed by Great Britain and the United States, with participation in a less degree by France. The Western powers are the great industrialized communities of the world. Confronted by the blockade of surface transport into Berlin, they moved in by air sufficient amounts of so heavy a commodity as coal, as well as other supplies, to keep in operation a minimum amount of the electrical plant of their part of the city. The air lift was an extremely costly and difficult operation, but it demonstrated the great resources of the Western powers. They are not only in control of the Rhineland and the Ruhr in Germany, they possess the greatest industrial resources of the world outside of the German boundaries.

Real and Imagined Conflict—Soviet Views and Policies. These strategic and economic resources could be much more properly used, of course, as a basis of cooperative action by the four occupying powers than as leverages of advantage. The conflict between the two groups originates in factors which are partly real and partly imaginary—and it is very difficult to say where reality leaves off and fantasy begins. The attitudes of each side can be stated with some

assurance, and since the present situation in Germany is not intelligible unless the conflict is interpreted, the motives and suspicions which influence action must be summarized.

The student, when reviewing Soviet Russia, will understand that the Soviet leadership relies on the Marxist-Leninist dialectic to interpret the drift of world affairs and bases policy upon that analysis. According to this interpretation of history, the inevitability of "the revolution" makes it practically certain that in the long run the capitalist communities will make war upon the socialist community. Some of the history since World War I can be plausibly interpreted to support this viewpoint: the *cordon sanitaire* which encircled the new Bolshevik state until 1922, or even later, depending on how the history is read; the Munich agreement of 1938, when the Soviet Union was not admitted to the conversations; even the long delay in establishing the western front in World War II, while the Soviet Union bore the brunt of Hitler's invasion of its richest farming territories and best industrial areas. To employ a colloquial phrase, the leaders of the Soviet Union are constantly haunted by the fear that the capitalist states "may gang up on them." Whatever the citizens of the democratic nations may think of this reading of history since World War I, there is little doubt that it is relied on by the leaders in charge of Soviet policy.[7]

To meet this risk the policy of the Soviet leaders has been to make every effort to protect their own state, in which they believe socialism has been realized. Two necessities are clearly recognized. The first is to protect "socialism in one country" by associating with the Soviet Union a group of satellite states in Eastern Europe, including Germany in this protective zone if possible, and eastern Germany if it is not possible to bring all of Germany within the orbit of Soviet influence. A similar operation is carried on through the Cominform, which associates all Communist parties in the European states with a similar purpose of furthering the protection of the one socialist state in the world at the same time that the possibility of communist revolution is aided. Marxist-Leninist doctrine envisages a future world of communist states, in which war will be impossible because of the complete agreement of purpose among them. But until that time the Soviet Union must be pro-

[7] For an authoritative statement of this reasoning, expressed in the leading Soviet textbook on Soviet public law, see Vyshinsky, Andrei Y., tr. by Hugh W. Babb, *The Law of the Soviet State* (New York, 1948), pp. 44–49.

tected by a circle of satellite states which will help safeguard it from the kind of invasion which it suffered in World War II.

The second necessity is to develop as rapidly as possible the industrial potential of the Soviet Union, so that it will be able to meet the expected capitalist attack when it comes. To achieve this, some share in the product, or in the direction and control, of the Rhineland industrial area would be of immense value. The eastern zone under Soviet administration is, so to speak, more of what the Soviet Union already has too much of: agricultural resources and some industrial areas which are not large enough or sufficiently advanced to be of any great use. By employing the strategic advantage of the encirclement of the Berlin enclave, the Soviet leaders might be able to force concessions with regard to the industrial areas in the west. Similarly, by tightening the food situation in the Rhineland and the Ruhr valley, it might be possible to force the Western powers to give up part or all of the costly and difficult control of a territory where the problem of bringing food to the population is at present a very expensive operation. Over the long pull Soviet leaders hope that the British and American taxpayer might get tired of occupation costs in Germany and press his government to withdraw.

There is another aspect of the Soviet leaders' calculation of probabilities which should be considered. Whether the present policy of making it difficult to get any satisfactory settlement of the German situation finally yields something of what they want with regard to the industrial areas, they feel that they cannot lose any of the advantage they now have. If eventually there should be a partition of Germany, unlikely and undesirable though that might be, they would surely be able to retain the present eastern zone within their orbit of influence. It would become another one of the satellite states. It is probably not exaggerating to put their forecasts into a formula which runs that even if they can't get what they want, they will not lose what they have.

Finally, confidence in the power of the communist doctrine also enters into Soviet policy. Though the Socialist Unity party (SED) in eastern Germany has not made the successful appeal which was first anticipated, Soviet leaders probably cherish the notion that if Germany were free to organize itself, it would become a communist state and associate itself with the Soviet Union. While there is not complete knowledge of what the attitudes of Latvian and Lith-

uanian citizens were at the time of the entry of those two countries into the Soviet Union, there is some evidence to indicate that a fairly large number of the people of both countries were in support of affiliation with the USSR in 1940. Soviet leaders for some time favored an early organization of a central government for Germany, probably on the assumption that this would perhaps bring another state into the Union, and at the very least create a friendly communist neighbor.

This reasoning, and these purposes, go a long way in explaining the intransigence of Soviet representatives in the Allied Control Council, and also shed light on the crises created by the blockade of Berlin or the controversy over the German currency. The whole situation is made more difficult by a reciprocal set of fears and suspicions on the part of the British, American, and French authorities.

Real and Imagined Conflict—Views and Policies of the Western Powers. States as diverse as Great Britain, the United States, and France could hardly subscribe to as clearly defined a theory of international relationships in the world, and in Germany, as that just summarized for the Soviet leadership. It is not an exaggeration, however, to say that they all share suspicion of Soviet action and view with distrust the formation of the satellite communities and the propaganda of the Cominform. If Stalin and Molotov were ready to suspect "capitalist encirclement" and to take steps to forestall it, Byrnes and Bevin perceived "Soviet imperialism" and prepared to check it with firmness.

The formation of the general association of Western states, the acceptance of the Atlantic Pact, and the organization of European economic cooperation with aid under the Marshall Plan, are all expressions of the mobilization of resources to prevent the extension of Soviet influence. Preventive steps have been taken in Britain, France, and the United States against the growth of communist influence, in both political activity and in labor organizations. The fear of "capitalist encirclement" on one side is matched by a fear of "world revolution" on the other.

The Effect of Conflict upon Germany. This excursion into international relations is essential to an understanding of the present situation of Germany. Germany is now being administered by four occupying powers, divided in viewpoints in the ways that have been described. Conflicts in policy between them have delayed the

creation of a new government for Germany and have seriously hindered the processes of economic reconstruction.

It is not overstatement to say that the last time that a consultation among the four powers yielded any real practical agreement on the German problem was at Potsdam in July and August 1945. At times, when one reads the communiques released from later conferences, doubts arise that any agreement was reached then, for the typical statement declares that the Potsdam Declaration has been violated, and opposite views are expressed as to what the document meant. Since then meetings have occurred at Paris in July 1946, at Moscow in March and April 1947, and at London in November and December 1947. The persistent form which the releases take at the end of each of these consultations is much the same and may be summarized by saying that the representatives of the four powers conducted exploratory discussions, could not reach agreement on a settlement for Germany, assigned further examination of the problems to committees of experts, and postponed final consideration to a later meeting. The gain that has been made each time assumed the negative form that the foreign ministers left the conversations on speaking terms and told their constituencies that the possibility of future agreement was in sight. This may seem a cynical summary, but very little of any substance has been accomplished.

On May 5, 1949, the conference between the four ministers in New York did result in a lifting of the Berlin Blockade, which meant that one of the problems, which had not existed until the proclamation of the blockade nearly a year before, had been settled. From such small gains some comfort can be derived. What can only be regarded as a trial of strength, full of possibilities of dangerous incidents, had ended without an open rupture and had not produced the inflammatory situations which had been feared. The prospects of eventual adjustment can hardly be regarded with optimism, but there is hope that patience and stubbornness in striving to reach some form of workable agreement may eventually yield results.

This story, told here in the briefest possible summary of its most important aspects, is more properly within the province of the study of international relations than of the comparative study of governments. Its bearing is obvious, however. The possibilities of establishing a German government in future depends upon the

course of international negotiations. The contrast with the new republic of Italy emphasized the nature of the situation. Invasion of Italy began in 1943; before the end of 1944 a provisional government had its seat in Rome and was administering the affairs of Italy south of Rome under general Allied direction; by 1946 a national constituent assembly had been elected and was framing a constitution; in 1948 the Constitution of the republic went into action. German armies surrendered in 1945; in 1949 the question of a government for the nation was still unsettled.

Creation of the Anglo-American Bizone. The East-West conflict of purposes which has just been analyzed is shown in a curious cycle of changing positions on the vital question of a central government for Germany. The Soviet Union first supported the early creation of a national government and was opposed particularly by the French, who feared the possible creation of a strong German nation. Not much later the positions were almost reversed, the Soviet Union opposing British and American proposals for creating some sort of central government. Successive conferences of the "Big Four" yielded no agreement, and finally the United States took independent action.

In July 1946 the American authorities proposed the immediate establishment of interzonal agencies. This was a general invitation, to be taken up by any or all occupying authorities. It was prompted by the inconvenience and expense which lack of central agencies had entailed. The British government promptly accepted this proposal, and consolidation of the American and British zones was undertaken for all economic purposes. An Economic Council was set up, representing the state (*Land*) governments which had been created in each of the two zones. Interzonal organization, including many aspects of administrative and political consolidation, progressed steadily during 1947 and 1948.

A limit imposed upon this development was the desire of the American and British governments to avoid unduly alarming Soviet authorities by creating central headquarters which would give too much the appearance of becoming a capital city of a future western Germany. There was still hope that differences could be reconciled and that the purposes of the Potsdam Declaration might finally be achieved. It eventually became clear, however, that the East-West split was likely to persist, so further steps were taken in western Germany.

It is unnecessary to describe the organization that was set up for bizonal consolidation, because it has been superseded by the creation of a federal republic of the states of western Germany.

THE FEDERAL REPUBLIC OF WESTERN GERMANY

For some time after 1946, the British and American governments tried to extend the bizonal arrangements to include the French zone of occupation. From April to June 1948 conferences at London, in which representatives of the British, French, and American governments participated, resulted in the recommendation that a basic law be framed for the states of western Germany. In July 1948 the military governors for the three powers met at Frankfort and declared the principles which would be embodied in this projected constitution. The ministers-president of the western German states then met in Coblenz and considered the proposals which had been made by the military governors. Agreement having been reached on these preliminaries, sixty-five representatives were elected from the eleven states (*Lander*) which lie within the three zones. This parliamentary council, as it was called, assembled in Bonn on September 1, 1948, and began the task of drafting a constitution. The principal parties which had appeared in Germany were represented in the council; it included 27 Christian Democrats, 27 Social Democrats, 5 Liberals, and 2 each from the Center, the German, and the Communist parties. Deliberations continued until May 8, 1949, when a final draft was at last adopted. After adoption, the Constitution was proclaimed at Bonn on May 23, 1949.

The Charter of the Allied High Commission for Germany. The prospects for the Bonn Constitution were much improved, so far as western Germany's organization is concerned, by the signing at Paris on June 20, 1949, of a charter for the establishment of a High Commission for the "Federal Republic of Germany." This document was signed by the representatives of the United States, Britain, and France and was published, June 29, 1949. It provides for a commission of three, one appointed by each of the three powers signing the charter, which is to exercise control over the federal government and the governments of the constituent states. The organization of the Commission is modeled quite closely on the present Allied Occupation Authority. There is a Council composed of the

three commissioners, an executive committee of the deputies of the commissioners if the commission so decides, and whatever committees or other bodies the Council deems necessary to act as advisory aids. The charter specifies certain committees which must be created, dealing with political affairs, foreign trade and exchange, economics, finance, law, and also provides for a military security commission. It then goes on to provide for a number of other subordinate agencies: a joint export-import agency, a decartelization and industrial deconcentration group, a combined travel board, a civil aviation board, an information and cultural affairs subcommittee, and a committee on foreign interests. A secretariat, like that of the Allied Control Authority, is provided. The composition of all these councils, committees, and other agencies is strictly tripartite, with parity of representation on each for each of the three signatory powers.

In each German state (*Land*) there is to be a commissioner who represents the High Commission, and whose duty it is to see that the policies determined by the occupation authorities shall be carried out uniformly in all parts of the federal republic. The responsibilities of each high commissioner for the performance of the governments of the states (*Länder*) within his zone are also defined in the charter.

This charter is clearly based on the experience of occupation under the Potsdam Declaration and, combined with the Bonn Constitution, brings into existence a federal republic in the western German area. It is designed to implement the occupation statute agreed upon by the three powers, which was published April 10, 1949. That statute foreshadowed the charter and also declared the purpose of granting the maximum amount of self-government for the federal republic. The statute reserved the right of approving, or refusing to approve, the Bonn Constitution and, in the manner of the charter, retains power to control the new government in a number of essential matters. The provisions of the statute will be reviewed, with the purpose of amendment if it is necessary or desirable, eighteen months after it comes into force.[a]

The Bonn Constitution for Western Germany. The framing of a fundamental law for the federal government of the western states

[a] The text of the occupation statute is given in *The Times*, London, April 11, 1949; the charter of the High Commission is given in *The New York Times*, June 30, 1949.

elicited interest and initiative, since it offered the people of the area an opportunity to build their own political institutions after a long period of Allied administration. The discussions were difficult, involving the reconciliation of party viewpoints and requiring at times the intervention of the military governors of the three western zones. The chief features of this draft should be summarized, for whatever the final form of the German government, this document is at present the most authoritative expression of what kind of government is desired by the people of these eleven states.

A preamble declares that the German people of this area have framed the constitution "on behalf of those Germans to whom participation was denied."[9] The first nineteen articles recite the basic rights of citizens, and it is worth notice that the substance of these declarations corresponds quite closely to similar definitions of citizens' rights in the new French and Italian Constitutions.

The division of powers between the federal government and the states is the subject of Articles 20 to 37, which declare the superiority of federal law over that of a *Land* and provide for the performance of constitutional duties by each constituent government. The detailed division of powers is dealt with in Articles 70 to 75 and grants to the federal government exclusive powers in foreign affairs, citizenship, immigration and emigration, currency, customs and commercial agreements with foreign countries, transport, communications, and trademarks and copyrights. A long list of powers, including civil and criminal law, pensions, social insurances, economic regulation, and public ownership and control of essential enterprises, is made the subject of concurrent action by the federal government and the governments of the *Länder* (Article 74). The federal government is further empowered to issue general provisions concerning legal status of persons and corporations, registration and identity cards, protection of wild life, land distribution, regional planning and water conservation (Article 75).

The administration of federal laws is to be carried on by the *Länder*, but the federal government may exercise supervisory powers (Articles 83 to 91). Justice is to be administered by a system of federal courts, headed by a federal constitutional court, and by the court systems set up by the *Länder*. The Constitution defines a

[9] The military government's official translation of the text is given in Pollock, Meisel, and Bretton, *op. cit.*, Supplement B, pages following p. 305. It is also given in full in *The New York Times*, May 19, 1949.

number of safeguards designed to maintain the integrity of the courts and judges (Articles 92 to 105).

The organs of government are parliamentary in character and bear a considerable resemblance to the institutions of the Weimar Republic. The president is chosen for a term of five years by a federal convention, composed of the members of the lower house combined with an equal number of representatives chosen by the popular representative bodies of the *Länder*. He proposes the federal chancellor, who heads the Ministry, to the popular federal house (*Bundestag*), which then elects him to the office. If the proposed chancellor fails of election, the *Bundestag* elects some other candidate by a majority vote, or if unable to reach a majority decision in fourteen days, by a plurality after the end of the period. The chancellor then chooses his ministers by proposing them to the president for appointment. Safeguards comparable to those in the French Constitution are created to maintain stability of the Ministry. The *Bundestag*, after a forty-eight hour interval from the introduction of the motion, must elect a successor to a chancellor they wish to displace, and they must do this by a majority vote. The chancellor possesses the reciprocal power of asking the president to dissolve the *Bundestag* after an adverse vote, but in this event the body may forestall the dissolution by electing a new chancellor by a majority vote (Articles 62 to 69).

There are two legislative chambers in the federal government. The popular house, the *Bundestag*, is to be elected for a term of four years by universal suffrage in free and secret elections. The upper house, the *Bundesrat*, is to be composed of representatives of the governments of the *Länder*, which have the power to appoint and recall their representatives. These assemblies are provided for in Articles 38 to 52, and the procedures of lawmaking are set forth in Articles 76 to 82. The powers of the *Bundesrat* to veto a bill are quite narrowly restricted by a very complicated set of provisions (Articles 77 to 81), of which the most significant seem to be the requirement of a two-thirds majority for the refusal of a bill, and the power of the *Bundestag* to override such a veto by a two-thirds majority.

Since it is impossible to predict with certainty what will be the ultimate status of this Constitution, this brief summary of its salient features suffices at present. It may become the constitution of the new Germany, and the effort expended on drafting it suggests

that any constitution for Germany may resemble it. It seems fairly likely to become the constitution for a western Germany, even though partition is likely to create a long term condition that may be unstable. In any event, its democratic character compares favorable with the Constitutions of the Italian Republic and the Fourth French Republic. It may therefore be regarded as an encouraging sign for future political organization.

Elections under the Bonn Constitution. On May 23, 1949, the necessary ratification of the constitution by two-thirds of the states, was completed, the vote having been made by their legislative bodies, and plans were made to hold elections under the basic law. The electoral law was approved by the military governors of the western zones on June 1 and provided that 60 percent of the seats in the lower house be filled by direct voting in single-member constituencies, while 40 percent should be filled by a system of proportional representation, based on party strength shown in each state. It was further provided in the law that any party polling less than 5 percent of the votes in the country, entitling it to only one seat under proportional representation, should be eliminated. These provisions were designed to reduce the chances for splinter parties, which had been one of the sources of political instability under the Weimar Republic.

The election date was set for Sunday, August 14, and a lively political campaign was conducted by all of the principal parties. Twelve parties of varying degrees of political strength put forward a total of 1636 candidates for direct election in 242 districts and proposed lists totaling 1245 candidates for allocation of seats by proportional representation. As might have been expected, a good deal of the programs of the parties and the speeches of the leaders concentrated on the international position of Germany, and there was much discussion of the status of the Ruhr valley and the issue of dismantling of industry. On the whole, the amount of political activity shown was encouraging, indicating that the people of Germany were ready to take part in democratic procedures of popular representation, as soon as they were given an opportunity to exercise initiative.

The results of the elections were interpreted as a movement of opinion toward the Right, since moderately conservative parties secured a large part of the seats in the lower house. The participation of the voters was high; there was a qualified electorate of 32 mil-

lions, and over 23.7 millions of valid votes were cast. This percentage of voting, standing at about 78.5 percent, was regarded as a very good showing. The distribution of seats and votes among the parties is shown by the following table, but it should be remembered that due to the voting system used these figures, released shortly after the actual polling day, are not precisely accurate. The significant effect of the election is shown, though final refined figures might reveal minor differences from the ones given.

BUNDESTAG ELECTION IN WESTERN GERMANY, AUGUST 14, 1949 [10]

Party	Seats won in district	Seats won by P. R.	Total Seats	Popular vote (millions)	Percentage popular vote
CDU & CSU	115	24	139	7.36	31.01
Social Democrats (SPD)	96	35	131	6.93	29.22
Free Democrat (FDP)	12	40	52	2.83	11.75
Communist (KPD)	0	15	15	1.36	5.73
German (DP)	5	12	17	0.94	
German Right (DRP)	0	5	5	0.43	
Bavarian	11	6	17	0.99	
Economic Reconstruction Union	0	12	12	0.68	
Center	0	10	10	0.73	
South Schleswig	0	1	1	0.08	
Independents	3	0	3	1.14	

This tabulation lists the parties which succeeded in obtaining seats in the *Bundestag*, the lower house. A number of other parties presented candidates and polled popular votes of some size, but they failed to secure the necessary 5 percent of the votes cast and so lost their right to existence under the terms of the electoral law.

The tabulation does not attempt to make a distinction between Left, Right, and Center in political viewpoints. The reason is that

[10] *The Times*, London, August 16, 1949. The initials CDU and CSU refer to the Christian Democratic Union and the Christian Social Union, two parties with predominantly Roman Catholic membership.

all the parties presented mixed programs, and it was very difficult to assign them to places in the political spectrum with any precision. Broadly speaking, the German Right party, the Liberal Democratic party, the Free Democratic party, the Economic Reconstruction Union, and a few other minor parties not listed in the table, might be placed on the Right, though this must be defined as a moderate position opposed to extensions of nationalization of industry and declaring a faith in free economic enterprise. The Christian Democrats, the Christian Socialists, and a number of other parties sharing a moderate reformist attitude and drawing their membership in considerable part from the Roman Catholic Church, might be placed in the Center. They have sympathies with the moderate Right and may be compared with the MRP in France or the Christian Democrats in Italy. The parties on the Left are more clearly recognizable; the Social Democrats, the Communists, and a few other small groups occupy this position. When the newspapers reported the election as a victory for the Right, what they really meant was that the largest votes were polled by liberal and democratic parties and by the Catholic parties. This government will have to engage in formulating policies for some time before the conventional designations can be applied to the position of the parties and their leaders.

The Federal Republic of Western Germany Begins Its Life. On September 12, 1949, the federal convention met in Bonn to elect the president of the Federal Republic of Western Germany. According to the Constitution, it was made up of members of the *Bundestag* and delegates drawn from the representative lower houses of the eleven states. The first ballot did not result in an absolute majority, but in the second balloting Professor Theodor Heuss was elected by a total of 416 votes, as against 312 cast for his nearest contender, Dr. Kurt Schumacher. Professor Heuss is leader of the Free Democratic party and has had a long career of political activity as well as an established academic position. Four days later Dr. Konrad Adenauer, leader of the Christian Democrats, was elected chancellor by 202 votes, just barely the majority required by the Constitution. The Cabinet which he announced a few days later was made up of his own party, Christian Socialist, and a few others drawn from the Free Democratic party. This combination of groups could have been anticipated from the results of the elections.

On September 21, 1949, the regime of military government came to an end, and the Allied High Commissioners assumed their duties of supervision of the new government under the occupation statute. The new government assumed its powers, and the life of the republic formally began with solemn and impressive ceremonies.

THE GERMAN DEMOCRATIC REPUBLIC OF THE EASTERN ZONE

The organization of the Federal Republic of Western Germany produced a prompt response from the Soviet administration in the eastern zone of Germany. Soviet military government had gone further in organizing central government agencies than had the military government authorities in the western zones during the early days of occupation. There existed, therefore, a People's Council. On October 7, 1949, it transformed itself into a People's Chamber and declared that a constitution which had been adopted earlier was now to go into force as the basic law of a new Democratic Republic. Otto Grotewohl, leader of the SED (Socialist Unity party) was named minister-president, and elections for a representative chamber were scheduled for October 1950. Wilhelm Pieck was elected president of the Republic on October 11, 1949.

These first steps, bringing the Republic into existence, were followed on October 16 by the exchange of diplomatic missions between this government and that of the Soviet Union. Chiefs of mission were appointed by each government to represent it in the other government's capital. The implication of this move was unmistakable. The appearance was conveyed of recognition of the sovereign rights of the new Democratic Republic of Eastern Germany, with the further possibility that this new state might be able to secure concessions from the Soviet government, even to the extent of modification of the Oder-Neisse frontier with Poland. Whatever the potential developments may be, Soviet authorities have encouraged the establishment of the new state and fostered the suggestion that a better status may be secured for Germany through this political organization, than through any action on the part of the Federal Republic of Western Germany.

Government of the Democratic German Republic. The Soviet administration in the eastern zone had sponsored the choice of a People's Council, and on March 20, 1949, a draft constitution was

approved. This was followed by the election of a People's Congress on May 15, 1949, in which a single list of candidates was approved by a vote of 7.94 millions to 4.08 millions, lending a greater appearance of popular endorsement to the People's Council. After the proclamation of the republic on October 7, the People's Council transformed itself into the lower house (*Volkskammer*) of the legislative body, and three days later the parliaments of the five states in the eastern zone chose thirty-four delegates to the upper chamber (*Länderkammer*) of the newly established government. On October 12 Herr Grotewohl presented his Cabinet to the lower house, made up of six members of the SED (Socialist Unity party), two from the LDP (Liberal Democratic party), and two from the CDU (Christian Democratic Union).

The draft constitution mingles elements of the traditional institutions of the Weimar Constitution and incorporates a number of features adapted from the Soviet constitution. It contains a bill of rights, concentrates authority in the hands of the central government at the expense of the powers of the states, and establishes the constitutional position of the two legislative chambers and the Ministry. It may be amended by a two-thirds vote of the lower house or by a plebiscite which shows a majority for a draft amendment circulated with the ballots.[11] The life of this government has been so brief, and information on its constitutional pattern is still so restricted by the policies of the Soviet government, that this brief sketch of its chief features must serve for the present time. In addition, it is quite possible that its situation may change, if the situation in Germany changes.

THE FUTURE OF GERMANY

The story of developments in Germany since 1949 makes it clear that the future is clouded with uncertainty. The situation reached by October 1949 strongly suggests that Germany is to be divided into two states, the Federal Republic of Western Germany and the Democratic Republic of Eastern Germany. Such a partition of a community in which the sentiment of national unity is strong, as a result of the history of the nineteenth century, can only add to the instability of the present position.

[11] An interesting comparative analysis of the two German constitutions is given in *The World Today* (London), Vol. V (November 1949), pp. 486–95.

Response of the German People to Occupation. Observers agree that in the early months of Allied occupation the German people showed a real desire to cooperate with military government authorities in accomplishing the preliminary tasks of reconstruction and in developing a new set of democratic institutions and attitudes. Every citizen was much concerned with his own personal problems, however, and could not devote much energy to community affairs. The heavy bombing which preceded the final defeat had been destructive of industry and all normal economic activities, and the ruined cities presented serious problems of housing, restoration of vitally needed services, and improvement of health conditions. Every family expended so much effort on finding a place to live, and in seeking some opportunity to earn a minimum living, that political and social apathy began to develop. While community life and political activity had some chance to develop in the early establishment of local government, the postponement of a final settlement of Germany's political reconstruction as a nation resulted in eventual discouragement. People became apathetic, seeing little prospect for the establishment of normal political life.

The creation of the Federal Republic of Western Germany revived interest in the affairs of the nation, and participation in the elections indicated a satisfactory amount of interest in public affairs, with nearly 80 percent of the qualified electorate casting ballots. Information on corresponding conditions in Eastern Germany is still too limited to make a valid comparison. It must also be remembered that the years of Nazi rule had produced an atmosphere of hectic intensity, and that many people were psychologically exhausted by the experiences of victory followed by defeat.

Change in social institutions which would lead to the creation of a democratic atmosphere has necessarily been discouragingly slow. The educational system had to be entirely recast, and shortages of teaching staff, equipment, and textbooks imposed severe limits on achievement. In industry and economic affairs the restoration of free trade-union organization and the use of procedures of collective bargaining altered the severe disciplines of the Nazi Labor Front, but the disorganization of industry through policies of reparations and dismantling has postponed the resumption of economic activity at normal levels. The diplomatic contest among the occupying powers has also clouded the prospects for reconstruction.

Prospects for a Divided Germany. After October 1949, the likelihood increased that there are to be two German states. In view of the history of the growth of national sentiment in Germany, this is a disquieting prospect. Both new republics made bids for the support of people in all parts of the country. The Federal Republic of Western Germany declared that its Constitution was framed for Germans to whom participation in the new government was denied, and its transitional clauses provide that it shall go out of force as soon as a national government can be established. The Democratic Republic in eastern Germany declared that its basic law was framed for a united Germany; and its diplomatic exchanges with the Soviet Union are clearly intended to suggest that the best chance for uniting the nation would lie in cooperation with Soviet authorities.

Despite the uncertainties of this situation, gains have been made in rebuilding the German community. The resumption of local and communal government, the revival of political parties, and the creation of the central institutions of the two republics are all encouraging signs. If adjustment between the occupying powers can be reached, and economic and political reconstruction continues, there is a reasonable prospect that Germany can eventually take a satisfactory place among the nations of the world.

READINGS

Much of the information on Germany at the present time must be found in the official publications of the occupying authorities. Some of the most accessible documents should be listed:

The Official Gazette of the Control Council for Germany, issued monthly by the Allied Secretariat since October 29, 1945. This contains the laws, proclamations, and ordinances which have been issued by the Council.

Monthly Report of the Military Governor, Office of Military Government for Germany, U. S.

Monthly Report of the Control Commission for Germany (British Element), distributed by H. M. S. O.

The British Zone Review, monthly, distributed by H. M. S. O.

The record of the occupation of Germany has by now been made the subject of investigation by scholars, and though many of these

studies have been referred to in the footnotes to this chapter, they are listed here:

Friedman, W., *The Allied Military Government of Germany* (London, 1947).

Friedrich, Carl J., and associates, *American Experiences in Military Government in World War II* (New York, 1948), especially Chapters I–III, IX–XIII.

Pollock, J. K., James H. Meisel, and Henry L. Bretton, *Germany under Occupation, Illustrative Materials and Documents* (Ann Arbor, 1949).

Zink, H., *American Military Government in Germany* (New York, 1947).

Neither of these lists is complete, but all the books given above are satisfactory guides to other publications bearing on the subject. As this chapter makes clear, changes are constantly taking place, and the newspapers and periodicals given at the end of Chapter 1 should be used to keep the subject up to date.

UNION OF SOVIET SOCIALIST REPUBLICS

Chapter 22

THE USSR AND THE BOLSHEVIK REVOLUTION

THE GOVERNMENTS considered so far are all participants in the political tradition of western Europe. Great Britain has a large share in establishing the practice of constitutional democracy. France may be credited with the formulation of much of the political philosophy which justifies the equal rights of citizens and government in accord with the popular will. Germany, though her history includes a period of autocratic rule, undertook the responsibilities of democratic government under the Weimar Republic, and the new constitution of western Germany certainly has the appearance of a second attempt at realizing these ideals. The new Italian republic and the old constitutional monarchy of Italy are inheritors of the parliamentary tradition.

The Union of Socialist Soviet Republics (hence USSR) has quite a different background, and her people are accustomed to autocratic forms of political organization. The unification of Russia was achieved by the czars, and the maintenance of their authority perpetuated an autocratic feudalism well into the twentieth century. It should not be forgotten that serfdom was not abolished until the 1860s; in fact, many of the characteristics of feudal village organization still existed after the formal and legal emancipation of the serfs. The authority of Imperial Russia's government was maintained throughout the nineteenth century by ruthless use of power. Secret police, *agents provocateurs*, imprisonment and punishment for unorthodox opinions and "dangerous thoughts," were all used to sustain the authority of the czarist government of Russia.

All this is, so to speak, only half the story. The area of the old Russia was swept over by tides of Asiatic peoples, and that ancestry


ARCTIC
NORWAY
SWEDEN
FINLAND
Murmansk
Archangel
Petrozavodsk
POLAND
Vilna
Minsk
Leningrad
BYELO RUSSIAN S.S.R.
Moscow
UKRAINIAN S.S.R.
Kiev
Molotov
Sverdlovsk
Kuibyshev
River Volga
River Don
River Ural
UNION OF SOVIET
YAMALO NENETS
KHANTI MANSI
TIUMEN
NOVOSIBIRSK
KRASNOYARSK
Barnaul
ALTAI
KAZAKH S.S.R.
BLACK SEA
CAUCASUS MTS.
TURKEY
Yerevan
Baku
CASPIAN SEA
UZBEK S.S.R.
TURKMEN S.S.R.
Ashkhabad
Alma Ata
KIRGHIZ S.S.R.
IRAQ
IRAN
AFGHANISTAN
SAUDIA ARABIA
INDIA

The American Slavic and East European Review, published for a committee of American scholars, George Banta Publishing Company, Menasha, Wis.

Bulletins of American-Russian Chamber of Commerce, 245 Fifth Avenue, New York.

American Review on the Soviet Union, published quarterly by The American Russian Institute 58 Park Avenue, New York.

Russian Review, published semi-annually, 215 West 23 Street, New York.

The Slavonic and East European Review, London, published by the School of Slavonic and East European Studies, University of London.

Soviet Russia Today, published monthly, 114 East 32 Street, New York.

USSR Information Bulletin, published by the Embassy of the USSR, Washington, D. C

In addition to the publications named above, the journals mentioned at the end of Chapter 1 frequently publish articles bearing on the government of the USSR.

Chapter 25

SOVIET ECONOMIC PLANNING AND SOCIAL POLICY

THE LIST of ministries given in the preceding chapter suggests how much of the activity of the Soviet Union's government is devoted to economic affairs. The government's economic program is fully as important to the Soviet citizen as its political and constitutional structure. In fact, its authority in this sphere has much greater effect upon his daily life than does its more orthodox activities. In view of the present tendency in all governments to extend their activities into fields of economic regulation, the work of planning and administrative agencies in the Soviet Union deserves unbiased attention.

The machinery of Soviet planning and administration is already the subject of numerous books. Assessment of the value of economic planning is still extremely difficult, even though the first Five-year Plan was begun a little more than twenty years ago. But the salient features of the system are now clearly visible, and we shall concentrate on them.

The Fourth Five-year Plan, now in progress, was formally announced by the Supreme Soviet in March 1946. It followed the devastation and destruction inflicted by German armies, which penetrated as far as the wide bend of the Volga at Stalingrad, and the "scorched-earth" defensive strategy used by the Russian people to resist enemy invasion. One of the most tragic aspects of the war, so far as the average Soviet citizen was concerned, was the loss of the chance of improvement in the standard of life which had been promised in the Third Five-year Plan, and which was expected to go farther in succeeding programs.

The plans had been designed not only to set up the socialist economy but also to carry industrialization forward at a rapid

enough pace to put the Soviet Union on an equality with the other great industrialized communities of the world. The motivation behind this was two-fold: first, to make the economy sufficiently productive to match the standard of life maintained in other countries, so that the claim for a fuller and more comfortable life under socialism could be fully justified; second, to build up an industrial organization which would give full parity of defense in mechanized warfare, in the event that the socialist state was attacked by capitalist nations. Even though the German attack was finally successfully resisted, the communist leadership would admit that neither objective is as yet satisfactorily achieved.

Before we proceed to any description of the structure and practice of the socialist planned economy, one general comment is needed. At the time of the Bolshevik Revolution, Russia was one of the least industrialized of all European countries. Even now the proportion of the population living in rural villages and engaged in agriculture or a closely allied local activity is in the neighborhood of two thirds. The construction of industrial plant requires the accumulation of a capital fund. In Great Britain and the United States, the capital required for the great industries was accumulated during the course of the nineteenth century and earlier. Savings were laid aside by thousands of people over long periods of time, until the reserves existed to build railways, factories, and power plants.

The Soviet Union, if it wanted to match the industrial equipment of the great commercial nations, was far behind them in the creation of the necessary reserves. This meant that consumption could not rise, or might even be lowered, if materials and labor were diverted from the making of goods for current use to the construction of the capital equipment of modern industry. The five-year plans were an organized collective effort to do this; and the demand made upon the people of the Union to endure privation while the targets were being achieved was severe. The alternative possibility—to borrow funds from countries with capital surpluses for investment—was not practicable for two reasons. One was the determination of the communist leadership not to be indebted to capitalist countries; the other was the reluctance of investors to put money into a revolutionary experiment, particularly one in which they feared that a future repudiation of the obligation was possible.

The whole story can be typified by an incident. A Russian peasant, gazing at the impressive structure of the Dnieprostov dam and power development, turned to an American visitor who stood beside him and said, "I truly hope that it is a wonderful thing. My chance of getting a new pair of shoes went into it." The dam was blown up when the German advance approached it; and a lot of pairs of shoes are now being put into its reconstruction.

PROGRESS TOWARD PLANNING

While communist theory called for a planned economy, circumstances in the Soviet Union postponed the formal beginning of planning until more than a decade after the revolution. The history of economic planning which lay behind the announcement of a Fourth Five-year Plan began when the Bolsheviks first seized power in 1917. At that time the Russian economy was disorganized by the strains World War I had imposed on it, and the policy adopted by the leadership has been called "war communism." What happened was that the new government issued decrees nationalizing industry, land, and natural resources. The management of industrial enterprises was taken over by workers' committees in factories and mines, while the peasants were permitted and often encouraged to seize their holdings from their landlords. The state assumed general powers of direction over the whole economy, and strove to increase the production of goods and services. By these means it was possible to supply the army during the civil war. But Lenin soon found that production was declining, especially in agriculture. The peasants were discontented because industrial goods were not available, while the state grain collections were rigorously enforced in order to bring sufficient food to the city populations. Under these conditions the peasants began to restrict their production to the point where it met their own subsistence needs and refused to expend effort on growing a surplus which would be taken from them by the state collections. In industry and transport the lack of skilled workmen and technical experts led to confusion and interruptions of production.

The NEP. Perceiving the implications of this situation, Lenin had the imagination and courage to abandon temporarily the socialist program which had dominated the thoughts of the leaders. In the spring of 1921 the New Economic Policy was announced,

which Lenin characterized at the time as a step backward from the socialist economy in order to make possible two steps forward in the future. The NEP, as it was called, permitted private trading and small-scale manufacture by individual enterprisers. Instead of being based upon the needs of the society and therefore claiming a large share of the peasant's total production, grain collections were fixed at a definite amount, and the producer was allowed to sell any surplus in a legal market. Similar rules were applied to the small handicraft industries, and hiring of labor in small shops and on farms was permitted.

The response to this policy was increased production, since usual and familiar profit incentives were offered. NEP-men, as these dealers and producers were called, appeared in light manufacture, retail trade, and agriculture. Large-scale industry, such as steel, coal, iron, and oil production, remained under state direction. Construction programs, including tractor factories and electric-power developments, were also undertaken by the government. Finance, banking, and currency remained under state control. Briefly, the NEP was a mixture of socialist and capitalist economy. Consumers' goods were manufactured and sold by private traders and manufacturers, and peasants were encouraged to produce a surplus for market. The scarcity of food, textiles, and similar commodities was relieved, but planning by the government was maintained and extended for large-scale industries and capital construction.

The "Socialist Offensive." Lenin died in 1924 before this temporary expedient had run its course. One of the issues in the struggle for leadership, which finally enabled Stalin to succeed Lenin as head of the Communist party, was the question of how long the policy should be continued. Successful peasant farmers were getting control of more land and hiring labor to operate larger holdings; private traders were entrenching their position; light manufacture was assuming a capitalist character. If the communist program was to be accomplished, the "socialist offensive" must be resumed. In addition, the leaders were constantly haunted by the fear that the capitalist nations might adopt hostile policies toward the Soviet Union and were therefore anxious to build up industry to the point where the Russian economy would be self-sufficient.

In 1928 the first Five-year Plan was announced, after preparatory studies had been made and an organization had been created to administer it. The change from the NEP was frequently ruthless;

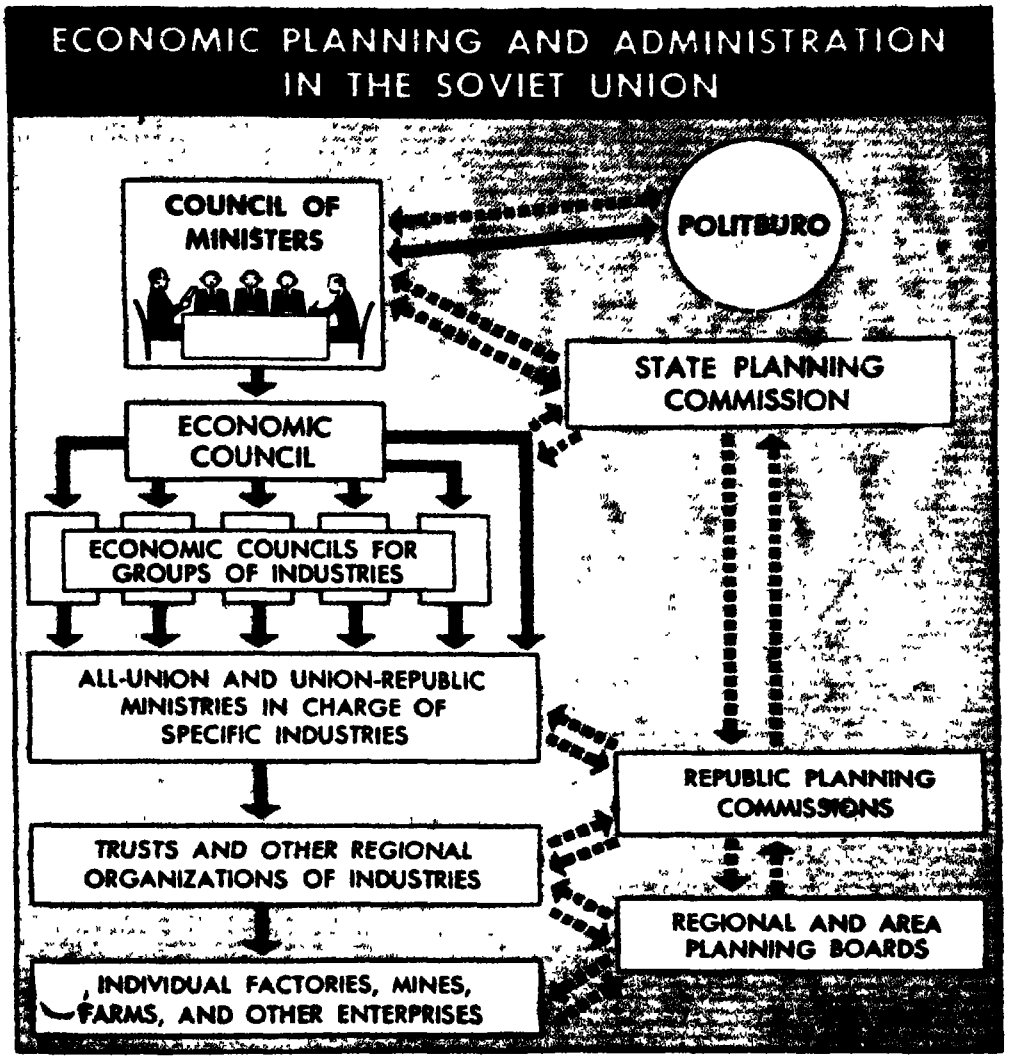
peasants and dealers were forced to accept the new situation. The state once more took charge of the Russian economy and embarked upon a vast program of socialization and industrialization. Special emphasis was placed on the development of hydroelectric power and the construction of large industrial plants.

THE GOSPLAN AND THE FIVE-YEAR PLANS

Central planning of the total economy of so large and diverse a community possessing such varied resources is a truly staggering undertaking. It is a bigger task than the organization and supervision of the economy of the United States during World War II. If the student recalls the problems of rationing, war production, price control, and the large number of emergency agencies which struggled with the problems imposed by total war, he can form some conception of what planning requires in Russia.

The following diagram indicates the main outlines of the process of planning and administration in the Soviet government. One feature of the structure should be noted at the outset. While the functions of planning and administration are naturally closely related, the two activities are regarded as distinct enough from each other to require separate organizations. The hierarchy of planning agencies are concerned chiefly with the collection of data and carrying on research by which the control figures for the plan are developed; the administrative authorities listed on page 554 are concerned chiefly with the practical work of achieving the targets set by the planners.

The diagram shows the main channels through which these activities are directed, and the general movement might be described as circular. Data collected by planning agencies, in consultation with local and regional units, travels up the hierarchy of planning authorities, until it is finally put into action by the Council of Ministers. From thence it travels downward through the administrative hierarchy by means of directives, decrees, and orders to the local enterprises which must fulfill the production schedules. For purposes of simplification only the administrative pattern is represented in this diagram, with the exception of the party high command, of which it should be remembered that the *Politburo* is only the most important agency. The five-year plans have always



Of necessity, this is a stylized representation of a very complicated structure. The broken arrows are intended to suggest the assembling of data and the consultations that take place between workers' committees and managers, plants and trusts, and planning boards. The solid arrows indicate the lines of supervision and control of administration of economic enterprises. Sources for this diagram include almost all the items listed in the Readings at the end of this chapter.

been adopted by the Supreme Soviet, but to avoid complication it has also been omitted.

Functioning of the Gosplan. The first requirement for general planning is the collection of data and the study of conditions. During the period of War Communism a commission worked out a

plan for industry based on a rapid development of electric power. Lenin secured its adoption by the congress of soviets in 1920. The following year the Gosplan (the State Planning Commission) was established and began the work which it has carried on ever since: the fixing of control figures for all types of production. The end of the NEP was signalized by the announcement of the first Five-year Plan in 1928.

The Gosplan is a commission appointed by the Council of Ministers, but occupying a somewhat independent position. Though the dominance of the communist program determines the general policy embodied in the plans, the expert economists and engineers who are members of the Gosplan exercise a considerable amount of discretion and initiative in drafting an economic blueprint for the nation. A large staff of technicians from all fields collects data and prepares reports, and a branch office exists in each one of the republics.

Production Schedules. The staffs of the Gosplan and its branch offices make surveys of natural resources, and collect data on all aspects of production. Statistics are assembled showing quantities and rates of output, working conditions, cost levels, and requirements for capital equipment. On the basis of this information, tentative schedules are drawn up for the next five-year period. These schedules are then sent to the ministries in charge of various industries, and eventually reach every plant, factory, mine, or collective farm. Each unit carefully studies the figures, and a report is made on the possibilities of achieving the planned objectives. The revised estimates for every industry are then coordinated and subjected to further analysis. Finally the control figures are announced, with scheduled yearly or monthly rates of production. The job of actually achieving the projected results is entrusted to the various ministries, working through subordinate republic and regional organizations. The Gosplan, while it does not administer the plan, continues to collect data on every enterprise, and reports frequently on progress. At the same time, it uses this information to outline the next five-year plan. Leeway is allowed for unforeseen developments, and revision of the figures takes place when they prove unworkable.

The Workers' Share in Planning. So far this description of the planning process would suggest that it is entirely an administrative matter, done by officials in state agencies and managers and office

staff in enterprises. The presumption behind all theories of socialism is that the workers themselves own and direct the enterprises in which they labor. There is, however, a considerable amount of disagreement among students and observers of the system concerning the participation of workers in the Soviet's planning process.

Certainly most of the assembling of data, and the study of it to draw conclusions and formulate policy, is done by the government agencies and the managerial staff of industries. However, the organization of production conferences of workers and managers which occurred early in the years of the first Five-year Plan at least gave an opportunity for workers in any plant to express opinions and make suggestions about proposals for future production. This was succeeded in the 1930s by the "shock brigades," groups of workers who accelerated the pace of production in their own factories and often went to other factories to spread knowledge of improved techniques. The Stakhanov movement, named for a coal miner who in 1935 developed a scheme of teamwork for his own group of fellow workers, was widely publicized, and Stakhanov was rewarded by the decoration, "Hero of Labor."

From these beginnings there developed the industrial and financial counterplan. This was a scheme formulated in workers' conferences and meetings, held outside of working hours, embodying suggestions for organization of production in the enterprise. It was eventually presented to managers and planning authorities as a supplement to proposed plans, or sometimes as an alternative. One of the most interesting aspects of these schemes were proposals for economies in the use of labor, materials, and equipment, particularly after greater emphasis was placed on cost accounting in the last years of the first Five-year Plan. The Stakhanov movement dramatized these efforts, and similar schemes were made in many industries and on collective farms. These essays in "socialist emulation" had injurious as well as good effects. Some of the production performances that ensued had more the character of sensational stunts than consistent methods for improving the quantity and quality of production.

It is worth repeating that observers disagree on the amount of workers' participation in the Soviet planned economy. Certainly the picture of an official hierarchy developing schemes and then enforcing them by a labor discipline that is often very severe contains a good deal of truth. At the same time the use of conferences

and methods of cooperation have been carefully and objectively reported by competent observers. Any final judgment at the present time would be premature, but the student should bear in mind the existence of two sides to a picture which is often reported with prejudice either from one side or the other.[1]

This brief sketch of the procedures hardly suggests the immensity of the undertaking. All sorts of problems arise. The coal output of a mine in the Don basin has been increased on a predetermined schedule, but the railway cars to move the tonnage do not put in their appearance at the appropriate times. The collectivization of agriculture proceeded so rapidly in 1930, that Stalin published a letter in the press, "Dizzy with Success," in order to slow up the pace of change and diminish the grievances of the peasants. These are isolated examples among many, mentioned to convey a sense of the intricacies involved in central planning and administration.

MANAGEMENT AND LABOR IN INDUSTRY

The Gosplan is an economic general staff which determines the objectives; the achievement of the objectives is entrusted to management and labor in industry and agriculture. Coal mining, to choose an example, is one of the all-Union ministries. The two ministers are responsible for the industry throughout the whole of the eastern and western areas of the Union. Republic and territorial organizations in areas where the mines are located exercise supervisory controls under the direction of the minister. In a certain mine a manager, appointed by the minister, is responsible for running the plant. He must deal constantly with a committee, chosen by the workers. He must also be able to get along successfully with the trade union of the coal workers, which has local, territorial, and national organization.

Managers and Trade Unions. While Russian trade unions cannot be compared to unions in capitalist countries, the labor discipline enforced by the Soviet government puts the members of its unions in a position comparable to that of public employees in the United States and deprives them of the right to strike. The pre-

[1] Rothstein, Andrew, *Man and Plan in Soviet Economy* (London, 1948), ch. III. This is a carefully documented account of workers' participation, sympathetically viewed.

sumptions behind the socialist program are that the workers participate fully in all the gains made under state ownership of the means of production, and that there is no conflict of interest between management and labor. Actually, the determination of rates of pay, working conditions, and methods of production is the subject of a great deal of discussion between the management staff, the committees of workers, and the trade unions. For example, when production schedules for the five-year plans are considered all interested parties have a chance to make suggestions. Many of the managers and trade-union officials are Communist party members, so the influence of the party pervades all the large-scale industries.

Organization of this sort applies to large-scale industrial enterprises such as coal and oil production, tractor manufacture, and railway transport. The day-to-day running of plants is carried on under the direction of the ministry with its divisions for allied industries. The general plans, formulated by the Gosplan and its branches in the republics, define the objectives to be attained. A commission of state control, first organized as the division of workers' and peasants' inspection of the Communist party and now elevated to the status of a government agency comparable to the Gosplan, continually assesses progress toward the fulfillment of the plans.

Financial Planning. The control of finance, credit, and currency is a powerful weapon of the state. Saving is one of the most important economic activities in an industrial economy. Its importance, aside from the familiar maxims urging the citizen to lay aside a fund for some eventual and inevitable rainy day, is concealed from many people in capitalist countries. In the United States, the many little savings of individuals and the big reserves of large business enterprises are collected into funds by the banks and investment houses and eventually materialize into the machinery, plants, and raw material reserves of industry. In the Russian socialist economy this function of accumulation of funds for the construction of hydroelectric developments or tractor factories or steel plants is planned and directed by the state. When a worker buys a state bond, his saving is a personal act. On the other hand the accumulation of capital is often involuntary and concealed, being in the form of taxes or state credits. The Ministry of Finance raises large sums by taxation, especially by the turnover tax upon purchases of many kinds, and a big proportion of the state funds is invested in

industrial development. The state bank controls credit and puts balances at the disposal of ministries and their constituent plants, which are used to buy materials and meet pay rolls. Various special banks are the custodians of investment funds derived from the profits of industries.

The State Bank. The state bank's accounting procedures, which have been improved during the past ten years, serve as a constant check on the performance of particular plants. At the same time, the control of credit can be used to direct the flow of funds. When a tractor factory is granted a balance against which it may draw to pay workers and purchase materials, the effect of this policy is to divert labor and resources to the creation of capital goods—in this instance, tractors. Under conditions of practically full employment, which have obtained during the period of the five-year plans, this means that there is less labor available for the production of textiles, food products, or other consumer goods. With constant emphasis on the construction of industrial plant, the average citizen has been saving involuntarily—doing without consumer goods while his government built electric power plants or increased steel production.

Handicraft Associations. Small-scale industry, such as bread baking, clothing manufacture and repair, and other activities of a handicraft type, are conducted by small workshops organized into associations of producers' cooperatives. These enterprises are of an intermediate type, midway between fully socialized large-scale industry and individual small business. It should be mentioned that there is very little of the latter left in the Soviet Union, though there is a legal free market in which the individual member of an agricultural collective may sell the surplus he grows on the small plot of ground allowed him for his own cultivation.

Producers' and handicraft cooperatives are the means by which the socialist economy obtains many kinds of services and the whole range of commodities for which small-scale manufacture is most efficient. Some have already been mentioned, and it is only necessary to think of shoe repair, the smaller articles of household furniture, shops for food delicacies (of which there are not many), barbers and hairdressers, small semiluxury articles of clothing to realize the extent of these activities. When these are added to the more important manufactures that have already been men-

tioned, it is easy to see that this is a quite important sector of the economy.

The typical unit is an individual craftsman, with perhaps a partner. He owns his own tools and, subject to very strict regulations, may even have an apprentice workman or two. The restriction imposed on him with regard to employing workers arises from the intention of the socialist government to eliminate exploitation of labor, at any rate by an individual owner or enterpriser. The members of these cooperatives, therefore, are subject to rules imposed by their association governing the status of apprentices, and conditions of work and wages are an important part of these regulations. The central organization of the cooperative purchases materials, usually from a state trust or industry (textiles for clothing manufacture would be an example), and often has a marketing organization for disposing of the output of these associated shops. Societies of this kind are the object of vigilant attention by the planning agencies, and their output is counted in on the regional and national plans.

They may also be the subject of supervision by other government agencies to see that they do not overstep the bounds set by socialist theory, and they are quite heavily taxed. Nevertheless, they perform an important economic function, which is clearly recognized. As their cooperative character is maintained and the suspicion of the possibility of the re-entry of bourgeois capitalist enterprise diminishes, their situation improves and probably will continue to do so.

Retail Trade. The problems of distribution have been peculiarly complex in the Soviet economy, and it is only possible to suggest the broad outlines of the system of distribution. Fundamentally, retail trade is carried on by two types of organization: the cooperative societies and the state stores. The former are quite closely comparable to consumers' cooperative societies in Great Britain and the United States. They assume a wide variety of forms. Collective farms usually maintain a consumers' cooperative for their members, and the same is true of most factories and units of industry. There is a central association of the consumers' cooperatives, *Centrosoyuz*, which performs the same services that the cooperative association carries on in Great Britain. It makes large-scale purchases for its member groups and assists in various opera-

tions for the whole association. It also publishes a newspaper and engages in educational and propaganda activities.

The state stores are comparable in size, organization, and administration to large-scale industries and were originally conceived of as a huge state enterprise of retail distribution that might eventually supersede the cooperatives. Viewed from the standpoint of the creation and maintenance of a planned socialist economy, the idea of complete state control of retail distribution as well as the processes of manufacture was tempting and has been tentatively tried two or three times during the history of the five-year plans. Under the fourth plan, now in progress, greater encouragement has been given to the cooperatives once more, and *Centrosoyuz* has been urged to extend its operations ever since a decree of November 1946. This is all part of the effort to avoid overload on the central government which was discussed in the preceding chapter.

Government influence and control over the cooperatives and direct management of the state stores put the central authorities in charge of the internal price level. This management of distribution has often been supplemented by rationing. In general, the history of the Union has been one of demand running far in excess of supply, so that rationing controls have frequently been used to insure at least minimum equity in the distribution of commodities. Productive power has risen considerably during the years, however, and it is a mark of the resiliency of this economy that in December 1947 a decree abolished most of the rationing and lowered the prices of many commodities.

Since this socialist system is being administered by human beings, there are many lapses from the equalitarian ideals inherent in the theory on which it is based. A good many purchases are made in a black or gray market. The Russian expression for such transactions, "*blat*" (goods acquired *po blatu*), is comparable to an expression once current in the United States, "I can get it for you wholesale." State inspection is vigilant, and penalties are severe, so that these deals are only the fringe of the great volume of transactions.

Soviet leaders and foreign observers both agree that the system of retail distribution is the sector in which there is most to be done and in which the achievements have been most erratic and unsatisfactory. By and large there has been much progress. The fact that at last some part of the resources of the economy is going into

the creature comforts of luxury-clothing accessories, cosmetics, and even nylon stockings indicates that the socialist purity can even indulge in some bourgeois vices.

COLLECTIVE AGRICULTURE, FOREIGN TRADE AND SELF-SUFFICIENCY

The decision to introduce collective organization into agriculture was based on considerations of social policy and economic needs. Since a class of successful farmers had begun to appear under the NEP, the Communist leadership desired to forestall the growth of individual enterprise in agriculture. At the same time, the need to increase agricultural production called for the introduction of new methods of farming. The ambitious program of collectivization of agriculture, begun at the time the first Five-year Plan was put into operation, was designed to consolidate small holdings into large fields so that tractors and machine techniques could be used. The state tractor factories were prepared to deliver the machinery. Experiments with large state farms, each of the type called a *sovkhoz*, had indicated that large-scale agriculture managed on the model of big industry was not successful.

Agricultural Collectives. The collective farm, called a *kolkhoz*, was decided upon as the most desirable form of organization to meet both the social and technical aspects of the agricultural problem. Peasants who became members of a *kolkhoz* pooled their holdings of land and a large part of their livestock. They worked the large fields in brigades, organized and directed by an executive committee elected by the membership.

At central points the government set up machine-tractor stations where the collectives could arrange for the use of tractors and machinery and receive improved types of seeds and livestock, technical advice, and other services. These inducements, it was hoped, would attract peasants into the *kolkhoz*; but it was necessary to use severe compulsions in a campaign to "liquidate the *kulaks*" (the wealthier peasants). These *kulaks* were heavily taxed, and the state police imposed penalties of imprisonment or banishment to Siberia on many of them. After a few years more than 80 percent of all farming was carried on in collectives.

This revolution in agriculture had the effect of bringing the peasant into the general program of planned economic activity.

Not only was farming made into a large-scale, mechanized enterprise, but the machine-tractor stations also served as headquarters in the rural districts for the propaganda and educational programs of the party and the state. Schools were established in the villages, and a broad social program of medical care, recreation, and social insurances was introduced into the agricultural communities. Some satisfactions of individual initiative are still permitted to the peasant. The most common type of *kolkhoz*, called the *artel*, leaves him his house, garden, and some livestock, which he may regard as personal possessions, and gives him some opportunity to market any surplus produce left after meeting the charges for the services of the tractor station and the taxes and collections imposed by the government.

The Collectives since World War II. The peasant has been the individual who has been most resistant of all members of the Soviet community to the drive for full socialism. It is probably not exaggeration to say that he has never really forgotten the disappointment he felt when nationalization of land, while it expropriated a landlord he frequently hated, did not give him individual ownership of the land. He has regarded his new landlord, the state, with suspicion ever since. In many cases he was a *kulak*, a wealthy or moderately well-off farmer, and usually an efficient or skillful cultivator. If he fell into the category of the *kulaks*, he was subjected to the harsh measures described above and in many cases was forced to leave his land. The drive for the collectivization of agriculture is one of the grim pages of Soviet history.

Since collectivization was very rapid in the 1930s, it is not surprising that the strain of war conditions led to a reappearance of some of the problems that existed at that time. A purge of agriculture was necessary in 1946. Various ways of evading the socialist intentions of the scheme had been devised; use of working days, the basis of allotment of the collective product of the *kolkhoz*, for various administrative assignments in excess of what was required for running its affairs; irregular allotment of foodstuffs; maintenance of irregular and unnecessary personnel in the working force; and a constant tendency to return some of the collective land of the whole collective to some of its individual members. These abuses were listed in a decree issued by the Council of Ministers early in 1946. This was followed by the creation of a Council for Collective Farm Affairs on October 22 of the same year.

The task of getting rid of abuses was regarded as constructive rather than punitive. Supervising and inspecting agents, aided by publicity and propaganda in *Pravda* and in local newspapers, managed to achieve improvement by medals, awards, and other incentives. Actual prosecutions were kept to a moderately small number. This particular situation reveals a persistent problem. But it seems not unlikely that eventually the changed situation in agriculture might achieve full acceptance by the rural population, for this type of difficulty has become less and less frequent.[2]

State Monopoly of Foreign Trade. Because of its experiences in arranging commercial relations with capitalist countries during the civil war, and because of the settled conviction that "socialism could be built in one country" during the period of the five-year plans, the Communist leadership has steadily striven to insulate Russia from the fluctuations of the world economy by managing all the relationships of foreign trade. The leaders have constantly prepared for the possibility that hostile commercial policies, economic depressions, or wars might force the Russian socialist economy to depend almost entirely on its own resources.

Besides these motives, there was the practical necessity of stabilizing currency rates with other countries in order to purchase generators for hydroelectric plants or machine tools for the new factories. Exports of raw materials, such as manganese ore, lumber, and grain, were made in great quantities for the purpose of building up credit balances which could be used to finance the purchase of capital equipment.

This combination of policy and needs led to a complete state monopoly of foreign trade. The Ministry of Foreign Trade conducts all trading operations with foreign countries, and any individual trading in foreign currencies or commodities is subject to severe penalties. It is impossible to make this control completely effective, and a certain amount of black-market trading has always gone on, particularly in border areas.

The general purpose behind the foreign-trade monopoly is to make purchases on the most advantageous possible terms and to maintain price and wage relationships unchanged within Russia. If these conditions are maintained, the program of rapid industrialization can be carried on even though it means heavy sacrifice on the

[2] "Collective Farming in the USSR," *The World Today*, Vol. IV (London, Royal Institute of International Affairs, November 1948), pp. 470–81.

part of the citizens in doing without consumer goods which might be bought abroad. Fixed prices can be administered within the country, and rationing schemes enforced whenever necessary. If the long-run objective of industrial self-sufficiency can be attained rapidly by building up plant and capital equipment, the socialist community is safe, in the opinion of its leaders, from the commercial and diplomatic risks which would otherwise endanger its security in a capitalist world. The performance of the Russian economy in World War II, particularly the dramatic transfer of whole factories to the industrial districts of the Urals, gives some justification for these policies of self-sufficiency.

While the monopoly of foreign trade is understandable in these terms, it carries some risks which the communist leaders have tended to ignore. It has exposed the Soviet Union to accusations of dumping commodities on world markets, and at all times it makes the Russian market difficult for exporters and importers of other countries. Adherence to the policy over a period of years indicates, however, that it is firmly established as an accompaniment to the general program of a socialist planned economy.

THE ECONOMIC LIFE OF THE CITIZEN

This brief sketch of the Russian planned economy can be made more real by illustrating it in terms of the life of the average person. The city resident—and the proportion of urban population is now one third of the total and rapidly rising—is usually a worker in industry or retail and wholesale trade, either in an office or as a skilled or unskilled artisan. In many cases, of course, he may be employed as an official, or he may be a handicraft worker or enterpriser in a producers' cooperative. All of these jobs are comparable to similar employment in England or the United States. Despite the equalitarian presumptions of the socialist society, levels of income vary widely. Responsible and skilled people, from trained craftsmen to technicians and administrators, are paid a higher level of compensation than unskilled labor. The Stakhanov movement has been used to stimulate the efficiency of labor, and piece rates of pay offer rewards to higher productive power. Labor turnover figures, so far as they are available, indicate that the Russian worker seeks more advantageous employment and better living conditions as persistently as the employee of capitalist enterprise in other lands.

Frequently he lives in a house or apartment that has been constructed by the city as part of a public housing development. His household purchases are made in the state stores or in a cooperative which often is maintained in the industry in which he works. During the past two decades he and his family often have found that it is not easy to buy what they want; basic commodities like bread and meat have been rationed for months at a time.

Social Services. Most of the services he requires are furnished by the state. Education, medical care, hospitalization, and various social insurances, if not made available by the state, are part of the activities of the trade union in which he almost invariably maintains membership. His wife and family are frequently employed as well. Maternity leaves and benefits are available for his wife; nursery schools, school meals for older children and various comparable services are organized by the state and in the industries.

The natural desire to improve the job and increase income is met by educational programs for adults which offer training of various kinds. Chances for promotion within the hierarchy of each industry are reasonably good. As previously noted, membership in the union or the cooperative society and participation in political activities connected with the Communist party have an effect upon social status.

Recreation is organized in large part by the state and by the trade unions. Theaters, concerts, parks, and museums are state activities, maintained at quite a high level. Vacation tours and resorts maintained by the state or the trade unions offer opportunities for travel and holidays.

The Professions. The professional man is a member of an association and frequently is an employee in some organized state service. The doctor, for example, usually has a post in a clinic or a hospital, though he has some opportunities for private practice. Engineers and laboratory technicians are employees of the great industries or occasionally hold posts in the scientific institutes and universities maintained by the government. Artists and writers obtain access to the public through the state-managed theaters and publishing houses. The Communist party line imposes limitations on artistic performance, but within the framework of socialist doctrine there has been considerable range for creative expression.

The Peasant. Since the drive for collectivization, the peasant's situation is comparable to that of the city dweller in many respects. While the member of the *kolkhoz* often feels that he is

the owner of his house and garden, a large part of his working days is spent in the common fields of the collective farm as a member of a brigade of workers, directed by the executive committee and the manager. He has lost the independence of the small farmer, but he benefits from the improved methods of production and the social services which have been introduced into the rural communities. Like the industrial worker, he has some opportunities for training and advancement. The machine-tractor stations are centers for agricultural education as well as technical services; and a promising boy or girl may be given the chance to pursue higher studies and qualify for technical or administrative responsibilities.

Country life has certainly lost much of its former character, but the extension of the social services and recreation activities has given it other attractions. The school, the clinic, the motion picture, and the radio are being brought to the rural communities. The Communist party has conducted active propaganda at the same time that the policy of agricultural collectivization has been carried on, for the party has been weakest in the country ever since the time of the Bolshevik revolution. The total effect of all these social and political changes has been, therefore, to make the peasants much more conscious of the government's program since 1930.

Standards of Living and Work. For the vast proportion of its members, the ultimate test of a society is its living standard and the freedom of activity it allows. Restrictions on information and controversy over its meaning make generalization about Russian conditions extremely difficult. The emphasis on industrialization, which was characteristic of the first two Five-year Plans and only slightly relaxed in the third, has certainly imposed tension and hardship on the people of the Soviet Union. There have been serious shortages of food and other consumer goods. At the same time there has been a constant tightening of labor discipline. Living standards and working conditions in one country are not easily compared with those in another, for the statistical bases are frequently different, but it seems likely that, while conditions have been improving in Russia, they still fall short of standards in other industrialized countries.

There is a psychological compensation, however, for the rigors imposed by the task of "building socialism in one country." The new industrial plants, the housing developments, the opportunities for education give the Soviet citizen a sense of pride in the col-

lective achievement of his community. The leadership constantly promises that the benefits of higher production will be reflected in the income of the worker and the peasant. While propaganda and compulsion undoubtedly have much to do with public acceptance of the socialist program, a feeling of participation in achievements contributes a substantial part to the stability of the government and the dominance of the Communist party

READINGS

Most of the books listed at the end of Chapters 17 and 18 deal with the economic system. In addition, a few others are:

Baykov, Alexander, *The Development of the Soviet Economic System* (New York, 1946).

Bergson, Abram, *The Structure of Soviet Wages: A Study in Socialist Economics* (Cambridge, Mass., 1944).

Bienstock, Gregory, Solomon Schwartz, and Aaron Yugov, *Management in Russian Industry and Agriculture* (New York, 1945).

Dobb, Maurice, *Soviet Economic Development since 1917* (London, 1948).

Hoover, C. B., *The Economic Life of Soviet Russia* (New York, 1931).

Hubbard, L. E., *Soviet Labor and Industry* (New York, 1943), *The Economics of Soviet Agriculture* (New York, 1939), *Soviet Trade and Distribution* (New York, 1938), and other books.

Yugov, Aaron, *Russia's Economic Front for War and Peace* (New York, 1942).

For current developments, see the list of periodicals listed at the end of Chapter 18.

JAPAN

Chapter 26

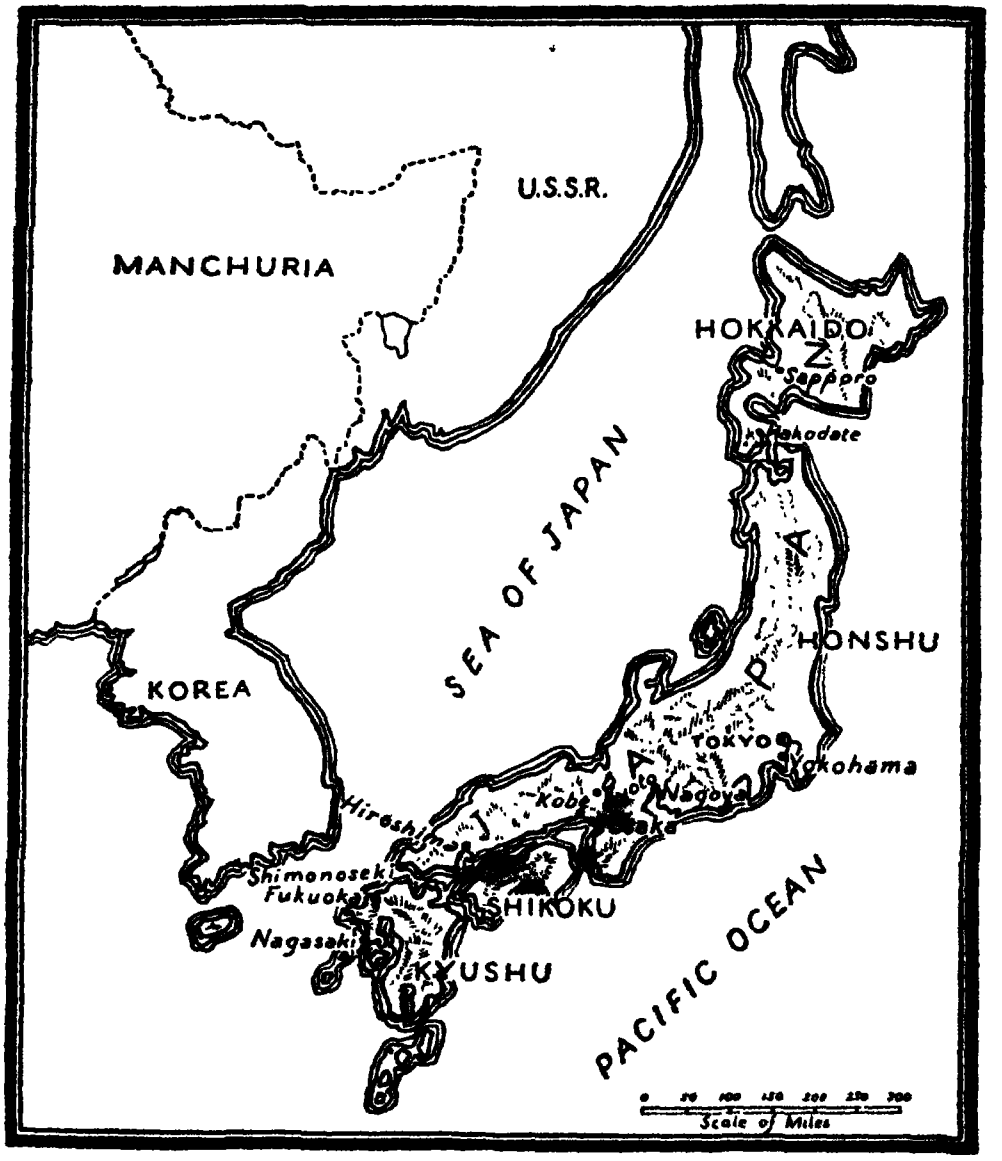
THE HISTORICAL HERITAGE OF JAPANESE GOVERNMENT

THE STUDENT, up to this point, has been occupied by the study of the governments of Europe and the Soviet Union. Now he turns to two governments in the Far East, Japan, and China. As was suggested in Chapter 1, the political philosophy and experience of these nations is quite different from that of the Western world. Only in relatively recent times have Japan and China been exposed to the full impact of Western thought and material progress. Accordingly, they afford opportunity for comparative study of the government and politics of divergent cultural backgrounds.

Japan, moreover, holds a position of special interest for the American student. The United States played the largest part in the defeat of the Nipponese in World War II following the treacherous attack upon Pearl Harbor. The resulting occupation of the defeated nation, which likewise is predominantly an American responsibility, has become the largest single administrative undertaking of the United States government outside of its own borders, costing the American taxpayer well over a billion dollars each year. Nor has this been the first occasion upon which the United States has exerted a profound influence upon Japanese affairs, for in 1854 Commodore Matthew Perry, U.S.N., sailed his "black ships" into what is now known as Tokyo Bay and forced the termination of Japan's two and a half centuries of self-imposed isolation from the rest of the world.

JAPAN'S ECONOMIC GEOGRAPHY

Japan is one of the smallest of the major nations of the world in area and one of the largest in population. Only England among


U.S.S.R.
MANCHURIA
HOKKAIDO
Sapporo
Hakodate
SEA OF JAPAN
HONSHU
KOREA
Tokyo
Yokohama
Kobe
Nagoya
Hiroshima
Shimonoseki
Fukuoka
SHIKOKU
Nagasaki
KYUSHU
PACIFIC OCEAN
Scale of Miles

the nations treated in this book is smaller in area, and only the Soviet Union and China surpass it in total population. The land area of the four main islands and the numerous small off-shore islands which constitute the national homeland is only 147,000 square miles, slightly less than that of the state of California. Formerly the Japanese Empire included Formosa, Korea, and the mandated islands of the Pacific, and before the end of World War II Japanese occupation and control extended to Manchuria, large parts of China, the Philippines, and most of southeast Asia and Indonesia. But defeat and surrender reduced the Japanese once more to the home islands which they held before they commenced their territorial aggrandizement less than a century ago.

Population. The population of the Japanese homeland is approximately 80 million. The growth of this population has been a prominent feature of the country's modern development. For two and a half centuries prior to the opening of Japan, the population remained relatively stable, between 25 and 30 million. But with the termination of enforced seclusion and the coming of commerce and industry, growth was rapid, following the characteristic pattern established by England and the industrial countries of western Europe. By 1940 total population had reached over 73 million. The economic and social dislocations of the war retarded the rate of growth. But with defeat some 6 or 7 million military and civilian personnel were repatriated from overseas, and the rate of natural growth once again showed a large increase. The 1947 population was reported at more than 78 million.

Japan is unified by the marked homogeneity of her people. The mixing of Asiatic and Indonesian strains to form the present Japanese type occurred before recorded time. Only a few thousand ainu, or aborigines, remain to remind the Japanese of the distant past. Social rather than racial factors are responsible for the existence of the small eta, or outcast, class.

The striking combination of hilly and mountainous terrain, rugged coastline, and rich, varicolored vegetation contributes to the scenic beauty for which Japan is justly famous and of which the people are so proud. But this leaves less than 20 percent of the land area for cultivation and support of the large population. There are no extensive plains, and those which are available consist of isolated patches along the coast or in intermountain basins. At the heads of the long bays on the Pacific side of the islands alluvial

deposits have made plains which have become the centers of population, both rural and urban. Here there are arable lands for intensive agricultural production, tidewater transportation for industry, and the only space for urban expansion. The Kanto, or Tokyo plain, with an area of about 5000 square miles, is the largest of these plains.

Economic Development. Agriculture remains the backbone of Japan's economic life, in spite of the rapid industrial growth which took place in the decades prior to World War II. The rural population constitutes about 45 to 50 percent of the total, and agriculture is the largest single occupational group, numbering more than 5.9 million farm families. Yet agriculture has not been on a sound economic basis for many generations. Rough topography, pressure of a growing population upon the land, government policies favoring industrialization—all have kept the acreage down and the units of production small and have produced widespread tenancy and a very low standard of living for the peasantry. The objective of agriculture is to secure the highest possible yield per unit of land, as in crowded Europe, rather than the highest possible yield per unit of labor, as in the United States. Even so, Japan is unable to produce sufficient food to feed her population, growing only about 80 percent of minimum food requirements, although she has come closer to self-sufficiency than Great Britain, another insular nation.

Japan is not an industrial nation in the Western sense. Only about one fifth of the working population is engaged in manufacturing. Industrial output, even before the war, was far below that of the United States and the industrial nations of Europe. In steel production, a key to relative world standing, Japan ranked sixth, below the United States, Germany, Soviet Union, Great Britain, and France, but stood ahead of Belgium, Italy, and India. It should be noted, however, that Japan is the only nation of the Far East which has entered the Industrial Era, and thus she is far ahead of her neighbors in productive output. Japan alone in the Far East developed a sizeable steel industry and such important large peacetime industries as textiles, rayon, and electrical goods. She alone possessed the facilities for the production of ships, planes, tanks and other weapons of modern warfare.

A remarkable feature of modern Japanese industry is the coexistence of large modern industrial establishments and traditional

small-scale handicraft workshops side by side within the national economy. In this respect her industrial organization is unique, reflecting, as in the case of so many other aspects of her contemporary culture, the prevailing influence of her feudal development. This situation is particularly true in the case of the smallest units in the industrial pattern, the hundreds of thousands of tiny home workshops which produce goods of all kinds for domestic consumption and export. Here the work is usually done by hand or with simple power tools, and the workmen are the master craftsman and his family or apprentices. In sharp contrast to these traditional units are the large-scale modern factories, with hundreds and even thousands of workers, employing modern mechanical equipment as in advanced Western countries.

In the period between 1931 and the turning point of World War II Japan experienced phenomenal industrial growth, in large measure as a result of her deliberate preparations for war. Following the conquest of Manchuria, the demands of the military group for expansion of war industries drastically altered the composition of industrial output. Heavy industry was given priority, and total production more than doubled. An interesting sociological consequence of this acceleration of industrialization was the rapid growth of the nation's cities. In 1920 only 12 percent of the Japanese people lived in cities of 100,000 or over; by 1930 this percentage had increased to 18 and by 1940 to 29. Moreover, about three fourths of the total population increase from 1935 to 1940 was in these large cities. The intensity of this development is illustrated by the fact that in the single decade of the 1930s the percent increase of population residing in large cities equaled that in the United States for the entire period since 1900. Only in the Soviet Union, which likewise was passing through a stage of forced industrialization, was the rate of increase of the urban population surpassed. By 1940 Tokyo approached a population of 7 million, Osaka exceeded 3.2 million, Nagoya 1.3 million, and Yokohama and Kobe numbered about a million each. The destruction of Japan's cities by American B-29 bombers during the war scattered large portions of this urban population, and Tokyo was reduced by 1945 to a low point of about 2 million.

Defeat and occupation brought Japanese production to a virtual standstill, and reconstruction moved ahead very slowly. By 1948

production remained at only 32 percent of the level for 1941, the peak year, or 64 percent of the level for 1930–34. Thousands of urban workers still were dispersed in rural areas.

Trade and Commerce. Japan's economic development has been seriously handicapped by her paucity of natural resources—modern industry cannot be sustained on scenic beauty and hard work alone. Hydroelectric power is abundant and made possible the rapid expansion of plant capacity for war purposes, but otherwise Japan's position is poor indeed. She is reasonably supplied with coal and copper, in terms of her own needs, but she has very little petroleum, iron, and other minerals. Consequently industrialization was geared to the importation of raw materials from overseas and exportation of goods manufactured from these materials by her enterprising and numerous workers and also to the exportation of raw silk. On this basis she developed a remarkably large foreign trade, surpassing both Germany and France during the depression years of the 1930s and ranking fifth after the United States, Great Britain, Germany, and France immediately preceding World War II. Her imports at this time consisted of cotton and other fibers, ores and metals, oils and fats, foods, timber, machinery, rubber, and chemicals. Her leading exports were textiles, raw silk, foodstuffs, machinery, iron and steel products, chemicals, ceramics, and wood products. She also operated the third largest merchant fleet in the world.

Japan can support her growing population only by expanding her industrial output, a task rendered extremely difficult by the circumstances following defeat. A group of American experts estimated in 1948 that current exports must increase six or seven times to provide payment for food and raw material imports required to sustain a minimum standard of living.[1]

THE INFLUENCE OF PREMODERN HISTORY

In spite of the increased knowledge of Japan which has come to many Americans as a result of the occupation, an adequate understanding of the operation of her political system remains difficult to obtain. One of the most troublesome factors in this regard is the contradiction between the apparent and the real. Things

[1] Johnson, Percy H., chrm., *Report on the Economic Position and Prospects of Japan and Korea*, Department of the Army, Washington, 26 April, 1948.

are not always as they appear to be to the foreign observer. The student notes, for example, that during her modern history Japan has utilized governmental institutions not strikingly dissimilar to those of Western nations with which he is familiar. Since 1945, moreover, American occupation authorities deliberately have directed the Japanese to follow certain Western practices. Thus he finds a cabinet, composed of the appointed heads of administrative ministries, an elected legislative body, an independent court system, and so forth. But upon more careful observation, he also finds that these institutions do not operate in the accustomed Western manner. Rather their behavior is peculiarly Japanese.

This situation is the consequence, in part at least, of two factors. The first is the way in which Japan emerged from her feudal past. For more than two hundred years, from approximately the mid-seventeenth century to the mid-nineteenth century, Japan experienced self-imposed isolation. Almost completely cut off from the rest of the world, denied the influence of outside knowledge and experience, her institutions reached a high stage of national development. Then suddenly the doors were thrust open to the foreign world. Eagerly Japan sought the benefits of Western science and industry. With remarkable speed she applied new learning and within a generation emerged as a modern state, an important member of the world community. As part of this adoption of Western experience to her own needs, her leaders erected a new structure of government, formalized in a written constitution promulgated in 1889. This structure outwardly was similar to that of Western nations. Its substance, the manner in which it operated was, however, very different, for this substance followed centuries-old Japanese patterns of thought and social behavior. The adoption of new institutions amounted very largely to the establishment of a façade of Western prototypes behind which characteristically Japanese practices continued to operate.

The second factor contributing to the contradiction between the apparent and the real is the occupation of the nation following defeat in World War II and the imposition of American-inspired reforms. These measures called for the initiation of further changes patterned upon Western developments. But here again the new institutions likewise amounted to an additional foreign-style façade. Accordingly the student of Japanese government and politics must consider, however briefly, the premodern history of Japan to ap-

preciate the fabric of political thought and experience which was carried forward and which has persisted to the present. Otherwise he will seriously misjudge the constitutional structure and the political system which are now being developed.

Feudal Military Dictatorship. When Commodore Perry of the United States Navy succeeded in 1854 in opening Japan to the outside world, the country was dominated by a highly organized military dictatorship, a system of government which had evolved over more than six centuries and which permeated every phase of Japanese life. Power rested in the hands of hereditary feudal lords, or *daimyo*, who derived their wealth from the rice produced on their large land holdings in the agricultural society which prevailed. In order to protect themselves, the feudal lords retained professional warriors, or *samurai*. It was these samurai who lived according to a rigid ethical code and who wielded the famous double swords. Below the daimyo and the samurai, the mass of the common people toiled on the land to produce the all-important rice. Artisans, located chiefly in towns clustered about the towering castles of the lords, served the simple requirements of the people, but they also developed remarkable skills in the production of lacquer and metal wears, ceramics, fine textiles, and other art goods. Supreme over the feudal lords and their warriors ruled the military dictator, or *shogun*, the holder of the most extensive lands and the possessor of the greatest military strength. To the shogun the lords and warriors owed obedience and homage. Although permitted a degree of autonomy within their own lands, they were controlled by the greater authority of the military administration supervised by the shogun.

This military rule of Japan reached its greatest perfection under the Tokugawa shoguns. Ieyasu Tokugawa, the first ruler of the clan, gained control of the country after a series of civil wars terminating in the early seventeenth century. His successors held that control until 1867, shortly after the emergence of the country from its long isolation. The early Tokugawa rulers were preoccupied with the task of perfecting a form of government which would perpetuate their dominance. The success of their efforts was attested by the length of their rule and that of their successors, two and a half centuries. From their capital at Edo, the site of present-day Tokyo, they evolved a pattern of rigid regulations and controls, binding the other feudal lords and their warriors as well as the entire social

and economic fabric of the nation. Approximately one fourth of the country, including a large proportion of the richest lands and all principal cities and seaports, passed into the hands of the Tokugawa clan. Feudal lords of doubtful loyalty were assigned lands removed from Edo, separated from each other by Tokugawa holdings or those of faithful lords. As a further guarantee, the lords were required to reside for part of each year in the capital and to leave their families in Edo as hostages for the remainder of the time. Marriages between the families of the lords were closely supervised lest alliances against the Tokugawa rule be arranged. The Tokugawas likewise established military control over strategic highways and passes and supervised travel between the lands of different lords by means of a rigid passport system. Throughout the nation, the shogunate maintained political police, trained in the fine arts of espionage, reporting on the activities of lords and their subordinates.

Not only the lords but all of society was regulated to an amazing degree. Rigid social regulations were imposed upon the people, distinguishing the privileged military caste from the rest of the population. Each caste was instructed in detail what behavior it could follow, what clothes it could wear, and even whom it could marry. Severe punishments were meted out for infringements of these regulations.

Exclusion Policy. Perhaps the most significant of all controls employed by the Tokugawa regime to assure its position was that of national exclusion. During the late sixteenth century Japan had developed extensive contacts with the Western world as well as with China. Japanese trade had expanded along the Asiatic continent as far as Indonesia, and a Japanese diplomatic mission visited the Pope at Rome. European traders reached Japan, establishing themselves in a favored position with some of the feudal lords. Christian missionaries, who followed the traders, achieved considerable success in introducing Catholicism into the country. But for political reasons the Tokugawa rulers turned the nation away from these foreign influences. They feared that certain lords might employ the foreign trading connections and the alien religion to build up their strength against the central authorities, and they feared also the introduction of new ideas inherent in Christian doctrines. Consequently they prohibited all overseas contacts, with the exception of a mere trickle of trade through the port of Nagasaki, and suppressed and

almost completely eliminated Christianity by violent and ruthless persecution.

Under this highly organized regime, the actual operation of the government was in the hands of an aristocratic military bureaucracy, or *bakufu* (literally, military camp), which was responsible to the shogun. Having emerged from a period of civil warfare, the government constituted in effect an extension of the wartime military command into a period of peace, and Edo became the administrative as well as the military capital of the country. Important political decisions were made by a council of the highest officials. Subordinate councillors supervised the work of numerous executive and judicial officers located in the capital and principal cities and at the headquarters of the feudal lords. Within their own domains these lords followed the example of Tokugawa procedures, so that a high degree of legal and administrative uniformity was achieved throughout the whole country.

Position of the Emperor. During this long period of Japanese history the military dictator, the shogun, was the real ruler of the country. In theory, however, the emperor remained the supreme, august sovereign of the nation. But the emperor reigned only; he did not rule.

Earlier in the history of Japan, for several centuries following the first emergence of organized government at about the time of Christ, the imperial family did rule the primitive agricultural nation. It was during this period that the myths concerning the divine origins of the Japanese islands and their rulers evolved into a systematic justification of the authority of the imperial line. But in the seventh century, following the introduction of Chinese culture and the resulting advance of Japanese society, a series of strong civil dictators seized political power, which they held until the first shogunate was established in the twelfth century. The interesting feature of this long experience is that the acceptance of the divine authority of the emperor was so strongly implanted that neither the civil nor military dictators replaced him. As a matter of fact, the early myths were further elaborated to enhance the imperial position. The imperial dynasty was never deposed. The emperor remained the symbol of national sovereignty, while the real powers of government passed into other hands, frequently as the result of the use of force. In theory, the holder of political authority possessed it only by imperial sanction. Actually, he was the one with

the power to seize and retain it. The emperor's role was reduced to mere performance of certain ceremonial and religious functions and to presiding over the imperial court, which remained in the ancient capital of Kyoto. On numerous occasions, moreover, the emperor was a minor, controlled by a regent appointed by the civil or military dictator. Thus there was firmly established the principle of indirect rule, by which the real governors of Japan operated behind the emperor, the spiritual and ceremonial head of the nation.[2]

Importance of Feudal Heritages. As already indicated, Japan's feudal past has had a profound conditioning effect upon contemporary political, economic, and social institutions. Before 1600 Chinese influences, and to a considerably lesser degree those from western Europe, produced marked changes in Japanese development, but the isolation which was forced upon the country for the next two and a half centuries by the Tokugawas enabled Japanese culture to undergo a process of continuous refinement and perfection, insulated as it was from alien ideas and institutions. The Tokugawa period was one of intense internal growth and consolidation. Many of the unique features of contemporary Japanese life, such as the glorification of the warrior spirit, the emphasis upon loyalty, and the subordination of women, reached their ultimate perfection during this period of exclusion. Consequently, by the time the exclusion policy was terminated and Japan again came into contact with the outside world, the pattern of Japanese thought was so deeply ingrained that all subsequent developments were molded and fashioned according to firmly established principles and practices.

National Unification. One of the principal inheritances was that of two and a half centuries of national unification and development. By 1854 Japan had experienced a long period of internal peace and security under centralized authority. Unlike China, which to this day has not attained complete national unification, Japan came upon the modern scene with a closely knit, highly organized, and well-disciplined society. She already possessed an internal structure, nation-wide in scope, upon which to build the instruments of modern administrative and technological skills.

Significantly, however, this nationalization was achieved and maintained by repression, not by consent. From the past the Jap-

[2] For a description of premodern Japan, see Sansom, G. B., *Japan: A Short Cultural History*, rev. ed. (New York, 1943).

anese inherited not only a glorification of the martial spirit but a tradition of government by force of a military machine. Closely associated with this tradition, moreover, was the extensive use in politics of violence, treachery, and intrigue.

Subordination of the Individual. The most deeply implanted of the political heritages, perhaps, was the subordination of the individual to the group and to the state. The Japanese failed to develop the Western notions that the individual possessed certain inalienable rights which could not be abridged by the state and that all men were by nature equal. In their experience the individual existed primarily as a member of a family, of a clan, and ultimately of the greatest of all families, the whole Japanese nation. As an inferior being he was expected to accept the dictates of the head of the family and of the head of the nation, the father and superior of all, the emperor of Japan. The highest of all virtues was loyalty, the loyalty he owed to his family and to the emperor, who was the personification of the nation.

In western Europe and in the United States the rights of the individual are protected by the acceptance of the principle of government by law. No such restraint upon political authority developed in Japan. Rather, as a subordinate member of society, the individual did not look to laws as defenses guarding his individual rights but as lists of his duties as a member of the national community, duties determined by an official class which itself was superior to the law. It can readily be seen how this principle accorded with the domination of the government by a relatively small, exclusive ruling oligarchy.

Interference of State with Private Affairs. Japanese political theory likewise sanctioned the interference of the state into all affairs of the community and the nation. It already has been indicated that the shogunate ordered political, social, and economic life to an amazing degree. Unlike the West, Japan did not develop a laissez-faire theory of economics. The state could and did concern itself in the greatest detail with matters of production, distribution, and consumption.

To the student an interesting feature of Japan's long isolation is that her people were completely cut off from eighteenth- and nineteenth-century political developments in America and Europe. The political concepts and doctrines which played such an important part in the development of popular government in the United

States and in the countries of western Europe were unknown to the Japanese.[3]

THE MEIJI RESTORATION AND THE MODERN CONSTITUTIONAL SYSTEM

At the time Commodore Perry reached Japan, strong internal forces threatened the continuation of the Tokugawa regime. Certain of the feudal lords and their enterprising samurai chafed under the repressive measures of the shogunate. Moreover, they beheld Western encroachments upon neighboring China and feared that the same fate would befall their own country unless she modernize her government and defenses. They drew the support of a few members of the emperor's court and of a wealthy and rising merchant class that likewise resented the restrictions of the feudal system which relegated them to the bottom of the social scale. In 1867 these elements forced the shogun to yield his authority and to restore formal control of the nation to the emperor.

National Progress. The Restoration, as this political change is known, heralded a period of remarkable progress. The new leaders, who were an exceedingly intelligent and able group of men, eagerly sought knowledge from abroad in order to catch up with the material advances of the Western world. They sent observers and students to Europe and America to learn the latest methods of industry, trade, education, and national defense. Foreign experts were brought to Japan to assist in the construction of arsenals, dockyards, factories, railroads, and in the planning of a modern educational system. Feudalism was abolished. The lords exchanged their lands for government bonds, and the samurai gave up their cherished swords and their special privileges. This period in Japanese history is referred to as the Meiji period, deriving its name from the emperor who was "restored" to a position of nominal authority.[4]

Historical Setting of Meiji Constitution. The modern governmental system of Japan, which remained in operation until the

[3] Chapter 1 of Reischauer, R. K., *Japan, Government, Politics* (New York, 1939), contains a brief but excellent interpretation of Japanese political thought. See also C. Yanaga, "Japan: Tradition and Democracy," *Far Eastern Survey*, XVII (March 24, 1948), pp. 68–71.

[4] For an outstanding interpretation of the Meiji period, see Norman, E. H., *Japan's Emergence as a Modern State* (New York, 1940).

adoption of a new constitution following unconditional surrender to the Allied powers, dated from the Restoration period. It took its formal shape in terms of numerous laws and imperial rescripts and ordinances, centering in the promulgation of a written constitution by the emperor in 1889.

In attempting to understand the structure and operation of the modern government of Japan, the student should keep in mind the conditions which prompted its establishment. Although the Restoration brought about new organs of administration and set loose forces which produced remarkable changes in the pattern of Japanese life, it was not a political or social revolution caused by the organized protests of the mass of the people. On the contrary, it represented a shift of authority from one ruling oligarchy to another. It has been noted that the leadership for the Restoration was derived from certain lords and samurai, associated with rich city merchants, plus a few members of the imperial court. These statesmen and their supporters were not interested in promoting popular government; it is quite certain that the thought never occurred to them. What they desired was the creation of a strong, autocratic central government which could sweep away the restrictive features of the feudal system, institute broad economic and military reforms to prepare Japan to face the increasing threat of Western interference, and act quickly against the possibility of internal social unrest. Moreover, they sought to erect a system which would ensure the continuation of their own control of political affairs.

The Use of Shinto Faith. The most significant and effective device at the disposal of the Restoration leaders was the Shinto dogma of absolute loyalty to the divine emperor. By restoring the emperor as a source and center of all political authority, they possessed an extremely potent means of commanding acceptance of the new regime by diverse elements. Thus the Restoration leaders revived the ancient Shinto doctrine that the emperor descended in direct line from the Sun Goddess and that he himself was a living god who rightly claimed the unquestioned devotion of all his subjects. It naturally followed that the emperor's ministers and officials were to be regarded not as public servants but rather as executors of his supreme divine authority. These leaders sedulously employed the new school system, the newspapers, and other means to impress the ancient legends and dogmas upon the minds of the people. The

Shinto faith became a state religion, with state support of the priesthood and shrines, many newly erected or refinished. Characteristically, the Constitution of 1889 was presented as a gift of the emperor to his people.

The Restoration leaders perpetuated and reinforced the traditional practice of indirect rule. By emphasizing the theoretical authority of the emperor, while at the same time providing organs through which they alone could "advise" him in the use of this authority, they effectively guaranteed their own dominant position. When they studied the governments of foreign nations, these statesmen observed in Prussia a system which most perfectly satisfied their own requirements. Here they found concentration of authority in the hands of the Kaiser, but provision for the exercise of that authority by a small ruling oligarchy through advisory organs of government. As a result the Japanese constitutional system embodied many features of its Prussian model.[5]

THE ORGANS OF GOVERNMENT

The principal organs of government which evolved under the Constitution of 1889 were: the emperor, the Imperial Household Ministry, the Privy Council, the Supreme Military Command, the Cabinet, the Genro ("elder statesmen"), the Diet (parliament), and the courts. The diagram on page 607 indicates the relationships between these various political institutions. It will be noticed that supreme sovereign power rested in the emperor, but that this power in actuality was exercised in his name by the advisory organs—the Imperial Household Ministry, the Privy Council, the Military Command, the Cabinet, and the Genro. The military, by reason of certain prerogatives and privileges established by the Meiji leaders, held a position of particular advantage over the other organs. The Diet exercised relatively little influence. In the following pages this governmental structure is described in some detail.

THE EMPEROR

The emperor was the supreme head of the nation, the source of all political authority, and the personification of the national will. The Constitution identified the emperor with the state and

[5] Quigley, H. S., *Japanese Government and Politics* (New York, 1932), pp. 40–44.

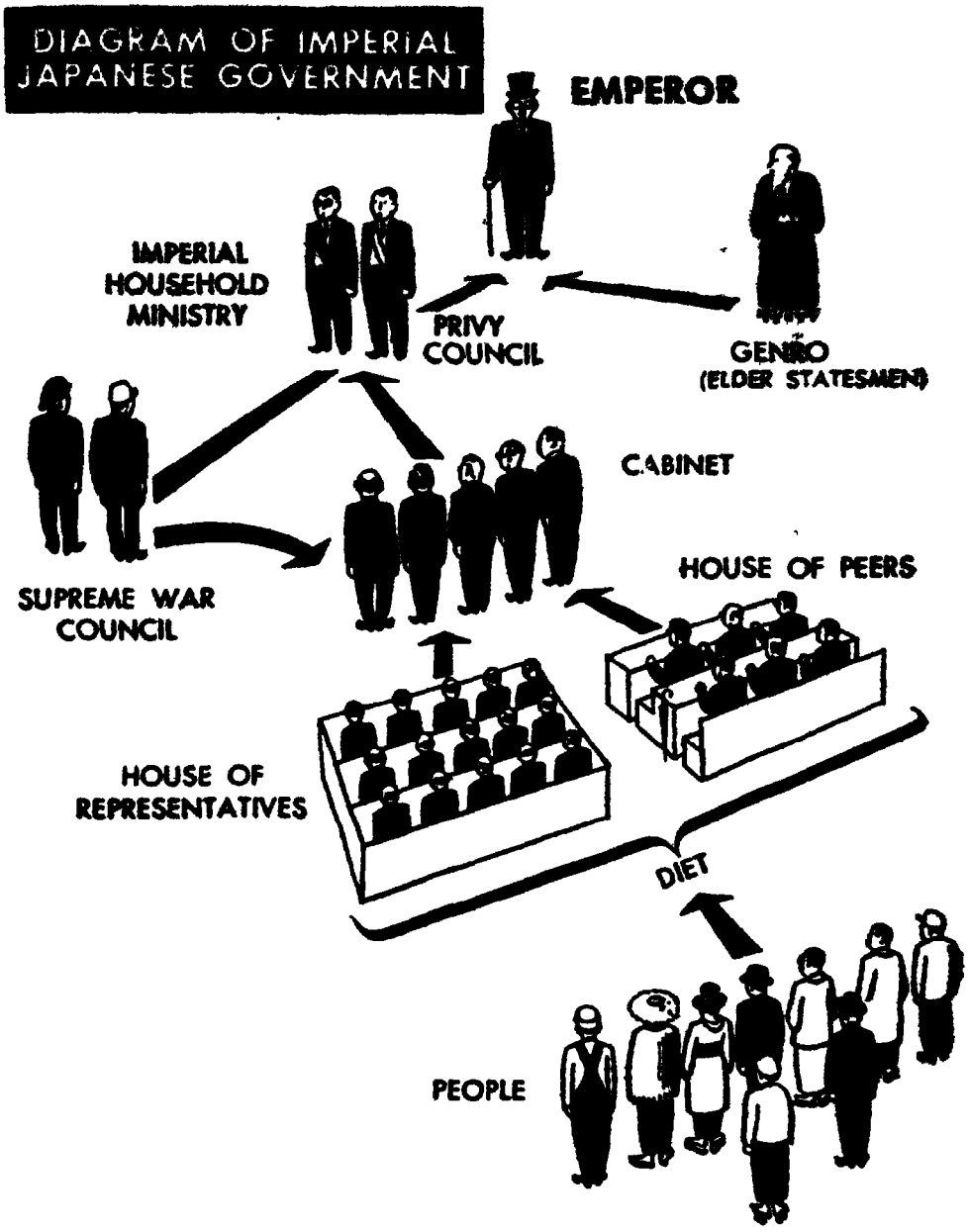
proclaimed that the imperial dynasty reigned unbroken through ages eternal. The Constitution further declared that the emperor was sacred and inviolable, thus buttressing his political position with added religious sanction. For purposes of description the functions and powers of the emperor may be grouped into six categories.

Symbol of the Nation. Great emphasis was placed upon the emperor as the symbol of the nation. According to the Constitution the emperor was the head of the empire, combining in himself all the rights of sovereignty. Much attention was devoted to the emperor's ceremonial duties: religious duties which he performed as high priest of the Shinto faith, military duties as commander in chief of the armed forces, political duties as head of the state, and family duties as head of the imperial family and of the larger family including all Japanese people.

Head of the Imperial House. The emperor exercised control over all members of the imperial family, just as the eldest male exercises control of each Japanese family. Imperial family affairs were regulated by the Imperial House Law, which was promulgated in 1889 at the same time as the Constitution. This law could be amended only by the emperor with the advice of the Imperial Family Council and the Privy Council, thus placing it beyond the reach of the elected representatives of the people. The Imperial House Law provided for succession by the nearest male descendent of the imperial line. A regency could exercise power in the name of the emperor during his minority or when he was incapacitated.

Supreme Commander of the Army and the Navy. Absolute control of the armed forces of Japan was vested in the emperor. Since this authority was derived from his personal prerogative as military head and not as political head of the state, the supreme direction of the army and the navy was subject solely to commands which he issued upon the advice of military officers rather than of political officers of the government. The consequence of this arrangement was the separation of the command of the military forces from the administration of other government matters, resulting in a situation frequently called "dual government," in which the Japanese army and navy acted with a considerable degree of independence, even in political matters and in foreign affairs.

Executive Powers. The executive powers of the emperor included the appointment of officials, determination of the organization of administrative branches of the government, reception of


DIAGRAM OF IMPERIAL JAPANESE GOVERNMENT
EMPEROR
IMPERIAL HOUSEHOLD MINISTRY
PRIVY COUNCIL
GENRO (ELDER STATESMEN)
CABINET
SUPREME WAR COUNCIL
HOUSE OF PEERS
HOUSE OF REPRESENTATIVES
DIET
PEOPLE

foreign envoys, conclusion of treaties, issuance of ordinances and rescripts, declaration of a state of martial law, conference of titles of nobility and other honors, and issuance of pardons and commutation of sentences.

Legislative Powers. The imperial legislative powers included the convocation, opening, closing, and prorogation of the Diet, the dissolution of the Lower House, and the sanction and promulgation of laws. At times when the Diet was not in session the emperor could issue emergency ordinances, which had the effect of law but which had to receive the approval of the Diet at its next session to remain in force. Since the Constitution was a gift of the emperor to the people, it could be amended only upon the initiative of the Throne, although the approval of the Diet was required. Until the promulgation of the 1947 Constitution, no constitutional amendments were proposed under the document of 1889.

Judicial Powers. The judicial functions of the courts were exercised in the name of the emperor. All the important judges were appointed by the emperor and could be removed for cause by him.

THE ADVISORY ORGANS

An enumeration of the emperor's prerogatives demonstrates that they included all the attributes of sovereignty. It should be remembered, however, that although the will of the emperor was the will of the state, the emperor performed only upon the advice of others. All acts of the government were accomplished in his name, but he was no more than the symbol of authority. He did not participate in the formulation of policy, although policy was carried out in his name. His powers as head of the imperial house were exercised only upon the advice of the imperial household minister and other officials of the court; decrees, ordinances, and orders were issued and legislation was promulgated only over the countersignatures of the ministers of the administrative departments concerned; and the disposition of the army and navy was determined upon the counsel of the military supreme command. With such a system of government the student must look behind the emperor to find the instruments of political power that actually determined national affairs.

Imperial Household. The lord keeper of the privy seal was the highest imperial adviser and outranked all other court officials. He was responsible for the imperial and state seals which had to be attached to all laws and ordinances before they became valid. His close personal contact with the emperor gave him considerable

influence in political affairs, and he usually was consulted upon the selection of a new prime minister.

The imperial household minister supervised all matters relating to the imperial family, such as the management of imperial estates, the granting of awards and decorations, amnesties, contributions to charities, the keeping of imperial records, the performance of ceremonies and rituals, and other affairs relating to the emperor and his household. The Imperial Household Department, which was beyond the control of the Cabinet, was responsible only to the emperor. Although the advice of the minister was sought on household matters, he frequently was consulted as well on other questions of state. A large measure of the influence of these officials was due to the fact that appointments for an imperial audience were made through them. Holders of these important posts were selected by the emperor upon the advice of the prime minister. Dismissals could be made in the same manner, but it was customary for these officials to serve for life or until they wished to resign.

Privy Council. The Privy Council was created originally by an imperial ordinance to act as the supreme advisory body during the deliberations upon the Constitution. Its existence was recognized subsequently in the constitutional provision that the emperor could consult the Privy Council for advice. This body was composed of twenty-six members, who were appointed for life by the emperor upon the advice of the prime minister and the Council itself. Cabinet ministers were ex officio members of the Council and were entitled to vote. Certain matters had to be submitted to the Privy Council for its consideration, including changes in the Imperial House Law, laws and ordinances supplementary to the Constitution, amendments to the Constitution, emergency imperial ordinances issued while the Diet was not in session, ordinances bearing penal provisions, proclamations of a state of martial law, changes in the Privy Council itself, and treaties. In practice the Privy Council deliberated upon all matters of great political significance to the nation, and its influence was strong. Rarely was the Cabinet able to take action which had been opposed by the Privy Council.

Military Advisers. The chief military advisers of the emperor were the Board of Field Marshals and Fleet Admirals, the Supreme War Council, and the ministers of war and the navy. By virtue of the separation of his military and political powers, described above, the emperor consulted these military advisers rather than the civilian Cabinet members on all matters pertaining to the administra-

tion of the two services. The Board of Field Marshals and Fleet Admirals was the highest advisory body on military matters, but since its membership for the most part was limited to high ranking imperial princes, it had little real power. The Supreme War Council included the members of the Board, the chief of the military and naval general staffs, the ministers of war and the navy, and other generals and admirals appointed by the emperor upon the recommendation of the Council, making a total membership usually of twelve in which the army and navy were about equally represented. In time of war the Supreme War Council was reconstituted as the Imperial Headquarters, which was presided over by the emperor.

The two chiefs of staff were the most influential among the military advisers. In addition to their authority concerning military and naval operations and strategy, they controlled many details of the recruitment, training, discipline, internal organization, and disposition of the armed forces. If these matters were handled by the ministers of war and the navy, as they are in most countries, the Cabinet might have exercised control over them. By placing them outside of the administrative powers of these ministers, such control was avoided. Members of the Supreme War Council had the right of direct access to the emperor, which meant that on all matters pertaining to strictly military functions their authority was independent of other organs of government.

Further independence of the civilian branches of the government was derived from the broad powers of the ministers of war and the navy. Their right of direct access to the emperor placed them beyond the reach of their civilian colleagues in the Cabinet. Moreover, an imperial ordinance limited the appointment of these ministers to generals and admirals on the active list. No officer could accept appointment in a Cabinet without the approval of the Supreme War Council. By refusing to grant this approval the Council could dictate to the rest of the government. To take a specific example: In 1937 General Ugaki was designated by the emperor to form a Cabinet. But Ugaki was not in the good graces of the high command because at an earlier date he had been responsible for a reduction in the size of the army, and because it was feared that he was too favorable to the political parties. No officer was permitted to accept the War portfolio under his leadership, and consequently he was forced to abandon his attempt to

form a Cabinet. In other instances the supreme command forced the resignation of an entire Cabinet by withdrawing a minister of war.[6]

The Cabinet. The Cabinet played an important part in policy formulation and was the principal executive organ of the government. Its existence was recognized in the constitutional provisions that the respective ministers should give their advice to the emperor and be responsible for it, and that all laws, ordinances, and imperial rescripts relating to affairs of state required the countersignature of a minister of state. The Cabinet was composed of the prime minister and about twelve associates, each of whom headed a separate ministry. It also was common practice to include several ministers without portfolio. The prime minister was appointed by the emperor after consultation with the lord keeper of the privy seal, the imperial household minister, the president of the Privy Council, and other dignitaries. The prime minister selected his own colleagues after consultation with these and other officials and requested that they be appointed by the emperor.

The Genro and Jushin. The *Genro*, or "elder statesman," was a peculiar institution which developed outside of the formal constitutional structure but yet exerted considerable influence upon political affairs. It was composed of certain outstanding statesmen who took over the direction of national affairs in the 1880s and continued in positions of influence long after the nominal leadership of government had passed to other men. The Genro as an extraconstitutional advisory council was consulted by responsible authorities on all decisions of consequence, including the selection of a prime minister and the formation of a cabinet, and frequently it resolved differences between other organs of government. Following the death of the last of the genro, Prince Saionji, in 1940, a similar institution, the *Jushin*, or "senior statesmen," composed of former prime ministers, came into being and likewise served as an advisory group, although never with the power and prestige of the Genro. These two groups were characteristic of the Japanese way of reaching decisions in nonpolitical as well as in political life. In the family or village, for example, great reliance is placed upon the behind-the-scenes ability of elder persons or other respected indi-

[6] The relationship of the military advisers to the Cabinet and the emperor is described in Yanaga, C., "The Military and the Government in Japan," *American Political Science Review*, Vol. XXXV (June 1941), pp. 528–39.

viduals to assist parties to compromise their differences and reach working agreements.

THE DIET

Under the Constitution of 1889 the legislative body of Japan, the Imperial Diet, was technically an advisory organ, since legislative power as well as executive and judicial power rested with the emperor. The Diet was a bicameral body consisting of the House of Peers, and the House of Representatives. The House of Peers was composed of imperial princes and marquises, elected representatives of the lesser nobility, of the highest taxpayers, and of the Imperial Academy who served for seven years, and 125 persons appointed for life by the emperor on the basis of distinguished service to the nation. The total membership varied but was usually more than 400. The House of Representatives was composed of 466 members, elected by universal male suffrage from multimember districts for four-year terms.

The Diet met annually in December for a term of three months. Extraordinary sessions were held upon the call of the emperor as the necessity arose. The emperor could prorogue the Diet for periods of fifteen days or less. He could dissolve the House of Representatives, but in such cases an election had to be held and a new House convoked within five months.

Limited Powers. The Diet possessed certain definite powers, but its authority was limited. Legislative proposals could be initiated in either house, and all laws had to receive a majority vote in both houses. Emergency orders which had been issued since the last session had to be approved if they were to remain in force. Amendments to the Constitution, although initiated only by the emperor, had to be submitted to the Diet for approval. The national budget also required the approval of both houses, and the Diet voted national taxes and exercised a degree of supervision over financial accounts. Members of the Diet could interpellate Cabinet ministers, requesting an explanation of their activities.

A number of significant restrictions were imposed upon the powers of the Diet. Should either house fail to approve the budget submitted by the Cabinet, the budget for the preceding year remained in force. Moreover, the Diet had no authority over items in the budget listed as fixed expenditures, such as the salaries of officials, expenses of the Imperial Household, ordinary expenses

of the various administrative agencies and the army and navy, expenses arising from international treaties, and expenditures that arose from the effect of law and from the legal obligations of the government. The Diet had no control over administrative fees or other revenue such as the receipts of the post office and the government railways. The Diet, in other words, did not hold the purse strings of the government.

LOCAL GOVERNMENT

It has been pointed out that one of the principal purposes of the Restoration leaders was to provide an efficient, centralized regime. As a part of this effort they established new organs of local administration. In this respect their motives were similar to those of the statesmen of Napoleonic France, and the plan which they followed bears a similarity to that developed there. The country as a whole was divided into some forty prefectures, which were not units of local self-government but administrative subdivisions of the national government. Prefectures, cities, towns, and villages were placed under the close supervision of the Ministry of Home Affairs, performing functions delegated to them from above by laws and ordinances. The governors and subordinate officials of the prefectures were appointed and supervised by the Home Ministry and they in turn exercised broad powers of review over the officials of the lower units of local administration. Local assemblies, elected by popular vote, possessed very limited authority. Two of the principal responsibilities of local government, police and education, were removed from local control and placed under direct supervision of the national government. The police of the entire country were under the jurisdiction of the minister of home affairs, who thus exerted a direct control over every individual in the empire. Likewise the schools, in which Japanese children were indoctrinated with intense pride of race and nation, were instrumentalities of the national government, under the operation of the Ministry of Education. It was principally through these two ministries, Home Affairs and Education, that the national government was able to maintain control over all of the people and to organize them into a united, compact nation.

Centralization of Government. Japan's physical environment contributed to the creation of a highly unified, centralized state. The islands are small, compact and densely populated. In earlier

times the broken mountainous terrain was conducive to the establishment of autonomous feudal units, but the compactness of the country and the relative ease of communication, particularly after the construction of a modern railway network, made possible a high degree of political unity and centralization.

CIVIL RIGHTS AND THE JUDICIARY

The political philosophy inherited from the feudal past did not include the concept that the individual possessed certain inalienable rights which could not be transgressed by the state. To the contrary, as has been pointed out earlier in this chapter, the individual was subordinated to the state and possessed only such rights as the state might grant to him. This concept is clearly demonstrated by the complete denial of the idea of popular sovereignty in the Constitution of 1889. This Constitution did, however, contain an extensive list of the rights and duties of subjects, illustrating again the Japanese practice of borrowing from abroad. The list included the usual rights granted in modern constitutions, such as liberty of abode, freedom from search and seizure, the right of property, freedom of religious belief, freedom of speech and assembly, and so forth. But the Constitution did not guarantee these rights; rather they were restricted by the provision that each was subject to determination and revision according to the law. Thus these civil rights could be restricted or abolished by simple legislative fiat. Moreover, such legislative guarantees as were provided did not apply to action under police or other executive ordinances or to administrative acts by government officials. Thus, in reality the Japanese people possessed few, if any, civil liberties as they are known in the democratic nations of the West.

Judicial System. Likewise the Japanese judicial system, while presenting apparent similarities, differed markedly from that of the West. This system affords another demonstration of the curious adaptation of Western institutions to the needs which arose in Japan following its opening to the outside world. In order to conduct foreign commercial relations and to operate a modern industrial economy, the Meiji leaders deliberately patterned new judicial institutions and civil and criminal laws upon European practices, but at the same time they carefully excluded such foreign principles as might effect certain basic, long-established Japanese customs. For example, those portions of the civil code dealing with

natural and juristic persons, with real property, and with obligations were copied wholesale from the German civil code, but those portions dealing with domestic relations, the family, and inheritance consisted merely of a codification of ancient Japanese tribal customs. Thus while the judicial system was European in form, it was essentially Japanese in substance, producing for the Western observer—and for the unfortunate Occidental haled before a Japanese court—seeming peculiarities and contradictions.

The judicial organization under the Meiji Constitution was conducted in the name of the emperor and was national in operation and jurisdiction. The court structure which was modeled chiefly upon the French pattern, was divided into regular courts and administrative courts. The regular courts operated at four levels: local, district, appellate, and a single supreme court. There was but a single court of administrative litigation, modeled upon the German administrative courts, which exercised limited jurisdiction over appeals of individual citizens against acts of the government.

In principal the judicial system was established as an independent branch of government, though operating in the name of the emperor. To a considerable degree this principle was practiced and the judgment of the courts were not reversible by any other authority. The judges, who were appointed by the minister of justice, had permanent tenure and were usually men of superior qualifications. Certain arrangements existed, however, which did restrict the independent status of the courts. Administration of the court system was in the hands of the Ministry of Justice, which determined the rules of judicial procedure and recommended promotion of judges. The judges were members of the civil service and were classified and remunerated like other administrative officials. Judges accordingly tended to defer to administrative authority, a common Japanese characteristic. Some judges undoubtedly were influenced in their decisions by desire to satisfy their administrative superiors. Likewise the prosecuting officers (known as procurators), while attached to the courts, were directly under the control of the justice ministry. Since these officers conducted preliminary investigations upon which the judges' orders were based, prosecuted or defended criminal cases on behalf of the state, and supervised the execution of judgments in such cases, they frequently dominated the courts and the execution of justice. A further limitation upon an independent judicial system was imposed by the authority of police

officers to conduct summary trials of persons charged with so-called police offenses, including vagrancy, prostitution, intimidation, obstruction of traffic, and so forth. While such persons could appeal to a local court, in practice the police abused this authority arbitrarily. The use of a jury was introduced in 1928 for certain criminal cases, but the verdict was confined to questions of fact and was not binding upon the court, the court being empowered to disregard the verdict and empanel another jury. In practice the jury system has not been popular and has not been widely employed.

CONCLUSION

The structure of government devised by the Meiji statesment served Japan for more than half a century. It was suggested on page 604 that these statesmen devised this government to fit their purpose of ensuring the continuation of their own rule. In the accomplishment of this purpose they were eminently successful. Until the conclusion of World War I they and their immediate associates monopolized the key advisory posts in the Supreme Command, the Imperial Household, and the Privy Council. Seven of the eight prime ministers who held office between 1889 (the year in which the Constitution was promulgated) and 1918 were members of the two principal clans in the Restoration movement.[7] These two clans moreover, monopolized the command positions and the officer ranks of the rapidly developed army and navy. Through employment of repressive police regulations and press laws the narrow ruling oligarchy stifled criticism of government policy and suppressed the activities of nascent political parties. During these years the representatives of the people in the Diet were never able to assume active direction of national affairs. At times criticism and refusal to accept budgetary and legislative proposals caused the ruling oligarchy considerable embarrassment, but the Restoration statesmen and their successors firmly held the reigns of government by dominating the advisory organs. Throughout this period, therefore, the prime minister, who was the nominal head of government, was responsible not to the Diet but to the statesmen in the Supreme Command, the Imperial Household, the Privy Council, and the Genro.

Japan during the period extending from the termination of ex-

[7] Reischauer, *op. cit.*, p. 107.

clusion to World War I experienced an industrial and technological revolution, with most of the characteristic effects already suggested in Chapter 1. Under the leadership of the Meiji statesmen she experienced exceptional national growth and progress. She deliberately applied the technological developments of the Western world to her own requirements, and, with the expansion of modern industry, her population rose rapidly, and her cities grew in size and number. Within a little more than two generations Japan already seeking imperial advantages in Asia, defeated China and Russia in war and emerged with the colonies of Formosa and Sakhalin and valuable railway, mining, and other economic concessions in southern Manchuria. To these she soon added the colony of Korea by annexation.

Japan's industrial and colonial expansion produced many significant changes in her national life. Certainly the very rapid transition from the small, isolated feudal nation found by Commodore Perry into the modern major power of the twentieth century was one of the outstanding national achievements of the time. But these changes took place against a background different from that of western Europe. To state the situation very simply, Japan superimposed modern technological devices upon her existing social and political organization without making any basic alterations in these organizations. The old structure, handed down from the feudal experience of premodern time, remained at the heart of national life. The tradition of rule by a relatively small group, firmly established in the shogunate era, was carried forward by the Restoration statesmen and was perpetuated in the new organs of government. Technological developments were utilized to build up the industrial resources and military defenses of the nation, but the standard of living of the mass of the people—and their opportunities for political experience—hardly rose above the extremely low level of feudal times. By reason of the peculiar nature of the Restoration, whereby a small group engineered the shift to new leadership, the expanding economy of the nation was controlled by a small number of wealthy family combinations with close connections in government circles. This again emphasized the vast difference between the ruling oligarchy and the mass of the people. Likewise the social pattern of old Japan was carried forward with its exaggeration of unquestioned loyalty to superior authority, class distinction, and special privilege for the few.

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Chapter 27

THE RISE AND FALL OF MODERN JAPAN

JAPAN'S DEVELOPMENT from the time of the Restoration to World War I was an outstanding achievement of national progress. The period spanning the decades of the 1920s to the 1940s began with great hope and promise but ended in the disaster and disgrace of complete defeat and unconditional surrender. The causes of this tragedy are many and complex, but the story may be told in terms of the changes in the political leadership which directed the destiny of the nation.

Prior to World War I political life was dominated by the Meiji statesmen and their immediate associates and successors. No other political group or groups successfully challenged the supremacy of these men. In the first decade following the war a different sort of leadership emerged, and the nation entered upon a period of relatively liberal political development. This was a period when many foreign observers felt that Japan, having followed the path of Western technology, would also follow the path of Western democratic government.

THE PRINCIPAL POLITICAL GROUPS

In part this situation was the result of the fact that no single political group was supreme. In the 1920s numerous elements played major roles in national affairs. Before continuing the chronological account of developments following World War I, brief identifications of each of the principal groups which were active in political life should be given, in order that their composition and political outlook may be distinguished. These groups were: militarists, *Zaibatsu* (big business), bureaucracy, landowners, political parties, and superpatriotic nationalist organizations.

The Militarists. The militarists were the heirs of the feudal lords and warriors who ruled Japan in premodern times and of the Restoration clansmen who instituted conscription and built the modern army and navy. By reason of the constitutional and administrative separation of the supervision of military affairs from the rest of the government, they possessed a real advantage over other groups at all times. The principal objectives of the latter-day successors of the earlier militarists were control of the government at home by the military hierarchy and establishment of Japanese hegemony throughout East Asia. By taking the nation into war against China and finally against the United Nations, they achieved the former and came dangerously close to achieving the latter. The militarists always were extremely nationalistic and antidemocratic, and they suppressed even the slightest manifestations of liberalism. They exploited the ancient concepts of the divine origin of the Japanese nation and of absolute imperial authority to demand the complete obedience of all subjects of the emperor and the humble subservience of all conquered peoples. The militarists, however, did not always constitute a unified, homogeneous group, for within the army and navy circles there were marked differences between diverse cliques. More extreme elements, reflecting sympathy for small shopkeepers, poorly paid industrial workers, and impoverished peasants, directed vitriolic attacks upon capitalists and politicians, upon whom they blamed the economic ills of the country. They sought complete state control of the national economy as well as conquest of overseas sources of raw materials and markets for Japanese goods. Recognizing the inability of the armed forces to direct the national economy without the cooperation of business management, and understanding the dependence of the war machine upon industrial output, the more hardheaded and realistic militarists were willing to come to terms with business leaders. Without the support of business they could not have secured domination of the government.[1]

The *Zaibatsu*. A striking feature of the Japanese economy was the monopolistic control exercised by a half-dozen huge family-holding combines, of which the Mitsui and Mitsubishi were the largest and best known. This situation came about during the Restoration period. The Mitsui and a number of other merchant

[1] For a readable account of the army, its organization, and its role in national affairs, see Lory, Hillis, *Japan's Military Masters* (New York, 1943).

families provided the financial backing for the Restoration and were given generous economic concessions and other advantages by the government. Likewise certain enterprising samurai secured government subsidies for new enterprises. Upon these early concessions larger undertakings were erected, with the benevolent assistance of the government. These wealthy combinations generally are identified by the Japanese term *Zaibatsu*, which literally means "money clique." Not only did these organizations produce the bulk of Japan's manufactured goods, but through their ownership of banks, insurance companies, trading concerns, and shipping lines, they dominated the whole national economic system. During the 1920s, when the Zaibatsu asserted its interests through the political parties, it resisted the attempts of the militarists to run the government. The Zaibatsu feared the state socialism which was vigorously expounded by the military extremists and the terroristic methods which they employed to achieve their ends. But the rapid expansion of heavy industry after 1931 brought about a basis for cooperation between these outwardly antagonistic groups. Armament expenditures and government-guaranteed investments in new war industries and colonial developments yielded high profits and a willingness of the Zaibatsu to support the military program. During the 1930s, moreover, several rival industrial groups grew up outside of the family combines, largely as the result of army connections. The Zaibatsu, in other words, accepted the militarists in self-interest; it was profitable for them to do so.[2]

The Bureaucracy. Since the seventh century, when a civil service system was modeled upon the Chinese, a permanent bureaucracy has been a potent force in Japanese political affairs. A few words concerning administrative procedures will indicate the extremely important role of the modern bureaucracy and its relationship to other groups. In the first place, it should be recalled that Japanese government for many generations has dealt with a multitude of functions, including regulation of almost every phase of political, economic, and social life. Thus the operation of governmental affairs became a highly complicated process, involving a complex organizational network. The direction of this network has been the exclusive domain of the bureaucracy.

[2] For a more extended description of the Zaibatsu, see Department of State, *Report of the Mission on Japanese Combines*, Publication 2628 (Washington, 1946). See also Russell, Oland, D., *The House of Mitsui* (Boston, 1939), for a popular history of the rise of Japan's greatest Zaibatsu combine.

The modern Japanese civil service was modeled upon the Prussian system by its Meiji founders, but as in the case of similar importations of foreign institutions, it retained its basically Japanese character. Like its Prussian prototype, it was permeated by a strong legalistic bias, to the virtual exclusion of pragmatic standards of value common to British and American public administration. Members of the service, trained almost exclusively in law—more than three out of four recruits were graduates of the Law Faculty of Toyko Imperial University—were concerned with statutory or regulatory authorization for every act, not with practical results. The successful bureaucrat was not the individual who showed initiative and experimentation but rather the fellow with intimate, detailed knowledge of rules, regulations, and precedents.

The bureaucrats themselves, numbering about 500,000 in peacetime, formed a well-trained, homogeneous official caste, proud and jealous of their prerogatives and fully aware of the influence which they possessed by reason of their knowledge of administrative procedures. They held a grandiose opinion of their own importance and were extremely contemptuous of the common people and of their political aspirations. They considered such people utterly unqualified for self-government, a view which was reflected in their lack of respect for members of the Diet. This attitude was entirely consistent with the concept that members of the bureaucracy owed allegiance exclusively to the emperor and to superior authorities, and none whatsoever to the people.

The strongholds of the bureaucrats were the national ministries, the Imperial Household Ministry, semiofficial banks and corporations, and the higher levels of prefectural and municipal governments. From these positions they not only dominated the day-to-day operation of the government but also exerted a strong influence upon the actual formulation of policy. Quite a few career officials advanced into Cabinet posts and to membership in the Privy Council, the inner circle of the Imperial Household directly associated with the emperor, and the House of Peers. It was a common practice for retired officials to enter the large business corporations.

The bureaucrats constituted a strong bulwark in support of the established order; they were skeptical of all liberal tendencies and popular movements. During the 1920s for the most part they found it to their advantage to side with the Zaibatsu and landlords on matters of national policy. Like these groups, they were appre-

hensive of the dictatorial implications and foreign consequences of the ambitions of the military extremists. But in the 1930s they shifted their allegiance to the militarists, whose program of a controlled economy and colonial development offered bigger and better opportunities for government jobs. Certain able bureaucrats furnished the brains for the army's elaborate schemes of industrial and colonial expansion, and the rank-and-file civil servants prattled the nationalistic exhortations of the militarists in the best parrot fashion. Their significance continued to lie in their monopoly of administrative know-how, without which no other group could operate the government.[3]

The Landowners. Although not as significant as the militarists, Zaibatsu, and bureaucrats, the landowning class formed another distinct group in political affairs. As indicated in Chapter 26, tenancy was widespread—about 45 percent of farm families were tenants or part tenants. Much of the land was held by a relatively few persons, 3 percent of farm owners possessed 35 percent of the cultivated land and nearly one half of the tenanted land. These large landlords were somewhat similar in position and outlook to the Junker class in Germany. But there also were several hundred thousand small landowners, some of them holding no more than an acre. These landowners, small as well as large, exerted tremendous influence in local politics, dominating village and prefectural assemblies, agricultural associations, and other community organizations. Collectively landowners constituted a strong force in support of the status quo in rural life throughout Japan's long history of agrarian unrest. In national affairs they were not as active, but they joined with big business and the bureaucracy in blocking political, economic, and social reforms and the growth of popular government.

The Political Parties. Political parties first developed after the Restoration. These early parties were not parties in the usual Western sense, however, but relatively small groups of professional politicians held together by loyalty to a single leader and a common desire to share the spoils of office rather than by faith in certain political principles. Party growth, moreover, was severely retarded

[3] Further description of the bureaucracy will be found in MacDonald, Hugh D., and Milton J. Esman, "The Japanese Civil Service," *Public Personnel Review*, Vol. VII (October 1946), pp. 213–24; Esman M. J., "Japanese Administration—A Comparative View," *Public Administration Review*, Vol. VII (Spring 1947), pp. 100–12, Maki, John M., "The Role of the Bureaucracy in Japan," *Pacific Affairs*, Vol. XX (December 1947), pp. 391–406.

by the government program of repression of freedom of speech, press, and assembly. Following World War I, largely as a consequence of the support of the Zaibatsu, the political parties emerged as a major force in politics. For the first time the prime minister was selected from the leading party, and the Diet, in which party influence was concentrated, assumed a prominent role in the determination of national affairs. With the liberalization of the election laws and the introduction of universal manhood suffrage in 1925, the two principal parties the Seiyukai and the Minseito, tended to become instruments for the expression of popular interests. But although their leaders gave lip service to liberal political doctrines, the parties remained closely associated with the Zaibatsu and the aristocratic elements in the bureaucracy and court circles and even, to a degree, with certain of the militarists and ultranationalists. In rural areas they drew heavy support from the landowning class.

Generally the parties favored limited social and economic reforms, enlargement of the authority of the Diet, and restriction of the political influence of the civil and military bureaucracies. But in no sense did they ever become popular parties, representing broad cross sections of the population as do British and American parties. They remained largely groups of professional politicians, who, aware of which side their bread was buttered on—or, more appropriately, aware of where their rice came from—played along with the Zaibatsu, bureaucracy, landowners, and other representatives of the status quo. The Seiyukai was inclined toward conservatism in domestic politics and imperialistic expansion abroad, while the Minseito was more liberal and internationalistic in outlook, having sponsored manhood suffrage, partial reform of the House of Peers, and ratification of the London Naval Treaty. But throughout their history the parties continued to be weakened by the limitations of the constitutional system, by restrictions upon freedom of expression, by lack of clear political doctrines, and by internal corruption and quarrels. With the rise of the militarists in the 1930s, the parties gave up their limited independence without an earnest struggle and fell into line with the new dispensation. In 1940 they submitted supinely to government directed dissolution.[4]

The Superpatriots. In feudal times terrorism and force were common political devices, and they have been common in modern times as well. A feature of recent political history was the influence

[4] Quigley, Harold S., *Japanese Government and Politics*, op. cit., Ch. XII.

of superpatriotic, ultranationalistic, and militaristic gangs and societies. Their growth was greatly stimulated by the disillusionment of the depression years, but many of them were established before the turn of the century. By the mid-1930s they numbered between two and three hundred and ranged in membership from Cabinet ministers, high army and navy officers, and bureaucrats to fanatical hoodlums. The organization most widely known outside Japan was the notorious Black Dragon Society, which was founded to agitate for war against Russia in 1904. Although differing widely in their methods and their objectives, these heterogeneous organizations exalted imperial absolutism, denounced parliamentarism and democracy, and fostered militarism and foreign aggression. Several of these groups were responsible for the assassinations of 1931 and 1932 which helped to terminate party government, and others had a strong influence upon the army officers who initiated the insurrection of February 1936. The army officer who was responsible for the infamous attack upon the USS *Panay* in 1937 later became the organizer of a nationalistic youth society.[5]

Popular Movements. Popular movements representing the interests of the common people never had much chance of survival as a consequence of the severely repressive policy of the government. This was expressed in many forms but none so effectively as the brutal methods employed by the police against liberal leaders. Nevertheless during the 1920s a number of farm and labor political groups, including a small Communist party, were active in national politics. Various attempts to form a united Farmer-Labor party were made but without permanent success, largely because of government suppression. After the rise of military influence following the Manchurian affair in 1931, those popular groups which remained either shifted to the opposite pole of extreme nationalism or suffered elimination as a result of even more severe government controls. In spite of the failure of these popular movements to achieve much success, due credit must be given to the courage of their leaders to operate at all in the face of tremendous odds.[6]

Negotiation and Compromise. The militarists, Zaibatsu, bureaucracy, professional politicians, and superpatriots thus consti-

[5] A fascinating account of the activities of the superpatriotic, fanatical terrorists of Japan is given in Byas, Hugh, *Government by Assassination* (New York, 1942)

[6] Roth, Andrew, *Dilemma in Japan* (Boston, 1945). Chs. VI–IX discuss these popular movements.

tuted the principal political groups. National politics was largely a struggle between and among these elements to influence the government and to secure the acceptance of their views. Moreover, due to the retarded development of popular participation in political affairs, public opinion did not have a marked effect upon politics. Thus these various groups did not attempt to achieve their ends by manipulation of public opinion but rather by dominating or controlling an organ or agency within the government itself. The Japanese constitutional structure with its diffusion of authority among numerous organs lent itself to this practice. Because of this diffusion it was possible for different groups to entrench themselves in different parts of the governmental structure: the military in the Supreme Command, Zaibatsu and the bureaucracy in the Imperial Household and the Privy Council, and the political parties in the Diet. This in effect gave each group the power of veto over the formulation of national policy, for the agreement of each of these organs was required before the government could act.

Thus it was essential that the different groups negotiate among themselves and work out a compromise reasonably satisfactory to all concerned. This situation led to a great deal of behind-the-scenes political maneuvering and bickering among the leaders of the various groups, who most frequently were the real rulers of the nation, while the public officeholders out front acted merely upon the basis of decisions reached outside official channels. The consequence of this system of politics, derived from indirect rule and dependent upon the achievement and maintenance of compromise agreements between diverse elements, was a high degree of political instability. At any time any element could threaten the government by independent action, as the military did in 1931 when they launched the attack upon Manchuria without the sanction of the Cabinet. Actually the advantage usually fell to the militarists in time of crisis because of the special privileges granted to them within the framework of the government. Thus the political system of Japan and the Constitution in which it was reflected placed serious obstacles in the way of the political maturity of the Japanese nation and of the development of popular government by its people. And because of this instability Japan was a constant threat to the peace of her neighbors and ultimately of the whole world.

This, then, was the manner in which the ruling oligarchy, composed of strikingly different groups, governed Japan. Frequently

these groups struggled against each other, as each sought to advance its position within the coalition at the expense of the others. But it cannot be overemphasized that, in spite of the sometimes violent conflict, all of these groups were in agreement upon two fundamental principles: preservation of their collective control of national affairs, with the emperor as the symbol of authority, and extension of the power and strength of the Japanese Empire at home and abroad. Herein lay the strength of the established order in Japan.

THE RISE AND FALL OF PARTY RULE

This pattern of political activity among different groups should be kept in mind as the chronology of developments following World War I is resumed. As was suggested briefly above, the war brought a change in the complexion of Japanese political development. Japan entered the conflict against Germany, but her military participation was negligible. Taking advantage of the preoccupation of the manufacturing countries of Europe with the war, Japanese trade and industry experienced a remarkable boom. As a consequence, the process of industrialization, which had commenced with the Restoration, was greatly accelerated, and the Zaibatsu for the first time became a leading factor in political affairs. This situation soon brought changes in the composition of national leadership.

The Zaibatsu and the Parties. Trade and industry had been close to the government ever since the Osaka merchants backed the Restoration financially, but industrial leaders were no more than the junior partners of the Meiji statesmen. With the stimulation of war profits, however, these leaders reached out for a major role in the direction of national affairs. Finding their road to power blocked by the control which senior statesmen still exercised in the advisory organs, they threw their support to the political parties, which up to this time had never been more than small groups associated with a prominent political figure. Now, with the financial backing of business, the parties broadened their organization and became of major consequence. In 1918, Hara, a strong party leader, became prime minister, the first commoner to hold the position.

From 1918 to 1922 and from 1924 to 1932 the political parties supplied the prime ministers of Japan. And since the parties con-

trolled the lower house of the Diet, the practice developed that the prime minister should command the support of a majority of that body. Thus a system of parliamentary government came into being and with it a degree of responsibility on the part of the prime minister and his Cabinet to the lower house. In 1925, moreover, universal male suffrage was instituted. Many foreign observers felt that Japan was progressing steadily toward full constitutional, democratic government.

National policies during the 1920s reflected the interest of the Zaibatsu for the most part. Foreign trade was promoted; military expenditures were curtailed; and peaceful relations with the rest of the world were encouraged. The passage of a limited amount of social legislation reflected the beginnings of wider popular participation in government. The acceptance of the naval treaties of 1922 and 1930 indicated that the armed forces were being held in balance. Only during a brief interlude from 1927 to 1929 did they gain the upper hand under the premiership of the notorious General Baron Tanaka, who assumed the presidency of the Seiyukai.

Collapse of Democratic Progress. The relative stability of the 1920s was preserved only so long as the combination of the Zaibatsu and political parties was maintained in power. Conditions culminating with the impact of the Great Depression in the early 1930s shattered this combination, destroyed the leadership of the parties, and opened the way for a military dictatorship. The trend toward democratic government came to an abrupt end.

Because of the later American attempt to encourage democracy in Japan, the student should be thoroughly aware of the factors contributing to the collapse of party rule and of democratic developments. Foremost was the basic pattern of Japanese political thought, with its emphasis upon subordination of the individual and unquestioned loyalty and respect for authority. Although liberal doctrines circulated in the 1920s, particularly in the large cities and among intellectuals, they had not yet penetrated below the surface of fundamental social and political relationships. Moreover, power and authority remained with groups standing to lose much in any significant alteration of these relationships. These groups effectively utilized their control of the educational system and other media of expression to perpetuate the beliefs upon which their dominant position rested.

The existing constitutional structure likewise served as a serious brake upon democratic developments. The Constitution of 1889 placed inordinant power in the hands of the emperor, power which could be manipulated by irresponsible elements gaining access to the throne and advisory organs. The constitutional limitations upon the Diet, such as the restrictions upon its financial powers, obstructed the growth of true parliamentary responsibility. A more serious obstacle was the existence of the advisory organs with which the Cabinet shared the responsibility of policy formulation. And so long as the supervision of the armed forces remained separated from that of the rest of the government through the unique arrangements which granted to the high military officials independent access to the emperor, every Cabinet was at their mercy in a showdown.

These limitations might well have been overcome in time had effective leadership been available. Perhaps the principal cause of the reversal in democratic growth was the failure of the ruling elements to live up to the responsibilities placed upon them. The parties had been discredited by revelations of corruption and misuse of public funds and by bitter internal bickering and intrigue. When economic distress and unrest produced widespread discontent and disillusionment, they were unable to offer workable solutions to Japan's pressing problems. Likewise the Zaibatsu, landlords, and bureaucrats were unwilling to make the sacrifices involved in any far-reaching social and economic readjustments such as were called for. Rather they found it easier to accommodate themselves to the rise of militarism.

Thus the situation in the early 1930s was ripe for vigorous new leadership to make a challenge. Extremists within the army took full advantage of the situation to launch the conquest of Manchuria on their own authority in September 1931. In the months of unrest which followed, fanatics within the army and the superpatriotic societies made repeated threats upon members of the Cabinet and business leaders. By May of the following year the head of the Mitsui interests and the last two party prime ministers were eliminated by the assassin's bullet. Party rule, with its hope of parliamentary democratic government, was ended.

Coalition Government. A military dictatorship was not established quickly. Although the Zaibatsu and the parties no longer were strong enough to dominate the government, they still had

many friends in the Imperial Household and in other advisory positions, placed there in the preceding decade. Conservative elements within the army and navy, moreover, opposed the radical demands of the military extremists. For the next four years coalition Cabinets, representing business, the parties, the bureaucracy, and the armed forces, directed national affairs. The army secured a free hand to consolidate its conquests in Manchuria (where it tried out its ideas of state socialism) and to penetrate into North China, but the coalition of conservative elements maintained control of domestic affairs in Tokyo. Economic recovery eliminated the unrest of the early 1930s.

The 1936 Insurrection. By 1936 the trend actually was away from military rule. Elections for the lower house of the Diet, held in mid-February, resulted in a victory for the Minseito party, whose members opposed the extreme features of the militarists' policy, indicating popular disfavor with the aggressive attitude of the army. Cabinet responsibility to the Diet might have been reasserted, but the extremists once more took things into their own hands. On February 26, 1936, a military insurrection broke out in Tokyo, and with it the assassination of several high officials in the government including the lord keeper of the privy seal and the finance minister. The prime minister escaped only because of mistaken identity. Although the insurrection was broken up, it enabled the army to dominate the government. The extremists were discredited temporarily by the failure of the plot, but their strongest opponents had been eliminated by assassination or intimidation. Less extreme elements within the army took advantage of the situation to attract to themselves leading segments of the Zaibatsu and the bureaucracy and to gain a controlling position.[1] A year later the outbreak of war with China, which was in part a consequence of this internal situation in Japan, placed the nation on a war footing and permitted the army to employ wartime controls to solidify its grip.

MILITARY DICTATORSHIP

Significant changes within the Zaibatsu played an important part in the rise of the militarists to power after 1936. In the 1920s Japanese industry had been geared largely to foreign markets, and

[1] For a more detailed account of the political consequences of the insurrection, see Bisson, T. A., *Japan in China* (New York, 1938), Ch. 6.

business leaders accordingly favored international peace and friendship. But during the 1930s, after the Manchurian affair, the rapid expansion of heavy industries greatly strengthened groups in the business community which stood to benefit from the militarists' program of arms expansion and foreign conquest. By 1936 these heavy industrialists carried greater weight in political counsels than their light-industry associates. Thus the ranks of the Zaibatsu were divided, and the huge financial and industrial combinations no longer presented a united front against the militarists. Important segments of the business community now threw in their lot with the army. In similar fashion, supporters of the militarists program appeared in increasing numbers in the bureaucracy.

Opposition to a Military Dictatorship. Even after 1936 conservative elements within business, the bureaucracy, and the political parties resisted full military control with some success, and they were able to force certain compromises upon the militarists. It was not so much that they opposed the policy of Asiatic expansion; rather they were reluctant to yield up to the army the control of the nation's economy, and they feared the consequences of war with the British Empire, the United States, and the Soviet Union. This situation was reflected by the succession of relatively moderate prime ministers who held office between 1936 and 1941. It was only after Japan's high military command was convinced that Hitler would crush all opposition in Europe and after Prince Konoye, the last of the moderate prime ministers, failed to secure American acceptance of the conquest of China that the militarists came out from behind the cloak of the moderates and placed one of their own men at the head of the government. In October 1941 General Tojo, a full general on the active list and a leader among the extremists for more than ten years, formed a Cabinet, just two months before the attack upon Pearl Harbor.

The Tojo Cabinet, 1941. So by the autumn of 1941, ten years after the Manchurian affair, the extremist military elements finally achieved a dominant position in the government. It must not be supposed, however, that they alone ruled Japan. Closely associated with them remained the Zaibatsu and the bureaucracy. The militarists called the tune in so far as international and strategic affairs were concerned, but the Zaibatsu and the bureaucracy retained a strong hand in political and economic policy. The shift to a war economy after 1936 naturally brought about an increasing volume

of government controls over the economy. The army wanted to administer these controls, but the Zaibatsu, upon whom the army was dependent for war production, successfully resisted these attempts and managed to dominate the agencies of control which were established. Thus, as Japan entered full-scale war against the United States and the British Empire in December 1941, her government remained a coalition of militarists, Zaibatsu, and bureaucrats.[8]

National Regimentation. Following the outbreak of the China war in 1937 Japan quickly experienced a drastic program of government-dictated regimentation. The press, radio, motion pictures, and theater were subjected to even greater suppression than before, and the small popular political parties, farmers' groups, and trade unions were crushed or forced to conform to the official line. New government-sponsored and government-controlled occupational associations were set up to bring about full mobilization. Each of the major industries was brought within a so-called control association for the same purpose. Such freedom of thought as remained in the universities and schools was obliterated. In order to secure the maximum organization and sacrifice of the people, the old Shinto doctrines were exploited to the fullest, and the masses were propagandized on the divine mission of the nation to establish a New Order in Greater East Asia. As the total resources of the country were geared to the war effort, production of civilian consumer goods was pared to the bone, and the people were forced to undergo many hardships.

In 1940 the political parties, which already had declined in prestige and influence after 1931, suffered the full consequences of dictatorship. In that year the government, under the direction of Prince Konoye, established the Imperial Rule Assistance Association to provide a single organization by which to secure the complete unity of the nation behind the war effort. The political parties were disbanded and absorbed into the IRAA, and the old professional party leaders, many of whom were members of the Diet, were given prominent but subordinate places in the new hierarchy. The IRAA also absorbed within its broad structure all existing patriotic societies, youth groups, labor unions, and trade associations, and it rapidly assumed the functions of a single national party

[8] For more details, see Bisson, T. A., *Japan's War Economy* (New York, 1945).

under government control, headed by the prime minister. Branches were set up in almost every city, town, and village, through which government propaganda reached down to neighborhood and block associations and thence to the last individual. The IRAA gave the people the illusion of participation in government affairs. Actually it was an instrument of complete government control which ordered the people what to do rather than responding to their needs and wishes.

In 1942, when a Diet election was scheduled, the IRAA was utilized to secure the election of a designated slate of candidates. Approximately 80 percent of those elected to office were candidates "recommended" by the Tojo Cabinet. Subsequently Diet members were organized into an adjunct of the IRAA, the so-called Imperial Rule Assistance Political Society. IRAPS ensured the subservience of the Diet to the government through a steering committee and other guiding committees. For example, interpellations could be made only upon the approval of the steering committee. In this way the official government line was followed without resistance. In April 1945 the Imperial Rule Assistance Association was reorganized under the name Political Association of Great Japan, and placed under the headship of General Minami, one of the leaders of the extremist element in the army. This step was part of the government's attempt to obtain total resistance of the whole nation against the increasing tempo of the American military offensive and the expected assault upon the home islands.

Wartime Developments. Wartime conditions brought many changes to Japan, but no fundamental alteration in its political system. The complete subordination of the Diet, control of the press, radio and other means of expression, and ruthless employment of the civil and military police—all effectively eliminated any possibility of protest against the ruling authorities. The constitutional governmental structure operated along accustomed lines. Although adjustments were made to meet the pressing demands of war, no changes were made in the responsibilities of its organs and their relationships to each other. Unlike the United States, where a multitude of special agencies such as the War Production Board, Office of War Information, and Foreign Economic Administration were set up outside of the regular departments, Japan performed the administrative functions of the war effort within the framework of the Cabinet ministries. Certain changes in the allocations of

functions were made, however, as a consequence of the extension of military control. In 1942 a new Ministry of Greater East Asia was created, taking over from the Foreign Ministry all nonmilitary dealings with the countries of the so-called Coprosperity Sphere. Subsequently it also absorbed the functions of the former Overseas Ministry. The following year the Ministries of Commerce and Industry, Communications, Railways, and Agriculture and Forestry were combined into a single Munitions Ministry. As in earlier wars, the Supreme War Council was reconstituted in 1937 as Imperial Headquarters, and meetings were held in the imperial palace with the emperor presiding.

Koiso Cabinet, 1944. In the spring of 1944 the Cabinet was reorganized and the traditional procedure for such a change in government was followed. When Prime Minister General Tojo was forced by reversals in the western Pacific to leave office, the lord keeper of the privy seal was received by the emperor to discuss the selection of a successor. He was accompanied by the living former prime ministers, the jushin. The choice of General Koiso and four other senior army and navy officers for the key Cabinet posts assured the continuation of the war effort.

One important innovation introduced in 1944 was the creation of the Supreme War Direction Council, composed of six regular members, the prime minister, army, navy and foreign ministers, and army and navy chiefs of staff. Other members were brought in as necessary. The Council originally was formed as a liaison between the military establishment and the Cabinet, but by reason of its composition and its strategic position, it soon became in practice an inner cabinet, concerning itself with the most important issues of national policy. Its members had direct access to the emperor, and he in turn could call for meetings of the council. Its decisions were subject to approval by the full Cabinet. It was within the Supreme War Direction Council that the decision was eventually taken in 1945 to surrender to the Allies.

The Totalitarian Pattern. Japan's military dictatorship was sometimes characterized as a copy of the totalitarianism of its partner in war, nazi Germany. More accurately it was the product of Japan's own totalitarianism of the past. The dictatorship of the 1930s and 1940s presented striking similarities to the highly centralized, authoritarian regime of the Tokugawa shoguns. This situation was a consequence of Japan's rapid jump from feudalism to

modern industrialism. In Chapter 2 it was indicated that Great Britain experienced the Industrial Revolution only after the old feudal aristocracy had been replaced by a rising middle class and the fundamental characteristics of her modern political democracy had been developed. In Japan, on the other hand, there was no similar period of transition, and the pattern of development was more like that of imperial Germany. The superstructure of modern industrialism was applied directly upon the foundations of the ancient feudal order, with its emphasis upon subordination of the individual, glorification of military authority, and rule by an aristocratic elite. The samurai became the modern militarists, and the feudal aristocrats the Zaibatsu, but they now possessed twentieth-century weapons of warfare and the resources of modern industry and commerce. The mass of the people remained economically impoverished and politically inarticulate. Unlike England, a middle class, the backbone of a democratic society, remained almost nonexistent and the concepts of political liberty almost unknown.

THE IMPACT OF DEFEAT AND SURRENDER

Japan's wartime leadership rested with a combination of military extremists, Zaibatsu, and nationalistic bureaucrats. The succession of defeats suffered by Japanese forces, commencing with the battle of Midway in June 1942, convinced a growing number of persons of influence within the ruling circle that victory was impossible and thus weakened the dominant role of the military extremists in the government. But significantly at no time was there an organized attempt to gain control of the government by elements outside of these groups that traditionally had ruled the nation. Rather changes occurred within these groups whereby those individuals who foresaw defeat, joined by other prewar leaders from within the normal ruling clique, were able to achieve greater influence at the expense of the military extremists. This situation was fully developed with the formation of the Suzuki Cabinet in April 1945, following American landings on Okinawa. This Cabinet, headed by a former lord keeper of the privy seal who had narrowly escaped assassination at the hands of the insurrectionists in February 1936, was composed of experienced senior statesmen who represented conservative military, business, and bureaucratic interests.

Continuation of Oligarchic Rule. It was the Suzuki Cabinet which accepted the surrender of the country four months later.

This Cabinet had initiated peace talks in July 1945 through the Soviet government, hoping to bring about a negotiated peace by which Japan might avoid invasion and further destruction and escape with a part of her empire from the folly of her aggressive warfare. But destruction of Hiroshima and Nagasaki by atomic weapons and the entry of the Soviet Union into the war in the Pacific obliterated any hope of a negotiated peace and hastened the already inevitable surrender. Another new Cabinet was established between the acceptance of surrender and the formal signing of surrender documents on September 2, 1945. Except for the extraordinary fact that a prince of the imperial blood, Prince Higashikuni, was named prime minister, the rest of this Cabinet possessed the same conservative complexion of its predecessor.

Thus when the American occupation forces entered Japan and placed the Japanese government under their authority, the country was ruled by the same sort of narrow oligarchy that had dominated political affairs throughout its modern history. True, extremists had been forced from positions of influence by the consequence of military disaster, but otherwise the internal political situation presented a remarkable degree of continuity. It is interesting to compare conditions in the surrendered Japan of 1945 with certain of those following the emergence of the country from feudalism and isolation after the Meiji Restoration seventy-eight years before. It will be recalled that the Restoration very largely represented a shift of authority from one ruling oligarchy to another not greatly dissimilar in social and political outlook from the first, and that it did not constitute a social and political revolution resulting from the protests of large, well-organized masses of people. Similarly Japan weathered the severe storms of defeat and surrender without experiencing an internal political upheaval. The duly constituted and responsible authorities did not lose their control of the established organs of government and administration. By the normal processes by which political leadership is exerted and confirmed they removed from their midst those elements of the military hierarchy most directly responsible for the failures of the war. Thus Japan managed to emerge from the destruction of war with her political system intact. The contrast with the situation in Germany on V-E Day is obvious.

Preservation of the Imperial Throne. Not only was the political system basically unaltered, but the most important of the institutional and symbolic devices through which political power was

exercised, the imperial throne, escaped impairment by the circumstances terminating in surrender. Actually the emperor played the determining part in the decisions to seek and accept surrender. This statement will come as a surprise to the student, who will recall what was said earlier to the effect that the emperor reigned but did not rule. Ordinarily the emperor exercised very little, if any, personal influence in politics. Emperor Hirohito, who succeeded to his position in 1926, was informed of developments but did not normally exert any personal influence upon the making of decisions. The unique prospect of defeat, however, altered this situation. In the time of crisis toward the end of the war the responsible statesmen who accepted the inevitability of defeat associated themselves with the emperor, appraising him of the country's desperate situation and drawing him to their side. The emperor participated in the decision to solicit Russian mediation to end the war, and following the spectacular destruction of Hiroshima and Nagasaki and the entry of the Soviet Union into the war, surrender discussions were carried on by the Supreme War Direction Council in his presence. In these discussions no individual or group was willing to take the responsibility of forcing a decision. Hirohito himself finally acted as arbiter between those elements favoring capitulation and the die-hard fanatics among the military who demanded continued resistance. Thus the added influence and prestige of the position of the emperor, and in the end his personal determination, resolved the conflict within the inner circle and brought about the decision to accept the Allied terms of surrender.[9]

The strength of the imperial institution and its significance in the minds of responsible statesmen was demonstrated further in the final negotiation of the surrender. In this last moment before capitulation the one concession which the Japanese attempted to secure from their victors was a guarantee that the revered throne would not be interfered with. Accordingly they announced Japan's willingness to accept the Potsdam Declaration, "with the understanding that the said declaration does not comprise any demand which prejudices the prerogatives of his Majesty as a sovereign ruler." This condition the Allies declined to accept, the American

[9] A full account of the decision to accept surrender, derived from Japanese sources, will be found in United States Strategic Bombing Survey, *Japan's Struggle to End the War* (Washington, 1946).

reply specifying that after the surrender the emperor was to be subject to the Supreme Commander and that the ultimate form of the Japanese government should be determined by the people themselves at some time in the future. Nevertheless, in the surrender process the position and person of the emperor again were employed effectively as an instrument and symbol of governmental authority, further strengthened by statements carefully avoiding any reference to defeat but crediting the emperor with the restoration of peace. When the surrender finally came, the emperor for the first time in Japanese history addressed a personal radio message to the people, appealing to them to accept the new conditions but assiduously avoiding reference to surrender and defeat. "Having been able to safeguard and maintain the structure of the imperial state," the emperor declared, "we are always with you, our good and loyal subjects, relying on your sincerity and integrity." [10] During the period of crisis between the announcement of capitulation and the formal surrender ceremonies three weeks later the imperial position was utilized to bolster the Cabinet. An imperial prince, closely related to the emperor, was named prime minister, and three other imperial princes were dispatched to the theaters of war to impress upon Japanese troops the emperor's surrender orders.

Acceptance of Surrender. There was no organized opposition of any consequence to the surrender. A faction within the government, led by War Minister Anami, did hold out against the surrender decision, not because it had hope of victory but rather because of a desperate, fanatical determination to resist even though it might mean utter destruction for their country. But Anami did not attempt to use his official position to obstruct the steps taken by the Cabinet to secure surrender, and he himself committed suicide following the emperor's decision to end the war. The most serious threat to surrender came just before the emperor's radio talk to the people, when a number of young officers of the Imperial Guard entered the Imperial Household Office in an attempt to destroy the transcriptions from which the broadcast was to be made. The rebels were disbanded by the military police, and the incipient revolt collapsed. In the two weeks before the formal surrender ceremonies more than a thousand officers and soldiers

[10] Kato, Masuo, *The Lost War* (New York, 1946), p. 246. This little book is an account of the war years, of the surrender, and of the early days of the occupation by one of Japan's leading journalists.

chose death rather than surrender. The military extremists had lost control of the government.

The Japanese people accepted surrender without protest. While no doubt the emperor's announcement came as a great shock and surprise (for the government's propaganda had emphasized resistance, even to the bitter end), the people were more than ready to end the war. They were desperately weary of the suffering of wartime conditions which had mounted steadily since the invasion of Manchuria in 1931 and had culminated in the destruction of an average of almost 50 percent of sixty-six cities by incendiary B-29 raids. Thus, while the will of the political leaders to resist collapsed well before the will of the people as a whole, there was no active resistance to surrender as some leaders had feared.

TRADITIONAL PATTERNS

From this brief review of the circumstances under which Japan's leaders finally sought an end to the war the student may correctly conclude that defeat did not bring change in the characteristic political leadership of the nation or in its political, economic, and social structure. No one can say what might have taken place in respect to this traditional pattern had Japan been left alone, without an occupation by Allied forces, to work out her own destiny following surrender. It is possible that economic destitution and social disorganization might have produced widespread revolt against ruling authorities. But when it is considered that Japan's rulers still effectively controlled the instruments of government, including the police, this appears to have been unlikely. One thing, however, is quite certain: Japan's leaders did not feel remorse for the aggressive record of their nation. This is clearly demonstrated in the language of the emperor's surrender broadcast to the people.

Thus as General MacArthur and his staff faced the unprecedented task of assuming responsibility for the occupation of Japan and for the fulfillment of the reforms called for in the Potsdam Declaration, they entered a Japan still organized and operating according to the ancient, well-established patterns of traditional thought and action.

READINGS

The footnotes of this chapter indicate sources providing more detailed information concerning topical features of Japan's devel-

opment from World War I to World War II. Among the more general works dealing with this period are:

Bisson, T. A., *Japan in China* (New York, 1938). Chapter VI, VII, and X include an excellent exposition of the trends toward totalitarianism up to and including the first year of the war with China. *Shadow Over Asia*, by the same author (Foreign Policy Association, New York, 1941), contains a concise summary of the rise of militant Japan.

Borton, Hugh, *Japan Since 1931. Its Political and Social Developments* (New York, 1940). A valuable study of the period in which the militarists were rising to a dominant position in Japanese affairs.

Chamberlin, William H., *Japan Over Asia*, 2d rev. ed. (Boston, 1939).

Grew, Joseph C., *Ten Years in Japan* (New York, 1944). The selections from the diaries and private papers of the former American ambassador to Japan afford interesting reading and an insight into political developments during his term of service, covering the decade before Pearl Harbor.

Roth, Andrew, *Dilemma In Japan* (Boston, 1945). This little book includes a sympathetic treatment of peasant, labor and other popular movements in prewar Japan.

Young, A. Morgan, *Imperial Japan* (1926–1938), New York, 1938.

In addition to the works cited in the text, the following references relating to the rise and development of militarism are particularly useful:

Colegrove, Kenneth W., *Militarism in Japan* (Boston, 1936).

Maki, John M., *Japanese Militarism, Its Cause and Cure* (New York, 1945).

Tanin, O., and E. Yohan, *Militarism and Fascism in Japan* (New York, 1934). A provocative study by two Soviet authors.

Economic developments are discussed in the following:

Bisson, T. A., *Japan's War Economy* (New York, 1945).

Cohen, Jerome B., *Japan's Economy in War and Reconstruction* (Minneapolis, 1949). A thorough study.

Mitchell, Kate L., *Japan's Industrial Strength* (New York, 1941).

Schumpeter, Elizabeth B., ed., *The Industrialization of Japan and Manchukuo, 1930–1940* (New York, 1940). Part II of this volume contains an excellent account of the organization and operation of the Zaibatsu combines.

Among the special studies, the following might be cited:

Benedict, Ruth, *The Chrysanthemum and the Sword; Patterns of Japanese Culture* (Boston, 1946). An interesting interpretation by an American anthropologist.

Embree, John F., *Suye Mura, A Japanese Village* (Chicago, 1939). This is a study of a contemporary rural community, its social, political, economic, and religious organization. Mr. Embree's *The Japanese Nation, A Social Survey* (New York, 1945), is a useful reference, including information on economic, political, social, and cultural matters; it also has a selected bibliography, a glossary of Japanese terms, and a translation of the Constitution of 1889.

Fortune, Vol. XIV (September 1936), Vol. XXIX (April 1944). These two issues are devoted entirely to Japan. They contain some excellent articles and are well illustrated.

Holtom, Daniel C., *Shinto and Japanese Nationalism, A Study of Present-day Trends in Japanese Religions*, rev. ed. (Chicago, 1947).

Chapter 28

AMERICAN ADMINISTRATION OF JAPAN

THE CRUSHING DEFEAT of Japan by the combined resources and efforts of the United States and its allies and the subsequent occupation and control of the country by the victors produced vast changes in the land of the once-Rising Sun. Under the leadership of General of the Army Douglas MacArthur, the United States, acting on behalf of the Allied powers, instituted a pattern of reform of great consequence. Even the briefest examination of this reform program will indicate that it involved drastic alteration in the whole fabric of Japanese life, including fundamental adjustment of the thinking and action of individual Japanese and of their political, social, and economic institutions. It is the purpose of this chapter to review the reforms prescribed by General MacArthur; the following chapter deals with the Japanese response to these measures.

The changes which have occurred during this exciting period cannot be considered apart from the occupation imposed upon Japan by reason of defeat in war. These changes were initiated by the occupation authorities and not by the Japanese themselves. The student must remember that on two earlier occasions the Japanese were strongly influenced by external forces and influences: first, during the seventh century, when they borrowed heavily from the more advanced Chinese culture of the time, and secondly, in the nineteenth century following the opening of the nation by Commodore Perry. But on each of these occasions the Japanese deliberately turned to foreign sources for inspiration and guidance. In 1945, however, while individual Japanese did look abroad for guidance, the reforms of the occupation were not deliberately sought; they were imposed. Thus to understand postwar Japan it

is essential to understand the policies and operations of the occupation administration.

Because the occupation was so predominantly an American affair, much about American political character and ideals was revealed by it, for to a very large degree the reform program was based upon the principles which Americans believe in and somewhat idealistically think that all other peoples should accept. The occupation provided a unique study in comparative government, a contrast of Oriental patterns of political behavior with those imported from the West by the American forces.

SURRENDER AND OCCUPATION

Potsdam Declaration. The broad outlines of Allied policy for the treatment of Japan were proclaimed by Allied representatives at Potsdam in July 1945 in a declaration calling upon Japan to surrender. The Potsdam Declaration included the following terms: (1) unconditional surrender; (2) elimination of the authority and influence of leaders responsible for Japan's militarism and aggression; (3) limitation of Japanese sovereignty to the home islands; (4) complete disarmament; (5) punishment of war criminals; (6) removal of all obstacles to the revival and strengthening of democratic tendencies among the Japanese people, establishment of freedom of speech, religion, and thought, and recognition of respect for fundamental human rights; (7) establishment, in accordance with the freely expressed will of the people, of a peacefully inclined and responsible government; (8) retention by Japan of peacetime industries but elimination of those which would enable her to rearm for war, Japan to be permitted peaceful access to foreign raw materials; and (9) Allied occupation of Japanese territory until there should be convincing proof of the destruction of Japan's war-making power and of the achievement of Allied objectives.[1]

Surrender Terms. Japan surrendered unconditionally on September 2, 1945, in simple but formal ceremonies on the deck of the USS *Missouri* in Tokyo Bay. The Japanese representatives undertook for the emperor, the Japanese government, and their successors to carry out the provisions of the Potsdam Declaration and to issue whatever orders and to take whatever action might be re-

[1] *Occupation of Japan, Policy and Progress*, Department of State, Publication 2671 (Washington, 1946), pp. 53–55.

quired by the Supreme Commander for the Allied Powers or by any other designated representative of the Allied powers to give effect to that Declaration. They agreed that the authority of the emperor and the government to rule would be subject to the Supreme Commander, who would take such steps as he might deem proper to effectuate the terms of surrender. The Japanese surrender was accepted on behalf of all of the victorious nations by General Douglas MacArthur, who had been designated Supreme Commander for the Allied Powers by the President of the United States after consultation with Great Britain, China, and the Soviet Union. Representatives of nine Allied nations accepted for their governments separately.[2]

Administrative Mechanisms. From the outset the United States, because of its leading role in the defeat of Japan and because of its security interests in the Pacific, assumed the primary responsibility for the occupation and the administration of surrender terms. As an Allied occupation, the formulation of policy was a matter of international negotiation. But during the first months following the unexpected surrender no inter-Allied machinery for this purpose existed, and consequently the principal directives which established the whole pattern of the occupation were sent to General MacArthur by the Washington government alone. American troops made the first landings and received the surrender and disarming of Japanese troops throughout the entire Japanese homeland. The general headquarters of the Supreme Commander for the Allied Powers—commonly referred to by the initials SCAP—was an American organization, composed almost exclusively of American personnel and responsible directly to the United States government. While American policy was formulated in broad terms by the government in Washington, General MacArthur in practice was left with an unusual degree of freedom in respect to the implementation and timing of policy. The occupation bore the unmistakable stamp of his character and leadership.[3]

Allied Organs. Yet the victory over Japan had been achieved by combined Allied efforts and other nations besides the United States were vitally concerned with the treatment of Japan. It will be re-

[2] *Ibid.*, pp. 4–6, 62–67.

[3] SCAP occupied a half dozen or more modern office buildings in the relatively undamaged part of downtown Tokyo. This area soon took on the appearance of an American city, with Americans crowding the sidewalks and American busses, trucks and cars the streets.

called that, with the defeat of Germany a few months before, the inter-Allied nature of the responsibility for occupation and control had been recognized in the establishment of four separate zones of occupation which were placed under the over-all supervision of a four-power Allied Control Council in Berlin. The United States wished to avoid a similar distribution of power in Japan, and the circumstances of the war in the Pacific permitted it to do so, but it did agree to share certain of the occupational responsibilities with its allies. As a consequence of a compromise reached at the Moscow Conference of Foreign Ministers in December 1945, these nations obtained certain authority in respect to the formulation of policy, if not in its execution. The Moscow agreement created the Far Eastern Commission, composed of the nine nations which had received the Japanese surrender plus India and the Philippines, with headquarters in the former Japanese embassy in Washington. The Commission was empowered to define major policies toward Japan by majority vote, providing that the majority included the votes of the Big Four. The United States retained the authority to issue interim directives to SCAP on urgent matters, but the Commission subsequently could review these directives and also actions of SCAP involving policy decisions within its jurisdiction. The Supreme Commander could act on his own authority if he deemed it necessary, except in matters affecting the fundamental structure of the Japanese government or of the occupation regime, which were prerogatives of the Commission. The Commission, however, did not communicate directly with SCAP; its decisions were transmitted through the United States government. It should be noted, moreover, that the basic policy directives governing the occupation had been sent to SCAP by the United States government prior to the creation of the Commission, and although these directives were theoretically reviewable by the Commission, they could be altered only with the consent of the United States.[4]

The Moscow agreement also created a four-member Allied Council for Japan, with headquarters in Tokyo, composed of an American, a Russian, a Chinese, and a fourth member representing jointly the United Kingdom, Australia, New Zealand, and India. The Council was authorized to advise the Supreme Commander

[4] *Activities of the Far Eastern Commission*, Reports of the Secretary-General, Department of State, Publications 2888 and 3420 (Washington, 1947 and 1949).

on policy matters, but it was given no executive powers. Because of the reluctance of General MacArthur to deal with it and because of disagreement among its members, the Allied Council developed little authority.[5]

Certain of the Allies shared the responsibilities of military occupation with American forces. British Commonwealth troops, composed of elements from the United Kingdom, Australia, New Zealand, and India, occupied the island of Shikoku and part of western Honshu. By 1949 these units had been reduced to token forces of a few thousand. Plans for Chinese and Philippine participation failed to materialize, and the Soviet Union did not choose to send troops, declining to accept arrangements whereby they would be placed under American command and limited to purely occupation duties with no participation in policy matters. The Soviet Union, as well as the other Allies, maintained liaison missions at SCAP headquarters in lieu of diplomatic missions to the Japanese government. These missions were permitted to deal with the government only through the Supreme Commander.

Status of the Japanese Government. Under the terms of surrender the authority of the emperor and his government was subjected to the Supreme Commander. In practice, however, the United States chose to administer Japan by indirect means rather than to assume the huge task of governing the country directly. The United States government ordered SCAP to exercise its authority through the emperor and the existing machinery of government, national and local, but made it clear that "the policy is to use the existing form of government, not to support it." [6] General MacArthur was authorized to employ other measures of enforcement, including the deposition of the government and the use of force, but he never found it necessary to do so.

In practice the headquarters of the Supreme Commander (SCAP) remained a relatively small body of approximately 2000 persons, limited in function to issuing directives and orders, both informal and formal, to the Japanese national government, but without operational responsibilities itself. The personnel of forty-six military government (civil affairs) teams, located in each of the

[5] *Occupation of Japan, Policy and Progress*, op. cit., pp. 8–9, 69–73. For the comments of a former British Commonwealth member of the Council on General MacArthur's attitude, see Ball, W. M., *Japan, Enemy or Ally?* (New York, 1949), Ch. 2.

[6] *Occupation of Japan, Policy and Progress*, op. cit., pp. 75–76.

prefectural capitals and numbering in all another 2000 Americans, observed the activities of local units of government, reporting noncompliance with SCAP directives and rendering informal advice. These teams likewise were not responsible for the operation of government; that remained a Japanese task.

The contrast with methods employed by the Allies in Germany will be noted immediately. In that country the existing national government virtually collapsed with defeat, and the Allied nations established direct rule of Germany through four separate national military governments. In Japan, the whole existing administrative system, from the emperor to the lowest block warden, remained in operation and was placed under the authority and supervision of a single allied commander.

Changing Objectives of the Occupation. Thus the United States retained for itself primary responsibility for the formulation and implementation of policy. Consequently the occupation was almost exclusively an American affair, and developments in Japan after 1945 cannot be considered apart from American interests, motives, and actions.

The objectives which the United States originally set for the occupation were expressed in a basic directive to Supreme Commander MacArthur prepared by the State, War, and Navy Departments and made public in September 1945. This document, known as the United States Initial Post-Surrender Policy for Japan, spelled out in broad outline the program which SCAP was to administer, and listed two ultimate objectives. These were:

> To insure that Japan will not again become a menace to the United States or to the peace and security of the world,
>
> and,
>
> To bring about the eventual establishment of a peaceful and responsible government which will respect the rights of other states and will support the objectives of the United States as reflected in the ideals and principles of the Charter of the United Nations. The United States desires that this government should conform as closely as may be to principles of democratic self-government but it is not the responsibility of the Allied Powers to impose upon Japan any form of government not supported by the freely expressed will of the people.[7]

[7] *Occupation of Japan, Policy and Progress*, *op. cit.*, pp. 73–81.

Subsequently this directive, including this statement of objectives, was accepted with but minor changes by the other Allies in the Far Eastern Commission.[8]

The motivations for these objectives were plain. The Allies were determined to render it impossible for Japan to inflict aggression and terror upon her neighbors again. Policy accordingly was directed not only toward removal and prohibition of the physical means of making war but also toward fundamental internal reforms designed to eliminate those features of political, economic, and social life which, it was believed, had contributed to a war-making spirit. Thus the second of the two objectives set forth emphasized the need for a comprehensive attack upon the totalitarianism, militarism, and extreme nationalism which had produced Japanese aggression.

As time passed the United States reconsidered its policy toward Japan in the light of changing world conditions. China, instead of achieving unity and internal stability following liberation from Japan, fell back into destructive civil war in which the Communists achieved victory. American relations with the Soviet Union, rather than following the encouraging pattern of wartime collaboration, degenerated into hostility and cold war. These external factors brought about a changed attitude toward Japan. American policy became less concerned with punishment and reform per se as it became increasingly concerned with the possible role of Japan in the world balance of power. Specifically American policy shifted away from its original emphasis upon punishment and reform to the more recent emphasis upon economic recovery and stability.

Thus a third American objective—economic stability—was added to the original two. This third aim of building up Japan involved certain contradictions with the original objectives and inevitably introduced compromises in occupation administration. The student will do well to keep in mind this important alteration in emphasis of American intentions as he examines each of the major features of the occupation which are described in the text which follows and to be aware of further changes which may occur after this book is written. He will note also that this change in respect to Japan paralleled a similar shift in American treatment of Germany.

Following instructions laid down in the basic postsurrender

[8] *Activities of the Far Eastern Commission, 1947*, op. cit., pp. 49–58.

policy, General MacArthur proceeded along three closely related lines of action. These lines may be referred to, for purposes of simplification and description, as *disarmament*, *demilitarization*, and *democratization*. Disarmament and demilitarization were called for by the first objective of eliminating Japan's war-making capacity and spirit. Democratization was deemed to be necessary, if the second objective of the establishment of a peaceful, responsible government were to be achieved.[9]

DISARMAMENT

What was left of Japan's military machine was destroyed in a few short months. Troops were demobilized, conscription terminated, military headquarters and the War and Navy Ministries abolished, equipment scrapped. Japan was stripped of such physical means of making war as remained in her possession upon surrender.

Reparations. The Potsdam Declaration called for the exaction from Japan of just reparations; it was recognized that reparations should be demanded not only as a means of compensating in small part the victims of Japan's aggressions, but also of eliminating her war-making potential. Determination of the amount and kind of reparations, however, was rendered impossible by differences among the Allies. Initially the United States favored rather extensive removals of industrial equipment from Japan, including a large share of the steel, chemical, machine-tool, shipbuilding and other industries, as recommended by the President's special representative on reparations, Edwin W. Pauley.[10] In a series of decisions reached during 1946 and 1947 the Far Eastern Commission, with the United States concurring, accepted these recommendations in principle and determined that "the peaceful needs of the Japanese people shall be defined as being substantially the standard of living prevailing during the period 1930–34"—that is, the period prior to the rapid and extensive expansion of industry for war purposes.[11] SCAP was authorized to commence interim repara-

[9] For an interesting query concerning this assumption, the student is directed to Sansom, Sir George, "Conflicting Purposes in Japan," *Foreign Affairs*, Vol. XXVI (January 1948), pp. 302–11.

[10] Pauley, Edwin W., *Report on Japanese Reparations to the President of the United States* (Washington, 1946).

[11] *Activities of the Far Eastern Commission, 1947, op. cit.*, pp. 16–22.

tions removals from that portion of Japan's industrial establishment in excess of these peacetime requirements.

Subsequently the American position changed, in part as a result of the shift in emphasis already discussed, and in part as a result of increasing concern over the continued dislocation of the Japanese economy and the resulting cost to the American taxpayer in the form of subsidies for food and raw materials. Accordingly the United States opposed the removal of industrial facilities other than those directly concerned with the production of armaments. In a statement to the Far Eastern Commission in January 1948 the American representative declared that greater emphasis should be placed upon policies designed "to bring about the early revival of Japan on a peaceful self-supporting basis."[12] While acknowledging that an industrialized Japan might again become a military power and thus a menace to her neighbors American spokesmen now argued that a strong, industrialized Japanese economy would be less dangerous to the peace and prosperity of the Far East than a continuing state of instability and economic maladjustment.[13] Finally, in May 1949 the United States government announced to the Far Eastern Commission that it no longer supported reparations removals at all. Any primary war facilities remaining should be utilized in the peaceful economy or should ultimately be scrapped, but no removals of industrial facilities should be made. In view of the dominant position of the United States and of its right of veto within the Far Eastern Commission, it was expected that the reparations program, such as it was, had terminated. It was estimated that shipments from Japan to claimant nations under the interim program, composed for the most part of machine tools, would be limited in value to less than 39 million dollars.[14] It should be noted, however, that Japan also lost assets overseas, located chiefly in Korea, Formosa, and Manchuria, valued in the billions of dollars.

Renunciation of War. Demobilization and reparations offered immediate means of disarming Japan. General MacArthur person-

[12] *The New York Times*, January 22, 1948.

[13] See, for example, the reports of two missions of American industrial and financial experts on this question: Overseas Consultants, Inc., *Report on Industrial Reparations Survey of Japan to the United States of America* (New York, 1948); Johnson, Percy H., chrm., *Report on the Economic Position and Prospects of Japan and Korea*, Department of the Army, Washington, 26 April, 1948.

[14] *The New York Times*, May 13, June 8, 1949.

ally initiated a bold and unusual measure designed to perpetuate this accomplishment by committing the Japanese nation to a policy of permanent disarmament. When the new Constitution was drafted in 1946, he directed the inclusion of Article 9, renouncing war "as a sovereign right of the nation and of the threat or use of force as a means of settling international disputes." [15] Although the right of self-defense was not given up, Article 9 rendered such a right ineffective by the provision that "land, sea, and air forces, as well as other war potential, will never be maintained." [16] Of course, the Japanese people will regain the right to amend or eliminate this constitutional provision when the occupation has been terminated, unless denied the right in the final treaty settlement, but in the meantime it stands as a unique expression of national self-restraint.

DEMILITARIZATION

American and Allied policy directed General MacArthur to eliminate those characteristics of Japanese life which had contributed to a war-making spirit, characteristics which otherwise might again be exploited by unscrupulous, militaristic leaders. This was a far-reaching program, directed against many of the features of Japanese affairs described in the two preceding chapters.

Trial of War Criminals. In accordance with the Potsdam Declaration, SCAP ordered the Japanese government to apprehend and turn over specified individuals wanted as war criminals. Military courts soon commenced the tedious process of trying large numbers of Japanese charged with criminal acts against Allied prisoners of war and civilians in violation of the generally recognized laws of war. Similar trials were conducted in the liberated areas of Asia, the most publicized of which were the convictions of Generals Yamashita and Homma in the Philippines.

In May 1946 twenty-eight Japanese leaders charged with having committed crimes against the peace and crimes against humanity were brought to trial in Tokyo before a special international military tribunal, composed of eleven justices, each representing an Allied nation. The tribunal was the Far Eastern counterpart of the

[15] Rowe, David Nelson, "The New Japanese Constitution," *Far Eastern Survey*, Vol. XVI (January 29, 1947), p. 16.

[16] The text of the Japanese Constitution will be found in the Appendix of this book.

Nuremberg court, which tried and convicted high Nazi leaders for similar crimes. Finally, in November 1948, the tribunal handed down its verdict. All of the defendants were found guilty; seven were sentenced to hang, sixteen to life imprisonment, and two to lesser terms. Two of those indicted in 1946 died before the trial was completed, and one suffered a mental collapse. This group of former top leaders of Japan included representatives of the principal elements which had participated in the rise of a military dictatorship and the making of war, with the exception of the Zaibatsu. Early plans to bring to trial certain Zaibatsu figures were dropped, reportedly over the protests of the Soviet Union. Foremost among those tried and convicted was General Hideki Tojo, who was sentenced to death by hanging. Although Emperor Hirohito was not brought to trial, as many American and Allied observers and many among the Japanese themselves had anticipated, Sir William Webb of Australia, chief justice of the tribunal, expressed from the bench the personal belief that the emperor could not escape responsibility for his country's aggressive acts.[17]

The war crimes trials had a dual purpose. They immediately eliminated the possibility that these extremist leaders might use their influence against the objectives of the occupation. They also were designed to convey to the Japanese people a sense of personal and national responsibility for the acts of aggression committed by their nation and to demonstrate to them that "crime does not pay." Only time will tell whether this second purpose was achieved.

Elimination of Militaristic Controls. Further elimination of militaristic forces was ordered in a series of sweeping directives to the Japanese government canceling all laws and regulations limiting freedom of speech, thought, assembly and religion, including laws restricting free discussion of the emperor and the imperial institution, and all laws discriminating against any person because of race, creed, or political opinion. Also the government was ordered to free some 32,000 political prisoners and to restore to them full civil rights.

[17] The charter of the International Military Tribunal for the Far East and the indictment of the war criminals are reproduced in *Trial of Japanese War Criminals*, Department of State, Publication 2613 (Washington, 1946). The judgment of the court and the verdict were published by the Department of the Army under the title *Judgment of the International Military Tribunal for the Far East*, seven vols. (Washington, 1948). The record of the trial is voluminous and has not been made available for public distribution.

Likewise restrictions were removed from the press, radio, motion picture industry, and the theater. The infamous *Kempeitai*, Japan's military police, and *Tokkoka*, special "thought-control" police, were abolished. All militaristic, terroristic, ultranationalistic, and antidemocratic societies and organizations were dissolved and outlawed.

Disestablishment of State Shinto. As was pointed out in Chapter 27, exploitation of the myths and dogmas of Japan's indigenous religion, Shinto, particularly those emphasizing blind loyalty to the emperor and the nation's divine mission of conquest, had been one of the most effective devices by which her militaristic leaders secured and maintained domination of national affairs. In December 1945 SCAP acted to terminate this situation, directing the government to end all public financial and other support of the Shinto cult. The directive also prohibited teaching Shinto in all public educational institutions and freed all individuals from any compulsion to believe in or to profess to believe in the Shinto faith. It forbade the propagation of "militaristic and ultranationalistic ideology not only to Shintoists but also to followers of other religions, sects, creeds, or philosophies." The directive also prohibited any government official, including the emperor, from taking part in any Shinto function or ceremony in his official capacity. Subsequently, on January 1, 1946, following an understanding with SCAP, the emperor issued a remarkable imperial rescript in which he declared that "the ties between us and our people . . . are not predicated on the false conception that the emperor is divine and the Japanese people are superior to other races and are fated to rule the world." [18]

The purpose of the Supreme Commander was not to destroy Shinto as an organized religion or to eliminate belief in the religious doctrines of Shinto. The purpose was rather to separate state and religion and to prevent misuse of Shinto for political ends by terminating its identification with the government. Henceforth Shinto rested upon the same legal basis as other religions, faiths, and creeds, entitled to precisely the same opportunities and protection but to no more.

Elimination of Militarism in the Schools. The militaristic practices which characterized the Japanese educational system were

[18] Braibanti, R. J. D., "State and Religion in Japan," *Far Eastern Survey*, Vol. XVI (September 3, 1947), pp. 185–87.

the subject of early directives from SCAP. Military training and teaching of militaristic doctrines were prohibited. The emperor's picture was ordered removed from classrooms and Shinto shrines from school properties. Courses in Japanese history, geography, and "morals" were suspended until new programs of study and new textbooks were prepared under SCAP supervision. The government was ordered to remove all teachers with militaristic views.[19]

The "Purge." One of the most drastic applications of the demilitarization campaign was the so-called "purge," which was derived from the provision of the Potsdam Declaration that "there must be removed for all time the authority and influence of those who deceived and misled the Japanese people into embarking upon world conquest." This feature of occupation policy was the counterpart of "denazification" in Germany. The basic purge directive of January 1946, which the Japanese called the "MacArthur typhoon," was aimed at persons in the national government. It ordered the government to exclude from office in the Cabinet, advisory organs, Diet, two highest grades of the civil service, and prefectural governorships all persons who had participated actively in leading the nation to war. Such persons were arbitrarily identified not by personal qualities but by certain classifications, such as membership in top government organs during the war years, commission in the officer ranks of the armed forces, membership in the secret police, leadership in superpatriotic societies, participation in the Imperial Rule Assistance Association, and so forth. In consultation with SCAP, the government implemented the directive by defining as active exponents of militant nationalism persons who had held certain high positions in the government, in government owned or government-controlled corporations, and in the administrations of occupied territories, as well as persons identified with certain specified programs of suppression of liberalism in the past.

In 1947 the purge was broadened to reach down to local governments and such nonpolitical fields as journalism, the arts, labor organization, and business enterprise, and the original classifications were extended to include additional phases of wartime association with militarism. The purge program imposed upon the government a large and difficult administrative job of screening

[19] *Occupation of Japan, Policy and Progress*, op. cit., pp. 33–35.

all persons falling within its broad classifications. In addition to persons holding designated positions, it was necessary to review the qualifications of all prospective holders of these positions, and also other persons—most numerous of all—who, while not necessarily seeking employment, nevertheless by reason of past action or association fell under the ban. By May 1948, when the screening machinery completed its job and was dissolved, a total of 717,415 persons had been screened, of whom 8781 were barred or removed from public office. An additional 193,180, who did not seek office, were designated as "undesirable individuals" within the meaning of the program. Of the net total of more than 201,000 persons thus affected, 115,000 persons were purged because of career military rank, 33,000 by reason of association with the Imperial Rule Assistance Association and its affiliates, 40,000 as former members of the secret and other special police, and 39,000 persons as principal officials of the Ex-Servicemen's Association. The number of persons affected in the nonpolitical fields was considerably less.

The purge program was subjected to severe criticism, both by those who argued that it was extreme and unreasonable and by those who declared that it did not go far enough in eliminating the behind-the-scenes influence of persons who had been responsible for the aggressive militarism and antiliberalism of the past. In 1949 a purge screening board was established to reconsider cases on appeal.[20]

DEMOCRATIZATION

SCAP moved quickly to enforce the disarmament and demilitarization directives. But this action was largely negative—that is, it consisted of mandatory orders to the government enjoining or prohibiting practices judged to have contributed to militarism and aggression. Eventual establishment of a peaceful and responsible government, on the other hand, posed a much more difficult, complex, and long-range task. Although the language of the postsurrender directive to SCAP did not set forth democratic government per se as a *sine qua non*, merely declaring that the Japanese

[20] See Quigley, Harold S., "The Great Purge in Japan," *Pacific Affairs*, Vol. XX (September 1947), pp. 299–308; SCAP, *Summation of Non-Military Activities in Japan*, No. 32 (May 1948), pp. 133–37; *The New York Times*, May 17, 1949.

government "should conform as closely as may be to the principles of democratic self-government," General MacArthur and his staff set full democratization as their ultimate goal. While no attempt was made to define the term precisely, it was clear that by democracy SCAP meant wide popular participation in and control of public affairs and protection of the individual against arbitrary political authority. General MacArthur himself also appeared to extend the term to include a relatively free capitalist economy.

Merely to state the problem of democratic reform indicates its immensity and complexity. The history of the world demonstrates the difficulties involved in the establishment of responsible popular government in any country. Very few peoples have achieved this level of political attainment.

Several choices were available to SCAP in this situation. It could have been content to prohibit militaristic features of Japanese society, hoping that in the clearer atmosphere new leadership would emerge to initiate and carry on the long-range program of democratic reform. Or it could have assumed the principal responsibilities of government and imposed and enforced from above a complete reform program of its own design. General MacArthur followed neither of these alternatives but selected rather a middle course, which approached more closely the second than the first. SCAP selected and initiated the reforms but placed upon existing Japanese official personnel the responsibility of implementing and enforcing the whole program. At the same time SCAP attempted to educate these officials and other potential leaders in the real meaning of the reforms, so that they might understand their purpose and adapt them to new and unforeseen conditions arising out of the Japanese scene. And lastly, SCAP endeavored to secure wide mass appreciation of the reform program in order to create sufficient understanding of the fact that new leaders and the people at large had a stake in seeing to it that the program is maintained against those who would revert to old habits and practices. The decision to go beyond the negative demilitarization program was motivated by recognition that without positive reforms there was little likelihood that effective democratic leadership would emerge on its own above the traditional pattern of authoritarian rule.[21]

[21] A fuller discussion of these alternatives is given in Martin, Edwin M., *The Allied Occupation of Japan* (Stanford, 1948), pp. 49–51.

For purposes of description the specific measures initiated by SCAP toward the fulfillment of the goal of democratization may be classified as political, economic, and social reforms.

POLITICAL REFORMS

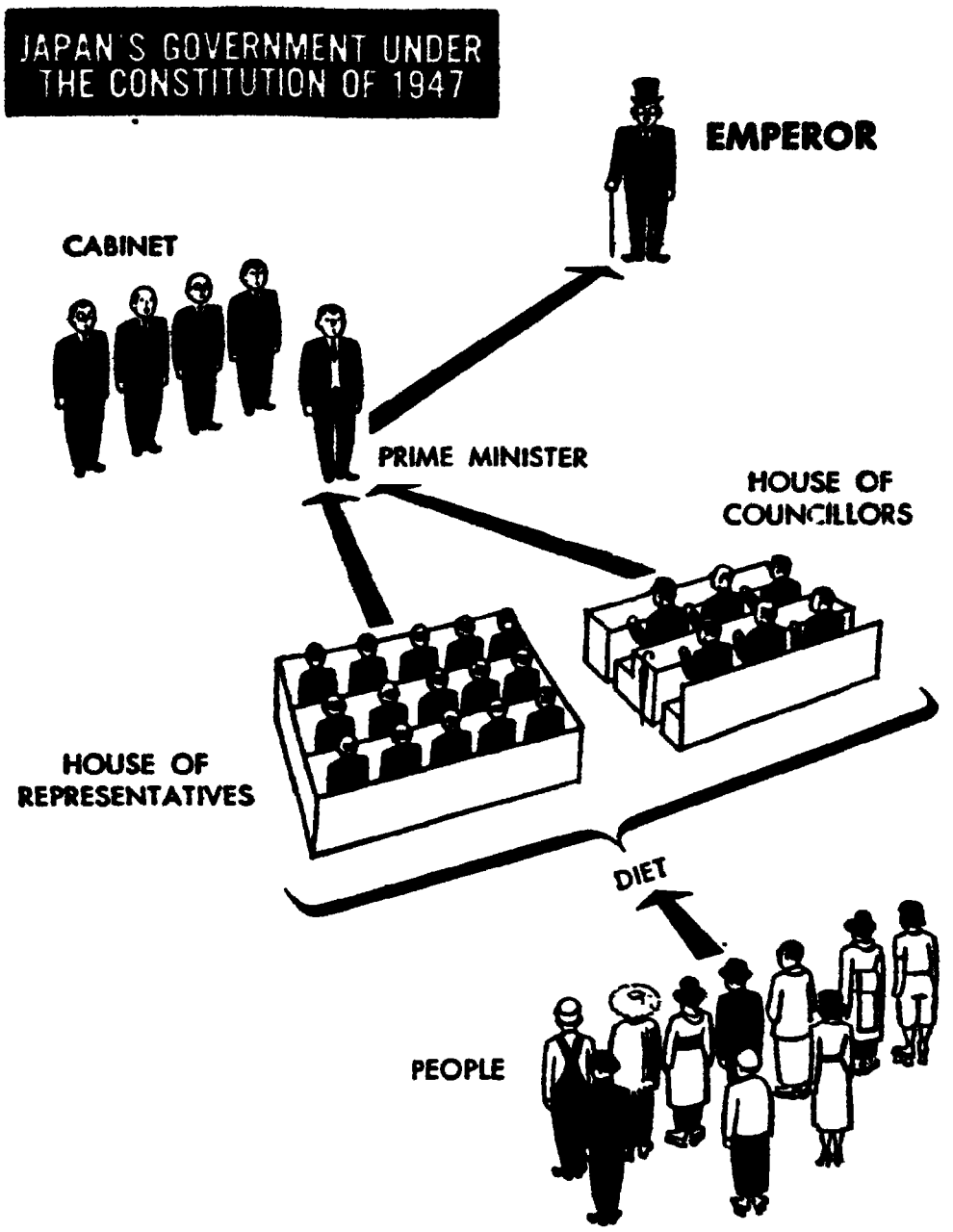
A New Constitution. The major political reforms consisted of a new constitution and enactment of legislation altering the structure of governmental machinery. Following a declaration by General MacArthur to the prime minister that fulfillment of the Potsdam Declaration "will unquestionably involve a liberalization of the Constitution," the government established a constitutional problem investigation committee. But it soon was evident that responsible Japanese officials were reluctant to accept the drastic changes contemplated by SCAP. Baron Shidehara, who was serving as prime minister at that time, declared to the committee that as a matter of principle the existing constitution required no amendment, that it was not inconsistent with Japanese democracy, although he admitted that there was little question that articles and sections would need to be redrafted to meet "the present emergency." [22] The emergency to which he referred, patently, was the authority of SCAP to dictate reform.

In these circumstances, and reportedly because of apprehension in SCAP of interference by the Far Eastern Commission in the matter of constitutional revision, it was decided in February 1946 that SCAP itself would prepare an entirely new draft of the constitution. Less than a month later this document, with minor changes, was presented by the emperor as the official government proposal.[23]

The new Constitution was presented to the Diet in June 1946, considered during the summer months, and approved with only minor changes in October by an almost unanimous vote in both houses. After acceptance by the Privy Council, it was promulgated by the emperor on November 3, 1946, the anniversary of the birthday of Emperor Meiji. The new Constitution came into force six months later, on May 3, 1947. Following enactment of this organic law, the Diet devoted several sessions to amendments

[22] SCAP, *Summation of Non-Military Activities in Japan*, No. 1 (September-October, 1945), pp. 8–9; No. 2 (November 1945), p. 27.

[23] Rowe, D. N., "The New Japanese Constitution," *Far Eastern Survey*, Vol. XVI (January 29, 1947), pp. 13–17, 30–34.


JAPAN'S GOVERNMENT UNDER THE CONSTITUTION OF 1947
EMPEROR
CABINET
PRIME MINISTER
HOUSE OF COUNCILLORS
HOUSE OF REPRESENTATIVES
DIET
PEOPLE

to existing legislation or new laws drawn up by appropriate ministries, under SCAP guidance, which were required in order to bring the operation of the government into conformity with the Constitution.

The Constitution of 1947, together with accompanying legislation, constitutes a complete revision of the original 1889 model. Whereas the latter was patterned upon the Prussian constitution, the new one draws heavily upon American and British principles. The outstanding features of constitutional reform are: (1) establishment of the principle of popular sovereignty and the corresponding transformation of the emperor into a constitutional monarch; (2) provision for parliamentary government in which the executive branch is responsible to a popularly elected legislature of broad powers instead of to organs responsible only to the throne; (3) local decentralization of government; (4) declaration of absolute individual civil rights and judicial reform, and (5) renunciation of war. This last feature was described on pages 651–52.

POPULAR SOVEREIGNTY AND CONSTITUTIONAL MONARCHY

Perhaps the most revolutionary reform is rejection of the sovereignty of the emperor and clear-cut declaration of the sovereignty of the people. This principle is emphasized in the preamble, which states:

> We, the Japanese people, acting through our duly elected representatives in the National Diet, . . . do proclaim that sovereign power resides with the people and do firmly establish this Constitution.

Thus the new Constitution made a sharp break with the past, terminating the sovereign prerogatives of the emperor and providing the legal basis for the elimination of that feature of the old Constitution which had been effectively exploited by the ruling oligarchy for its own purposes.

The Emperor. Under the 1947 Constitution the emperor is a constitutional monarch, no longer possessing independent political authority. He is, according to Article 1, merely "the symbol of the state and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power." As such he acts only upon the advice and approval of the Cabinet, which remains responsible for his acts. Article 4 declares that "the emperor shall perform only such acts in matters of state as are provided for in this Constitution, and he shall not have powers

related to government." In other words, the Constitution permits the emperor to exercise only formal and ceremonial functions ("acts in matters of state"), such as promulgating laws, convoking the Diet; proclaiming general elections, appointing high officials upon nomination by the Cabinet, and awarding high honors. It denies to him all "powers related to government," such as authority to render decisions on questions of public policy.

Likewise, the emperor loses his exalted religious authority. The Constitution drops references to his sacred and inviolable character and to the other aspects of religious sanctity which had so materially strengthened the political significance of his position under the Meiji Constitution, thus giving constitutional status to the Shinto reforms already initiated by SCAP directive, and which were described on page 654. The Constitution, moreover, prohibits the use of public funds or property for support of any religious institution or enterprise.

Under the provisions of a revised Imperial House Law, further steps were taken to terminate the autocratic features of the imperial system. The Imperial Family Council, which formerly was beyond control of the Diet and Cabinet, was replaced by a new council whose membership includes the prime minister and the presiding officers of the two houses of the Diet. The number of imperial princes was drastically reduced and imperial property was turned over to the state to be administered in the public interest. Accordingly, the imperial family now depends upon appropriations by the Diet for its income. The Imperial Household Ministry was reduced to departmental status dealing with ceremonial features of the court.

The status of the institution of emperor (as distinguished from the person of Hirohito) had been the subject of considerable controversy among observers in Allied nations before the actual termination of hostilities. Some persons argued that the imperial institution should be abolished as an essential prerequisite to the establishment of a peaceful, democratic Japan. Others favored the use of the emperor as a symbol of national unity and stability and as a proper instrument for the establishment of a new system of government. The second proposition was supported by the United States government and General MacArthur, with obviously practical results.

Among the Japanese themselves the status of the imperial institution was a matter of grave concern. It was described on page

638 how in the final moments prior to surrender this was the sole issue remaining in the minds of responsible officials, and that they had attempted to secure a guarantee from the Allies that the prerogatives of the emperor would not be touched. Unconditional surrender finally was accepted when it was calculated that continuation of the war involved greater risk to the imperial system than immediate surrender. Following SCAP directives permitting full freedom of discussion, the position of the emperor became the subject of open and spirited discussion among scholars and the people, but there never developed any serious effort to do away with the imperial institution. Among political parties, only the Communists took a strong stand against the emperor, which undoubtedly limited their following. As it became increasingly clear that SCAP regarded the institution of the emperor as too useful to risk abolishing it, the matter became a settled issue, even after the war crimes trials revealed that Emperor Hirohito had been aware of the major decisions leading to the attack upon Pearl Harbor.

In keeping with the transformation of the emperor into a constitutional monarch and with the encouragement of SCAP, Hirohito and members of his family have made numerous informal public appearances and have been photographed with average citizens in their homes and places of work. On several occasions the emperor has addressed the nation by radio. By these and other means the attempt has been made to identify the emperor as one of the people, yet at the same time to emphasize his role as symbolic head of the nation.

Contrast of Emperor and British King. The Constitution of 1947 provides for the reduction of the emperor to a status similar to that of the British king. Each of these monarchs has lost all authority to govern, but each remains the symbolic head of the nation. The draftsmen of the Constitution modeled the position of the emperor upon British customs, but the student will observe that developments in Great Britain and Japan were vastly different. The British Crown was reduced to its present status as early as the seventeenth century, but not until considerable blood, including royal blood, had been shed. As a counterbalance to royal authority, the British over a period of many centuries extending as far back as Magna Carta had developed the rights and prerogatives of the people's representatives in Parliament.[24] But Japan had not possessed a similar tradition of parliamentary au-

[24] See Chapter 2.

thority, and the Diet had been a body without prestige and respect, while the imperial institution remained the object of inordinate religious veneration. Accordingly the second principle feature of constitutional reform is provision for strong parliamentary government, and the British pattern was closely followed.

PARLIAMENTARY GOVERNMENT

Parliamentary government in rudimentary form had operated in Japan during the 1920s, before it was cut down by totalitarian, militaristic reaction. Thus there did exist some past experience upon which to base this type of democratic rule. But the prospects for full development had been limited by severe restrictions upon the powers of the Diet and by the fact that the Cabinet had been almost exclusively responsible to other executive organs, such as the Supreme Command and the Privy Council, rather than to the Diet. Thus the executive branch of government remained beyond reach and control by the representatives of the people.[25] The 1947 Constitution greatly strengthens the authority of the Diet and clearly establishes the responsibility of the Cabinet to this respresentative organ, particularly to its lower house.

Diet Supremacy. Under the Meiji Constitution the Diet was a weak organ, and legislative power in reality rested with the Cabinet and the bureaucracy. The 1947 Constitution establishes the Diet as "the highest organ of state power" and "the sole law-making organ of state" to which the executive is fully responsible. The Diet also is granted full authority over national finances, which are to be administered "as the Diet shall determine," and no taxes may be imposed or expenditures made without its approval. The budget, while prepared by the Cabinet, must be approved by the Diet. The Diet may authorize a reserve fund from which the Cabinet may make withdrawals to meet unforeseen deficiencies, but it must give subsequent approval to all such withdrawals. As already indicated, all imperial household expenses are provided in the budget and thus are brought within the control of the Diet. The only limitation upon the absolute authority of the Diet over national policy is the constitutional grant to the Supreme Court of the power "to determine the constitutionality of any law, order, regulation or official act."

Representatives and Councillors. The Diet remains a bicameral body, but the supremacy of the lower house is clearly established

[25] For more extended treatment of these limitations see pages 612–13.

over the new upper house. The House of Representatives numbers 466 members, elected for four-year terms and, under a 1947 law, from small districts, with few representatives from each district and each voter casting his ballot for a single candidate. (A 1945 law had established a system of plural voting, with large districts represented by several members and the electorate voting for a number of candidates.) The House of Councillors, which replaces the aristocratic House of Peers, is composed of 250 members elected for six years, one half taking office every three years. One hundred of these members are elected from the country at large, and 150 on a prefectural basis. Elections for representatives and Councillors are conducted under a revised election law of 1945, which lowered the age limit to 20 years and extended the franchise to women.

The supremacy of the lower house is set forth in constitutional provisions concerning legislative, financial, and treaty-making powers and responsibility of the Cabinet. In principle a bill becomes law when passed by a simple majority of each house. But when the House of Councillors rejects a bill already approved by the other house, the latter may overrule this decision by a two-thirds majority of those present, and the measure becomes law. Moreover, the failure of the House of Councillors to take final action within sixty days after receipt of a bill passed by the lower house is treated as rejection, enabling the lower house to repass the measure without further delay. Likewise, if the House of Councillors does not concur in a budget bill passed by the House of Representatives and no agreement can be reached or when the upper house fails to take final action within thirty days, the decision of the House of Representatives shall be the decision of the Diet. This same rule also applies in respect to Diet approval of treaties.

The Cabinet is responsible to the Diet, but in practical effect only to the lower house. The prime minister is designated from among its own members by the Diet by majority resolution in each house. But if the two houses are unable to agree on this selection, or if the House of Councillors fails to take final action within ten days after the House of Representatives has made its decision, then the vote of the lower house is final. Moreover, if the House of Representatives passes a nonconfidence vote, the Cabinet must either resign or dissolve the house within ten days. In the latter instance, a general election must be held within forty days, and

the new Diet must be convoked within thirty days from the date of the election, at which time the designation of the prime minister is the first order of business.

The House of Councillors cannot be dissolved, but when the lower house is dissolved, the former is automatically closed, except that in times of emergency the Cabinet may call the Councillors into emergency session. In these circumstances provisional measures may be taken, subject to approval by the new House of Representatives within ten days after the opening of the next session.

Diet Law, 1947. Further measures to enhance the position of the Diet as supreme law-making organ were provided in a new Diet Law enacted in 1947. Significantly this was the only one of the major enabling acts necessitated by the Constitution which was prepared within the Diet itself rather than by government bureaucrats for submission to the Diet for approval. In drafting the law a special committee of the Diet received considerable assistance from SCAP, particularly from a former member of the United States House of Representatives, and the new law reflects certain features of the American Legislative Reorganization Act of 1946. The purpose of the law was to remove additional restrictions upon the Diet and to increase its facilities for effective work. Regular sessions were lengthened from three to five months, and provision was made for extension of a session by the Diet itself, rather than by the Cabinet as before. More time was allowed for consideration of the budget; an advisory legislative committee composed of members of each house was set up to recommend legislative reforms; and twenty standing committees, the first in Diet history, each with experts and secretariat, were authorized. To permit greater popular participation in the law-making process, committees were empowered to conduct public hearings on matters of popular concern. The new law declared that Diet members are to receive annual allowances at least equal to the highest salary for government officials in general—that is, not less than vice-ministers. Moreover, members are to have offices, clerical assistance and the use of a bill-drafting service; retirement allowances are to be provided at the end of service.

A wide variety of further provisions were included in the law to release the Diet from the shackles which bound it to the Cabinet. Appropriations for the expenses of the Diet are made independ-

ently of the national budget. The Cabinet cannot withdraw or amend a government bill already on the agenda of either house without the consent of the house concerned. It cannot compel the Diet to hold closed sessions, cannot deny the request of either house for documents and reports, and must report annually on the disposition of petitions submitted to it.[26]

The Cabinet. Executive power rests in the Cabinet. This organ is responsible for effective leadership in the formulation of public policy and for the administration of national affairs. It prepares legislation and the annual budget for submission to the Diet, before which it must be prepared at all times to defend its position; it conducts foreign affairs and concludes treaties, subject to Diet approval (exercise of this authority was in abeyance pending conclusion of a peace treaty); administers the reserve fund; submits final accounts of expenditures and revenues and reports annually on the state of national finances; and administers the civil service. The prime minister, appointed formally by the emperor, is selected by the Diet from among its members, as already described. The other members of the Cabinet are appointed by him and may be removed by him. However, a majority of the members must be chosen from among the members of the Diet. Provision is made for the prime minister and his Cabinet members to appear before either house of the Diet and to speak on pending legislation and to answer interpellations. The Cabinet may employ ordinances, but these do not have the sweeping effect of imperial ordinances under the Meiji Constitution; they are for the purpose of executing provisions of laws enacted by the Diet.

The composition of the Cabinet was altered considerably after the war in line with administrative reorganization of the government. As already noted, the War and Navy Ministries were abolished. The Home Ministry was done away with, and its remaining functions transferred to other agencies. The Ministry of Justice was replaced by an Office of the Attorney General. A new Labor Ministry was created to administer SCAP-initiated labor reforms and to take over many of the functions of the former Welfare Ministry. The wartime Munitions Ministry was broken up into several separate ministries as before, namely, Transportation, Communications, and Commerce and Industry. Agriculture and For-

[26] Williams, Justin, "The Japanese Diet under the New Constitution," *American Political Science Review*, Vol. XLII (October 1948), pp. 927–39.

estry were combined into one ministry. The Foreign Ministry, while nominally continuing in operation, was unable to perform its conventional duties so long as Japan was deprived of the right of representation abroad, but its personnel was kept intact and employed in liaison duties with the occupation forces.[27] The remaining ministry, Finance, carried on much as before.

Article 66 of the Constitution declares that "The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet." Provisions for the selection of the prime minister by the Diet and for resignation of the Cabinet or dissolution of the lower house following a vote of nonconfidence were designed to assure that the Cabinet reflects the popular will.

Under the Meiji Constitution responsibility of the Cabinet to the Diet was rendered difficult, if not totally impossible, by reason of two principal factors. In the first place the Cabinet was forced to share the responsibilities of leadership with other advisory organs, notably the Privy Council and the Imperial Household Ministry, which themselves were in no way responsible to the Diet. Secondly, and more significantly, the position of the Cabinet was always precarious because of the independent authority of the Supreme Command and other military organs, which made it possible for the military groups to dominate the government and establish a military dictatorship. These factors, as was pointed out on page 627, led to diffusion of political authority and to irresponsible action. The new Constitution attempts to eliminate this fundamental weakness by establishing the Cabinet as the effective organ of political leadership. The Privy Council was eliminated, and the Imperial Household Ministry reduced in power and influence. The army and navy were abolished and organs of the supreme command were outlawed.[28]

LOCAL DECENTRALIZATION

In Chapter 27 it was pointed out that the central government exercised rigid control over local affairs. This practice had been extended during the war years through the instrumentality of the Imperial Rule Assistance Association and other devices, already

[27] During the occupation, Japan was represented at various international conferences by SCAP officials.

[28] Description of former arrangements under the Meiji Constitution is given at pages 627 and 608–12.

discussed on page 633. It was the declared purpose of American policy in Japan, as in Germany, to eliminate this situation, on the theory that democratic government could develop most effectively through encouragement of local "grass-roots" participation. Accordingly the principle of local autonomy was written into the new Constitution in Chapter 8. American policy in this connection undoubtedly was strongly motivated by experience with a federal system of government at home. The principal goals of local government reform were three in number: (1) weakening of national controls over local units, (2) increasing popular participation in local government, and (3) transfer of functions from the national to local government.

Decontrol of Local Government. The major step toward the accomplishment of the first of these goals was made in provision for popular election of prefectural governors, city mayors, and town, village and ward chiefs. Governors had been appointed by the home minister from among high ranking career bureaucrats, and the lower executives, while nominally selected by local assemblies from lists of candidates nominated by the prefectural governors, were in fact appointed with Home Ministry approval. Local executives, particularly governors, had been in practice the chief instruments through which Tokyo officialdom exercised its control over local affairs. The purpose of making these officials responsible to the people of their respective areas rather than to the home minister was, of course, to reverse this role, making them spokesmen for local interests rather than agencies of national domination. The first elections for local executives were held in April 1947. An even more symbolic indication of a changed relationship between the Tokyo government and local units was the formal abolition of the Home Ministry in 1947. This ministry had been the principal national organ through which a multitude of controls had been coordinated and directed. Abolition of the ministry did not mean the termination of all of its functions, for a number of its divisions were transferred to other national ministries or agencies. The effect, nevertheless, was to disperse and thus to weaken the administrative devices by which the local units had been made to follow the dictates of the national bureaucracy. Still another reform was provision for committees of local citizens to administer local and national elections, terminating the former practice whereby elections had been supervised by career bureaucrats and

the police, permitting easy control by the incumbent government in Tokyo.

Popular Participation in Local Government. Encouragement of popular participation in local government was enhanced by provision for election of local executives, because the selection of these officials now became a matter of local interest and choice. Ultimately this reform was expected to strengthen local political parties and to contribute to the development of strong national-party organization. For similar purposes, the powers of the elected local assemblies were enlarged. Formerly these bodies were dominated by the appointive governors, who retained broad powers of review and veto. The authority of the governors to dissolve local assemblies and to annul their acts was restricted, and they were granted more extensive authority in the formulation of the budget and the right to select their own officers, establish their own rules of procedure, hire their own clerks, and approve appointments to administrative positions made by the governor. They also acquired the authority to remove local executives by votes of nonconfidence. Still another reform was the introduction of provision for popular initiative and referendum of legislation and for recall of officials.[29] Moreover, all local elections as well as national elections, were affected by the law of 1945 which widened the suffrage.

Functional Decentralization. The most significant steps toward functional decentralization—the third goal of local reform—were in police administration and education, two fields in which dictatorial centralized control long prevailed. Following the recommendations of special American police experts, SCAP prepared and the Diet enacted in 1947 a new Police Law. This law, for the first time, made municipalities of 5000 inhabitants or more responsible for the maintenance of law and order within their own areas. Control of the independent police forces of these more than 16,000 local units was placed in the hands of civilian public safety commissions, composed of three persons who had never had experience as career police officers and appointed and removed by the local asembly. Under the new law, the national government, however, retained important police functions. A national rural police was established in all rural areas and in municipalities of

[29] See SCAP, *Summation of Non-Military Activities in Japan*, No. 12 (September 1946) for basic reforms and later numbers for additional changes in local government.

less than 5000 inhabitants. This force, comprising about one fourth of the total number of police, was placed under administrative control of a National Public Safety Commission, with headquarters in Tokyo. This Commission is composed of five civilian noncareer members responsible to and appointed by the prime minister with the consent of the Diet for staggered terms of five years, with no more than two commissioners belonging to the same political party. Actual operational control of the rural police was put in the hands of prefectural commissions of similar composition, appointed by the elective prefectural governors with approval of the prefectual assemblies. The national police headquarters also maintains the over-all national police communication system and operates police training programs, criminal identification and statistical facilities, and criminology laboratories for the whole nation. In other words, the new division of functions in Japan is somewhat similar to those between municipal and state police within many American states today.[30]

The principle of administrative decentralization likewise was applied in the educational system. Formerly the national Ministry of Education exercised vast powers over the whole structure and substance of public instruction. Although municipalities were required to maintain elementary schools and prefectures secondary schools, the curriculum, appointments of administrative and teaching personnel and other detailed matters were rigidly prescribed nationally. Reforms instituted during the occupation contemplate ultimate transfer of authority and responsibility for the administration of all levels of education except the university level to the prefectures and lower units of government. The School Education Law of 1947, the basic reform legislation, vested in the prefectures jurisdiction over primary, secondary and high schools and special schools for handicapped children, with authority to determine curricula, select textbooks, and appoint principals and teachers. Operation of primary schools was delegated to municipalities and towns by the prefectures. Jurisdiction over the great national universities remained with the Ministry of Education. The ministry also serves as a guiding agency in the educational rehabilitation

[30] Hayes, Frank E., "The New Japanese Police Law," *Military Government Journal*, Vol. I (May 1948), pp. 15–16, 27–28; Braibanti, R. J. D., "Japan's New Police Law," *Far Eastern Survey*, Vol. XVIII (January 24, 1949), pp. 17–22.

of the nation, establishing minimum standards and providing planning and research services similar to those of state departments of education in the United States. Within the local units of government steps were taken to separate responsibility for educational administration from other local governmental responsibilities, with the establishment of education departments in the prefectures, of local school boards, and of local advisory committees on education.[31]

To a lesser degree than in police administration and education, other responsibilities of national ministries and agencies were transferred to local units of government. This was accomplished by abolishing certain regional and local branch offices of national agencies and turning over their functions to prefectural or municipal authorities. There were practical limits to this policy, however, for obviously such national responsibilities as railways, communications, health and welfare, public works, and the regulation of the economy must be administered nationally to be effective. A compromise provision now requires Diet approval for the creation of additional branch offices by national agencies.

Full realization of local decentralization was seriously handicapped by several other important factors. In the first place, local units of government do not have financial autonomy commensurate with their increased functional responsibilities. Traditionally the tax structure of Japan has been a national tax structure, under which local units have had few independent sources of income. Although these units have been responsible for collection of taxes, they have turned over the revenues to the national government and have received grants from the national treasury in return, these grants covering about 80 percent of local expenses. In practice many strings have been attached to these grants, restricting the purposes for and the manner in which funds could be expended. Obviously as long as local units are denied fiscal autonomy, the reform program can be little more than an ideal or promise, for these units cannot carry out effectively and independently their new responsibilities of police administration, education, and so on as long as they are dependent upon such funds as are doled out grudgingly to them after the pressing needs of the national government are cared for. SCAP and local officials agitated for alteration of

[31] Hall, Robert King, *Education for a New Japan* (New Haven, 1949); see also SCAP, *Education in Japan*, 2 vols. (Washington, 1948).

the tax structure as early as 1946, but as late as 1949 no significant change had been effected. In September of that year a special mission of American tax experts recommended comprehensive overhauling of the entire tax system, including an equitable distribution of national and local taxes. It was anticipated that these recommendations would be acted upon by the Diet in 1950.[82]

In conclusion it should be noted that application of the principle of decentralization was contrary to a trend in modern government which has not been avoided even in the United States. As governmental functions have increased in every country, a higher degree of national participation has appeared inevitable. Moreover, as was observed in the cases of England and France, central direction need not necessarily be undemocratic in effect. It is not surprising, therefore, that this reform has faced serious difficulties and that compromises were necessary. One such compromise will illustrate the situation. Although prefectural governors now are elected and are responsible to the local assemblies, at the same time they were continued by law as partial agents of the national government for the administration of national laws concerning labor, education, agriculture, finance, and certain other matters. In this connection legal provision was made for the use of mandamus proceedings compelling a governor or even a mayor to perform his duties in executing national laws and ordinances, and also provision for temporary assumption of the governor's duties by the ministry concerned in cases of emergency. Certain practices of occupation authorities, moreover, contradicted the declared principle of decentralization. For example, on several occasions these authorities felt it necessary to step in and supervise the collection of rice and taxes by local officials, and in so doing they interjected a degree of control as great as that employed by the Japanese wartime government. Moreover, the administrative structure of occupation forces, organized as it was along traditional lines of military hierarchy, was highly centralized, permitting relatively little freedom of initiative by the local units, which had the primary duty of dealing with their Japanese counterparts throughout the country in prefectural and municipal offices. The implications of this situation were not unobserved by Japanese bureaucrats, who were

[82] Cohen, Jerome B., "Tax Reform in Japan," *Far Eastern Survey*, Vol. XVIII (December 28, 1949), pp. 307–11.

reluctant to accept the principle of decentralization in the first place.[33]

CIVIL RIGHTS AND JUDICIAL REFORM

Among the matters to which General MacArthur and his staff devoted their initial attention, the establishment of adequate civil liberties stood high on the list. The early measures which he ordered to eliminate feudalistic and militaristic controls over the individual were described above. But because civil liberties had no place in traditional Japanese political philosophy, there was need for meaningful guarantees in the new Constitution, and these were provided in Chapter 3. Article 11 guarantees that fundamental rights are "eternal and inviolate." Examination of the full text of Chapter 3 (in the Appendix), will show that the new list of civil rights is extensive. It also will reveal the American influence that prevailed when the Constitution was drafted. In a few articles, phrases appear to have been copied almost verbatim from the American Bill of Rights.[34] But whereas the United States Constitution is concerned with political rights, the Japanese Constitution declares the obligation of the state to promote social welfare and security, public health, education, fair working conditions, and other opportunities now generally recognized as responsibilities of the public-service state. It will be recalled that the Soviet Constitution of 1936 also declares a number of social and economic rights, and that the postwar Constitutions of France and Italy likewise include similar declarations of principle. This trend, moreover, was demonstrated in the deliberations of the Human Rights Commission of the United Nations during its consideration of a Declaration of Human Rights.

Following promulgation of the new Constitution, the Diet enacted reforms bringing the civil and criminal codes and procedures into conformity with its provisions. For example, additional legislative safeguards were established to eliminate the former practice of the police of arresting suspected offenders without warrant,

[33] Braibanti, R. J. D., "Administration of Military Government in Japan at the Prefectural Level," *American Political Science Review*, Vol. XLIII (April 1949), pp. 250–74.

[34] Compare the language of Articles 31–35 of the Japanese Constitution with that of Fourth, Fifth, and Sixth Amendments of the United States Constitution.

holding them for long periods without trial, and securing confessions by third-degree methods. Likewise the Diet enacted a habeas corpus act providing an additional protection of individual freedom. In order to effectuate these measures and to furnish legal aid to the poor, a Civil Liberties Bureau was established in the Attorney General's Office (formerly the Justice Ministry).[35]

Suffrage. In connection with reform of civil rights, reference should be made again to extension of the right to vote. Under the old regime, according to the law of 1925, all males of twenty-five years and over, without property qualification, were entitled to vote. In December 1945, following orders by SCAP, the Diet enacted a new election law, lowering the age limit to twenty years, and, for the first time in Japanese history, extending suffrage to women.

Judicial Reforms. An independent judiciary is essential if civil rights are to be protected against arbitrary authority of the state. The 1947 Constitution and laws enacted pursuant to its provisions establish the legal arrangements for such a judiciary. Whereas the American principle of separation of powers was not observed in respect to legislative-executive relations, it clearly was followed in that part of the Constitution providing for the judicial branch of government. Former practices subordinating the judiciary to the executive were eliminated, and the principle of judicial independence declared.

The whole judicial power is vested in a Supreme Court and in inferior courts. The Constitution states that all judges shall be independent in the exercise of their conscience and shall be bound only by the Constitution and laws enacted pursuant thereto. The president of the Supreme Court is appointed by the emperor upon designation by the Cabinet, and other members of this court are appointed directly by the Cabinet, the distinction in the case of the president serving to give added prestige to the post. A new Court Organization Law provides that ten of the fifteen judges must be recruited on the basis of strict professional qualifications, such as long experience as a judge, procurator, lawyer, or professor of law, while the remaining five are not subject to such require-

[35] Oppler, Alfred C., "Human Rights among the Japanese," *Military Government Journal*, Vol. I (May 1948), pp. 1–4, 23; Blakemore, T. L., "Postwar Developments in Japanese Law," *Wisconsin Law Review* (July 1947), pp. 632–52.

ments, offering opportunity for representation of diverse interests. The law further provides that in the selection of Supreme Court judges the Cabinet shall consult an advisory committee. Whereas formerly judges were appointed for good behavior, under the new Constitution Supreme Court judges are appointed for ten years. At the end of this time and at subsequent ten-year intervals, reappointment is subject to popular review at a general election. If a simple majority of the voters oppose reappointment, the judge is dismissed. The judges of inferior courts are appointed by the Cabinet for ten-year terms from lists nominated by the Supreme Court. Judges can be removed by public impeachment for grave violation or neglect of official duty or for conduct absolutely inconsistent with the dignity of the office. The law provides that impeachment charges, which may be filed by any person, shall be heard by an impeachment committee composed of twenty members of the lower house of the Diet, performing functions similar to those of a grand jury. Trials, which are to be public, are held before an impeachment court composed of seven members of each house.

In accordance with the constitutional mandate of judicial independence, control of the courts by the Ministry of Justice was terminated. The Supreme Court is vested with the power to determine the rules of judicial procedure and practice and of internal discipline. Procurators and practicing attorneys are subject to the rule-making power of the court. Since these changes greatly diminished the administrative functions of the Justice Ministry, the Diet subsequently abolished this ministry and transferred its remaining functions to the new Office of the Attorney General. The attorney general, who is a member of the Cabinet, is responsible for conducting all litigation in which the government is a party, and, as the chief adviser to the executive branch, he reviews all legislative bills originating in the Cabinet, absorbing the functions of a former legislative bureau in the Cabinet secretariat.

The judicial reform representing the greatest potential change from the past is provided in Article 81 of the Constitution, which confers upon the Supreme Court the power of judicial review. This article declares: "The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act." There is no precedent for this arrangement in earlier Japanese experience.

Court Structure. The structure of the court system was materially reformed by legislative action of the Diet in 1947. The former police courts were abolished and their functions turned over to new summary courts. The district courts remain, but they have been assigned much of the jurisdiction of the former local courts, which also were abolished. High courts replace the former appellate courts, with similar jurisdiction. The single Supreme Court, in addition to its powers of administration over the whole court system, takes cases on appeal, limiting its decisions for the most part to a review of the issues of law. The court of administrative litigation was abolished and provision made for individuals to seek from the regular courts redress from any illegal acts done by administrative officers. Since the former court had possessed very narrow jurisdiction, this change greatly enhances the right of the people to challenge the administrative acts of the government.[36]

OTHER POLITICAL MEASURES

Constitutional Amendments. There are possibilities that the 1947 Constitution may be revised before many years, either upon the initiative of the Japanese themselves or of SCAP. Provisions for amendment make the process relatively easy. Amendments are adopted by a two-thirds vote of each house of the Diet followed by ratification by a majority of the electorate. In October 1946 the Far Eastern Commission sent SCAP a directive declaring that, no sooner than one year and not later than two years after the new Constitution goes into effect, its operation should be reviewed by the Diet and also by the Commission itself. The two-year period expired in 1949 without formal action having been taken in this regard by either body, but numerous press reports from Tokyo indicated that the Japanese government was considering constitutional change.[37] A treaty of peace will determine whether the Japanese shall have full authority to amend or even do away with the MacArthur Constitution when the country regains its full sovereign powers. It was perhaps significant that no more than 30,000 turned out for the Tokyo celebration of the second anniversary of the Constitution, contrasted with 250,000 two days before for the observance of May Day.[38]

[36] For a more complete account of judicial reforms, see Oppler, Alfred C., "The Reform of Japan's Legal and Judicial System Under Allied Occupation," *Washington Law Review*, Vol. 24 (August 1949), pp. 290–324.

[37] See, for example, *The New York Times*, May 30, 1949.

[38] New York *Herald Tribune*, May 4, 1949.

Civil Service Reform. Japan's bureaucracy was little affected by defeat and surrender; if anything, the power of career officeholders was increased by the relative decline of that of other groups and by the dependence of the nation in time of crisis upon government services. Although the other leading groups in political life, the militarists, Zaibatsu, and landowners, came in for early attention from SCAP, reform of the bureaucracy was delayed and less far-reaching. One reason for this situation was the tireless effort of the bureaucrats themselves, who carefully emasculated each draft of a reform plan before returning it to SCAP for review.

Dissolution of the Home Ministry and decentralization of police and education administration potentially weakened bureaucratic authority. Also in 1947 the civil service division of SCAP secured enactment by the Diet of a national Public Service Law. This comprehensive legislation outlined improved standards for such matters as competitive examinations, position classification, compensation, and efficiency rating. Subsequently supplementary legislation was needed to fill in the details. Administration of the personnel program was delegated to a National Personnel Commission. In order to break the grip of graduates of Tokyo Imperial University upon the career service, no two of the three members of this commission may be graduates of the same institution. In 1949, again following heavy pressure from SCAP and after many delays and false starts, the government attempted to reduce drastically the number of public employees, eliminating personnel clearly in excess of requirements.

ECONOMIC REFORMS

The close relationship of Japan's economic and political systems was described in Chapters 26 and 27. Concentration of the wealth in the hands of a relatively small group, it was seen, contributed to domination of government by a narrow ruling oligarchy. Moreover, members of this economic elite associated themselves with the military faction in the rise of militarism and aggression. Consequently economic as well as political reforms were prescribed in the initial United States postsurrender directive of 1945. This provided that "encouragement shall be given and favor shown to the development of organizations in labor, industry, and agriculture, organized on a democratic basis," and "policies shall be favored which permit a wide distribution of income and of the ownership

of the means of production and trade." The directive further stated that "those forms of economic activity, organization, and leadership shall be favored that are deemed likely to strengthen the peaceful disposition of the Japanese people, and to make it difficult to command or direct economic activity in support of military ends." [39] Action by SCAP under this directive led to three major reform programs: deconcentration of industry, encouragement of labor organization, and land redistribution.

These reforms were not initiated to improve Japan's economic well-being, although such should be a substantial result in the long run. Rather they were designed to alter the balance of political forces in favor of the worker, peasant, and small entrepreneur and against the Zaibatsu, landowners, and bureaucracy.

DECONCENTRATION OF INDUSTRY

The purpose of industrial deconcentration in Japan, as in Germany, was to break up the huge concentrations of wealth and economic power and to create a competitive economy in which income would be less unevenly distributed. The most comprehensive feature of this program involved the dissolution of the large industrial, banking, and commercial combinations of the Zaibatsu. The United States government acted on the principle that the Zaibatsu's monopolistic control of the economy constituted a serious obstacle to the development of a democratic society. Moreover, this situation ran against the traditional American ideal of free enterprise. In the last chapter it was indicated that the impact of defeat had not materially affected the relative power of the Zaibatsu.

Dissolution of the Zaibatsu. Specific measures of the industrial reform program were designed to eliminate the various devices by which the large Zaibatsu combines exercised control over their vast empires and thus over the national economy. Since these devices were exceedingly complex, running through the whole fabric of the nation's economic and social structures, the task faced was immense. The first step was to abolish the top holding companies of each combine. The holding companies of fourteen Zaibatsu combinations were forced to dissolve and transfer their securities and other property to a Holding Company Liquidation Commission. This commission, a government organ, was established in

[39] *Occupation of Japan, Policy and Progress*, op. cit., pp. 78–79.

1946 to receive these assets and arrange their sale to new owners, in the expectation of distributing them widely. Subsequently fifty-six individuals in ten Zaibatsu combinations were ordered by SCAP to turn over their personal security holdings for transfer. When sale has been completed, the former owners will be compensated by payments in nonnegotiable, nontransferrable government bonds, not to be cashed until ten years or more have elapsed. In order to bring Zaibatsu concerns under occupation control during the period of adjustment, SCAP placed a long list of holding companies and their subsidiaries on a restricted list, which meant that sale or transfer of their securities or their use as collateral for loans could be made only with the approval of SCAP. By 1948 this list included sixty-seven holding companies and approximately 1500 subsidiaries.

Other directives and resulting legislation prohibited members of Zaibatsu families and certain executives of Zaibatsu concerns from holding positions of responsibility in any restricted company, subsidiary, or affiliate. Subsequently an Antitrust Law, similar to the American Clayton Anti-Trust act, was passed. This measure defined and prohibited unreasonable restraints of trade, unfair methods of competition, excessive concentration of power over subsidiary enterprises, interlocking directorates, interlocking stockholdings, and other practices in restraint of trade. A Fair Trade Commission, similar to the United States Federal Trade Commission, was established to enforce the law. Likewise, a Securities and Exchange Commission was established by law within the Ministry of Justice (subsequently reorganized as the Office of the Attorney General), with functions similar to those of the American agency of the same name, designed to provide an honest and fair securities market.

A Competitive Economy. With provision made for elimination of the holding companies and other control devices, the next step called for breaking up the remaining operating companies into many smaller competitive units. Accordingly, the Holding Company Liquidation Commission was authorized to designate excessive economic concentrations and to divide them into a number of separate independent companies. By February 1948 the commission had designated 325 companies as excessive concentrations; two months later these companies filed the required information, and some of them submitted plans for dissolution.

Another feature of industrial reform was application of the purge to the economic field, as already indicated. This action was based on the assumption that the leaders of the business community shared responsibility with militarists and politicians for Japan's misdeeds. The economic purge was applied to high officials in some 250 designated major companies. These individuals, numbering some 2200 by mid-1947, were barred from any position in public service and were removed from positions of authority in business.

Thus by mid-1948 the principal features of a program to reform and democratize industry had been placed on the books. The actual enforcement and implementation of the program still was largely a matter for the future. The student will recognize that this attempt to approach the American free enterprise system ran counter to Japan's traditional highly concentrated economy. One of the largest unsolved problems was how to dispose of the securities acquired by the Holding Company Liquidation Commission. The plan was to sell them to a relatively large number of small investors. But because of the top-heavy nature of the economy, very few individuals outside of the Zaibatsu group itself, except perhaps postwar black-market profiteers, had the necessary funds for investment. Proposals for stock ownership by labor unions or cooperatives did not materialize. As late as April 1949 only about 27 percent of the stock held subject to liquidation had been sold to new owners. But in December of that year SCAP authorized the indefinite suspension of liquidation of former holding company issues in order to alleviate a severe stock market crisis. It was reported that these issues would be withheld until the market could absorb them.

Changed American Attitude. Deconcentration of industry was affected by a reconsideration of the whole program by the United States government, resulting from its desire to stimulate economic recovery in Japan. In January 1948, for example, Secretary of the Army Kenneth Royall publicly indicated that there was a contradiction between the original concept of reform and the newer purpose of building a self-sufficient nation. Other responsible Americans openly criticized the deconcentration program. By the autumn of 1949 the Holding Company Liquidation Commission, encouraged perhaps by this change of attitude, removed 250 companies from the original list of 325 scheduled for deconcentration.

Also it was announced that the Deconcentration Law would not be applied to banks. Likewise, the occupation authorities modified the interpretation of the program to make it much less drastic, and other features of industrial reform were enforced with considerably less vigor. In December 1948 the United States government announced to the Far Eastern Commission the withdrawal of support of a resolution calling for industrial deconcentration. Although the United States representative gave as the reason for this change in position the fact that deconcentration had been substantially achieved and that therefore the resolution no longer was required, it generally was reported as a clear indication that recovery had replaced reform as the primary American objective. It will be recalled that this change in policy brought a corresponding alteration of the American attitude regarding reparations. Finally, in August 1949, when completion of the deconcentration program was announced, eleven large companies had been broken up and eight others had been subjected to structural changes. The remainder of the original 325 scheduled for action were left intact. Likewise, in May 1949, upon American initiative, the Diet amended the Antitrust Law in such a way as to render it ineffective as a means of preventing monopolistic practices.[40]

LABOR REFORMS

The purpose of the labor program was the development of an independent trade-union movement. It was based upon the assumption that democratically organized unions would contribute to improved living standards and education among workers and thus to the growth of democratic principles of government. As already indicated, the labor movement in Japan had been subjected to repressive government measures, and unionization accordingly had made little headway. In 1939 all unions, which at best had never totaled more than 500,000 in membership, were replaced by management-dominated labor organizations established under government direction.

[40] Deconcentration of industry has been the subject of an extensive periodical literature. For references, see citations given in Cohen, Jerome B., *Japan's Economy in War and Reconstruction* (Minneapolis, 1949), ch. 7. See *The New York Times*, August 4, 1949, for final report. For an excellent critical summary of the industrial reform program, see Hadley, Eleanor M., "Japan: Competition or Private Collectivism?," *Far Eastern Survey*, Vol. XVIII (December 14, 1949), pp. 289–94.

Labor Legislation. The interests of the laboring classes received early attention from SCAP. Within a few weeks the wartime labor-front organizations were dissolved, and labor leaders and groups benefited from the general abrogation of all laws and regulations restricting freedom of speech and assembly. In December 1945 the Diet passed, upon SCAP initiative, a major labor reform law, a comprehensive Trade-union Law modeled upon the United States National Labor Relations Act (Wagner Act) of 1935. This legislation guaranteed the right to organize and to bargain collectively, recognized the right to strike, and prohibited discharge of employees for union activity. The following year the Diet enacted the Labor Relations Adjustment Law, providing machinery for settlement of labor disputes by conciliation, mediation, or voluntary arbitration. Additional laws provided for workmen's compensation insurance, fair labor standards, free public-employment exchanges, and so forth. In 1947 a new Labor Ministry was established to administer these laws and other measures relating to the welfare of working people. Thus a pattern of labor relations similar to that of the United States was set forth, based upon collective bargaining between management and labor and with the state acting as mediator in disputes and prescribing fair working standards.[41]

LAND REFORM

The remaining economic reform undertaken upon the initiative of SCAP dealt with the serious agrarian situation, which was described briefly above.[42] In November 1945 SCAP issued a basic directive on land reform, calling upon the government to terminate "the economic bondage which has enslaved the Japanese farmer for centuries of feudal oppression" and to prepare a comprehensive reform program "to insure that those who till the soil of Japan shall have more opportunity to enjoy the fruits of their labor." Plans submitted by the government proved to be entirely inadequate, but finally, after heavy pressure by SCAP, the Diet in October 1946 enacted a Land Reform Law of great significance.

[41] Farley, Miriam S., "Labor Policy in Occupied Japan," *Pacific Affairs*, Vol. XX (June 1947), pp. 131–40. See also Miss Farley's book, *Aspects of Japan's Labor Problems* (Chapel Hill, 1950).

[42] Pages 594 and 624.

Land Reform Law. The law provided for the acquisition of land by four fifths of the more than 3,800,000 tenants and part tenants who constituted about 70 percent of all farm families. Under its terms the government was to purchase the excess land of owners and resell it at fixed prices to tenants, the tenant farmer cultivating the land having first option to purchase. All land of absentee owners was subject to sale, and resident landlords were permitted to retain no more than 2.5 acres of tenant-cultivated land (10 acres in Hokkaido, where farm units are larger). No owner cultivating his own land was allowed to retain more than 7.5 acres (30 acres in Hokkaido), unless the entire holding was cultivated by family labor or if productivity of the land would be reduced by subdivision. Change of title was to be completed within two years, but payment might be spread over as much as thirty years. Actually, the high prices for farm products brought about by postwar inflationary conditions enabled many former tenants to complete payments in one or two installments.

The relatively small number of tenants expected to remain after completion of the land distribution program were protected by provisions of the new law directed against the principal abuses of the old tenancy system. They prohibited payment of rent in kind, limited rents to no more than 25 percent of the value of the crop of paddy land or 15 percent for upland, and outlawed the practice of verbal agreements between owner and tenant, which frequently were broken on short notice to the disadvantage of the latter. Administration of the land transfers and of other features of the law was delegated to local, prefectural, and national land commissions, on which tenants were given fair representation.

In spite of persistent resistance by landowners, enforcement of the land law proceeded, making it perhaps the most successful of all SCAP reforms. Purchase of land by the government substantially was completed by the end of 1948, and government holdings were being liquidated by transfer to former tenants. Another step toward greater freedom for the peasant farmer was taken in 1947 by passage of legislation dissolving the wartime agricultural control associations, which were dominated by landowners, and enabling farmers to form their own cooperative associations along democratic lines. Unlike the industrial and labor programs, agrarian reform was not materially affected by the change in American policy. It should be noted, however, that praiseworthy and essen-

tial as the land reforms were, they did not solve the fundamental problem of producing enough food on a land area insufficient to meet the nation's requirements.[48]

SOCIAL REFORMS

The social reforms of the occupation include those measures intended to modify social relationships in such a way as to foster the development of a free democratic society in which individualism eventually rises above subordination to the group and to the national community. While not directly related to political affairs, these reforms potentially are of great political consequence, for in truth political reforms will never have full meaning unless the people cast off their accustomed subservience and blind acceptance of superior authority and develop a strong sense of the values of human individuality.

There is scarcely a feature of the occupation which did not have social implications. Elimination of the army, for example, removed the principal vehicle for the perpetuation of the social doctrine of superiority of the military figure and military way of life over the rank-and-file population. The presence of thousands of Americans, many with their families, had a profound effect upon the Japanese, who observed their way of life carefully, although not always approvingly. Note should be taken here of a few specific measures directed toward alteration of basic attitudes and practices which bear upon social relationships.

Free Flow of Information. One such step taken by SCAP was the encouragement of the free flow of accurate information to the people. Newspapers were instructed to publish full accounts of Japan's actions in Asia, of the war, and of other countries, information previously withheld from them. They were directed to explain to their readers the meaning of programs initiated by SCAP. Likewise, occupation personnel worked with radio, theater, and motion-picture people toward the production of new features stressing democratic principles and ideals.

Elevation of Women. From the start SCAP encouraged the liberation of Japanese women, using the prestige and authority of General MacArthur to weaken the old traditions which held women in a subordinate position. Early in the occupation SCAP

[48] Grad, Andrew J., *Land and Peasant in Japan* (to be published in 1950). See also Gilmartin, W. J., and W. I. Ladejinsky, "The Promise of Agrarian Reform in Japan, *Foreign Affairs*, Vol. XXVI (January 1948), pp. 312–24.

directed the government to extend the voting franchise to women. This was done in the election law of December 1945, and in April 1946, for the first time in Japanese history, women went to the polls. The turnout was surprising, women constituting nearly one half of those voting. And in that election, thirty-nine women were elected to the House of Representatives, although the number was materially reduced in subsequent elections. In 1948, for the first time, a woman was named to a subcabinet post, parliamentary vice-minister of foreign affairs. Another symbolic act in behalf of women occurred when the government was directed to abolish licensed prostitution and to abrogate all contracts binding women involuntarily in this trade.

Educational Reform. The educational system afforded SCAP an effective means of directing the reorientation of the people along new lines. Japan always has been proud of her high literacy rate and has assigned a considerable portion of her national income to the education of her children. How SCAP acted to free the schools of controls by which militaristic leaders perverted the educational system for their own uses was described on pages 670–71. SCAP also commenced the more difficult long-range program to democratize this form in substance as well as in form. A special mission of prominent American educators spent a month in Japan in 1946, advising SCAP and Japanese authorities.[44] Application of one of the mission's principal recommendations, decentralization of educational administration, has been described. Other proposals, calling for a thorough overhauling of the whole educational system, of necessity were acted upon more slowly because of Japan's limited financial resources. Such reforms as prescription of new courses of study, publication of new textbooks, establishment of teacher-training programs, operation of demonstration projects, and promotion of adult education are potentially of far-reaching and lasting significance, and, if successful, will have a profound effect upon the thinking and actions of future generations.[45]

CONCLUSION

This concludes the description of the reform program prescribed in Allied and American policy directives and implemented and su-

[44] *U. S. Education Mission to Japan*, Department of State, Publication 2579 (Washington, 1946).

[45] See sources cited at page 671, above.

pervised by General Douglas MacArthur, acting in his capacity as Supreme Commander for the Allied Powers. It has been seen that this program involved not only the elimination of Japan as a menace to the security of the rest of the world, but also an ambitious effort to achieve basic changes in the political, economic, and social structure of Japanese life—changes designed to bring about the ultimate democratization of the nation. It also has been seen that American policy shifted after the early days of the occupation toward concern for economic stability, with resulting decline in the initial enthusiasm for democratic reform. It must be very clear that these measures, affecting almost every phase of Japanese life, were initiated by alien authorities and were derived from alien notions of man's relationship to the state.

READINGS

The student wishing to secure more detailed information on particular aspects of the occupation of Japan will find that the footnotes of this chapter indicate the principal sources to which he may turn. Several good general studies of the occupation also are now available. Among these the following are recommended:

Ball, W. Macmahon, *Japan, Enemy or Ally?* (New York, 1949). A somewhat critical analysis by the former British Commonwealth representative to the Allied Council for Japan.

Bisson, T. A., *Prospects for Democracy in Japan* (New York, 1949). A provocative study by a former SCAP official.

Brines, Russel, *MacArthur's Japan* (Philadelphia, 1948). The best of several books on occupied Japan by journalists.

Martin, Edwin O., *The Allied Occupation of Japan* (Stanford, 1948). A useful statement of objectives and methods, with reference to official policy statements, by an officer of the Department of State.

Wakefield, Harold, *New Paths for Japan* (New York, 1948). A British interpretation.

Interpretations of recent developments by Japanese authors are not readily available to American readers. An interesting series of pamphlets in English by Japanese authors, published by the Japan Institute of Pacific Studies, however, has been distributed through the Institute of Pacific Relations, New York. Among these are:

Okubo, Genji, *The Problems of the Emperor System in Postwar Japan* (Tokyo, 1948).

Tatsuki, Yasuo, *General Trend of Japanese Opinion Following The End of War* (Tokyo, 1948).

Yamaguchi, Shinrokuro, *Some Aspects of Agrarian Reform in Japan* (Tokyo, 1948).

Yanaibara, Tadao, *Religion and Democracy in Modern Japan* (Tokyo, 1948).

A number of United States government publications are available in many university and college libraries.

Department of the Army, Civil Affairs Division, Civil Affairs Branch, *Occupied Japan—A Summary* (Washington, 1948). The publication contains a bibliography of documents on Japan, including SCAP publications as well as those issued by the Government Printing Office in Washington.

Department of State, *Occupation of Japan, Policy and Progress*, Publication 2671, Far Eastern Series 17 (Washington, 1946). This document contains the principal United States and Allied documents and a summary account of the first year of the occupation.

Supreme Commander for the Allied Powers, *Summation of Non-Military Activities in Japan*, No. 1–35 (1945–48). Although devoid of any critical interpretation of the occupation, these monthly reports of General MacArthur's headquarters contain a wealth of factual information.

Supreme Commander for the Allied Powers, *Political Reorientation of Japan*, Washington, 1949. The official report, fully documented, of the Government Section of General MacArthur's headquarters, covering developments to September 1948.

A considerable amount of information on the occupation is available in a number of journals and periodicals. Publications specializing on Japan and other areas of the Far East include:

Far Eastern Quarterly, The Far Eastern Association (Ithaca). A quarterly review.

Far Eastern Survey, American Institute of Pacific Relations (New York). A biweekly publication, with many articles on Japan.

Pacific Affairs, Institute of Pacific Relations (New York). A quarterly.

The Japan Year Book, 1946–48 (The Foreign Affairs Association of Japan, Tokyo) contains an appendix which includes a wealth of original source material on the occupation, including a number of the principal SCAP directives to the Japanese government, the Constitution, full texts of important laws and ordinances, and other documents.

Chapter 29

THE NEW JAPAN

ACHIEVEMENT of the objectives of the reform program initiated in Japan by General MacArthur and the forces under his command depends upon the Japanese people and their leaders. Only if they cast off long-accepted attitudes and practices can the reforms take root and mature. Because of their magnitude, the objectives of the reform program can not be achieved in a few short years. A review of the feudalistic concepts inherited by modern Japan from her earlier history, already described in Chapter 26, will demonstrate that these heritages constitute an extremely serious obstacle to acceptance of American-inspired ideas and customs.

CONDITIONS AFFECTING THE OCCUPATION

The reaction of the people to General MacArthur's administration was heartening. They responded quickly and eagerly to the new opportunities for expression afforded by the removal of repressive controls. Newspapers criticized the old regime with amazing frankness; bookstores were flooded with thousands of political pamphlets, ranging from extreme Right to extreme Left, many freely discussing the status of the emperor and other issues which formerly were strictly forbidden. Political demonstrations became a frequent sight in the cities, the most popular place for such expressions being the great open expanse before the imperial palace in Tokyo, across from the buildings occupied by SCAP. Even the severe measures of a totalitarian dictatorship had not destroyed the inherent demands of the people as individuals for freedom of expression and opportunity. It should be recognized, however, that the people were politically immature and naïve. Unrestrained activity was not the same as effective understanding of public issues and of popular participation in political affairs.

Japanese Leadership. The occupation did not have such an immediate effect upon the traditional ruling oligarchy. The war

ended with the leadership of Japan still in the hands of the established ruling groups. These groups retained their control over all of the instruments of government. Outwardly they evidenced a courteous and correct response in their dealings with American authorities. They complied formally with SCAP directives. There is reason to believe, however, that this response was the result of a deliberate decision to employ such compliance as a cover for deep inner spiritual resistance to the will of the alien conqueror.[1]

Obstacles to Reform. In spite of the favorable reaction of the people to the occupation, a number of outstanding obstacles limited its effectiveness. The first of these derived from the relationship of SCAP to the Japanese government. While the system of indirect rule that was employed had certain clear advantages (demonstrated by the contrast of postwar Japan and Germany), it also presented disadvantages. It placed responsibility for the operation of SCAP directives upon Japanese political leaders and bureaucrats who had little heart in the business, men who were skeptical of, if not altogether antagonistic to, the whole basic philosophy upon which the reforms were based. It was not so much that these individuals opposed democratic principles—although certainly most of them did—but rather that their own training and experience never had permitted them to understand these principles, which ran counter to all accepted Japanese standards of political conduct. Moreover, as these reforms were achieved, these officials stood to lose many of the privileges and prerogatives that they had enjoyed in the past under the old regime. They were asked to establish a new order in which they would have very little, if any, personal stake.

A second related obstacle lay in the contradictory nature of the occupation itself. Although designed to promote democratic self-government, the occupation was in fact a military dictatorship—and an alien dictatorship imposed as a consequence of defeat at that. General MacArthur conscientiously attempted to mitigate this hard reality by shifting responsibility to the Japanese as much as possible. But traditionally the Japanese people have submitted to authority. In the time of crisis following defeat it was natural for them to blindly follow SCAP directives, in letter if not in spirit, just as they formerly followed the dictates of their own mas-

[1] For an elaboration of this thesis, see Ball, W. M., *Japan, Enemy or Ally?*, *op. cit.*, Ch. 3, particularly pp. 47–48, 104, 107. This view is supported by the author's own observations in Japan in 1946.

ters. Moreover, General MacArthur found it necessary on numerous occasions to take direct action himself in order to get things done, because of the incompetence of the Japanese government or its unwillingness to assume responsibility. He likewise found it expedient to employ devices which admittedly were undemocratic, such as censorship of the Japanese press to eliminate criticism of American policy.

A third obstacle arose from the difficult circumstances in which reform measures were initiated. Japan was a badly defeated nation, whose cities were burned and shattered, whose industries were almost completely shut down. The population faced malnutrition, disease, and the horrors of run-away inflation. Concerned with the elementary problems of survival, the people had relatively little time and energy to devote to the new challenge of a democratic society. Moreover, the crisis situation placed upon the government tremendous responsibilities arising from these circumstances at the same time that it was directed to readjust itself to the reforms imposed by the occupation. Likewise, SCAP itself was forced by the economic situation and by foreign considerations to become increasingly concerned with problems of reconstruction, lest food shortages, unemployment, and inflation precipitate disorder, threatening not only the American position in Japan but the stability of the whole Far East. As was indicated on page 649, this situation brought about a re-evaluation of occupation policy and a reorientation of SCAP administration, lessening the insistence upon democratization.

IMPACT OF THE OCCUPATION ON POLITICAL GROUPS

The Militarists. The militarists were rendered ineffective as a political group while the occupation continued, and they no longer counted as far as political leadership was concerned. Militarism as a force, however, is not completely destroyed. Observers agree that the Japanese people condemned General Tojo and his wartime associates not for being militarists and leading the nation into war but for their stupid miscalculation of the risks and failure to achieve the promised victory. Likewise the people do not appear to take seriously the constitutional provision renouncing war and the right to maintain armed forces. As the occupation continued there was a revival of some forms of militarism, particularly of the

traditional militant nationalism. For example, although all prewar ultranationalistic societies were banned by SCAP directive, new groups of similar outlook multiplied in number. In 1949 it was reported that there were as many as 1500 of these societies, most of them small groups of about one hundred members, composed of former soldiers who had been unable to adjust themselves to postwar conditions and of gangster elements remaining from prewar organizations. Many of these societies undoubtedly have connections with the underworld organizations of Tokyo and other large cities, which have thrived on black market operations since the war. Some reactionary, antidemocratic, nationalistic propaganda has appeared in Japanese literature, reportedly at the instigation of underground figures. Significantly the Communist party turned to traditional nationalism as an instrument for political power, employing racist and anti-internationalistic slogans in their appeals to the masses for support. Thus the spirit from which Japanese militarism drew its strength is not yet destroyed.[2]

The Business Community. SCAP's economic reforms may bring about a marked alteration in the balance of political power among industrialists, landowners, workers, and peasants, but significant results cannot be expected in a short time. Redistribution of wealth and relative improvement in the economic status of workers and peasants requires considerable development. Until this process can progress beyond its early stages, industrialists and landowners continue to exercise a dominant political influence. Moreover, as already indicated, the full effects of the economic reforms were considerably lessened by the change of American policy with its new emphasis upon reconstruction.

Thus industrial leaders, including officials of former Zaibatsu companies, continue to play a leading role in political affairs. As will be discussed later, they retain close ties with the bureaucracy and have linked themselves with the postwar parties.[3] They have employed their power to obstruct the full operation of SCAP's reform measures, which might weaken their position.[4]

[2] Wildes, Harry Emerson, "Underground Politics in Post-War Japan," *American Political Science Review*, Vol. XLII (December 1948), pp. 1149–62; *The New York Times*, March 1, 21, 1948; February 2, 19, March 21, 24, 1949.

[3] See below, page 701.

[4] Bisson, T. A., *Prospects for Democracy in Japan* (New York, 1949), pp. 29–30, 98, 126; Ball, W. M., *op. cit.*, pp. 126–27.

Organized Labor. The greatest transformation affecting political groups came with respect to the workers. Labor responded eagerly to the freedom and encouragement provided by SCAP. Within six months an estimated 2,800,000 members had joined over 3000 unions, and by March 1949, three and a half years after surrender, union membership reached nearly 7 million. This figure represented 38 percent of the total industrial labor force, and included 1.5 million women.[5] For the most part the organization of labor in the early months was a spontaneous process, local employees forming unions within their separate plants. Subsequently the principal independent unions joined together in three national federations: the middle-of-the-road General Federation of Japanese Trade Unions and the leftish National Congress of Industrial Unions, each with approximately a million members each, and the smaller and less influential All-Japan Council of Trade Unions.

Labor reforms, like the industrial program, were affected by changes in American attitude and policy. Japan suffered acute economic distress. It was natural for labor leaders not only to strive to improve wages and working conditions through collective bargaining but to direct the political influence of their growing organizations against the government in an attempt to secure overall solutions of the problems of food supply, production, and inflation. Most labor leaders, moreover, were strongly influenced by socialist ideas. SCAP looked with disfavor on this type of political activity by the labor movement, in part as a result of American experience in which unions have not been associated directly with political parties, as in Europe, but more particularly because of the fear that Communists might secure control of the unions. SCAP accordingly attempted to induce labor leaders to work within the framework of collective bargaining and to eliminate direct political action. Nonetheless, politically motivated strikes became increasingly widespread during 1948 and 1949.

As early as 1946 General MacArthur had employed his personal power and prestige against union political activity. For example, the Labor Relations Adjustment Law of that year, providing machinery for the settlement of disputes, included provisions condemned by labor leaders restricting the right of government workers to strike and permitting strikes by public-utility workers only

[5] These figures were given by SCAP in a report to the International Labor Organization, *The New York Times*, June 17, 1949.

after an appeal for mediation followed by a thirty-day waiting period. Since government workers numbered more than 2 million, including about 600,000 railway and 350,000 communications employees, and since a broad definition was applied to public-utility workers, these provisions seriously limited the freedom of action of a large segment of the working force. In February 1947 General MacArthur intervened on the eve of a projected antigovernment general strike, ordering the strike canceled. And in July 1948, when government workers threatened a strike over the failure of the government to maintain wages at the average level in private industry, the Cabinet, acting on a letter from General MacArthur to the prime minister, issued an order not only outlawing all strikes by public employees but denying to them the right of collective bargaining as well. Subsequently, again as a consequence of SCAP pressure, the Diet enacted a National Public Service Law incorporating these terms. During the latter half of 1949 the government effectively employed its program of getting rid of surplus government employees as a means of eliminating Communists and their sympathizers from the railway and other unions.[6]

Many observers have believed that labor unions offer the greatest hope for the growth of democratic government. These hopes have been only partially fulfilled. Effective leadership has been slow to emerge. Because of the inexperience of the rank and file, union organization has become undemocratic, permitting irresponsible elements to control union affairs in many instances. Some unions are controlled by employers; others are dominated by a strongly disciplined Communist or Communist-sympathizing minority, which has employed strikes, intimidation, and violence to gain its ends. Strife over the communist issue has divided labor and has threatened to split the large national federations. Thus workers have not been able to speak wih a unified, authoritative voice, and their opportunity for political influence has thereby been weakened.

Agricultural Interests. Land reforms weakened the economic power of the landowning class, but in rural communities this element retains its predominant political position. As the peasants benefit from land redistribution, they may exert correspondingly greater political influence. But they are essentially conservative

[6] See Moran, William T., "Labor Unions in Postwar Japan," *Far Eastern Survey*, Vol. XVIII (October 19, 1949), pp. 241–48.

folk; for generations they have looked to the gentry for leadership in community affairs, and it will take time for them to advance to positions of leadership themselves. For example, when elections were held in 1947 to establish local committees to administer the Land Reform Law, more than 60 percent of the positions were uncontested. The right of local landowning figures to represent their districts was unchallenged; the peasants felt it would be improper to oppose them. Some peasants even hesitated to take the rice paddies to which the land laws now entitled them.[7] This situation was altered somewhat by reorganization of farmers' associations and cooperatives along more democratic lines. But the conservative political parties continue to find their greatest strength in rural areas.

The Bureaucracy. The bureaucracy retains its entrenched position in Japanese political life, in spite of SCAP efforts at reform. Since its influence is derived from traditional patterns of behavior, control of administrative devices, and long-cultivated association with conservative elements in the business community and among landowners, alteration of this situation will proceed slowly. The relative inexperience of the postwar Diet members gives bureaucrats an important advantage. Until the political parties can train experts of their own, they must rely upon the highly qualified specialists in the government ministries to shape legislation and draft its details. Ninety percent of legislation presented to the Diet still is framed by the government, and most of this by bureaucrats in the ministries. As late as September 1948 a SCAP spokesman declared that the bureaucrats obstructed enforcement of the new Civil Service Law and that the whole bureaucratic structure of government remained a block to effective national reform.[8]

POSTWAR POLITICAL PARTIES

The surrender very quickly produced a resurgence of activity by professional party politicians. Even before the formal surrender on September 2, the Cabinet dissolved the wartime Political Association of Great Japan, successor of the Imperial Rule Assistance As-

[7] Wildes, H. E., "Underground Politics in Post-War Japan," *op. cit.*, p. 1156.

[8] *The New York Times*, September 12, 1948, May 15, 1949. See also Maki, J. M., "The Role of the Bureaucracy in Japan," *op. cit.*

sociation, opening the way for separate party organization. Within a few months a number of important parties and a multitude of lesser ones were formed. These groups were similar to the first parties which had come into existence after the Meiji Restoration —that is, they were composed of relatively small numbers of political leaders and influential government figures, associated by personal friendship and loyalty and a common desire to secure or hold the spoils of office. In most cases, these groups had been held together on an informal basis during the war years. The parties accordingly lacked extensive party machinery and broad membership.[9]

In the years following surrender Japan's political parties passed through numerous and devious transformations, with frequent changes in party labels and leadership, confusing to the foreign observer. This process was the result of constant divisions and redivisions, as key figures bolted one party and led a faction from it into another. Although broad division of political leadership between Right and Left were fairly well stabilized by late 1949, any description of party alignments must be considered tentative.

Democratic-Liberal Party (Minshijiyuto). The most conservative, and presently the strongest, party is the Democratic-Liberal party. It was organized initially as the Liberal party from among former associates in the old Seiyukai by Ichiro Hatoyama, an astute professional politician and one-time colleague of the notorious Baron General Tanaka. The group had close connections with both Mitsui and Mitsubishi interests, with the bureaucracy, and the Imperial Household. While outwardly professing to support occupation objectives, it generally favored the status quo. After Hatoyama belatedly was excluded from office by the purge, Shigeru Yoshida, former diplomat and close personal friend of Hatoyama, assumed the party presidency, and under his leadership the party developed effective machinery, utilizing prewar Seiyukai connections at the prefectural and local levels. Since this party has dom-

[9] General Headquarters, SCAP, Government Section, *Japanese Political Parties*, 2 vols. (mimeographed, Tokyo, 1946); Spinks, C. N., "Postwar Political Parties in Japan," *Pacific Affairs*, Vol. XIX (December 1946), pp. 250–59; Stewart, K. G., "Japanese Politics: 1947–1948," *Far Eastern Survey*, Vol. XVII (July 7, 1948), pp. 152–55; Takahashi, Masao, "Contemporary Japanese Political Forces," *Pacific Affairs*, Vol. XXI (December 1948), pp. 399–404; Wildes, H. E., "Underground Politics in Post-War Japan," *op. cit.*, Williams, Justin, "Party Politics in the New Japanese Diet," *American Political Science Review*, Vol. XLII (December 1948), pp. 1163–80.

inated all but two postwar governments, it has strengthened its position by use of patronage and other privileges of office.

In March 1948 the Liberals were joined by the Shidehara faction of the Democratic party and formed the new Democratic-Liberal party, with Yoshida as president and Shidehara as "supreme adviser." This party has continued to build up its ties with the bureaucracy, the conservative countryside, and particularly with business interests, and its outlook reflects these connections. The party stands for relaxation of government controls and for laissez-faire capitalism. It is not only anticommunist but antisocialist as well and advocates, for example, the transfer to private ownership of utilities now managed by the state. It favors amendment of labor legislation to curtail alleged excesses by unions. Yoshida and his Democratic-Liberal associates have capitalized upon the growing break between the United States and the Soviet Union to appeal to American sentiment as a bulwark against the spread of communism in Asia. In the January 1949 election their party won a clear majority in the lower house of the Diet, the first such majority since the end of the war.

Democratic Party (Minshuto). A second conservative party, the Democratic party, was influential until 1949. As the Progressive party, it originally was formed in 1945 by former members of the Seiyukai and Minseito parties. It had connections with business and the bureaucracy. At first it was even more conservative than the Liberal party, but after its original membership was riddled by the purge in 1947, the remnants managed to hold together under the leadership of Baron Shidehara, former foreign minister and Minseito leader. In 1947 the party was reorganized as the Democratic party. Subsequently it was somewhat liberalized in the Minseito tradition, and in 1947–48 it entered a coalition government with the Socialists, providing the prime minister, Hitoshi Ashida, for a period in 1948. But in trying to hold a position between the extreme conservatism of the Democratic-Liberals and the socialism of the Socialists, the Democratic party was caught on the horns of a dilemma, a situation it attempted to solve by advocacy of "revised" capitalism. Moreover the party lost considerable prestige in 1948 when Ashida was indicted for political corruption, and it was badly divided by factional differences within its leadership. In the same year Baron Shidehara led the more conservative members out of the party to form the Democratic-Liberal

party with Yoshida's Liberals. The Democratic party lost appeal to the voters and received a severe set back at the polls in the national election of January 1949. Subsequently it split wide open, one group under the leadership of party president Ken Inukai going over to Yoshida, and the remainder, composed of followers of Wataru Narahashi, a personal rival of Yoshida, trying to hold together the dwindling elements of the party.[10]

People's Cooperative Party (Kokuminkyodoto). Still another party, the People's Cooperative party, has attempted to operate in the middle ground between conservatism and socialism. This group was established in March 1947 as a merger of the former Cooperative party and several groups of independent Diet members. It rests upon farmers' cooperative associations and other ruling elements in rural communities and some urban middle-class support, and it opposes socialism and communism. Following a poor showing in the 1949 election, it disintegrated considerably.

The Socialist Party (Shakaito). The Socialist party (the Japanese name frequently is translated Social Democratic) represents all elements between the conservative parties on one side and the Communists on the other. It was established in 1945 as an alliance of heterogeneous groups, loosely bound by varying degrees of socialistic leanings. Its founders were survivors of the Social Mass, Farmer-Labor, and Farmers' parties and other small peasant and labor parties which had opposed the rise of military dictatorship and which had been broken up by police suppression in the 1930s. It drew support from white-collar workers, intellectuals, religious idealists, and political opportunists. It derived considerable strength from organized labor, particularly the General Federation of Japanese Trade Unions, and has been most effective in urban areas.

Throughout its history the Socialist party has suffered from internal struggles between three factions. The right wing, the strongest, was drawn from the old Social Mass party, which had worked within farm and labor elements and established a creditable record as an opposition party before 1936. The center faction leaned to the right but preferred to maintain separate status in the party deliberations. Both the right and center lost heavily in the

[10] Colton, Kenneth E., "Pre-War Political Influences in Post-War Conservative Parties," *American Political Science Review*, Vol. XLII (October 1948), pp. 940–57.

purge, since certain of their members had participated in the Imperial Rule Assistance Association. The left wing, smallest of the three, was composed of experienced labor and farm organizers, a number of intellectuals, and undoubtedly in the early days included some "disguised" Communists.

Because of its diverse composition, the Socialist party has not demanded extreme forms of socialism, at least at this time. It has advocated state control of the coal, iron and steel, and fertilizer industries preparatory to eventual state ownership, and adequate price and other anti-inflationary measures. In the national election of 1947 it emerged with the largest party representation in the lower house of the Diet, although without a majority, and it entered into a coalition government with the Democratic and People's Cooperative parties. The prime minister of the Cabinet, Tetsu Katayama, was the first and only Socialist to hold this position in Japan's history. His Cabinet resigned from office the following year as a result of intraparty strife, and in the election of 1949 the Socialists lost heavily at the polls. Katayama lost his seat in the Diet to a Communist.[11]

Communist Party (Kyosanto). The Communist party of Japan originally was founded in 1922. It was an illegal organization and during the 1920s and 1930s probably never numbered over a hundred active members. But in spite of severe government suppression, it did have some influence, exerted through members who permeated the small peasant and labor organizations and other popular movements of the period. SCAP's directive releasing political prisoners opened the way for a reorganization of the Communist party. In December 1945 the party held what it called its fourth national party convention, emphasizing continuity with its prewar existence. Kyuichi Tokuda, who had spent seventeen years in jail, was named secretary general. Because of a widespread belief that the party advocated violence and overthrow of the emperor system, and because of common suspicion of the Soviet Union, the Communist party attracted relatively few adherents at first. But by the use of clever publicity, including mass demonstrations, it secured a great deal of popular attention, and its influence appeared to be in excess of its actual strength in numbers.

In January 1946 Communist party headquarters in Tokyo was

[11] Saffell, John, "Japan's Post-War Socialist Party," *American Political Science Review*, Vol. XLII (October 1948), pp. 957–69.

joined by Sanzo Nosaka, a Japanese communist who, under the assumed name of Okano, had worked among Japanese prisoners of war captured by the Chinese Communists. Nosaka, who was Moscow-trained, declared that conditions in Japan were not yet suitable for the application of communism. He advocated abandonment of the theory of an aggressive proletarian revolution in favor of parliamentary action and nonviolence. He also toned down the party's persistent opposition to the emperor system. Perhaps as a consequence of Nozaka's moderating influence, the Communists attracted an increasing number of supporters, but as late as 1949 the number of active party members probably remained at no more than 100,000. The circulation of the party newspaper, *Akahata* (Red Flag), exceeds 300,000.

The principal activities of the Communist party have been directed toward the spread of communist influence through various popular movements. Its leaders have taken full advantage of legitimate grievances of the masses, playing up unemployment, food shortages, and other aspects of the nation's serious economic dislocation as a means of gaining power. Because of the inherent conservatism of the peasant population and the relative prosperity brought on by high food prices, communism has not made headway in rural areas. In the cities, however, it has made a very strong appeal to the nearly 7 million organized workers and has gained considerable power within the labor movement. Active Communists reportedly once dominated the railway workers', electrical, and other influential national unions and exerted a strong position within the National Congress of Industrial Unions. The party also has secured support among discontented intellectuals and students. It is extremely well organized and disciplined and has placed its members in strategic locations within unions, even among schoolteachers and the police.

Under Nozaka's leadership the Communist party officially endorses a program of peaceful revolution, disavowing a proletarian dictatorship at this stage of Japan's development. Its actvities, however, discredit this position. By use of strikes, walkouts, riots, and demonstrations the party appears to favor any action that will disturb economic recovery and social stability. With the widening of the breach in world politics it dropped its former caution and openly denounced the United States and actions of the Japanese government which had been initiated by SCAP. It turned to tradi-

tional Japanese nationalism and racism to widen its appeal and discredit SCAP reforms.

The question naturally arises whether the Japanese Communist Party is directed or influenced by the Soviet Union. Japan has been subjected to intense Soviet propaganda from Russian sources, and Soviet inspired publications circulate freely in large quantities. Former Japanese soldiers captured by Soviet forces in 1945 in Manchuria and northern Korea were indoctrinated with communist concepts before repatriation. It has been alleged that the Soviet mission in Tokyo is the real headquarters of the Communist party. While these measures of Soviet support are of consequence, it is unlikely that they are the principal sources of strength of communism in Japan. The party is effectively organized internally, and evidence indicates that it is self-supporting. It derives considerable income from its dues-paying members, from the large sale of its publications, and also allegedly from black-market operations. As long as economic and social instability remain, communism will have an appeal to discontented and disillusioned elements in spite of the traditional Japanese fear of Russia. In January 1950 a dramatic disagreement between the Japanese party and Moscow broke into the open. The Japanese Communists, although avowing allegiance to the Cominform, rejected criticism of the moderate policies of their party which were aired in the Cominform journal and in *Pravda*, replying that during the occupation such action was expedient. One member of the party was ousted for supporting the Cominform attack.[12]

During the early stages of the occupation, Communists enjoyed the privileges of free discussion and association afforded to all political groups according to SCAP orders. They took full advantage of these privileges. But as United States-Soviet relations became steadily worse and as communist influence became more pronounced within the labor movement, General MacArthur took action. As already noted on page 693, SCAP attempted to curtail the spread of strikes and of political activity by organized labor. In 1946 MacArthur declared that strikes inimical to the objectives of the occupation would not be tolerated. Labor legislation was amended to limit certain of labor's privileges. Encouraged by the Supreme Commander, the Japanese government imposed police and other restric-

[12] See Noble, Harold J., "The Russians Are Very Busy in Japan," *Saturday Evening Post* (November 23, 1946), pp. 14–15, 115–18, 120. The *New York Times*, January 11, 12, 13, 1950.

tions upon Communist activities. In July 1949 the General issued a statement hinting that he would approve outlawing the Communist party.[13] Some observers have felt that in moving to curb communist influence General MacArthur restricted legitimate activities by noncommunists, seriously weakening the rights of labor and the political power of the socialists.[14]

Party Characteristics. After four years Japanese political parties remained for the most part groups of professional politicians and officeholders. They had not yet developed consistent political principles, and they lacked broad national organization and representation. With the exception of the Communists, they had not learned effective party discipline. The venerable Yukio Ozaki, oldest member of the Diet in service, declared in December 1946 that Japan was without parties in the true sense. "Soon after an organization is established under the name of a political party," he commented, "it changes into a faction or a clique. It is a group of men who have no intelligence and moral sense but only ardor and common interest." [15]

The internal organization of the parties is essentially undemocratic, control resting with a small group in Tokyo headquarters. It is reported that real power commonly does not rest with the nominal leaders, but with behind-the-scenes operators, known by the Japanese as *Kuromaku* (wire pullers). Financial resources are drawn from business interests, particularly from contractors who compete for lucrative government and occupation building projects, and from labor unions. The Communists are not the only ones with black-market connections. Political scandals have been common; as already indicated, former Prime Minister Ashida was indicted for alleged corruption, and numerous other high officials have been charged with accepting favors from contractors and other business interests.[16]

TRENDS IN POLITICAL LEADERSHIP

The conservative parties have retained the balance of political power in Japan since 1945. Shortly after surrender, a Cabinet was

[13] *The New York Times*, July 4, 5, 10, 1949.

[14] For expressions of this view, see Ball, W. M., *Japan, Enemy or Ally?*, *op. cit.*, and Bisson, T. A., *Prospects for Democracy in Japan*, *op. cit.*

[15] *Hochi, Shin*, December 25, 1946, cited in SCAP, Allied Translator and Interpreter Section, *Press Translations and Summaries*, January 7, 1947.

[16] Wildes, H. E., "Underground Politics in Post-War Japan," *op. cit.*

formed under the premiership of Baron Shidehara, who was acceptable to the occupation authorities because of his known opposition to the militarists both before and during the Manchurian incident in 1931, at which time he had been foreign minister. His government represented the familiar combination of business and bureaucracy interests. It held office in the early exciting months of the occupation and was responsible for implementation of some of the most important of the SCAP reform directives.

The 1946 Election and the Yoshida Cabinet. On April 10, 1946, the Japanese people, including the newly enfranchised women, conducted the first national election following surrender, voting for members of the lower house of the Diet. The results of the election demonstrated that conservative elements dominated public affairs at that time. The two conservative parties, the Liberals and Progressives, together polled more than 40 percent of the vote, securing 141 and 93 seats respectively. Moreover, a large portion of the more than 100 minor party and independent members who were elected associated themselves with these major conservative parties. The Socialists elected 92 members; the Communists trailed with 5. The conservative parties scored heavily in rural areas, while the Socialists and Communists obtained the greater portion of their votes in the cities.[17]

Shortly after the April election, the Shidehara Cabinet resigned. Six weeks were required to form a new Cabinet. With 139 members, the Liberals became the plurality party, but they lacked a clear majority. After some delay, agreement was reached between the Liberals and Progressives whereby the two groups were to form a government, headed by the Liberal party leader Hatoyama. This move, however, did not meet with the approval of SCAP. It was found that Hatoyama clearly came within the terms of the purge directive by reason of previous activities as a proponent of totalitarian principles. SCAP accordingly directed the government to bar him from public office without further delay.

Subsequently a coalition Cabinet, composed of representatives of the two conservative parties, was formed by Shigeru Yoshida, the new Liberal president. Baron Shidehara, president of the Progressive party, remained in the Cabinet as a minister of state. This new government likewise reflected the dominant business and bureaucratic interests. Prime Minister Yoshida was selected after the usual

[17] Bisson, T. A., *op. cit.*, p. 47.

conferences between leading figures in the principal advisory organs of government, which at that time still functioned under the Constitution of 1889. He was nominated, according to custom, by the emperor. But at this time these political maneuverings were freely reported and discussed in the press, and the public was given a valuable lesson in the problems and responsibilities of selecting political leadership.

The first Yoshida government was never secure. It was either unable or unwilling to offer realistic solutions to the nation's pressing economic problems and became the target of ever-increasing political opposition by labor unions and criticism by the press. Toward the end of 1946 its position became even more precarious. On December 17 the Socialist party sponsored a large-scale demonstration calling for the dissolution of the Diet and new elections. The following month the government revealed its ineffectiveness when it was unable to eliminate the threat of a strike by the government workers' unions, which threatened to spread to a general strike. The crisis was averted only when General MacArthur stepped into the situation, issuing an order banning a strike against the government. Premier Yoshida then made several efforts to strengthen his position by including the Socialists in his coalition Cabinet. But the persistent opposition of the left wing of the party prevented the right wing from accepting his proposals. Finally, in February 1947, SCAP ordered the government to hold a new election, the second in less than a year.

The 1947 Election and the Katayama Cabinet. The Socialists emerged from the 1947 election with the largest representation in the lower house of the Diet, winning 143 seats to 132 for the Liberals, 126 for the Democrats, and 31 for the People's Cooperatives. The good showing of the Socialists was attributed to popular dissatisfaction with the ineptitude of the Yoshida government rather than to growing acceptance of socialist principles. The Communist party polled 870,000 votes and won 4 out of the chamber's 466 seats. The two conservative parties between them obtained a clear majority in the House of Councillors.[18] After a long delay resulting from the unwillingness of the Liberals to enter into a coalition with the Socialists, Tetsu Katayama, Socialist chief, was selected as prime minister and formally elected by the Diet. Thus

[18] SCAP, *Summation of Non-Military Activities in Japan*, No. 19 (April 1947), p. 34.

the first prime minister to be selected under the provisions of the new Constitution was a socialist, and also a Christian.

The Katayama government represented a coalition of the Socialist, Democratic, and People's Cooperative parties. For a time it had been expected that the Liberals also would enter the coalition, but Yoshida finally withdrew when the Socialists refused to oust their left wing from the party. Even so, the Socialists were not permitted to head the government until they agreed to give up their plans to nationalize certain leading industries, apply rigid controls to the economy, and repudiate interest on wartime government bonds. Accordingly the formation of a Cabinet under a socialist prime minister did not represent a marked break with the past. On the contrary, the conservative parties retained a strong position, and there is reason to believe that they were pleased to pass the nominal leadership of the government to Katayama in order to escape for a time the onus of failure to solve the problems of production and distribution which continued to plague the nation. They expected that they would soon again have the opportunity to organize the government.

Ashida Cabinet, 1948. The opportunity was not long in coming. The Katayama government was no more successful in solving national problems than its predecessors. Moreover, it lost much of its labor following when it was forced to support unpopular wage and other controls designed to curb inflation. Prime Minister Katayama was unable to hold together the uneasy coalition within the Cabinet, being caught between the demands of the left wing of his own party on one extreme and of conservative Democrats on the other. Unable to resolve these differences, he resigned in February 1948, after less than a year in office. Although the Liberals demanded the selection of Yoshida by the Diet, the three coalition parties still held a majority and finally, with difficulty, elected as prime minister Hitoshi Ashida, one-time diplomat and publisher and head of the Democratic party. His government likewise held a precarious position, since the opposition party, the Liberals, was the largest single party in the lower house and was soon strengthened by the addition of the Shidehara faction of the Democratic party, forming the new Democratic-Liberal party. Finally, the Cabinet was severely shaken by bribery scandals. In October 1948 the Ashida Cabinet resigned *en bloc*. Shigeru Yoshida was elected prime minister for the second time by an indecisive vote of the Diet, and it was expected that a

new election would soon follow. Two months later, in December 1948, the government lost a nonconfidence resolution in the lower house, which had been introduced by the Socialists, Democrats, and People's Cooperatives. The Diet was dissolved and a new election ordered.

The 1949 Election and the Third Yoshida Cabinet. The election of January 1949 for the first time gave a clear majority to a single party. The ultraconservative Democratic-Liberal party won 263 seats out of the 466 in the lower house of the Diet, a very substantial increase over its showing of 132 seats in 1947. The Democrats dropped from 122 to 70 (and soon all but disappeared when a large number of these members crossed over to the Yoshida forces). The Socialists, who had emerged from the 1946 election with a plurality, dropped from 143 to 49. The People's Cooperatives dropped from 31 to 14.

A most interesting development was the marked gain by the Communist party, which jumped from 4 to 35 seats, all of them elected from Tokyo and Osaka, many at the expense of Socialist candidates. The growing strength of the Communist appeal to the electorate was indicated by an increase in the party's popular vote from less than 1 million in 1947 to almost 3 million two years later, with a corresponding percentage increase from 3.6 to 9.6.[19]

The victory of his party enabled Shigeru Yoshida to form a Cabinet without resort to a coalition with other major parties. The election clearly indicated that political power in Japan—that is, power not retained by General MacArthur—rested in the party which represented business, conservative rural interests, and the bureaucracy. Yoshida himself exemplified this leadership. As a prewar career member of the bureaucracy, he had served as ambassador to Great Britain. He has close personal connections with the imperial palace and the business community. His wife is a daughter of Count Makino, who was one of the emperor's closest advisers, and his own daughter is married to a wealthy coal-mine operator. He was pushed out of politics before the war by the military extremists and at one time was jailed. Thus, while a member of the prewar ruling circle, his record is free of collaboration with the extreme military elements.

Decline in Parties of the Center. After four years' experience in postwar politics, Japan approached a two-party system. At the con-

[19] For the election figures, see page 706.

NATIONAL ELECTIONS FOR MEMBERS OF HOUSE OF REPRESENTATIVES *

Party affiliation	Total votes	Percent	House seats
	April 10, 1946		
Liberal	13,505,746	24.4	141
Progressive	10,350,530	18.7	93
Socialist	9,858,408	17.8	92
Cooperative	1,799,764	3.2	14
Communist	2,135,757	3.8	5
Minor parties	6,473,272	11.7	39
Independents	11,325,402	20.4	80
Totals	55,448,879 †		464 ‡
	April 25, 1947		
Socialist	7,170,484	26.2	143
Liberal	7,260,377	26.5	132
Democratic	7,097,208	25.9	126
People's Cooperative	1,940,105	7.1	31
Communist	996,507	3.6	4
Minor parties	1,562,213	5.7	18
Independents	1,362,213	5.0	12
Totals	27,389,107		466
	January 23, 1949		
Democratic-Liberal	13,381,610	43.8	264
Democratic	4,835,504	15.8	68
Socialist	4,129,724	13.5	49
Communist	2,984,583	9.6	35
People's Cooperative	1,042,123	3.4	14
Minor Parties	2,209,307	7.3	24
Independents	2,007,328	6.6	12
Totals	31,168,625 §		466

† These votes were enlarged because of the system of plural voting in use at the time. The total electorate was 26,558,611.

‡ Does not include two seats for which run-off election was required.

§ Includes 578,446 invalid votes.

* Sources: For 1946, T. A. Bisson, Prospects for Democracy in Japan, *op. cit.*, p. 47; for 1947, SCAP, *Summation of Non-Military Activities in Japan*, No. 19, April 1947, p. 34; for 1949, information supplied by Office of the Under Secretary, Department of the Army, Washington.

servative end of the political spectrum were the Democratic-Liberals, with a majority position in the Diet and control of the Cabinet. At the opposite end were the Communists, still relatively small in respect to Diet membership and appeal to the electorate but nevertheless a threat to the stability of the government by reason of influence within the labor movement and in the cities. Between these extremes, the Democratic and People's Cooperatives parties, reduced in Diet representation in the election of 1949 and weakened by intraparty factionalism, no longer counted. The Socialists likewise were severely reduced in power and influence, presenting the possibility that its right wing might swing over to the conservatives and its left to the Communists. Thus Japan appeared to be following the political pattern of postwar Europe, in which the parties of the extremes have risen to power at the expense of moderate elements in between.

CONCLUSIONS

Japan's response to the reforms imposed during the occupation cannot be estimated accurately until foreign troops are withdrawn and Japanese leadership assumes full responsibility and authority. In spite of General MacArthur's sincere efforts to rule indirectly and to shift responsibility to the Japanese government, he remained, four years after the surrender, the real ruler of Japan. Time and time again SCAP found it necessary to step in and make the hard decisions that responsible Japanese officials were unwilling or unable to make. Time and time again it had to use its own authority to maintain the functions of government (for example, employing occupation personnel to enforce the collection of rice and taxes) or to use the prestige of the Supreme Commander himself to prohibit a strike of government workers. Time and time again SCAP intervened to force Diet action on unpopular legislation deemed necessary by American officials. Only after the authority of SCAP, backed up by occupation troops, is removed will it be possible to evaluate the effectiveness of Japanese leadership.

Delay in Peace Settlement. As early as July 1947, the United States government indicated its desire to proceed with the negotiation of a peace treaty for Japan. At that time it proposed to the other ten allied nations represented on the Far Eastern Commission that a preliminary conference on the treaty be held at an early date.

Although none of these nations declared itself opposed in principle to a peace settlement, disagreement arose over the voting procedure to be followed at such a conference, and it was impossible to go ahead with peace discussions. Consequently final peace settlement with Japan, as well as Germany, was delayed by the East-West split in world politics.[20]

In July 1949 it was announced that all nonmilitary functions of the occupation forces would be drastically reduced before the end of the year. Civil affairs teams—that is, military government teams —throughout Japan were dissolved, and it was expected that all but the military sections of SCAP would be reduced or terminated at an early date. This action indicated that the reform phase of the occupation was considered complete and that the Japanese would be forced to resume direct responsibility for the administration of their affairs. Occupation troops would remain solely as security forces.[21]

Only when all of the restraints of the occupation are removed will it be possible to determine the full degree to which American reforms have penetrated the hard core of traditional Japanese thought and practice. In the last chapter, at page 657, it was seen how General MacArthur chose to initiate reforms himself but to place upon existing Japanese official personnel the responsibility of implementing and enforcing the program. It was recognized that if the reforms were to endure new leadership was essential—leadership which would struggle against the opposition of entrenched interests and against the apathy and ignorance of the people to give the reforms meaning and permanence. The record since 1945 has not been altogether encouraging; new leadership has been slow to show itself. Of great consequence was the elimination of militaristic leaders and the forces which supported them. But the government remains in the hands of the other elements of the prewar ruling oligarchy. The growth of the two parties representing the political extremes, the ultraconservative Democratic-Liberals and the radical Communists, weakened the possibility of a strong middle-of-the-road leadership based upon evolutionary development of the full potentials of occupation reforms.

The ultimate impact of the occupation will depend in large

[20] Department of State, *Bulletin*, July 27, 1947, p. 182; August 24, 1947, pp. 395–96; August 31, 1947, pp. 435–36.

[21] *The New York Times*, July 26, 29, 30, 1949.

measure upon the success of economic and social reforms. The student will recognize that constitutional revision and other changes in the structure and operation of political and administrative organs, while of great importance in themselves, cannot be the determining factor. The 1947 Constitution, excellent as it is as a framework for democratic government, cannot be effective unless the people understand their responsibilities as well as their rights and unless statesmen provide positive leadership. Moreover, as even these brief chapters reveal, the achievement of occupation objectives rests not so much upon the manipulation of the constitutional system as it does upon extensive and permanent changes in Japan's feudalistic economic and social structures. Elimination of militaristic practices, deconcentration of industry, encouragement of labor organization, land reform, educational reform, elevation of the position of women, reform of Shinto practices—these and other nonpolitical achievements of General MacArthur and his forces in the long run may bring about more effective change than the new Constitution, ultimately producing a reorganization and reorientation of Japanese society. Only then will the constitutional reforms placed on the books by SCAP directives and authority achieve lasting significance.

Political developments in Japan, moreover, will be influenced by external factors to a very considerable degree. Much will depend upon the extent to which Japan will be able to engage in international trade and thereby achieve a reasonable standard of living. Conditions of continued economic stagnation will discredit the new regime and quickly favor the resurgence of militant nationalism or growth of radical communism. Likewise Japan will feel the impact of the surge of communism in China and the rest of Asia, areas with which she must trade to survive. The fate of Japan, therefore, rests not only upon her own leadership but upon complex international forces.

READINGS

For further readings on contemporary political developments in Japan, see the references listed at the conclusion of Chapter 28. In addition, the following Japanese publications in the English language might be mentioned:

Japan Institute of Pacific Studies, *Aspects of Democratization in Japan: A Symposium*. Publication of this study is expected during 1950. The

Institute of Pacific Relations (New York) will distribute the volume in the United States.

Contemporary Japan, A Review of East Asiatic Affairs, Foreign Affairs Association of Japan (Tokyo). A quarterly.

Oriental Economist (Tokyo). Weekly.

Nippon Times (Tokyo). A daily newspaper.

Unfortunately coverage of Japanese affairs in most American newspapers is inadequate. The best reports will be found in *The Christian Science Monitor*, The New York *Herald Tribune*, and *The New York Times*. *The New York Times Index* provides a ready guide to current developments.

CHINA

Chapter 30

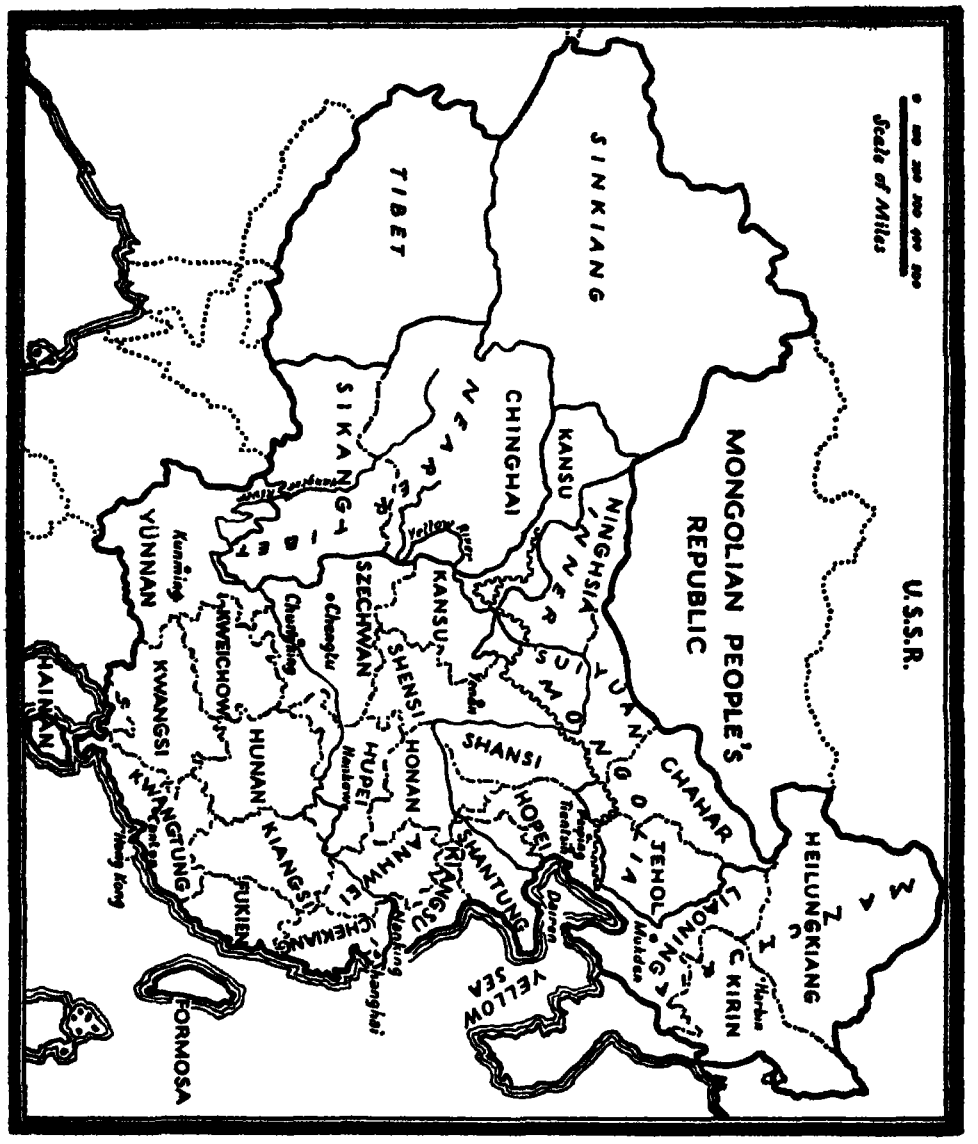
THE CHINESE REVOLUTION

CHINA IS A NATION of revolutionary change. For a century China periodically has experienced civil war, foreign aggression, economic dislocation, social disorder, and political instability. The story of contemporary politics in China is the story of the struggles of a persevering and stouthearted people against tremendous odds to establish and maintain a national government capable of resolving these conditions and bringing about order and stability, and capable also of performing the responsibilities of a twentieth-century state. The situation in China has many causes. It stems largely from the impact of the West upon a China ill-equipped to deal with the West's technological and material superiority.

Chapter 27 described how China's smaller neighbor, Japan, was able to face the impact of the West with a minimum of dislocation. Japan emerged from long, self-imposed isolation and adjusted quickly to the modern world in which she suddenly found herself. She was able to do so because it was relatively easy for her, with her compact, well-disciplined society, to apply the scientific achievements of the West to her own requirements. But China was unable to withstand the shattering consequences of Western intervention. She came dangerously close to losing her political independence altogether. Progress has been discouragingly slow, and adjustment has been difficult. Lacking the characteristics and institutions which would have permitted her to organize herself quickly to meet new conditions, China has instead been going through a protracted revolutionary process of disintegration and reconstruction out of which a pattern for the modern state is emerging.

THE ECONOMIC GEOGRAPHY OF CHINA

The geography of China, in the past as well as in the present, has exercised a strong conditioning effect upon political life. The Chi-


U.S.S.R.
MONGOLIAN PEOPLE'S REPUBLIC
SINKIANG
TIBET
CHINGHAI
KANSU
NINGHSIA
INNER MONGOLIA
CHAHAR
HEILUNGKIANG
KIRIN
LIAONING
JEHOL
HOPEI
SHANSI
SHANTUNG
HONAN
SHENSI
SZECHWAN
HUPEI
HUNAN
KIANGSI
CHEKIANG
FUKIEN
KWANGTUNG
KWANGSI
KWEICHOW
YÜNNAN
HAINAN
FORMOSA
YELLOW SEA
Harbin
Mukden
Peiping
Tientsin
Nanking
Shanghai
Hankow
Canton
Hong Kong
Kunming
Chungking
Chengtu
Lanchow
Yinchuan
Tsinan
Taiyuan
Scale of Miles

nese people and their political institutions cannot be considered apart from their physical surroundings. In few countries is the association between land and people so close.

Area and Population. China is a huge country, in both area and population. In population it is the world's largest—450,000,000. Its total area of 3.7 million square miles makes it the second largest country, surpassed only by the Soviet Union. This vast area extends from the maritime provinces of Siberia on the extreme northeast to French Indo-China and Burma on the south and southwest, and to Afghanistan and Russian Turkestan on the west.

Greater China—the area designated on maps and globes by a single color (frequently yellow) and identified as China—includes a variety of political divisions. These are: (1) China Proper, (2) Manchuria, (3) Inner Mongolia, (4) Nearer Tibet, (5) Sinkiang, and (6) Tibet. China Proper, the area extending south from the Great Wall and east from Nearer Tibet, is composed of eighteen provinces; it is the real heart of China. Manchuria, in the northeast, was traditionally composed of three provinces, although during Japanese occupation it was divided into a larger number of administrative units and the Communists have made further alterations. Inner Mongolia, just north of the Great Wall, formerly classified as a territory and ruled as a dependency, is now divided into four provinces. Nearer Tibet, likewise a former territory, was divided into two provinces, and Sinkiang was changed from territorial to provincial status. Tibet is semi-independent and autonomous, with only loose ties to China. In 1945 the island of Formosa, which was lost to Japan following the Sino-Japanese War of 1895, was restored to China. Outer Mongolia is no longer a part of China. In 1913 China and Russia concluded an agreement recognizing the autonomy but not the independence of this territory. Although the area theoretically remained under Chinese sovereignty, it fell within the Russian sphere of influence. By the 1930s Outer Mongolia, with Soviet support, had established itself as a distinct region with its own government. Finally, following the Yalta agreements of 1945, its complete independence from China was recognized, and the Mongolian People's Republic was established. The areas and estimated populations of the divisions of China are shown on the following page.

China Proper, with the addition of Manchuria, is the important part of China economically and politically. The outer border areas,

THE PROVINCES OF CHINA: AREA AND POPULATION

China Proper	Area in square miles	Population
Anhwei	51,888	23,354,188
Chekiang	39,780	21,230,749
Fukien	61,258	11,755,625
Honan	66,676	34,289,848
Hopei	59,321	28,644,437
Hunan	105,767	28,293,735
Hupei	80,169	25,515,855
Kansu	145,930	6,716,405
Kiangsi	77,280	15,804,623
Kiangsu	41,818	36,469,321
Kwangsi	83,985	13,385,215
Kwangtung	83,917	32,452,811
Kweichow	69,278	9,918,794
Shansi	60,190	11,601,026
Shantung	69,197	38,099,741
Shensi	72,334	9,779,924
Szechwan	166,485	52,703,210
Yunnan	123,539	12,042,157
Manchuria	407,161	43,233,954 †
Inner Mongolia		
Chahar	107,677	2,035,957
Jehol	74,277	.....
Ninghsia	106,115	978,391
Suiyuan	112,492	2,083,693
Nearer Tibet		
Chinghai	271,116	1,196,054
Sikang	143,437	968,187
Sinkiang	705,769	4,360,020
Tibet	349,419	1,500,000

† Includes Jehol.

* From Cressey, George B., *Asia's Lands and Peoples* (New York, 1944), pp. 42–44. It should be recalled that these figures are estimates.

although extensive in size, are largely mountains and desert, and the relatively sparse population is composed largely of Mongolians, Tibetans, and other non-Chinese peoples. These regions do not have any appreciable political influence upon China Proper. It is within this latter area, where well over 90 percent of the people are

Chinese, that the struggle for the development and maintenance of a national government has taken place.

No modern census of China's population ever has been taken, and no accurate population figures are available. Informed guesses place the total in the neighborhood of 450,000,000, or about one fifth of the total population of the world.[1] There are more Chinese walking the earth's surface than any other single national people. Although many observers have assumed that China's population has been increasing during the last century, we cannot be sure of this. Since China still remains very largely in a pre-industrial condition, the causes and implications of population growth discussed in Chapter 1 have not yet been felt. Both birthrate and mortality rate remain high. Nevertheless, the country suffers acutely from serious overpopulation. As is seen from the accompanying table, most of the people are crowded into China Proper, a region covering only about one-third of all of China and somewhat less than half of the size of the inhabited part of the United States. Even within this part of China, the greater proportion of the people are concentrated on the plains and lowlands of the coastal and central regions, so that the average population density is 1500 persons to each square mile of cultivated land, contrasted with 53 persons for every square mile of cultivated land in the United States.

China presents a great variety of geographical features, ranging from lofty and rugged mountains in the southwest to low-lying plains in the north, from wooded interiors to desert wastes, from cold and dry zones in the north and west to hot and humid subtropical coastal regions in the south. These geographical diversities are reflected in the people and certain of their customs. North Chinese are tall and lanky, and customarily are believed to be taciturn and unemotional; their countrymen in the south are short and chubby and excitable. Local differentiation is most notably demonstrated in a bewildering variety of dialects and languages.

Yet in spite of these regional differences, China possesses a remarkable degree of homogeneity, the product of one of the oldest and most bountiful civilizations of the world. Local habits and customs, while significant, do not detract from the essential cultural unity of the people. The United States, and more particularly

[1] United Nations, Economic Commission for Asia and the Far East, *Economic Survey of Asia and the Far East* (Lake Success, 1949), p. 13.

the Soviet Union, are even now welding peoples of diverse nationalities into a single people. China passed through this experience many, many centuries ago.

The National Economy. Unlike the other countries already considered in this book, China has not yet experienced the full force of the Industrial Revolution. Most of her people live and work as they have done for centuries. The principal source of power is still the toil and sweat of the people. On a per-capita basis, production, both agricultural and industrial, is exceedingly low and is carried on for the most part with the simplest tools and machinery. For example, it is estimated that it takes an investment of 26 man-days to produce and harvest one acre of wheat in China, in contrast to a figure of 1.2 man-days for the United States.[2] This low productivity is one of the principal reasons why the standard of living in China is so low compared with that of the United States. The figures for railroad mileage also indicate the underdevelopment of China. Before World War II the railroads of China (excluding Manchuria and Formosa), totaled only about 7500 miles. Those of Japan were about 15,500 miles and of India (including what is now Pakistan), about 42,000 miles. The comparable figure for the United States was about 240,000 miles.

China is a land of peasant farmers. It is predominantly rural and agricultural. Approximately 75 to 80 percent of the people dwell on farms, and another 10 percent or more live in market towns which are directly dependent upon farming. Yet, because of the rugged topography, farming is carried out on less than 10 percent of the total land area, and even in the most densely populated regions at most 27 percent of the land is suitable for cultivation. The scarcity of land, coupled with the immense population, has produced an acute food problem. The result is that every possible bit of land has been put to use, far up the terraced slopes of steep hillsides. Farms are small, averaging only 4.18 acres, in contrast to the American average of 157 acres.

The life of the Chinese peasant is a meager one, barely above the subsistence level. Cultivation is intensive, using age-old prescientific methods and employing a much higher proportion of the total population than is required in an industrialized society. While crop yields per acre are relatively high, they are achieved by excessive

[2] Cited by Fairbank, John King, *The United States and China*, (Cambridge, 1948), pp. 29–30.

use of manpower, and consequently the yields per man are very low. Because of the competition for arable land, land values generally are high and rentals frequently excessive. Informed observers differ among themselves as to the degree of tenancy and its consequences, but it appears safe to say that in the more densely populated regions tenancy is a serious problem. Likewise the peasant is frequently burdened by high rates of interest, high taxes, and difficulty in marketing his crop. Beset by drought and floods, his occupation is a precarious one. China as a whole suffers from a food deficit, and normally must import rice and other foods from abroad. In time of famine, even when surpluses are available in other parts of the country, inadequate transportation facilities make it impossible to render adequate aid.

Although modern technology has been introduced in the large port cities and along the railroads, the great expanse of Chinese territory has been touched but little by scientific developments. For example, the large airfields near Chengtu from which the first American B-29 bombers struck Japan in 1944 were constructed by some 450,000 men and women and children, using wicker baskets and shoulder poles, wheelbarrows, and huge rollers pulled by hundreds of laborers.[3] Modern factories producing cotton textiles, small machine products, flour, and other food products are found in many of the larger cities, but more than 90 percent of total industrial production is turned out by traditional handicraft methods. China's iron and steel industry (excepting Manchuria) is negligible. Although China is only fairly well supplied with raw materials, she possesses sufficient quantity and variety to support moderate industrial development. But she lacks the requisite accumulation of capital and the conditions of internal stability.

Because productive output is low, most of China's trade and commerce is carried on within her own territory, very much of it for distribution and consumption within the immediate area of production. In the years prior to World War II foreign trade, much of it with Japan, consisted of exports of animal products, textile fibers and manufactured textile goods, and ores and imports of foods and low-cost manufactured consumer goods.

China's poor economic situation has been greatly aggravated by more than a decade of foreign and civil war. Japan actually carried

[3] For a full description, see Winfield, Gerald F., *China: The Land and the People* (New York, 1948), pp. 195–98.

out very extensive development of Manchuria and North China during her period of occupation, operating a railroad system in Manchuria approximately equal in length to that of all of the rest of China and erecting a sizable iron and steel industry. Had China acquired all of this intact at the conclusion of war with Japan, her industrial output would have been materially enhanced. But most of the industrial plants of Manchuria were dismantled by Soviet forces in 1945 following Russian entry into the war against Japan. Inflation, the destruction of transportation facilities, political instability, and other dislocations resulting from civil war brought a further setback. To take but one example: steel production for China, including Manchuria, dropped from an average of 810,000 metric tons for the years 1935–39 to 44,000 tons for 1948.

Thus China's national economic development remains at an extremely low level. The result of underdevelopment of her industries, low per-capita agricultural productivity, and the tremendous pressure of her large population upon her available resources is poverty for the mass of her people. An indication of China's low standard of living is given in per-capita income statistics. It is estimated that the per-capita income in China, in terms of 1946 United States dollars, was $23. For the United Kingdom the figure was $660, for the United States it was $1269.[4] Translated into practical realities, this low per-capita income in China means that the national community is almost completely unable to provide the services expected of the state in the United States or Europe. Educational facilities, for example, are woefully inadequate (75 or 80 percent of those of school age or older are unable to read), and health standards are extremely low. These conditions place a heavy drag upon the national development and progress of the country.

China's economic underdevelopment should not diminish our very real admiration of the great achievements of the Chinese people in art, literature, philosophy, and other intellectual and cultural pursuits. In the solution of the basic problems besetting the delicate relationship of one human being to another the Chinese are perhaps far in advance of the Western world. Certainly they seem to have avoided the maladjustments and neuroses of the modern industrial society. Nevertheless, in the possession of the material stuff that goes to make up the twentieth-century state, China remains far behind the West, and behind her neighbor Japan.

[4] *Economic Survey of Asia and the Far East*, op. cit., p. 9.

This brief summary is sufficient to remind the student that the problems of government in China are quite different from those of the other countries already studied in this book. In a sense they are more elemental. We have seen that these countries are concerned with conditions in an industrial and urban society, with responsibilities of providing the services of the welfare state. China some day may reach this level of development and concern. But in the foreseeable future she is faced with the immense task of solving problems of national reconstruction. The most basic of these problems is the necessity of increasing production so as to raise the standard of living above its bare subsistence level. The situation has been stated dramatically by Secretary of State Dean Acheson. "The first problem which every Chinese government has had to face," he has declared, "is that of feeding [the] population. So far none has succeeded." [5]

China must achieve an adequate national government capable of raising agricultural production, expanding industrial activity, constructing railroads and other transportation facilities, providing capital, educating the masses, and developing adequate health standards. Above all, this government must establish the conditions of internal stability and order which are essential to progress.[6]

IMPERIAL CHINA

The study of modern Chinese government, like that of Japan, offers peculiar difficulties to the American student because it is the product of a long stream of development quite unlike that of Western civilization. Accordingly it is worth while to review some of the characteristics of the Imperial system of government which prevailed in China for many centuries, because many of these characteristics have been carried forward in one form or another into the present pattern of Chinese life, and contemporary institutions and practices have their proper meaning only in terms of these characteristics. For example, many of the present-day leaders of China, Communist as well as Nationalist, grew up and received their education and early training under the Imperial system. Although the Revolution of 1911 constituted an important break in the develop-

[5] *United States Relations with China*, Department of State Publication 3573 (Washington, 1949), p. iv.

[6] For an extensive discussion of problems of national reconstruction in China, see Winfield, *op. cit.*

ment of Chinese life, as will be pointed out in this chapter, it is undoubtedly correct to say that the similarities of present-day organization and thought to the prerevolutionary pattern are as significant as the differences. Students are apt to evaluate contemporary Chinese affairs in terms of Western concepts. But these concepts are alien to China. Modern China, including Communist China, can be appreciated correctly only in terms of China's own past development and traditional patterns of thought.

At the opening of the present century China was nearing the conclusion of more than two thousand years of life under a form of political and social organization which had been remarkably successful but which at long last was no longer capable of fulfilling the country's needs. This form of organization was the Chinese Imperial system, a system which contributed in large measure to the brilliance of the glorious eras of Chinese history, when Chinese civilization was perhaps the most advanced of the contemporary world. Its strength and stability were demonstrated by its ability to survive the dark ages of decay which separated these periods of greatness, and by the fact that alien conquerors of China did not destroy it but rather used it as a principal means of maintaining their own rule. The last two Imperial dynasties each reigned over two and a half centuries, periods approximately equal in length to the long rule of the Tokugawa Shoguns in Japan.

The Imperial Court. At the top of the Imperial system was the office and person of the hereditary emperor. Theoretically his will was supreme. All political power, legislative, executive and judicial, rested in him. Like the Japanese emperor, whose position had been patterned after his own, the Chinese emperor was religious as well as political head of Chinese society, performing important ceremonial rites and appointing or confirming the dignitaries of several religious cults. Actually, of course, the Chinese emperor, like his Japanese counterpart, delegated most of his powers and functions to subordinates. Certain emperors, such as the great Ch'ing Emperor K'ang Hsi (who was a contemporary of Louis XIV of France and his equal if not superior in personal ability) demonstrated unusual intellectual capacity and exercised vigorous personal leadership over governmental affairs. Others, less adequately equipped for high office, were dominated by those surrounding them in the Imperial court.

The administration of Imperial affairs was handled by a Grand

Council, composed of a select group of the highest officials, which was responsible for the formulation of policy; a Grand Secretariat; and various bureaus and boards. The functions of these agencies encompassed the principal operations of the Imperial regime, including raising revenue, conducting military affairs, maintaining dikes, irrigation systems, highways, and other public works, administering justice, directing the civil bureaucracy, and conducting ceremonies. The members of the Censorate, a unique Chinese institution, the origins of which may be traced back to the third century before Christ, were responsible for impartial observation and criticism of the government. They were authorized to investigate public affairs and report on inefficiency and irregularities, and in other ways were expected to assure that public affairs were conducted properly.

Theoretical Absolutism. The Imperial government represented a neat balance between theoretical absolutism and practical limits upon political authority. The principle of absolutism was supported by Confucian doctrines, which formed the chief philosophical system of Imperial China. Confucianism attempted to maintain the perfect society of order and stability by preserving the status quo. This was achieved through the notion that each individual must accept his position within his own social group and within society as a whole, performing his allotted duties without question and following the example set by his superiors, particularly by the emperor. Such a notion placed in the hands of the emperor and the chosen ruling elite all responsibility and power for the government of the nation. Those in subordinate positions must accept the dictates of the members of this elite. Confucianism thus emphasized class stratification, the separation of the aristocratic class from the common people. The latter were expected to be loyal to the emperor and to the members of the bureaucracy who ruled in his name. Confucianism thus attempted to maintain an orderly society by imposing upon its members the obligation to conform to established patterns of thought and action. The sanctions of political authority were derived from the extensive acceptance of these doctrines down through the centuries.

The Chinese concept of law was conditioned by Confucian philosophy. Law was conceived not as a guarantee of individual rights but rather as a systematic guide for the ruling elite, prescribing details of ceremonial rites, administrative procedures, and penal regu-

lations. Chinese religious thought likewise strengthened the doctrine of political absolutism by emphasizing a passive attitude by the people toward government. Taoism taught a way of life based upon a philosophy of passive acceptance of and adjustment to the conditions of life, producing withdrawal from practical political life. Buddhism also encouraged political inactivity with its emphasis upon salvation through contemplation and selflessness.

Territorial Decentralization. The theoretical absolutism of Imperial government actually was tempered in its applications by reason of the conditions of political life. The authority of the government, for example, was highly decentralized territorially. Consideration of the geographical picture in China will indicate why decentralization was necessary. Under conditions of great territorial and physical diversity in a country in which even today transportation and communication facilities are scarce, it was inevitable that a pattern of society should develop in which the authority of the central regime was limited. A high degree of local autonomy within the traditions of the Imperial system was the only practical solution to this situation. To the genius of the Chinese people must be attributed their success in developing a proper balance between the requirements of national uniformity and cohesion on one hand and of local autonomy and flexibility on the other.

The provinces into which the country was divided accordingly were semi-autonomous in authority. In each province the emperor was represented by an appointed viceroy, who was responsible for two provinces, or by a governor, who was in charge of but one province. The principal officers in each province, including a lieutenant governor or treasurer, judge, salt comptroller, and grain administrator (responsible for the collection of taxes in kind), were responsible to the viceroy or governor. The governor was expected to exercise considerable independence and discretion. After a general policy had been determined in Peking, the national capital,[7] it was transmitted to the heads of the provincial governments, who commonly modified it according to local customs and conditions or according to their own sympathies or those of other provincial officials. Not infrequently throughout the history of China the national government became weak, and strong provincial governors would rebel against the authority of the emperor and declare their

[7] In 1928 the National government renamed the city Peiping. In 1949 the Communist government restored the name Peking.

clique, operated in the sole interests of the party as a [illegible] combat liberal tendencies among the youth of the nation.

ORGANIZATION OF THE KUOMINTANG

This chapter has dealt with the composition of the Kuomintang and the principal accomplishments and developments of its leadership. Before concluding the account of the Nationalist regime we should survey briefly the actual political and administrative structure through which the party ruled the nation. This structure consisted of the party organization, the army, and the National government.

Throughout its history the Kuomintang, particularly its liberal elements, placed considerable emphasis on the development of constitutional government. Following the revolution of 1911 Sun and his followers had regarded the adoption of a constitution as one of their principal aims, believing constitutionalism to be a prerequisite of modern government. Being at the time idealists rather than realists, they had an almost blind faith that the establishment of a constitutional structure would automatically bring success to the new republic. Sun learned through bitter experience that the path of progress was a much more difficult one. Subsequently he worked out the notion of national development through the stages of military rule and political tutelage to the final level of popular government.

Political Tutelage. Upon occupation of Peking and the formal removal of the capital to Nanking in 1928, Kuomintang leaders, as we have seen, declared that the country was entering upon the stage of tutelage during which period the party held the exclusive responsibility and privilege of government. The Kuomintang accepted constitutionalism as an ultimate goal rather than a principle for immediate application. The Nationalist government was given legal foundation in a series of organic laws, and in 1931 a provisional constitution was put into effect. All of these laws were prepared by the Kuomintang in its capacity as sole legal guardian of the political destinies of the nation. Because the Kuomintang monopolized the powers of government, in the discussion of the structure of government which follows, the party machinery will be considered first.[9]

[9] The standard reference on the governmental structure is Linebarger, Paul M. A., *The China of Chiang Kai-shek, A Political Study* (Boston, 1941).

The organization of the Kuomintang clearly reflected the influence of Soviet advisers who assisted Sun Yat-sen in developing his revolutionary party following his understanding with the Soviet Union in 1923. Control within the party was firmly held by a small group which dominated the principal party organs. In theory the highest organ of the Kuomintang was the Party Congress. This body assembled at infrequent intervals, usually once every two or three years. Consequently the real power of the party rested in the Central Executive Committee, a group of 120 members, which met in plenary session at least once every six months. The Standing Committee of the Central Executive Committee was made up of fifteen members, all top-standing party figures. It was in continuous session and was the seat of all party authority. The members of the Central Executive Committee were elected by the Party Congress, but since the Congress was dominated by the Committee, the latter was virtually a self-perpetuating group. A Central Supervisory Committee, also elected by the Congress, was charged with the responsibility of inspecting and checking party affairs, but in practice it had little independence and was not of importance.

Central Political Council. Throughout the period of effective Nationalist rule, the actual powers of government rested with a fairly small group of the highest party and military figures. This group, composed of twenty-five individuals or fewer, was formally constituted as the Central Political Council. While this was a party organ and its members were selected by the Central Executive Committee, actually it was the supreme governing agency in China. Its function was to translate the broad general policies of the party (as determined by the National Party Congress and more particularly by the Central Executive Committee) into direct governmental action. Its powers were very broad. It initiated detailed policies, determined the basic principles of legislation and finance, formulated important plans concerning military affairs, and appointed high administrative officials. From 1938 until 1947, during the period of war with Japan, the Council was reorganized as the Supreme National Defense Council and given even broader authority, including the power to issue emergency orders to other departments of the Kuomintang and to subordinate departments of the government. In 1947 the Central Political Council was re-established. At this time it was announced that the powers of

the Supreme National Defense Council were to be transferred to the Council of State, the highest nonparty government organ, but at the same time it was revealed that all Kuomintang members of the Council of State, who constituted a large majority, would be bound by decisions reached by the party's Central Political Council.[10] Thus the Central Political Council in effect remained what it had been before, the supreme organ of government

In addition to retaining within its own structure the highest political organs of the state, the Kuomintang also engaged in numerous functions which were governmental in nature. If it had not been for the one-party nature of Chinese politics, these functions would have been performed by the government rather than by a political party. Reference already has been made to the Central Training Institute, a party agency, responsible for training civil servants as well as party workers.[11] Another party organization of extraparty significance was the Ministry of Information, a propaganda organ. In a country where broad powers of censorship were exercised by government, this ministry determined not only what the people should hear and be permitted to say but also what the outside world should learn through official channels. Here again, it is important to notice that the function of publicity and censorship was directed by a party organ and that administrative officials within the government merely carried out the orders of the party.

Soviet-type Organization. Below this top level of national agencies, the Kuomintang was highly organized vertically, reflecting early Soviet influence. Within the province, county, district, and subdistrict there were congresses, executive committees, and standing committees corresponding to their national counterparts. In theory the National Party Congress represented these local units under a system whereby the congress of each unit selected delegates to the next highest level. Actually the local units were very largely dominated by the national leadership of the party, just as the National Party Congress was dominated by the relatively few members of the Central Executive Committee and its Standing Committee. Policies determined by national headquarters were enforced through local party officials and through the use of all of the party's resources, including appointment to public office, disbursement of supplies and services, and the operation of the party's

[10] *The New York Times*, April 17, 1947.
[11] Page 740.

weapons of propaganda and censorship. Thus at the height of its power the Kuomintang was a highly centralized organization, pyramiding from many small local units to national headquarters at the top but effectively dominated and controlled by that headquarters.

THE NATIONAL GOVERNMENT

Throughout the period of political tutelage the administrative machinery of government, called the National government, remained in theory and in practice merely an instrument of the Kuomintang, operating under the complete control and supervision of the party. Although nominally it exercised the usual functions of a government, it did not possess independent initiative and authority, and it was not a government in the conventional sense of that term. It was rather the operating arm of the Kuomintang, which retained for itself full political powers.

Military Affairs Commission. It was noted above, at page 742, that military leaders played a leading role in Nationalist affairs, but that the Nanking government attracted to itself competent and energetic civil servants. The dual military-civilian composition of the Nationalist regime was represented in its administrative structure by the coexistence of military and civilian agencies, creating a situation which corresponded somewhat to the arrangements in Japan frequently referred to as "dual government," which existed under the Meiji Constitution.[12] Military authority was exercised principally through the Military Affairs Commission, an organ of the National government; civilian authority was exercised through the five yuan (departments). In practice the former remained free of interference and of control by the latter.

The Military Affairs Commission was first organized in 1925, prior to the northern campaigns, and was responsible for the command and administration of all armed forces and military organizations. It was placed directly under the supervision of the Kuomintang. After location of the capital at Nanking the Commission theoretically was brought under the civilian agencies of the National government, which were then established, and a Ministry of War was created within the Executive Yuan (Cabinet). In actuality, however, the government never gained authority over the

[12] Pages 606 and 610–11.

Commission, and the members were appointed directly by the Central Executive Committee of the party. In subsequent years, with the spread of civil war and Japanese aggression, the functions of the Commission were expanded far beyond its purely military responsibilities such as strategic planning, operations, training, supplies, and transport to include political affairs such as propaganda, all sorts of cultural and welfare work, and economic and financial administration. In each of these areas the Commission duplicated or superseded the activities of civilian agencies of government, building up a large bureaucratic structure of its own. The Commission, for example, even overshadowed the Foreign Ministry at times. Moreover, through the operation of military government in war zones, the Commission spread out over an increasingly wide geographic area, resulting in extension of direct military rule.

Military control of affairs was further enhanced by reason of the fact that Chiang Kai-shek held the position of commander in chief as well as that of president of the republic and other civilian positions. In carrying out his leadership of the nation, he most frequently utilized those powers available to him as commander rather than those associated with civilian authority.[13]

The Five Yuan. The division of the National government into five yuan was based upon the teachings of Sun Yat-sen. The Executive Yuan, which was the largest and most important of the five, was the executive arm of the government and was composed of the heads of various ministries and commissions, such as Foreign Affairs, Finance, Education, and Communications. It sometimes was referred to as the Cabinet of China, and its president or chairman was referred to as the prime minister. While the president was chief among the various ministers of the Executive Yuan and an influential figure by reason of his position in the party, he was not prime minister in the sense in which that term is usually used. The Executive Yuan had authority over bills submitted to the Legislative Yuan, the budget, declarations of war and peace, the appointment of administrative and judicial personnel, and other executive matters. It took orders from the Central Executive Committee of the Kuomintang, which selected its president and members, and from the Central Political Council.

The other four yuan did not attain significant proportions. The

[13] See Chien Tuan-sheng, "The Role of the Military in Chinese Government," *Pacific Affairs* (Vol. XXI), September 1948, pp. 239–51.

Legislative Yuan was not a legislative body in the accepted sense but was largely a bill-drafting agency with no independent authority. The Judicial Yuan supervised the Ministry of Justice and the national courts. The Examination Yuan corresponded to the U. S. Civil Service Commission but in practice had very limited authority, because the recruitment, training, and placing of administrative personnel remained largely a party matter. The Control Yuan, derived from past Chinese practice whereby independent officials made reports on the activities of the civil bureaucracy, was responsible for the impeachment of officials and the auditing of records and accounts. As in the case of the Examination Yuan, its operations were limited as long as the Kuomintang retained its monopoly of the National government.

Council of State. The National government was given a certain degree of administrative unity and cohesion by the existence of the Council of State. This organ was composed of from twenty-four to thirty-six members appointed by the Central Executive Committee of the Kuomintang, and it possessed broad powers in theory, but very few in actual practice. Nominally the Council had the power to promulgate laws, grant amnesties and pardons, and confer honors; the Military Affairs Commission and five yuan were responsible to it. In practice it was little more than a channel through which instructions from the Kuomintang's Central Political Council were transmitted to the agencies of the National government for action. The chairman of the Council was designated president of the National government of the republic of China and was the titular head of the Chinese state. From 1931 to 1943 the presidency was occupied by the venerable Lin Sen and was merely an honorary position, in the pattern of the French presidency. In 1943 Chiang Kai-shek resumed the presidency, and it was then endowed with wider powers. Actually, however, as suggested above, Chiang exercised his control of national affairs not through utilization of the powers of this presidential office but rather through those of commander in chief and chairman of the Military Affairs Commission.

People's Political Council. The National government of China had no representative organ of government. In 1938, as already noted on page 752, after the outbreak of war with Japan the Kuomintang did set up the People's Political Council as a forum of public opinion. Although the 362 members did represent elements

outside the inner party leadership, they were carefully selected with the approval of the party organization. The Council was solely an advisory body with no plenary powers, but it was authorized to interpellate and make proposals to the government and to conduct investigations and deliberate upon the national budget. At times members of the Council were extremely critical of government ministers. Similar Councils also were organized in the provinces under effective Nationalist control. In anticipation of the establishment of constitutional government, the People's Political Council was abolished in 1947.

In practice the powers and responsibilities of the various organs of the National government varied from time to time, so that precise description of their relationships to each other cannot be given in a brief summary. Actually the importance of a specific organ or position rose or fell according to the use made of it. In this connection the influence of Chiang Kai-shek was of particular significance. At one time or another Chiang held all of the important positions in the party and the government, in many instances concurrently, including chairman of the Central Executive Committee, president of the Central Political Council, president of the National government, president of the Military Affairs Commission, commander in chief of the armed forces, and president of the Executive Yuan. In 1938 he was honored with the director-generalship of the Kuomintang, a position of broad personal power which had not been filled since the death of Sun Yat-sen thirteen years before. The offices which he held and the organs to which they were attached became important, not because of the jurisdiction with which they were endowed but rather because of the personal prestige and authority of the Generalissimo. When he gave up a certain office, it usually declined in importance.

Local Government and the Courts. The Nationalist regime had ambitious plans for a complete reorganization of provincial and local government, which were only partially realized. Before the outbreak of war with Japan in 1937 the Nanking government gradually extended its influence over the provinces, several in the lower Yangtze valley coming under its direct rule. In these provinces the government instituted its plans for local reform, reducing the provinces and smaller units to the status of administrative units of the central government and exercising direct control over the larger municipalities through the powers of appointment and finance.

Provincial capitals became the seats of many central administrative agencies. The party organization of the Kuomintang also was highly organized at the provincial and local levels and served as a further instrument of central control.

In practice many provinces retained considerable autonomy, as under the Imperial system, largely because of the prestige and influence of a provincial war lord or governor. While nominally under Nanking control, such provinces frequently followed national legislative and directives in form only. The village and the hsien (county) remained the basic units of government, as in earlier times, serving the relatively simple needs of the vast majority of the people, and operating much as before, retaining their ancient character and organization. In the villages, which were still dominated by the local gentry, traditional nonpolitical devices, such as the family, the council of village elders, the temple, and the guild, performed most of the required services. The hsien government, exercising jurisdiction over from 50,000 to 200,000 persons, was headed by a magistrate (appointed by the central government but usually upon recommendation of the provincial government) and a number of assistant magistrates. Attempts were made to improve the quality of local administration by training young college graduates to serve as magistrates.

During the 1930s the National government instituted an extensive scheme for reform of local government up to the hsien level. Employing a pattern which had been utilized under the Imperial regime as a means of imposing order and stability through the operation of the principle of group responsibility, the people were organized into a series of widening units, starting with the *chia* (precinct), a group of six to fifteen family households, and extending upward to the *pao* (six to fifteen chia), the *hsiang* (six to fifteen pao), the *chu* (five to thirty hsiang), and finally to the hsien. The chia chief was to be elected by the council of family elders, the pao chief by a council composed of representatives from each family, and the hsiang chief by a council composed of two representatives from each pao council. The chu chief was to be selected by the hsien magistrate. Representative assemblies, likewise selected by this indirect means, were to be established at each level. The idea was that responsible self-government should be developed at the lowest levels through the selection of officials by the people within each unit, while at the same time these units would serve as chan-

nels for the transmission of central government programs in sanitation, education, agricultural reform, organization of the militia, and so forth. The government also instituted a number of model hsien governments to show what could be done through improved administration to better the welfare of the people. Actually, because of the geographical and financial limitations imposed by war, the reform system was effective in a few areas only.[14]

The judiciary was the least developed branch of government in Nationalist China. Most disputes were settled as before by extragovernmental means such as the family and the guild. In the smaller hsien the magistrate served as judicial officer, sometimes with the assistance of a judge; in the larger hsien there was a separate court. Progress in the reorganization of a national judicial system, which was to be composed of district courts (at the hsien level), provincial high courts, and a national supreme court, was retarded by war. In 1945, at the conclusion of war with Japan, there were functioning no more than twenty-four high courts and eighty-one branch high courts, and 328 district courts. There was an administrative court for redress of grievances against the government. The Judicial Yuan was one of the least important of the five departments of the National government. Its functions were limited to preparing its own budget, petitioning the president of the National government with respect to pardons, commutation of sentences, and the restoration of civil rights, and interpreting laws and orders and changes in judicial procedure. Until 1943 the Ministry of Justice was under the Judicial Yuan; in that year it was transferred to the Executive Yuan. The president and vice president of the Judicial Yuan were selected by the Central Executive Committee of the Kuomintang, and the president was concurrently president of the supreme court.

THE CONSTITUTION OF 1947

This brief account summarizes the party and governmental structure under which the Nationalist regime operated from approximately 1928 until 1947. In the latter year the Kuomintang promulgated a new constitution, which was expected to serve as the permanent constitution of the republic. As early as 1932 the

[14] Winfield, Gerald F., China: The Land and the People (New York, 1948), Ch. 8.

Central Executive Committee of the party announced plans to establish a permanent constitution. It was expected that a national congress would be held in 1935 to adopt the constitution, but delays followed. In 1936 the Legislative Yuan published a draft constitution, upon which it had deliberated for three years, and this draft was formally promulgated by the government as the official draft. In spite of pledges to proceed with its adoption, the Kuomintang took the position that the war with Japan necessitated postponement. Finally, in May 1945, the Sixth National Party Congress of the Kuomintang adopted a resolution providing that in the following November the government was to convene a national congress to adopt and promulgate the permanent constitution. It was planned to hold this congress while hostilities against Japan continued.

Japan's surrender brought open renewal of civil strife, as will be explained in the next chapter. One of the issues which the Communists raised in negotiations for a settlement of differences was the postponement of the national congress scheduled for November. The Communists objected because they believed that they would not receive adequate representation in the congress. The delegates to the congress had been selected prior to the war, when it originally had been planned to convene the body, and no new selection had been made. Consequently the congress was postponed until May 1946 and then until November of that year.

Constitutional Assembly. In the meantime, the Kuomintang acceded to the demands of liberal elements and of the Communists for revision of the 1936 draft constitution. This draft had proposed a form of government in which far-reaching powers were lodged in the president of the republic, including the authority to issue ordinances under emergency conditions to be determined by himself. There was to be no strong legislative or representative organ. By thus concentrating the powers of government in the president and by granting very little governing authority to the people's representatives, the draft constitution would have enabled the perpetuation of one-party rule and would have minimized the influence of opposition elements.[15]

The agreement to revise the draft constitution was one of the achievements of the People's Consultative Conference, which was established during the mission of General George Marshall to

[15] *China's Draft Constitution* (Chinese News Service, New York).

China. The general had undertaken a special mission on behalf of the United States government in the hope of bringing an end to the civil war.[16] Thus when the National Assembly finally met in November 1946 to adopt the constitution, a somewhat liberalized version of the original draft was presented to the delegates by Generalissimo Chiang Kai-shek. But by this time the intensity of the civil conflict had increased, and the Communists and most of the minor parties now refused to participate in the deliberations.

The National Constitutional Assembly convened in Nanking in November 1946. Most of the 2050 delegates had been elected in 1936 when initial plans were made by the Kuomintang for the adoption of the draft constitution. The Assembly was, therefore, almost entirely a Kuomintang body. The Communists and minor parties remained away, charging that the Kuomintang was violating its agreements by unilaterally calling the Assembly before setting up a genuine coalition government. Nevertheless under the vigorous leadership of Generalissimo Chiang Kai-shek the Assembly proceeded to deliberate upon and to approve the draft which was submitted to it. The Generalissimo opposed the attempts of the Chen brothers and other old guard elements of his party to abandon the revisions which had been incorporated into the original 1936 draft. He also opposed certain moderate elements who favored arrangements which they felt were necessary to prevent domination of the new government by the well-organized Chen clique. The Constitution was approved in the end by an almost unanimous vote on Christmas Day.

Outline of the Constitution. The Constitution as finally approved is a long document, containing 175 articles in all.[17] The first chapter acknowledged China's debt to Sun Yat-sen in the declaration: "The Republic of China founded on the Three People's Principles is a democratic republic of the people, governed for the people and by the people." The Constitution, moreover, called for the continuation of the fivefold division of government among the five yuan advocated by Dr. Sun and established by the Kuomintang in Nanking in 1928.

The new Constitution provided for a National Assembly, a Legislative Yuan and a Control Yuan, all elective, and for appoin-

[16] The Marshall mission is described at pages 804–05.

[17] An official translation was published by the Chinese News Service (a Chinese government agency), San Francisco, 1947.

tive Executive, Judicial and Examination Yuans. It also provided for a president and vice president of the republic. Following the pattern of the 1936 draft, broad powers and responsibilities were granted to the president. In addition to the usual powers of a chief of state, he was authorized in times of emergency during recess of the Legislative Yuan to issue emergency decrees "expedient and necessary to cope with the situation." He was required, however, to submit such decrees to the Legislative Yuan within one month, and in the event that the Legislative Yuan refused approval, the decrees became null and void (Article 43). The president and vice president were elected for six-year terms by the National Assembly, a large body of approximately 3000 delegates designed to exercise the constituent political power in behalf of the people. The National Assembly was to meet only for this purpose, for the recall of the president, and for ratification of amendments to the Constitution.

Responsible authority for the direction and operation of the government rested with the president and the Executive Yuan. The latter was the highest administrative organ of the republic. In composition and operation it continued the experience of the Nanking and Chungking periods, being made up of the president (or prime minister), the vice president, the heads of various ministries, and a number of members without portfolio. The president of the Yuan was appointed by the president of the republic with the consent of the Legislative Yuan. The Executive Yuan was responsible for the preparation of the annual budget, legislative proposals, and administrative reports (Chapter V).

The Legislative Yuan was granted more authority and dignity than in the 1936 draft. It was an indirectly representative body, with members selected by the provinces and other territories and by the professions and other occupational groups for three-year terms. It was to meet semiannually for sessions of three months. The Legislative Yuan was given limited control over the Executive Yuan in provisions which introduced into Chinese government certain elements of the parliamentary system. It could interpellate members of the Executive Yuan and could, if it objected to an important policy of the Executive Yuan, by resolution request the Executive Yuan to alter the policy. The Executive Yuan might then, with the approval of the president of the Republic, request the Legislative Yuan to reconsider this action. But if the Legislative

Yuan upheld its original vote by a two-thirds majority, the president of the Executive Yuan was required either to abide by the decision or to resign (Article 57, paragraph 2). Likewise, the Executive Yuan could request the Legislative Yuan to reconsider a resolution relating to a statutory, budgetary, or treaty bill. If the Legislative Yuan upheld its original resolution by a two-thirds vote, the president of the Executive Yuan was required either to abide by the decision or to resign (paragraph 3). These provisions had not been included in the 1936 draft constitution

The Judicial Yuan was the highest judicial organ and was given jurisdiction "over civil, criminal, and administrative suits involving public functionaries." According to Article 78, it had the power "to interpret the Constitution and also the power to unify the interpretations of laws and decrees." The Examination Yuan, following past intentions, was to attend to matters relating to the civil service. It was composed of members appointed by the president of the republic with the consent of the Control Yuan (Chapter VIII). The Control Yuan likewise carried forward earlier arrangements (Chapter IX). It was to be composed of members elected by provincial and local councils for six-year terms and was to act as a sort of investigatory body, somewhat similar in function in a much broader field to the Inspector General of the United States army. It had the right to impeach officials and to make audits.

Chapters X and XI related to local government. The Constitution granted a degree of autonomy to local units but gave supremacy to the central regime. The latter was granted exclusive power with respect to foreign affairs, national defense, nationality laws, criminal, civil, and commercial laws, the judiciary, national revenues, and certain other matters. Some other matters were listed within the jurisdiction of both the central and local governments, while still others, such as control of local revenues, education, and police were delegated to local units.

Chapter XII of the Constitution provided for universal suffrage and for secret ballot. Article 136 of this chapter declared that "The people's exercise of their two rights of initiative and referendum shall be stipulated by law," thus enacting one of the principles advocated by Sun Yat-sen.

The constitution contained a bill of rights of fourteen articles (Chapter II), guaranteeing equality of all persons, racial groups,

and of each sex regardless of party affiliation. It included an extensive list of civil liberties. According to Article 23, however: "None of the liberties and rights enumerated in the preceding articles may, except as warranted by reasons of preventing infringement on the liberties of other persons, averting an imminent crisis, maintaining social order, or advancing public interest, be restricted by law."

Fundamental national policies were set forth in considerable detail in the thirty-two articles of Chapter XIII. These policies included equitable distribution of land, control of capital, protection and limitation of private property, government management of public utilities and other monopolistic enterprises, state supervision of education and the appropriation of a minimum of 15 percent of the national budget, 25 percent of the provincial budget and 35 percent of the hsien budget for educational and cultural purposes, opportunity of employment for all persons capable of work, protection of women and children engaged in labor, and establishment of social insurance. Articles 139 and 140 are of particular interest in the light of past policies and practices of the Kuomintang and Communist Party. These articles declared:

> No political party or faction or individual may make use of armed force as an instrument in a struggle for political power.
>
> No military man in active service may concurrently hold a civil office.

Transition to Constitutional Government. The Constitution thus provided an opportunity for a government considerably different from that which had prevailed under the one-party rule of the Kuomintang. The new document, which had been approved by the National Constitutional Assembly on Christmas Day 1946, came into force formally one year later, in December 1947. During the year 1947 the Nationalist regime inaugurated a series of changes designed to make a transition to full constitutional government. It was announced that the period of tutelage would be terminated and that one-party rule would be brought to an end. Actually the progressive deterioration of the Nanking government as a consequence of civil war rendered the achievement of this goal almost impossible. The Communists were in open rebellion, refusing to accept the new Constitution. The Kuomintang had hoped to bring into the government representatives of the few

minor parties which existed, but the Democratic League, the strongest of these, followed the Communist line and was outlawed.[18] This action eliminated the only opposition group of any possible significance still operating in Nationalist China.

In the circumstances it was difficult for the Kuomintang to make even an appearance of ending its monopoly of power. In March twenty-five members of the Social Democratic and Youth parties, two very small right-wing independent parties, were appointed to the Legislative Yuan, and a smaller number from each party was appointed to the Control Yuan. The following month representatives of these parties were named to the Executive Yuan and Council of State. Actually, however, these individuals were selected with the approval of the Kuomintang and constituted a small, ineffective minority in each organ. And as pointed out at page 757, the Kuomintang members of the Council of State were bound by the decisions of their party's Central Political Council. Nevertheless at this time the minister of information announced that with the inaugural meeting of "the new multiparty State Council," the Kuomintang had "fulfilled its promise of handing over the political power to the people and carrying out its program for establishing constitutional government after the tutelage period." [19]

In the latter part of 1947 elections were held for the selection of members of the National Assembly, the constituent body provided for in the new Constitution. Because of the inexperience of the people with the electoral process, and because large areas held by the Communists were beyond the jurisdiction of the Nationalist regime, these were not elections in the conventional sense. One competent observer reported that "the elections appear to be merely a cover for parceling out government positions on the basis of behind-the-scenes deals.[20] In some of the cities direct elections were held; throughout the rest of the country representatives were selected by provincial or smaller assemblies. Since the Communists and Democratic League did not participate, the election was a contest between various factions within the Kuomintang and the two

[18] See page 802.

[19] Department of State, *United States Relations with China*, op. cit., pp. 742–43; for texts of statements see *ibid.*, pp. 737–46; see also Chen Chih-mai, "The Post-war Government of China," and Lifebarger, Paul M. A., "The Post-war Politics of China," *Journal of Politics*, Vol. 9 (November 1947), pp. 503–42.

[20] Lieberman, H. R., in *The New York Times*, Nov. 26, 1947.

minor parties, the Social Democrats and the Youth party. The results proved to be embarrassing to the Generalissimo, who had publicly promised the minor parties that they would secure a representation of about 15 percent in the National Assembly. But very few of their candidates were successful, and candidates supported by the Chen clique and Kuomintang independents swept the field. In order to fulfill the commitment of a broadened multiparty government, Chiang Kai-shek was forced to persuade a sufficient number of successful candidates to withdraw after they had won, declaring that only those Kuomintang representatives who had received prior endorsement by the party would be seated. Only in this way was the fiction of the end of one-party rule maintained.

In January 1948 elections were held to choose the more than 700 members of the new Legislative Yuan. This election involved a relatively small electorate. It was reported that only 250,000 persons were eligible to vote and that only a small fraction of this number was expected to cast ballots.[21] And as in the case of the selection of members of the National Assembly, the election did not provide the small Social Democratic and Youth parties with the representation which had been promised them. They secured only 14 and 8 seats respectively. This time, however, Chiang Kai-shek did not attempt to redress the balance by persuading Kuomintang members to resign.

The National Assembly met in March 1948, after the constitution had formally come into force. It elected Chiang Kai-shek president, in spite of his declaration that he was not a candidate for the office, by a vote of 2430 to 269. It also authorized the president to take emergency measures free of the restrictions imposed by Articles 39 and 43 of the Constitution, but subject to veto by the Legislative Yuan in accordance with Article 57, section 2.[22] The effect of this act was to authorize the president, in conjunction with the Executive Yuan which was responsible to him, to initiate martial law and to issue emergency decrees at any time subject only to revision by a two-thirds majority vote of the Legislative Yuan. But since the Legislative Yuan was composed of faith-

[21] *The New York Times*, Jan. 22, 1948.

[22] "If the Legislative Yuan dissents to any important policy of the Executive Yuan, it may, by resolution, ask the Executive Yuan to alter such policy. With respect to such resolution, the Executive Yuan may, with the approval of the President of the Republic, request the Legislative Yuan for reconsideration. If, in reconsideration, two thirds of the attending members of the Legislative Yuan uphold the original resolution, the President of the Executive Yuan shall either abide by the same or resign from office."

ful party members, it was unlikely that a veto could be carried. The result was to give the president practically unlimited power. This was justified by the state of emergency facing the Nationalist regime in the civil conflict.

But having made this demonstration of faith in Chiang Kai-shek, the National Assembly got out of hand, turned around, and over his protests and the strong opposition of the Chen clique elected General Li Tsung-jen to the vice presidency, rejecting the Generalissimo's candidate Sun Fo by a close vote. Since this action was brought about by the successful efforts of discontented and progressive elements remaining in the party, it was hoped that genuine reforms might be instituted.[23]

The new Legislative Yuan met for the first time in May, and Sun Fo was elected president. Subsequently a new Executive Yuan was appointed, and, under the new Constitution, this body for the first time was responsible to the Legislative Yuan. Continuing the fiction of multiparty rule, four members of the Youth party and two independents were appointed to the Executive Yuan. The Democratic Socialists refused to serve in protest against their failure to receive the agreed representation in the Legislative Yuan. On May 20, 1948, Chiang Kai-shek and Li Tsung-jen took the oaths of office as president and vice president, respectively. Subsequently the Judicial and Control Yuans were reconstituted to conform to the Constitution.

Failure of Constitutional Government. The hopes that reforms might be carried out, generated by the election of General Li to the vice-presidency and by the formal institution of constitutional government, were soon dispelled. In spite of the demands of progressive elements within his party and the continuous prodding of the United States ambassador, Generalissimo Chiang Kai-shek and the right-wing faction which controlled the government were unwilling to initiate measures that would curtail their control. Weakened by the victories of the Communists and by the loss of support throughout the nation, the Nanking regime found its fortunes running low. The presidency of the Executive Yuan (the premiership) changed hands frequently. Finally in January 1949 the Generalissimo retired from the presidency of the republic and the responsibilities of the office were transferred to vice president Li Tsung-jen as acting president, in accordance with Article 49 of

[23] For an account of this situation see, Department of State, *United States Relations with China*, *op. cit.*, pp. 846–59.

the Constitution. But General Li was likewise unsuccessful in reforming and reorganizing the Nationalist regime, and his attempt to negotiate a settlement with the Communists failed. His government was forced to flee from Nanking, and the capital fell to the Communists in April.

In the circumstances which prevailed throughout 1948 and 1949 the maintenance of government in accordance with the bold new organic law was impossible. The third and final stage of political development envisaged by Sun Yat-sen and proclaimed by the Kuomintang in 1947, that of constitutional democracy, was stillborn. It never had a chance.[24]

The Nationalist regime which fled during 1949 from Nanking was only a skeleton of a government. It represented little more than the old-guard remnants of the once-proud and competent successors of Sun Yat-sen and the national revolution, and even these remnants were badly split by the bickerings of supporters of Generalissimo Chiang and Acting President Li. For the most part, the Kuomintang party machinery followed the Generalissimo, as director general of the party, to Formosa, while what was left of the five yuan were located with the acting president in Canton and then in Chungking and Chengtu. By the end of 1949 all effective Nationalist resistance had ended except for the forces remaining on Formosa. Circumstances no longer permitted the regular functioning of party and government organs.

Factors Contributing to Nationalist Failure. An objective analysis of the causes of the failure and collapse of Nationalist China must wait until more of the facts are known. A tentative appraisal of the principal contributing factors is in order, however, and may assist the student in making his own evaluation of the situation. It is probably not far from the heart of the truth to say that the Communists succeeded not because of their own strength or appeal but because of the shortcomings of the Nationalists. The Nationalist government did not succumb as a result of the material superiority of the enemy. To the contrary, it entered 1946 in a relatively favorable position. Foreign exchange holdings were the largest in the history of the country; the Nationalists had more men under arms and were better equipped than their adversaries.

[24] For an interesting explanation of the slowness of growth of democratic government in China as given by a responsible leader, see General Ho Ying-chin's letter to the editor, *The New York Times*, May 2, 1948.

But the government made no real attempt to achieve economic rehabilitation. As it moved back into areas formerly occupied by the Japanese it treated the resources of these areas more as the spoils of war than as assets to be employed for the benefit of the whole nation. Economic affairs were placed under rigid state control, and government-owned and government-operated companies were established in the major fields of industrial and commercial enterprise, including steel, petroleum, sugar, textiles, chemicals, flour milling, shipping, and trucking. Once these organizations were set up, private interests were obstructed by prohibitory laws and regulations.[25] This policy retarded recovery and promised to destroy China's small middle class. In spite of American economic assistance and repeated admonitions the government was unwilling or unable to institute the fiscal reforms required to bring a halt to the unprecedented inflation. The Nationalist military advantage was thrown away by inept generalship, bickering among commanders, and poor morale among the troops. Many units deserted to the Red army without a fight.

By the 1940s the strength and vigor which had characterized the Kuomintang as a revolutionary force was fully spent. Instead the party and the government which it dominated were devitalized by the long years of war, paralyzed into inactivity by the heavy hand of a reactionary, corrupt, inefficient, lethargic bureaucracy, and dominated by a narrow, selfish leadership which no longer offered inspiration and hope to the people. By its refusal to heed reasonable criticism, and by its police measures and corrupt and aimless administration, the Kuomintang almost completely alienated those elements which might have assisted it toward progressive rehabilitation and reconstruction, namely, intellectuals, students, middle-class merchants, and the small independent third-party leaders. Such frustrated liberals as remained within the party were without means to influence policy; they lacked cohesive organization and material resources.

Chiang Kai-shek and the party regulars who remained loyal to him were deserted by the people of China. Ruthless exploitation and malpractices by the military and civil bureaucrats who took over areas liberated from the Japanese, acting more like conquering carpet-baggers than fellow countrymen, created serious dis-

[25] See Chen Han-seng "Monopoly and Civil War in China," *Far Eastern Survey* (Vol. XV), Oct. 9, 1946, pp. 305–10.

content among the local inhabitants, particularly in Manchuria. After the sufferings of the war years, the people longed only for peace. They were unconcerned about ideological differences separating the Kuomintang and Communists and asked only for the termination of civil hostilities and the opportunity to earn a decent livelihood.[26]

READINGS

A large number of general books on Nationalist China have appeared in recent years, some by recognized scholars and many by competent journalists. Among the best of these the student will find:

Bisson, T. A., *Japan in China* (New York, 1938). Treats internal political developments as well as Japanese aggression in China.

Gould, R. Randall, *China in the Sun* (New York, 1946). By the former American editor of the Shanghai *Evening Post and Mercury*.

Holcombe, Arthur, *The Chinese Revolution* (Cambridge, 1930). A political analysis.

Hu Shih, *The Chinese Renaissance* (Chicago, 1934). Demonstrates the intellectual side of the Chinese revolution.

Lin Yutang, *The Vigil of a Nation* (New York, 1945). Orthodox Nationalist interpretation of recent developments.

Payne, Robert, *China Awake* (New York, 1947). This is one of a number of books by this sympathetic observer.

Rosinger, Lawrence K., *China's Wartime Politics, 1937–1944* (Princeton, 1944). Includes a valuable documentary appendix.

——, *China's Crisis* (New York, 1945). A critical interpretation.

Rowe, David Nelson, *China among the Powers* (New York, 1945). A careful examination of China's position in terms of military power and economic and political organization.

Taylor, George E., *The Struggle for North China* (New York, 1940). An account by a firsthand observer of the political, economic, and social aspects of resistance behind the Japanese lines.

White, Theodore H., and Annalee Jacoby, *Thunder Out of China* (New York, 1946). This is one of the best, and certainly one of the most provocative, of the books written by the wartime journalists who "covered" China.

[26] The Department of State's White Paper, *United States Relations with China*, to which frequent reference has been made in this chapter, is an invaluable source of documentary evidence on conditions prevailing in Nationalist China during the years of its decline. See particularly Chapters V–VII.

Most of the books dealing with Communism in China which are listed at the conclusion of Chapter 31 deal also with developments in Nationalist China.

Among the books dealing with Generalissimo Chiang Kai-shek, the following are recommended:

Berkov, Robert, *Strong Man of China, The Story of Chiang Kai-shek* (Boston, 1938). A reasonably objective biography of Chiang, covering his prewar career.

Chiang Kai-shek, *The Collected Wartime Messages of Generalissimo Chiang Kai-shek, 1937–1945*, compiled by the Chinese Ministry of Information (New York, 1946).

—— *China's Destiny*. Two editions of this controversial book now are available in English. The translation authorized by the Chinese Ministry of Information was published by Macmillan, an unauthorized translation by Roy, both in 1947.

Tong, Hollington K., *Chiang Kai-shek, Soldier and Statesman*, 2 vols. (Shanghai, 1937). Authorized biography, by an official of the government information service.

The governmental structure of Nationalist China is considered in a number of authoritative works, among which are the following:

Linebarger, Paul M. A., *Government in Republican China* (New York, 1938). A scholarly study, recommended particularly for its emphasis upon the doctrines underlying political development and organization.

——, *The China of Chiang Kai-shek, A Political Study* (Boston, 1941). The most comprehensive treatment of the governmental system available in English.

Pan Wei-tung, *The Chinese Constitution, A Study of Forty Years of Constitution-Making in China* (Washington, 1945). A study of the origins and historical development of constitutionalism in China.

Tsao, W. Y., *The Constitutional Structure of China* (Melbourne, 1947). This was written before the enactment of the 1947 Constitution.

Because of the significant bearing of agrarian problems upon political development two general works on this subject are listed.

Institute of Pacific Relations, comp., *Agrarian China, Selected Source Materials from Chinese Authors* (Chicago, 1938). An excellent reference work.

Tawney, R. H., *Land and Labor in China* (London, 1932). A balanced and comprehensive discussion of modern economic and social problems.

For further information on contemporary developments in China the student should consult several periodicals specializing on Far Eastern topics. Particularly recommended are *Asia and the Americas*, *Far Eastern Quarterly*, *Far Eastern Survey*, *Foreign Policy Bulletin*, *Foreign Policy Reports*, and *Pacific Affairs*. The Chinese News Service, an official agency of the Chinese government in New York, publishes *The China Magazine*, a monthly, and issues numerous releases and pamphlets.

Special mention should be made of the Department of State's well-known survey of American-Chinese relations, to which frequent references have already been made in the footnotes to this chapter. This document, which is entitled *United States Relations with China* (Washington, 1949) is a "must" for every American student who wishes to inform himself on developments in China during and since World War II and of the relationship of his own government thereto.

Chapter 32

COMMUNIST CHINA

ON SEPTEMBER 21, 1949, the Peiping radio reported to the world the establishment of the "People's Republic of China," the new national government of the Communist regime. In this same city thirty years before a handful of teachers and students at the National University of Peking had met together informally to study the doctrines of Karl Marx. This group became in 1921 the nucleus of the Chinese Communist party. Thus in the short span of three decades a movement initiated by a number of inconspicuous individuals engulfed the whole nation. Not since the Russian Revolution had a nation of comparable magnitude raised the red banner of the communist state.

HISTORICAL DEVELOPMENT OF CHINESE COMMUNISM

Early Origins. The Chinese Communist movement had its origins in the social and intellectual ferment which accompanied the internal disintegration and instability of the China of the war lords following World War I. The movement was inspired by and received advice and encouragement from Communist Russia. In 1919 a number of Chinese attended the first Congress of the Communist International at Moscow, and a few months later a center of communist propaganda was established in the international settlement of Shanghai. Shortly thereafter a small group of converts in Shanghai published a proletarian newspaper, circulated communist propaganda, and set out to form labor unions among the workers of the city's textile mills and other industrial plants. Similar groups appeared in the next year in Peking, Hankow, and other cities. In July 1921 a conference was held by thirteen Communists from these cities, including several of the group at the National University of Peking, at which the Chinese Communist party was officially formed. Although its total membership was

small, the new party gained influence in the larger cities among intellectuals, students, and workers. Meanwhile, a considerable number of young Chinese intellectuals abroad were attracted to the communist movement while studying in such cities as Paris and Berlin.

Russian Influence. The Bolshevik regime in Moscow showed an early interest in China and eastern Asia, actively spreading communist doctrines in these areas. In 1920 it brought together representatives of some thirty Asian countries and colonies in a Congress of Oriental Nations, convened at Baku. At this meeting resistance against capitalism and imperialism in Asia was pledged, and a committee for propaganda in the Orient was established. The direction of communist endeavor in the Orient was entrusted to the Third International, or Comintern, while the Russian government continued to maintain formally correct diplomatic relations with the Chinese government in Peking. At about the same time Russian agents were sent to China and elsewhere in the Far East to work with small native communist groups and to assist in the spread of communist ideology. In 1922 there was held in Moscow another Oriental conference, termed the Congress of the Toilers of the Far East. At about the same time the so-called Communist University for the Toilers of the Orient was set up in Moscow to train party organizers and agitators for Asiatic service. In 1922 the infant Chinese Communist party was affiliated with the Third International.

The interest of Bolshevik leaders in China and colonial Asia was a consequence of the failure by 1920 of aggressive attempts to achieve a communist revolution in Europe. Lenin, elaborating on the Marxist interpretation of history, maintained that the Western nations derived much of their strength from imperialist policies in China and other semicolonial and colonial areas. He reasoned that if these areas were liberated from their exploiters and the Western nations were thus deprived of access to raw materials and markets, capitalism would be doomed and the world revolution, temporarily checked in Europe, would be advanced. But Lenin realized that conditions in China were such that events would not follow the orthodox Marxist pattern. In China, an underdeveloped nation, there was no well-organized capitalist element or a labor class; consequently there could be no proletarian revolution in the accepted Marxist sense. For tactical reasons, therefore, it was es-

sential to cooperate with whatever forces were resisting foreign imperialism. Lenin reasoned that indigenous leadership in such resistance was most likely to originate within the educated but small middle class.

Lenin and his associates noted carefully the leadership of Sun Yat-sen in China and his attempts to spread the doctrines of nationalism and antiforeignism among his people and to overthrow the war lords. They believed that they should assist nationalist revolutionists like Sun in their efforts against reactionary government and foreign imperialism, since effective world revolution could be achieved only when the hundreds of millions of people of Asia were freed of foreign controls.[1]

The situation in China was favorable to Russian intentions. The spirit of nationalism was aroused by bitterness and resentment against the West because of the alleged betrayal of China to Japan during World War I and at Versailles. This spirit was given leadership by Sun Yat-sen and his revolutionary party, the Kuomintang, and was directed against the corrupt and weakened war-lord government in Peking. Dr. Sun, moreover, was in desperate need of help. His Canton regime was making little real progress in its struggle against the war lords. Receiving no encouragement from the United States and Britain, he accepted the offers of the Soviet Union. In 1923, as already described at page 731, he made an arrangement with the Soviet agent, Adolf Joffe, in which he agreed to accept Soviet aid but not the communist ideology, for the purpose of achieving unity and independence for China.

Kuomintang-Communist Entente. From 1924 until 1927 the Chinese Communists played an important role in the growth and development of the Nationalist revolution. While Borodin and other Russian advisers assisted Sun in the reorganization and revitalization of the Kuomintang as a revolutionary party, Galens and the military advisers instructed Chiang Kai-shek in the development of military power. Communists were admitted into membership in the Kuomintang. They were not required to give up membership in their own party, and they retained their own well-

[1] See North, Robert C., and John H. Paasche, "Moscow and the Chinese Communists," *The Pacific Spectator*, Vol. III (Spring 1949), pp. 141–52; see also North and Paasche, "China in the World Revolution," and Benjamin Schwartz, "Marx and Lenin in China," *Far Eastern Survey* (Vol. XVIII), July 27, 1949, pp. 169–78; and Ruth Fischer, *Stalin and German Communism* (Cambridge, 1948), pp. 573–605.

organized party machinery. The contributions of the Communists were significant, particularly in use of propaganda and agitation among peasants and workers, spreading the doctrines of nationalism and antiforeignism.

The extreme measures of the Communists, as might be expected, caused serious friction with the Kuomintang from the start, particularly after the death of Sun Yat-sen in 1925. An open break finally occurred early in 1927 following the success of the first stage of the northern campaigns, as described briefly in Chapter 30, at page 734. This break was precipitated by two developments. In the first place, Chiang Kai-shek, following a tendency already revealed in Canton before the start of the campaigns, made a marked political shift to the right and accepted the support of conservative financial and commercial elements. Secondly, the Communists within the Nationalist movement turned to a more radical position. With the victory of the Nationalist troops in 1926–27, a government was established at Hankow, which fell under the control of the Communists and left-wing sympathizers within the Kuomintang. This government soon instituted extreme measures, establishing a soviet-type regime, spreading revolutionary propaganda, confiscating the lands of the gentry, organizing the workers in the local mills, and urging a peasant-worker revolt. The Hankow regime, moreover was dominated by the Russian advisers. Certain of these and their Chinese colleagues abandoned the tactic of cooperation with the Kuomintang and pressed for an immediate revolution and the establishment of a Chinese soviet republic. In this they failed completely, succeeding only in antagonizing the leaders of the Kuomintang.[2] Chiang Kai-shek, now established in Nanking, turned upon the Communists, ruthlessly employing the police and army, breaking up the Hankow government, and suppressing workers' and peasants' organizations around Shanghai, Hankow, and other centers of Communist influence. The apparatus constructed in China by Borodin and the other agents of the Comintern was crushed, and the Russians fled the country. This brought to an end the first phase of Communist-Kuomintang relations, the phase of active cooperation in furtherance of the Nationalist revolution.

[2] For an exceedingly interesting account of the Hankow soviet, see Sheean, Vincent, *Personal History* (Garden City, 1935), pp. 202–32.

Communist Failure. The low point in the development of communism in China came in 1928. Chiang Kai-shek's government at Nanking appeared to be successfully established; it had received recognition from the foreign powers, and it had commenced the huge task of national reconstruction. The communist notion of world revolution, in so far as its application to China was concerned, seemed to be more visionary than ever. The Communist party was suppressed, driven underground, and its members dispersed. These members, moreover, were divided among themselves on their interpretations of the causes of their disaster and the next steps to be taken toward recovery of their position.

The first phase of Communist-Kuomintang relations, from 1924 to 1927, had been characterized by direct Soviet intervention in China, with the small but well-organized Chinese Communist party very largely controlled by Moscow's agents. Following failure in China, repudiation of Trotsky, and Stalin's accession to leadership, the Soviet Union became concerned principally with its own security and the building of Marxist socialism in one country, as described in Chapter 25. It abandoned, for the time at least, active promotion of world revolution abroad. Consequently the Communists in China for the next two decades, from 1928 until after the termination of World War II, were very largely on their own, free of Soviet interference. The Soviet Union maintained diplomatic relations with the government of Chiang Kai-shek and aided Chiang during the war against Japan.

In 1929 the Communist party barely survived. For the next several years attempts were made to seize urban centers in order to provide a base for the organization of the proletariat according to Marxist orthodoxy, but these abortive revolts, principally in Canton and Changsha, were crushed. It was not until the remnants of the party had shifted operations to the relatively backward mountain area of Kiangsi, in the southeast, that the Communists were able to commence a long process of reorganization and development. In 1931 they proclaimed the establishment of the Chinese Soviet Republic.

Mao Tse-tung and Agrarian Reform. At first the soviet republic had followed Marxist doctrine in attempting to base itself upon the proletariat. Labor was granted preferential treatment, with larger representation than peasants in governing organs and with

other favorable measures. But this was hardly a realistic approach; the laboring class was infinitesimal in China, particularly in this remote area. Successful growth came only after Communist leaders abandoned notions of an urban, proletarian revolution and turned their full energies to the peasants, concentrating upon the fundamental problems of agrarian reform and rural reconstruction.

This pragmatic approach was brought about very largely by the leadership of Mao Tse-tung. For a time after the failure of 1927–28, the Communist party was directed by Li Li-san, a French-trained communist, who had favored the plan of seizing urban centers according to orthodox Marxist-Leninist doctrine. Li's tactics failed; he was repudiated and fled to Moscow, remaining in the Soviet Union until 1945. Mao Tse-tung evaluated more accurately the Chinese situation. He realized that the Communist movement lacked material strength, that it could not hope to control the cities, and that it must be content for some time with a location in poor and remote country. In these circumstances there was little to build upon except that most numerous and neglected of all of China's resources, the Chinese peasant. Accordingly Mao persistently pursued a program based upon mobilization of the peasant masses. He reasoned that if the Communists could free the peasant from the shackles which bound him in poverty, they could capitalize upon China's greatest need as a means to power. Thus his party followed measures designed to stimulate peasant support, including expropriation of large landholdings and redistribution of the land among the peasants, reduction of rentals and interest rates, improved methods of cultivation, education and mass propaganda, and limited features of popular participation in local government.

Mao Tse-tung himself was a product of the Nationalist revolution. He is representative of Chinese intellectuals who have rebelled against the established order and have turned to radicalism. For a time he worked as a librarian in the National University of Peking, and he was one of the small group which met in 1919 to study the works of Karl Marx. Unlike a number of other prominent Chinese Communists, he was not trained abroad and did not visit the Soviet Union until December 1949. During the period of Communist-Kuomintang collaboration he worked closely with Kuomintang leaders, serving at one time as propaganda director at Sun Yat-sen's headquarters and as a member of the Central Execu-

tive Committee of the Kuomintang. After 1926 he worked effectively in the peasant movement, founding peasant unions and preparing the way for the triumphant march of the Nationalist troops in the northern campaigns. He was instrumental in the establishment of the soviet republic in Kiangsi and became the head of this government in 1931 after Li Li-san was expelled from the party. Since that time he has remained the principal political theorist and strategist as well as the national hero of Chinese Communism.

Chu Teh and the Red Army. Communist success was not achieved solely through the application of a program of agrarian reform. To the contrary, the party survived only because it was able to create and maintain considerable military power. Just as Sun Yat-sen's nationalist movement had failed until it secured sufficient military strength to challenge the war lords, so too communism as a significant political force moved forward only after it had developed military power strong enough to protect the soviet republic against the attempts of the Nationalist regime to wipe it out and, ultimately, to extend the areas under its control. Mao Tse-tung accordingly emphasized not only the solution of the economic problems facing the peasants but the mobilization of these peasants into an effective army. Under the leadership of General Chu Teh, the Communist military genius, partisan bands were organized. Chu Teh perfected his now-famous guerrilla tactics, whereby his forces, because of their relative material weakness, avoided positional warfare and direct combat and concentrated on hit-and-run measures devised to sap the strength of the enemy. In this way they were able to stand off superior forces.

Chu Teh had come from a well-to-do background. He received military training in China, but after serving from 1911 to 1921 with troops in Yunnan and Szechwan, he traveled to Europe. There he met other Chinese who had been converted to communism and joined the party himself in 1922. Returning to China in 1927 he participated in the ill-fated attempts of the Communists to seize power through direct attack upon cities and subsequently joined with Mao Tse-tung in the establishment of the Kwangsi soviet republic. He has served as commander in chief of all Chinese Communist armies continuously since 1931.

The United Front. The record of Communist-Kuomintang relations from 1931 to 1937 was summarized in the preceding

chapter. It will be recalled that the Nationalist forces of Chiang Kai-shek were unable to crush the Red army of Chu Teh and eliminate the Communist regime, although they did succeed in driving them out of the southeast. Following the Long March the Communists transferred their base to the mountains of Shensi, in the northwest. Subsequently, on the eve of war with Japan in 1937, the civil conflict was temporarily halted and the so-called united front against Japanese aggression was negotiated. As part of this arrangement the Communists gave up the more extreme features of their program, abandoning land confiscation, and agreeing to abolish the soviet-type government and to subordinate the Red army to the command of the Central government.

THE IDEOLOGY OF CHINESE COMMUNISM

The ideological pattern of the Chinese Communist movement has been unfolded in the writings of its leaders and the flood of propaganda emanating from party headquarters. Of particular importance in this connection is Mao Tse-tung's pamphlet, *China's New Democracy*. This document, which was issued in 1940, has been to the Communists what Sun Yat-sen's Three Principles of the People was to the Nationalists, a definitive statement of the party's program, bearing the authorship of the recognized leader.[3] *China's New Democracy* is based upon Marxist doctrines and has the characteristic ring of the Marxist pamphleteer. It accepts the Marxist dialectic, declaring that the political and cultural organizations of a society are determined by prevalent economic factors. It employs Marxist principles in explaining the revolutionary process in China. "Feudalism" and "imperialism" are the evil forces against which Communist efforts must be directed. Although Mao does not define feudalism, he appears to mean the existing structure of Chinese society, based upon the landowning gentry. He cites Lenin's statement that imperialism is the dying form of

[3] The quotations which follow are from the translation which appears in U. S. Congress, House of Representatives, Committee on Foreign Affairs, *Communism in China*, Supplement III-C, Report on the Strategy and Tactics of World Communism (Washington, 1948), pp. 67–91. A number of other English translations of *China's New Democracy* are available. Compare the American edition with an introduction by Earl Browder (New York, New Century, 1945), with the abridged edition prepared by Lin Yutang (New York, Chinese News Service, 1947).

capitalism and declares that it has forced China into a condition of semicolonialism.

But at this point Mao introduces his own adaption of Marxist-Leninist-Stalinist principles to "the historical peculiarities of the Chinese revolution"—that is, to the conditions prevailing in China. He declares that

> The problem of the Chinese revolution is in essence a problem of the peasantry. . . . The politics of "new democracy" is in essence the politics of the transfer of power to the peasantry. . . . In everything we do . . . we are basing ourselves on the forces of the peasantry: Our meetings, schooling, editing, writing, staging of dramas is all being done in the mountains. . . . It is the most commonplace knowledge of every primary schoolboy, that over 80 percent of the Chinese population consists of peasants. . . . Therefore, the peasant problem becomes the fundamental problem of the Chinese revolution and the peasantry becomes the main force of the revolution. [But Mao points also to China's several million industrial workers.] Without the workers, he adds, the Chinese revolution would not be able to succeed, for it is they who are the most revolutionary section of the people and the vanguard, the leaders of the revolution.

Mao reasoned that, because of the overwhelming peasant population and the economic underdevelopment of the country, conditions were unfavorable for the establishment of socialism. Just as Sun Yat-sen, through experience, proposed the achievement of political democracy by stages, so too Mao Tse-tung proposed progressive development, in this case by two stages. The first is the "new democracy," the second is a "socialist society"; the first represents the minimum program, the second the maximum.

The "New Democracy." The aim of the first stage is "a democratic revolution . . . , but the democracy must be a new and specific kind, born of China's own history, that is, a new democracy." The purpose of this stage is to transform the semicolonial, semifeudal society into an independent democratic society. Mao observes that in China the proletariat is not the only group opposed to imperialism and feudalism. Peasants, intellectuals, and the petty bourgeoisie or middle class—all participated in the Nationalist revolution. These elements constitute "the main force upon which the fate of China depends." Accordingly, the efforts of all of these elements must be joined in "a new type of revolution, wholly or partly led by the proletariat, the first stage of which

aims at the setting up of . . . the combined dictatorship of all revolutionary classes." Mao prepared his pamphlet, it will be noticed, during the war of resistance against Japan, and he felt that with the establishment of the united front the foundations for the first stage had been laid.

The form of government by which this society should be ruled is "a democratic republic of the dictatorship of all anti-imperialist and antifeudal sections of the people, that is, a new democratic republic," established according to the principles of "democratic centralism." Thus in the "new democracy" provision should be made for "real popular and equal suffrage irrespective of differences of sex, belief, property, and education." The electorate should elect representatives to village people's assemblies, which in turn select delegates to township assemblies and so on up through hsien and provincial assemblies to the over-all national government. Mao indicated that popular participation in the electoral process would require time. He declared that the Communist party should train revolutionary cadres, presumably to exercise the responsibilities of leadership while also providing for the education of the masses.

The "New Capitalism." In economic affairs Mao likewise proposes achievement of socialism by progressive stages, since present conditions do not permit complete government ownership of the means of production and distribution. The economic counterpart of the "new democracy" is "new capitalism." Mao reasons that under the semicolonial conditions of China, workers and peasants share common interests with capitalists, since all are opposed to foreign imperialistic capital and to Chinese monopolistic, bureaucratic capital. Thus state ownership must be limited to banks, industries, and commercial establishments "too large for private efforts" and to rail and air transport and other public services. Other forms of private capital should not be prohibited, and the development of capitalistic production should not be eliminated "so long as it is taken for granted that it does not affect the people's livelihood." The holdings of large landowners should be reduced and distributed among the peasants, according to Sun Yat-sen's principle of "the cultivator to own the land. . . . But the ownership of land is to be readjusted, not with a view to building up a socialist agriculture, but only in order to turn the land into the peas-

ants' own property. The economy of the wealthy peasantry will also be allowed."

Mao thus favors a mixed economy during the stage of "new democracy," an economy involving "control of capital" and "equalization of land" but not confiscation of all property and complete state ownership of the means of production and distribution. The student will note a certain similarity between Mao's "new capitalism" and the New Economic Policy adopted in the Soviet Union in the early 1920s, when Lenin also accepted some forms of private enterprise as a necessary means of developing the economy of the country.[4] But while Lenin reverted to the NEP as a matter of expediency, Mao proposes the "new capitalism" as a practical transition to socialism under the conditions of underdevelopment prevailing in China. Moreover, he is motivated by political as well as economic considerations. He points out that, with the development of capitalism, new political forces are brought into being, "the forces of the bourgeoisie, the petty-bourgeoisie, and the proletariat." These forces, particularly the latter two, as already indicated, are opposed to imperialism and feudalism and thus are to be supported so that they may assist in the destruction of these two antirevolutionary factors and in the creation of the conditions from which the final stage of socialism may arise.

Mao Tse-tung is not explicit on the timing of the second stage of socialism, nor does he elaborate upon the scope and nature of this final stage. Apparently there is to be a gradual shifting of power, under the leadership of the Communist party, to the proletariat, and there is to be ultimately the abolition of all classes. But these changes must await the fulfillment of "the tasks of the present revolution"—that is, crushing imperialism and feudalism and advancing China's industrial development. "The first step," Mao declares, "will be a considerably long one. We are not idealists. We cannot place ourselves above the conditions of present-day life."

Communism and the Three Principles. Mao attempts to place communism within the range of Sun Yat-sen's ideals and principles. He refers to Sun approvingly and criticizes Kuomintang leadership for failure to carry out his program. He declares that "the principles of the minimum immediate program of the Communist

[4] See pages 570–71, above.

party are fundamentally and consistently the same as those of the Three People's Principles." But he also recognizes differences, particularly that the former does not postulate a socialist revolutionary period and a maximum program for the building of a socialist society to be reached after the achievement of the "new democracy."

Many observers have pointed out that Chinese communism, although inspired by Marxist-Leninist doctrine and the Russian experiment, has been an indigenous product, adapted by Mao Tse-tung and his associates to Chinese conditions. In this connection it is interesting to notice Mao's appeals to Chinese nationalism and tradition. He declares that China should absorb on a great scale the progressive culture of foreign countries but should not do so blindly without criticism. This attitude should be applied to Marxism as well as to other foreign ideas, and he declares that

> Marxism should not be applied subjectively and dogmatically. . . . The point is to grasp the general truths of Marxism and apply them to the concrete practice of the Chinese revolution. . . . Chinese culture must have its own form, that is, a national form. . . . During the long period of its feudal stage of development China built up for herself a glorious ancient culture. . . . We should respect our past and never deny our history. . . . We must absorb all the democratic elements of the old while leaving behind the feudal rubbish it contains.

Recent Ideological Doctrines. Although the evidence is by no means complete, it does not appear that the termination of war against Japan, the renewal of civil war, and the victory of the Communists in 1949 produced any fundamental alterations in the concept of progressive advancement toward the ultimate goal of a communistic society. Mao Tse-tung continued to speak and write as a doctrinaire Marxist, yet at the same time he explained the conditions which necessitated the application of a transitional state of "new democracy." For example, in an article commemorating the twenty-eighth anniversary of the founding of the party in June 1949, he repeated the Marxist concept that:

> For the working class, laboring people, and Communists, the question is . . . one . . . of working hard and creating conditions for the natural elimination of classes, state authority, and the political party, so that mankind will enter the realm of world communism. [But he went on to say] Our present task is to strengthen the people's state

apparatus, which refers mainly to the People's Army, People's Police, and People's Court, for national defense and protection of the people's interests, and with this as condition, to enable China to advance steadily, under the leadership of the working class and the Communist party, from an agricultural to an industrial country, and from a new democratic to a socialist and Communist society, to eliminate classes and to realize world Communism. [He further stated that while the basis of the people's democratic dictatorship rests mainly on the peasant and working classes,] the national bourgeoisie remains of great importance at the present stage, [because] only when China's industries are developed and China no longer depends on foreign countries economically can there be real independence. . . . To cope with imperialist oppression, and to raise the backward economic status one step higher, China must utilize all urban and rural capitalistic factors which are beneficial and not detrimental to the national economy and the people's livelihood, and unite with the national bourgeoisie in the common struggle. Our present policy is to restrict capitalism, not to eliminate it.[5]

Subsequently, with the establishment of the new national Communist regime in Peiping in September 1949, its leaders declared that the stage of "new democracy" had been achieved. At this time Liu Shao-chi, a member of the party's Politburo, indicated that the party sought only the minimum program of "new democracy" and that the maximum goal of total socialism was not contemplated. He stated that

> The taking of considerably serious socialist steps in China is a thing of the rather far future. Without doubt the future of China will travel toward socialism and communism, because the outcome of the industrialization of China will either lead China to socialism or turn China into an imperialist country. The latter alternative will not be allowed by the Chinese people and the peoples of the world, but these are things of the far future.[6]

There is some indication that with the extension of Communist power to include China's metropolitan as well as relatively backward rural areas, a shift of emphasis from peasant to worker has taken place, bringing the Chinese ideology more in line with orthodox Marxism. For example, in his report to the Central Committee of the party early in 1949, Mao Tse-tung revealed that

[5] The text is given in Department of State, *United States Relations with China*, op. cit., pp. 720–29.

[6] *The New York Times*, Sept. 23, 1949.

henceforth "the center of gravity of party work must be placed on the cities." He emphasized, nevertheless, that work among peasants would be continued, but now as a means of "utilizing the countryside to encircle the cities."[7] A few months later he referred to the difficulties of educating the peasants, and stated that "the people's democratic dictatorship needs the leadership of the working class, because only the working class is most far-sighted, just, unselfish, and richly endowed with revolutionary thoroughness."[8]

THE COMMUNIST PROGRAM

The test of any systematic interpretation of the state is in its application. Accordingly, to understand Chinese Communism the student should review not only the theories expounded by Mao Tse-tung but also the record of Communist rule. How was it that a relatively weak regime, which as late as 1937 controlled only a portion of the impoverished province of Shensi, could resist the encroachments of both the Nationalists and the Japanese and in the short space of four years after the end of World War II overrun Manchuria and almost all of China Proper, eliminating the Nationalist regime as an effective political force?

Unfortunately it is difficult for the foreign observer to make an objective study of Chinese Communism. For several decades the subject has been an extremely controversial one. The free flow of information has been obstructed by both the Communists and the Nationalists, and very few unbiased accounts are available. Another obstacle to precise understanding is that the Communist program has been far from uniform, and it is not easy to determine what is the general rule and what is the exception to that rule. The Communists are opportunists, in spite of their unyielding attempt to fit China's situation into a Marxian pattern, and their program accordingly has varied both as to time and place. In time, it has varied from the extremes of the early 1930s in Kiangsi to the moderation of the united-front period less than a decade later; in place, it has varied from areas removed from zones of active resistance against the Nationalists or Japanese, where a consolidated position enabled them to risk local opposition to extreme measures, to border regions, close to a fighting front, where the desperate need to

[7] *Ibid.*, Apr. 3, 1949.
[8] Department of State, *United States Relations with China*, op. cit., p. 727.

win the support of the people dictated a moderate approach to all classes.

The Advantage of Wartime Conditions. A large part of the explanation of Communist success is to be found in the circumstances of war against Japan and the nature of the Communist adjustment to this situation. It will be recalled that the Communists abandoned their notions of a proletarian revolution, retired to the hills, and developed a pragmatic program of peasant mobilization, based upon agrarian reform and guerrilla warfare. In Kiangsi this program had been moderately successful, but even so in 1934 the Communist regime had been forced to retreat to the relative isolation of Shensi. With the challenge of Japanese aggression, however, a real opportunity was presented. Even before the outbreak of hostilities, the Communists identified themselves as the champions of resistance. As early as 1932 the soviet republic "declared war" upon Japan, although its territory at the time was completely blockaded by the Nationalists. The situation was vastly different after 1937. The Japanese quickly overran north and central China. Although they held all cities, railroads, and other strategic zones, they were unable to control effectively the rural hinterlands. Their brutal methods of occupation turned the people against them. In these back-country areas the peasants organized themselves on a local basis into small pockets of resistance, providing some military protection and rudimentary political organization. They were led in many cases by former local officials, now cut off from the central government, or by professors or students who fled from Peiping universities. As the war continued, a number of these free areas established communications among themselves and organized a loosely knit border government, coordinating their resistance to the Japanese.

It was into this situation that Communist authority and techniques were introduced as major factors. As war continued and as Nationalist leadership became more and more conservative and cautious, the Communists pushed forward as proponents of revolution and resistance. Lacking material resources and located in backward areas they had almost no other choice if they were to survive. Accordingly they relied upon peasant mobilization. This mobilization was based upon a two-fold program: first, arming the peasants, and, secondly, an all-out attack upon the agrarian problem. In this manner the Communists gradually extended their con-

trol eastward from their Shensi base, working with the resistance groups already formed, organizing them on a more effective basis, and tying them into an over-all plan.

Military Power. The extension of Communist control was accomplished primarily by military power. After the establishment of the united front in 1937 the Red army was renamed the Eighth Route army and nominally was subject to Nationalist orders. In time it pushed its way into north China, behind the Japanese lines, and operations were extended all the way to the Yellow Sea in Shantung. A separate force, the New Fourth army, was organized in the lower Yangtze region. As these armies advanced they activated partisan bands, fighting units composed of local peasants, men who supported themselves on the land but fought in the common cause against the invader in their own areas, employing Chu Teh's guerrilla tactics and following his strategic commands. The Communists stressed the close association of the army and the people. Reversing the Chinese military tradition which separated the army from the people, they indoctrinated their troops with the notion that they must protect the peasants and work for their welfare. Under the conditions of war, the army combined within itself the functions of party and government, constituting the coordinating instrument in Communist China. It concerned itself with political indoctrination, mass propaganda and education, public health, the organization of mutual-aid cooperatives, and agrarian and social reforms, working closely with local leaders within the zones of resistance. Thus as the army occupied new areas it brought with it a comprehensive program, touching the people in all phases of their daily lives. Its organization included personnel trained to work in these nonmilitary fields of activity, many of them former students from behind the Japanese lines. Thus the years of war with Japan enabled the Communists to train an increasingly large military force, to strengthen it in actual combat, and to organize it as the driving wedge of a well disciplined political movement.

Communist mobilization of the peasant masses gave the movement an advantage over the Nationalists. For the most part the Kuomintang's leaders opposed such mobilization, for it constituted a direct challenge to the old, established order, the order upon which depended the local landlords and local politicians. Moreover, the mobilization of partisan fighting units threatened

the military supremacy of provincial military leaders. This situation was largely responsible for the Nationalist government's action in maintaining some of its best fighting units as a blockade between Communist areas and the rest of China. The Communist units made war on these forces as well as upon the Japanese.

Agrarian Reforms. As areas of resistance were brought under effective control and expanded, the Communists carried forward their revolutionary program. In line with Mao Tse-tung's principles, emphasis was placed upon measures designed to stimulate peasant support. They assisted farmers in the organization of cooperatives and labor-exchange battalions, and they introduced, within their limited means, improved methods of cultivation and marketing of crops. They were particularly adept in setting up popular groups, such as women's and children's associations, and in organizing demonstrations for propaganda purposes. In all of these activities trained Communist cadres provided leadership and experience by which local participation was given purposeful direction along Communist lines.

Although all of these means of mass mobilization were important in themselves, they derived their strength and vitality from land reforms. In theory, at least, the Communists and Kuomintang have worked toward the same objective—that is, land redistribution. In principle, however, the two regimes have been quite different. For a variety of reasons suggested above at page 749, the Nationalists were unable to make more than a slow start toward agrarian reform. The Communists, on the other hand, were favored by the conditions of war. After the establishment of the united front they abandoned their radical program of land confiscation and limited themselves to reductions of rent and interest and to a progressive tax system. Enterprising wealthy landowners were encouraged, since the Communists needed their support against the Japanese and also wanted to keep production at a maximum. Land confiscation was limited to the holdings of alleged "national traitors," landowners charged with collaboration with the invader. These holdings were redistributed among landless peasants. This policy generally was used in areas recently seized from the Japanese and was an effective means of securing prompt popular support among the majority of the peasants.

Following Japanese surrender in 1945 and the subsequent extension of Communist control over large areas, this means of land

redistribution was widely employed. At public meetings of farmers' associations, initiated and carefully directed by trained Communist cadres, the lands of collaborationists were confiscated and divided among the peasants. Landowners also were required to return rentals over a fixed amount and to make settlement for movable property seized and for forced labor exacted during the war years. At times these "settling-of-accounts" meetings led to extremes. Communist leaders capitalized upon peasants' hostility toward those who had prospered during the war, inducing them to employ brutalities, including executions, against large landowners, moneylenders, and other members of the gentry class. Although there is some evidence to support the conclusion that this procedure was used to reinstitute the earlier Communist policy of confiscation of all large landholdings, not just those of alleged traitors, there was no planned policy of brutalities such as was employed in the liquidation of the kulaks in the Soviet Union. Moreover, the principle of private ownership of land was not challenged, and in some areas the Communists attempted to provide compensation in bonds or some such medium, although such compensation actually was given in few instances.[9]

In October 1947 the Communist party promulgated a basic Agrarian Law, incorporating in a comprehensive program these existing practices as well as principles for future application. The objective of the law is to provide every farm family with ownership of a section of cultivated land, ranging in area (according to size of the family and local conditions) from one half to two and one half acres. Thus it does not abolish landownership but rather the excesses of landlordism. Other provisions call for cancellation of certain debts, abolition of landownership rights of all ancestral shrines, temples, and schools, equalized distribution of farm implements and livestock, and administration of the program by peasant assemblies at village, hsien, and higher levels, and by committees selected by these assemblies. The law also exempts from redistribution land held by industrial and commercial enterprises. This qualification undoubtedly was introduced in anticipation of the spread of Communist control southward and to urban areas, where it would be imperative to win the support of middle-class elements. It was indicated that there would be no discrimination

[9] For an eyewitness account, see Hersey, John, "The Communization of Crow Village," *The New Yorker* (Vol. 22, July 27, 1946), pp. 35–41. Compare Tillman, Durdin, in *The New York Times*, Feb. 4, Oct. 14, 15, 1947.

against the families of Kuomintang army officers, party members, and government officials in the distribution of land; this likewise was designed to weaken the Nationalist position and to broade the popular appeal of Communism. Only "national traitors, collaborators and civil war criminals shall not be given land or properties." [10]

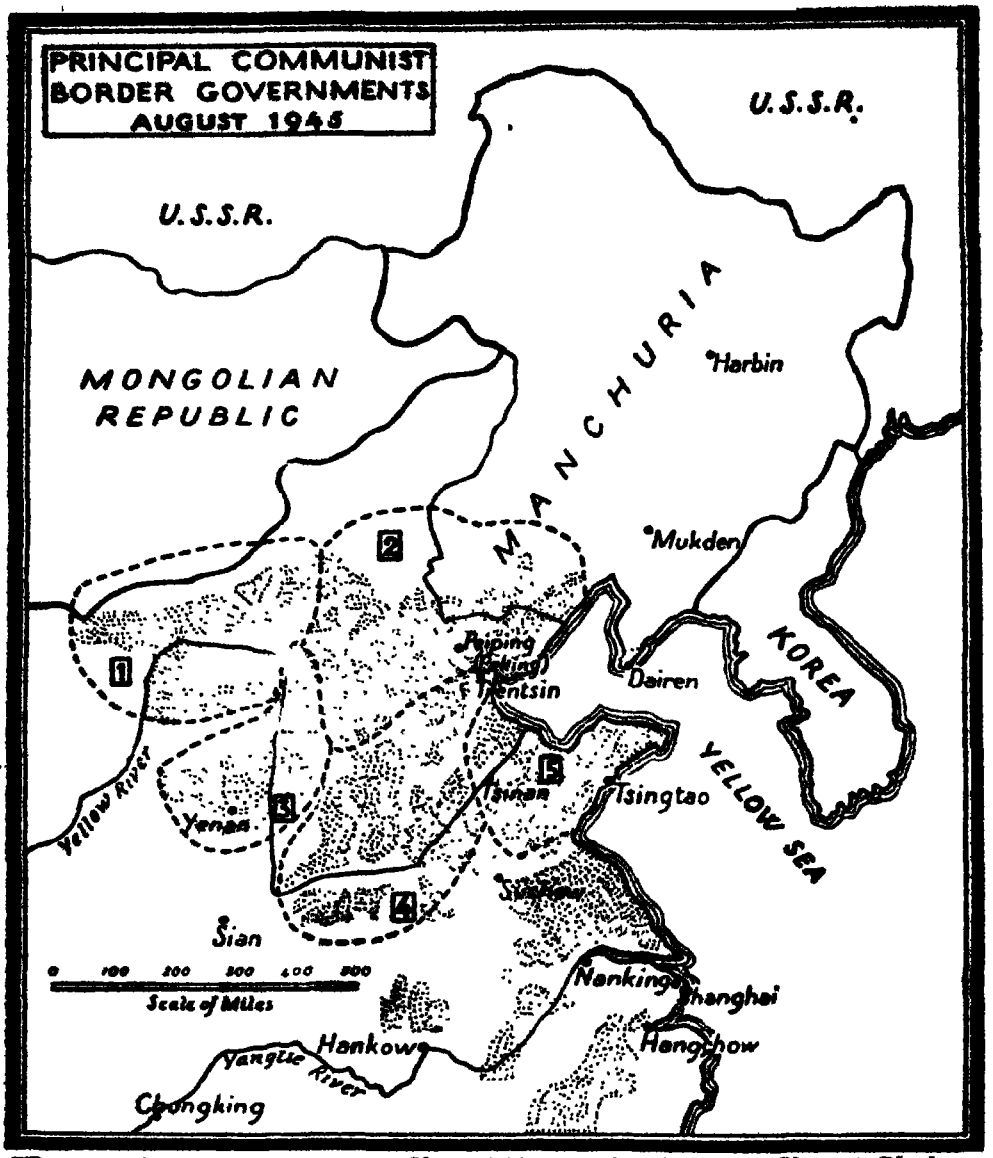
The Chinese Communist agrarian program differs from that of the Soviet Union, where collectivization of agriculture has been established and individual enterprise in agriculture (except by farm families for their personal needs) has been abolished. In China landownership is retained, and the Communist program bears many similarities to the land-reform program instituted in Japan by American occupation authorities.

Political Organization. Until 1949 there was no over-all government in the conventional sense in Communist China. The areas under Communist control were largely governed through the army's military commissions and the party, which maintained their headquarters for much of the time at Yenan, the cave city in Shensi which became well known abroad through the accounts of journalists and other visitors during the war years.[11] Yenan also was a center for training the cadres who accompanied the army and organized party activities at local levels. Through the years of expansion, Communist areas were scattered and detached, in most instances isolated from each other by intervening Japanese- or Nationalist-held zones. Thus there developed a number of separate "border" or "liberated" areas in the northwest and north, which in themselves were made up of detached territories. By 1945 there were five principal border areas. The first, and the oldest, was the Shensi-Kansu-Ninghsia area, an extension of the smaller bit of territory originally occupied at the end of the Long March. The other border areas, which had occupied territory within the Japanese lines in the north, were: Shansi-Chahar-Hopei, Shansi-Hopei-Honan-Shantung, Shantung, and Shansi-Suiyuan. The approximate boundaries of these areas, which changed frequently with the tides of war, are indicated in the accompanying map.

It was within these areas behind the Japanese or Nationalist

[10] Lee, Frank C., "Land Redistribution in Communist China," *Pacific Affairs* (Vol. XXI, March 1949), pp. 20–29. The text of the Agrarian Law is given at pp. 29–32.

[11] For an example of wartime reporting, see White, Theodore, "Inside Red China," *Life* (Vol. 17, Dec. 12, 1944), pp. 39–46. For other journalistic accounts, see titles listed in the Readings at the end of this chapter.



The numbered areas are: 1. Shensi-Kansu-Ninghsia, 2. Shansi-Chahar-Hopei, 3. Shansi-Hopei-Honan-Shantung, 4. Shantung, and 5. Shansi-Suiyuan.

lines that the Communists mobilized the peasants, built up their military strength, and inaugurated their social, economic, and political program. Within each of these areas there was one or more stable base zones, usually in mountainous terrain, relatively well isolated from attack. In these zones government organization was maintained, at least up to the hsien level. At the lowest level, the village, the Communists introduced the greatest change in political arrangements. Village elders were removed from authority and replaced by a popular assembly in which all the people were entitled to vote. Townspeople elected their own chairmen and committees, but individuals were not retained in these positions unless acceptable to the Communist cadres. In the assemblies the Communists limited their own representation to one third, permitting independents and former Kuomintang members to retain two-thirds membership. Here again, however, the non-Communists followed the Communist leadership, and the authority of these assemblies was limited by the superior power of the Communist military forces and party organization. Nevertheless, at the local level there was a greater degree of popular participation in public affairs than formerly in Kuomintang China. When Communist rule was extended to the cities, municipal governments were placed under the supervision of army and party organizers. Having risen to power first in rural areas, the Communists faced a difficult administrative problem when cities came under their control. To meet this situation they enrolled thousands of college and university students in Peiping, Nanking, Shanghai, and other educational centers in intensive short-term training programs, most of them set up in the existing educational institutions. These students were prepared to follow the Communist army into new areas and supervise local administrators, under the general direction and control of the army and party. Others were trained to supervise industrial plants, labor unions, and commercial enterprises.

THE RISE OF THE COMMUNIST DICTATORSHIP

Liberation from Japan and Renewal of Civil War. With a summary of the Communist program in theory and practice before us, we turn now to a review of developments during the four-year period from the termination of war with Japan in 1945 to the es-

tablishment of a national Communist government in 1949. Liberation of Chinese territory from the yoke of the invader might have offered China a glorious opportunity to advance toward the goals of national unity and reconstruction. But instead of bringing these objectives for which the people had suffered, Japan's surrender plunged China once again into bitter civil strife. The reasons for this fratricidal conflict were complex, and a fair and complete interpretation of the troubled events and contentious issues cannot be given until impartial reports are available and more of the facts are known. Yet the student can understand the basic elements of this struggle if he will examine the issues which divided the protagonists.

Issues in the Civil Conflict. Fulfillment of the agreements upon which the united front was based was never achieved. Instead an uneasy truce existed from 1939 to 1945. It can readily be appreciated that long years of civil war had produced bitterness and animosity on each side, which could not be brushed aside casually. The Nationalist government, for example, had offered large rewards for the capture of Mao Tse-tung, Chu Teh, and other Communist leaders. Although the pressures of common defense against the enemy had finally brought the two parties together for a time, old hatreds and suspicions naturally remained. Neither party trusted the other. One of the fundamental sources of continuing trouble was the unwillingness of either party to proceed with its part of a bargain until it was certain that the other would do likewise. The Communists, for example, agreed to abolish the Red army as a separate fighting institution and place it under national command. But to them the Red army was essential to their welfare and to their very existence as a distinct factor in national affairs. Its exploits in the field of combat had made possible the creation of the first soviet government and the protection of Communist territories against civil and foreign enemies. Consequently they would yield control over the Red army only if they were given demonstrable evidence of the good faith of the Kuomintang. They demanded adequate representation in the military organs of the Nationalist regime, to which the Red army would be subordinated. Likewise, they agreed in principle to place their government under Nationalist control, but again would do so only if granted satisfactory opportunity for participation in a national coalition government.

The leaders of the Kuomintang, on the other hand, were unwilling to give the Communists any positions of responsibility and trust in the Nationalist government until they had abandoned both the Red army and their political autonomy. To these leaders the issue was clear: the Communists were nothing more than rebels, rebels employing force to overthrow the legitimate government of China. As such they deserved no right to expect participation in the government. Such participation was contrary to the tenet that the Kuomintang itself possessed the sole right to govern the country during the period of political tutelage. The Communist army as a rebel outfit was not entitled to receive national supplies, even though it might be withstanding Japanese forces. Top Kuomintang leaders, moreover, never gave up the belief that the ultimate aim of the Communists was the establishment of a complete Communist dictatorship. Subsequent events indicate that they probably were right in this view.

The gulf separating the Kuomintang and the Communists thus was deeper than the issues relating directly to the subordination of the Communist regime and army to Nationalist control. Each of these parties stood for a distinct political and economic philosophy, and each competed for full control of the nation and its people.

Decline in Liberal Influences. An important factor affecting the balance of power between the Nationalists and Communists was the position of liberal elements outside the two parties. The Kuomintang and Communists were not the only political groups of consequence. Between the extreme right of the former and the extreme left of the latter stood a largely unorganized body of individuals which rejected the methods of the major parties to seek a middle-road solution of China's problems. This body was composed of many elements of varying shades of opinion. Its ranks included journalists, professors, students, lesser government officials, small businessmen, nonpartisan liberals, and even a few army officers and provincial political leaders. Perhaps the most prominent figure within this group was Madam Sun Ching-ling, the widow of Sun Yat-sen. Although a sister-in-law of Chiang Kai-shek, Madam Sun was outspoken in her criticism of Kuomintang policies. (Sun Fo is the son of Sun Yat-sen by an earlier marriage.)

In this connection, the intellectual and student movement deserves special mention. Intellectual leaders and students tradi-

tionally have played an active part in Chinese public affairs. Scholarship was the foundation upon which the ancient Imperial civil service was erected. In modern times intellectuals and students have made an extremely significant contribution to the whole Nationalist movement. They had important roles in the overthrow of the Manchu dynasty, the organization of opposition to the war lords and foreign imperialism, the spread of the spirit of nationalism, and the maintenance of resistance against Japan. Students educated abroad have applied their talents to the problems of statecraft. Outstanding contributions have been made by such men as Hu Shih and James Y. C. Yen. The literary renaissance led by Hu Shih and the mass education and rural reconstruction movements of James Yen stimulated a large segment of the Chinese population to political thinking and active participation in political affairs. Reflecting their desire to blend the best of Western and Chinese experience, China's intellectuals and students constitute a strong force for social and economic reform and the establishment of progressive government.

As would be expected, liberal elements deplored the reactionary trend which gripped Kuomintang leadership after 1939. They criticized the failure of the government to carry forward needed reforms and demanded termination of the corrupt and incompetent administration which characterized every phase of public affairs. Most of them recognized that political and economic progress could be made only by ending the Kuomintang monopoly of power. Many liberals urged the Kuomintang to accept the Communists into a reformed national coalition government.

The influence of liberal elements upon the Nationalist regime steadily diminished because of the numerous and difficult obstacles standing in their path. Most of these individuals, as members of the relatively small middle class, were hit severely by the runaway inflation of the war years. Many writers and professors were impelled to find employment as manual laborers in order to provide for themselves and their families, leaving little time and even less energy to engage in political activities. More serious was the systematic campaign of repression waged by the Nationalist government and by reactionary right-wing leaders of the Kuomintang. For brief periods liberals were granted relative freedom in expressing their views. But rigid denial of freedom of speech, of assembly, and of the press was the general rule, and even more extreme meas-

ures, including murder, were employed to destroy liberal criticism. These repressive measures differed from those employed by the military dictators of Japan only in degree.

In spite of these obstacles the voices of the liberals and moderates were heard, at times with considerable effect. During 1936–37, for example, students and professors had organized effective demonstrations against the Nanking government's policy of compromise and appeasement toward Japan. The National Salvation Movement, which emerged from these protests spread rapidly to the principal cities of the country and won the support of merchants and businessmen and of a widening group of provincial leaders. The Movement was responsible in part for the stiffened attitude which the government finally adopted just prior to the renewal of armed hostilities with Japan in 1937. It likewise added impetus to the final establishment of the united front at that time.

During the war years liberal and moderate elements continued to agitate for political and economic reforms. Although much of the leadership was provided by separate individuals, a number of small extralegal parties sought to influence government policy. In 1941 these parties came together to form the Federation of Chinese Democratic Parties, also known as the Democratic League. The principal efforts of this loose coordinating group were directed toward termination of one-party rule and toward broadening the government to permit participation by the Communist and other non-Kuomintang parties. The Democratic League advocated rapid advancement toward constitutional reforms which would enable such a coalition government to function and to progress toward democratic rule. The League struck out vigorously against the corruption and maladministration of the Kuomintang, and demanded the inauguration of civil liberties and revision of the tax structure to relieve the peasant and worker of inequities, shifting the burden of government to those with the ability to pay.

With renewal of civil war in 1945 liberal and other dissident elements shifted their influence more and more to the Communists. Their motives appear to have been mixed. Some individuals, such as Generals Li Chi-sen and Tsai Ting-kai, former collaborators with Generalissimo Chiang Kai-shek in the early days of the Nationalist revolution, had been at odds with him off and on ever since. Another prominent figure in this category was General Feng Yu-hsiang, a colorful one-time war lord famous abroad as China's

"Christian general." While traveling in the United States, ostensibly to study conservation methods for the Executive Yuan, Feng denounced Chiang and proclaimed himself a political exile, although he disclaimed the charge that he had associated himself with the Communists. (Subsequently Feng lost his life in a fire aboard a Russian vessel en route from New York to Odessa.) Other figures, such as Madam Sun Yat-sen and the members of the Democratic League, were influenced by their hostility to the reactionary policies of the Nationalist regime and by the ideological appeal of communism. In 1947 the Democratic League was outlawed by the Nationalist government because of its pro-Communist sympathies. Students, intellectuals, and professional people turned to the left in their political thinking, bitter over the excesses of the Nanking government following liberation from Japan. Undoubtedly Communist agents infiltrated among these elements, exploiting their disgust with Chiang's regime.

During 1947 and 1948 the British territory of Hong Kong became a center for the political activities of these opposition groups. A Kuomintang Revolutionary Committee was established there in 1947, composed of various opposition elements, which carried on negotiations with colleagues remaining in the Nationalist government and armies for the removal of Chiang Kai-shek from his position of leadership. This group and the Democratic League also worked with the Communist underground in Hong Kong, and in their manifestos they stressed the Communist policies of land division and cooperation with the Soviet Union in international affairs. In December 1948 General Li Chi-sen slipped out of Hong Kong to Communist territory in north China.

Renewal of Conflict. When Japan surrendered to the combined forces of the United Nations in August 1945, her troops actually had not been driven from the large areas of China which they occupied. This unexpected development immediately presented the Nationalist government with a serious problem, that of recovering the former Japanese-occupied zones before the Communists could take them over—and the Communists were in a particularly advantageous position to do just that. During the war years they had achieved marked success in organizing the border governments within the areas occupied by the enemy. While the Japanese held the cities and lines of communication, the partisan armies of the border governments operated throughout the hinter-

land, strategically located in north and central China. The Nationalist government, largely for political reasons, had not organized behind-the-lines partisan bands in any number. Moreover, the Nationalist government was more distantly located from the key cities and railroads. If unopposed upon Japan's surrender, the Communist partisan armies under the coordinated command of General Chu Teh would have found it relatively simple to fan out and gain full control of these areas. This is exactly what the Communist forces proceeded to do, in open disregard of the order of Generalissimo Chiang Kai-shek to hold their positions until Nationalist troops could receive the surrender of the Japanese.

The situation turned rapidly into a race between Communist and Nationalist troops for possession of former occupied territory and for the weapons and industries left by the Japanese. In north China the Communists held the strategic advantage and soon gained control of large areas, including many of the principal rail lines. The Nationalist government, however, secured central China, and the important northern cities of Peiping and Tientsin. The rapid movement of Nationalist troops in transport planes and vessels made available for the purpose by the United States government contributed materially to this success. Thus the end of 1945 found China sharply divided, territorially as well as ideologically. The country was liberated from the Japanese, but it now faced the crisis of civil strife.

Position of the United States. The internal situation in China at the termination of hostilities with Japan was also complicated by external factors. Other nations were concerned lest events in that troubled land upset their own interests and security. The United States played the major role in the defeat of Japan, and its troops were then stationed throughout the Far East. Likewise, the Soviet Union, after a late entry into the war in the Far East, occupied Manchuria and northern Korea, having crushed the Japanese troops in these areas.

During the war the United States had furnished an increasing supply of military and lend-lease assistance to China. Although this aid was extended to the Nationalist government as the recognized government of China, American policy had attempted, without success, to promote agreement between the government and the Communists. It had always hoped to bring together the military strength of the two factions in order to increase China's contribu-

tion to ultimate victory against Japan.[12] When the dangers of full-scale civil conflict in China became apparent after the Japanese surrender, the United States assumed an even greater part in attempts to reach a peaceful solution, and in November 1945 President Truman appointed General of the Army George Marshall as his special envoy to China. In a public statement on December 15, Mr. Truman outlined the principles of American policy toward China which General Marshall would follow. He declared that a strong, united, and democratic China was of the utmost importance to the success of the United Nations and for world peace, and that the United States government accordingly favored the termination of one-party government and the establishment of a coalition to give other political elements fair and effective representation. Although the American government disavowed any form of intervention in China's internal affairs, the President declared that as China moved toward peace and unity, the United States would be prepared to assist the Nationalist government in economic rehabilitation and the establishment of a modern military organization.

On December 27, 1945, the foreign ministers of the United States, Great Britain, and the Soviet Union then meeting at Moscow, issued a statement along similar lines. They declared that:

> They were in agreement as to the need for a unified and democratic China under the National government, for broad participation by democratic elements in all branches of the National government, and for a cessation of civil strife. They affirmed their adherence to the policy of noninterference in the internal affairs of China.[13]

General Marshall, after a hurried flight to China, brought representatives of the Kuomintang, the Communist party, and minor parties into direct negotiation in a political consultative conference. In February 1946 his headquarters announced that an agreement had been reached. It was reported that liberal and moderate elements in the Kuomintang and outside the party had been influential in securing compromise. By terms of the agreement, Communists and other minor parties would be admitted to a coalition government and the Red army would be integrated with the Na-

[12] Department of State, *United States Relations with China*, op. cit., pp. 127–36.

[13] *Ibid.*, pp. 124–25.

tionalist army. Cease-fire teams, composed of Nationalist, Communist, and American officers, were dispatched to the field to secure the termination of hostilities between the opposing forces. Without waiting for the fulfillment of these terms, the United States government proceeded to carry out agreements for assistance to the Nationalist government, including a loan for the purchase of cotton, technical advice for the improvement of agriculture, sale of surplus military supplies in the Pacific theater at reduced cost, and training of additional Chinese troops. American armed forces, chiefly marines, were landed in north China immediately after Japan's collapse. The United States government announced that this action was required to assist the Chinese Nationalist government in undertaking the surrender of Japanese troops. And the presence of American troops in certain cities and areas, moreover, delayed Communist advances into these positions, materially assisting the Nationalist government in securing control of strategic zones.

The agreement negotiated by General Marshall in February 1946 was not carried out. When placed before the Central Executive Committee of the Kuomintang in March, it was bitterly attacked by conservative members, who again declined to give up one-party rule. Furthermore, military leaders were reluctant to accept any reorganization of the armies which would threaten their position. Although the Committee nominally approved the agreement, these elements refused to admit Communists to a coalition government while the Red army continued in possession of large areas of territory. For their part, the Communists believed that to give up command of their army and control of their areas without adequate guarantees of their legal political status would end in destruction. Consequently they strongly resisted the efforts of the Nationalist government to recover north China and Manchuria.

Position of the Soviet Union. The actions of the Soviet Union in Manchuria played into the hands of conservative Kuomintang elements. In an agreement of alliance and friendship with China which was announced in August 1945, the Soviet Union pledged itself to respect the sovereignty and territorial integrity of China and not to interfere in the internal affairs of the country. In an accompanying note it declared that its moral and material aid would be given entirely to the Nationalist government as the central gov-

ernment of China, continuing the policy which it had followed during the war years. At the same time China granted to the Soviet Union important economic and strategic rights in Manchuria.[14] But the action of Soviet troops in Manchuria following the surrender of Japan aroused the suspicions and hostility of the Nationalist government. Before withdrawing from Manchuria these troops removed Japanese industrial equipment and other resources, claiming them as spoils of war. The Chinese government had counted on acquiring these properties, which were located in territory seized by Japan from China.

Subsequent events raised the question of the nature of Chinese Communist relations with the Soviet Union. Some observers declared that the Chinese were mere puppets of Moscow; others insisted that they still were Chinese patriots and agrarian reformers, leaders of a national movement developed indigenously from China's fundamental needs. The truth probably lies somewhere between these extremes. Although the Soviet Union did not extend direct material assistance, at least in any substantial quantities, until after Communist victory over the Nationalists, the deployment of its troops in Manchuria contributed to the subsequent occupation of large parts of this area by Communist forces before Nationalist troops could reach there, and Japanese weapons readily fell into Communist hands. During this period the most obvious factor to the outside world was that Mao Tse-tung and his associates clearly followed the Moscow party line on all international issues. The Chinese Communists became vituperative in their propagandistic attacks upon the United States, alleging that this country spearheaded imperialistic intervention in Chinese affairs.[15] Likewise, Mao went out of his way to denounce the "deviation" of Marshal Tito of Yugoslavia. Following the establishment of the Communist People's Republic in Peiping in 1949, the Soviet Union promptly recognized this government and demanded acceptance of its representatives in the United Nations. In December 1949, when Mao visited Moscow upon the occasion of Stalin's seventieth birthday, he was honored with one of the most elaborate receptions ever accorded a foreign visitor. Two months later, after protracted negotiations, the text of a new Sino-Soviet thirty-year

[14] *Ibid.*, pp. 123–26, 585–604.

[15] See, for example, memorandum entitled "Explanation of Several Basic Questions concerning the Postwar International Situation," *ibid.*, pp. 710–19.

mutual defense alliance was announced, replacing the 1945 agreement accepted by the Nationalists. The terms which were made public were favorable to the Chinese, providing for eventual Soviet relinquishment of concessions in Manchuria and the extension of a Soviet loan.

End of the Marshall Mission. With the abrogation of the February 1946 agreement, hostilities between Nationalists and Communists continued. The Communists sought to hold the territory they had secured following Japan's surrender, intent on maintaining a strong military base in the event of failure to reach political agreement with the Nationalist government. Nationalist forces advanced from coastal ports to seize railways and strategic positions in north China and Manchuria. General Marshall returned to China in the summer of 1946 in the hope of finding new conditions of agreement. In spite of repeated warnings by the General and American military advisers that the Communists could not be crushed by military means, Generalissimo Chiang Kai-shek and his colleagues insisted upon launching an all-out offensive. This terminated the prospects for political settlement of the civil war. In August General Marshall and United States Ambassador Leighton Stuart reluctantly announced that a settlement of outstanding issues between China's opposing factions seemed impossible. In December General Marshall terminated his special mission. Upon leaving China the following month he issued a statement remarkable among state papers for its plain speaking and frankness. Because this statement so clearly and precisely reviewed the factors then standing in the way of internal peace in China, the principal parts of it are herein reproduced:

> In the first place, the greatest obstacle to peace has been the complete, almost overwhelming suspicion with which the Chinese Communist Party and the Kuomintang regard each other. . . .
>
> I think the most important factors involved in the recent breakdown of negotiations are these: On the side of the National Government, which is in effect the Kuomintang, there is a dominant group of reactionaries who have been opposed, in my opinion, to almost every effort I have made to influence the formation of a genuine coalition government. This has usually been under the cover of political or party action, but since the Party was the Government, this action, though subtle or indirect, has been devastating in its effect. They were quite frank in publicly stating their belief that cooperation

by the Chinese Communist Party in the government was inconceivable and that only a policy of force could definitely settle the issue. This group includes military as well as political leaders.

On the side of the Chinese Communist Party there are, I believe, liberals as well as radicals, though this view is vigorously opposed by many who believe that the Chinese Communist Party discipline is too rigidly enforced to admit of such differences of viewpoint. Nevertheless, it has appeared to me that there is a definite liberal group among the Communists, especially of young men who have turned to the Communists in disgust at the corruption evident in the local governments—men who would put the interest of the Chinese people above ruthless measures to establish a Communist ideology in the immediate future. The dyed-in-the-wool Communists do not hesitate at the most drastic measures to gain their end as, for instance, the destruction of communications in order to wreck the economy of China and produce a situation that would facilitate the overthrow or collapse of the Government, without any regard to the immediate suffering of the people involved. They completely distrust the leaders of the Kuomintang and appear convinced that every Government proposal is designed to crush the Chinese Communist Party. . . .

However, a very harmful and immensely provocative phase of the Chinese Communist Party procedure has been in the character of its propaganda. I wish to state to the American people that in the deliberate misrepresentation and abuse of the action, policies, and purposes of our Government this propaganda has been without regard for the truth, without regard whatsoever for the facts, and has given plain evidence of a determined purpose to mislead the Chinese people and the world and to arouse a bitter hatred of Americans. . . . In the interest of fairness, I must state that the Nationalist Government publicity agency has made numerous misrepresentations, though not of the vicious nature of the Communist propaganda. . . .

Sincere efforts to achieve settlement have been frustrated time and again by extremist elements of both sides. The agreements reached by the Political Consultative Conference a year ago were a liberal and forward-looking charter which then offered China a basis for peace and reconstruction. However, irreconcilable groups within the Kuomintang, interested in the preservation of their own feudal control of China, evidently had no real intention of implementing them. Though I speak as a soldier, I must here also deplore the dominating influence of the military. Their dominance accentuates the weakness of civil government in China. At the same time, in pondering the situation in China, one must have clearly in mind not the workings of small Communist groups or committees to which we are accustomed in

America, but rather of millions of people and an army of more than a million men.

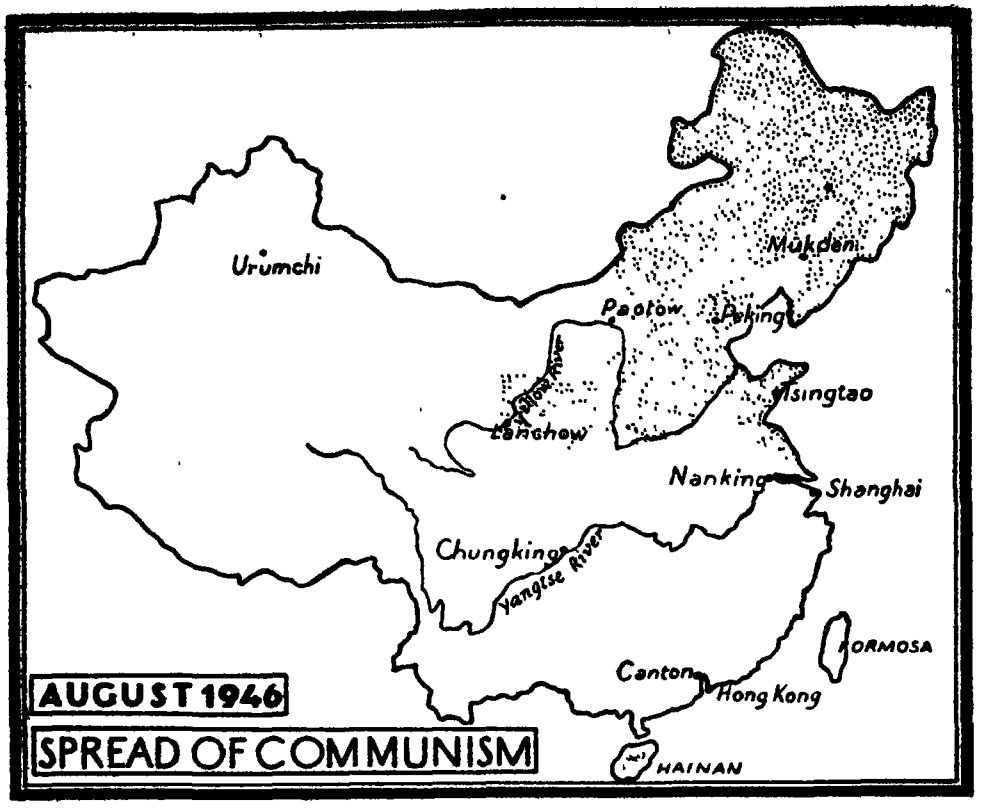
I have never been in a position to be certain of the development of attitudes in the innermost Chinese Communist circles. Most certainly, the course which the Chinese Communist Party has pursued in recent months indicated an unwillingness to make a fair compromise. It has been impossible even to get them to sit down at a conference table with Government representatives to discuss given issues. . . .

Between this dominant reactionary group in the Government and the irreconcilable Communists who, I must state, did not so appear last February, lies the problem of how peace and well-being are to be brought to the long-suffering and presently inarticulate mass of the people of China. . . . The salvation of the situation, as I see it, would be the assumption of leadership by the liberals in the Government and in the minority parties, a splendid group of men, but who as yet lack the political power to exercise a controlling influence. Successful action on their part under the leadership of Generalissimo Chiang Kai-shek would, I believe, lead to unity through good government.[16]

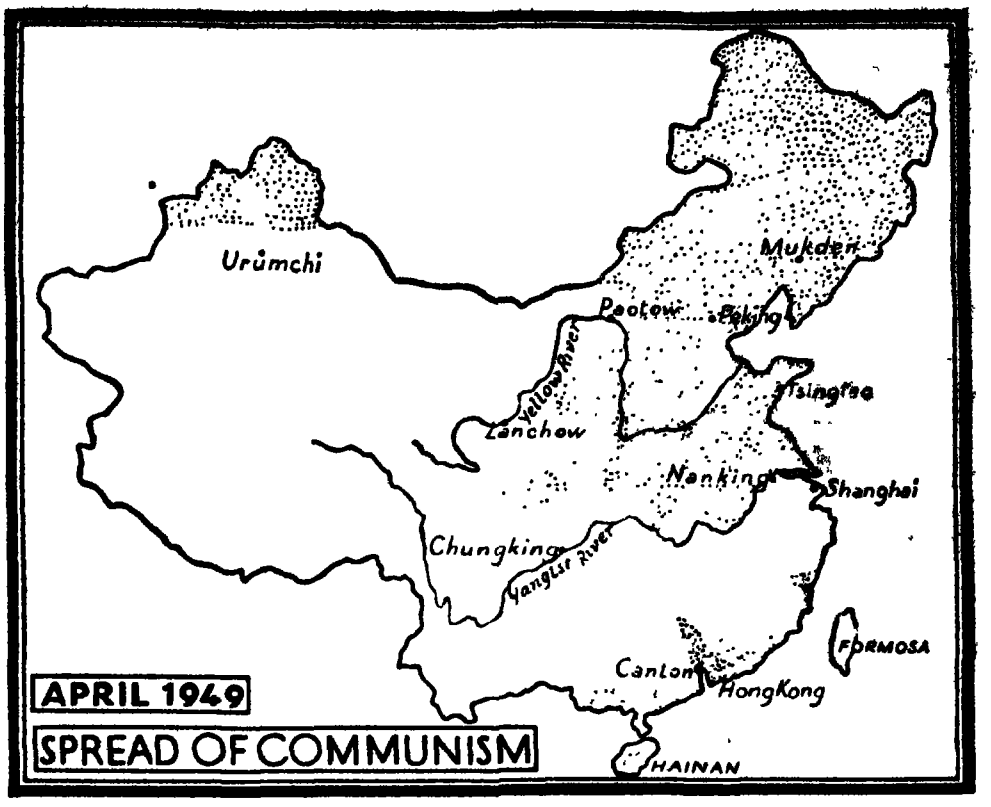
Shortly after General Marshall's departure from China the United States government terminated its connection with the special agencies which had been established for the purpose of mediating the issues of the civil conflict and of ending armed hostilities. Subsequently the remaining American troops in China were withdrawn.

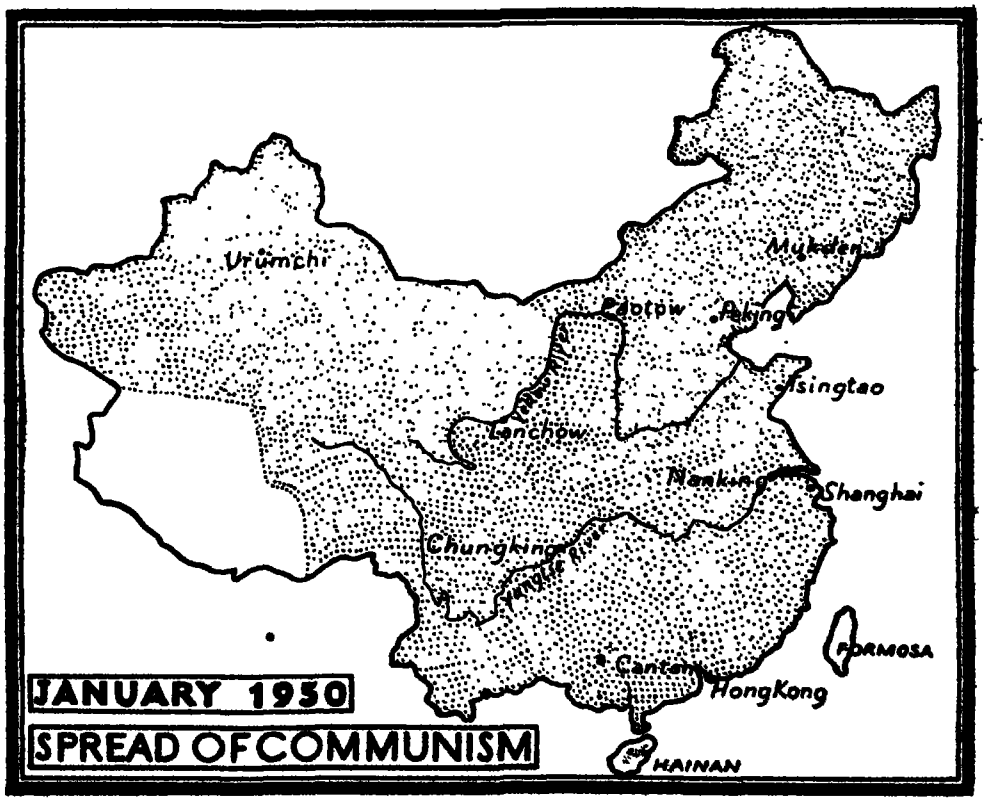
The Communist Advance. Generalissimo Chiang Kai-shek's offensive during the latter part of 1946 brought the Nationalist forces to the peak of their strength. Key areas and lines of communication in Manchuria and north China were gained and many former Communist zones were cleared, as indicated on the maps on page 810. But the gains were more apparent than real; the warnings of General Marshall and American military advisers proved to be well founded. Nationalist forces greatly overextended their positions, could not maintain their lines of communication, and were unable to bring the offensive to a conclusion. The Communist generals took full advantage of Nationalist folly, avoiding positional combat, allowing cities to fall, then cutting communications, and ultimately capturing the weakened enemy. Frequently they gained large quantities of matériel in the process. Although at the end of 1946 the Nationalists still had 2,600,000 men under

[16] *Ibid.*, pp. 686–89.


Urumchi
Mukden
Paotow
Peking
Yellow River
Lanchow
Tsingtao
Nanking
Shanghai
Chungking
Yangtse River
FORMOSA
Canton
Hong Kong
HAINAN
AUGUST 1946
SPREAD OF COMMUNISM


Urumchi
Mukden
Paotow
Peking
Yellow River
Lanchow
Tsingtao
Nanking
Shanghai
Chungking
Yangtse River
FORMOSA
Canton
HongKong
HAINAN
NOVEMBER 1946
SPREAD OF COMMUNISM


Urumchi
Mukden
Peotow
Peking
Yellow River
Tsingtao
Lanchow
Nanking
Shanghai
Chungking
Yangtze River
FORMOSA
Canton
HongKong
HAINAN
APRIL 1949
SPREAD OF COMMUNISM


Urumchi
Mukden
Peotow
Peking
Tsingtao
Lanchow
Nanking
Shanghai
Chungking
Yangtze River
FORMOSA
Canton
HongKong
HAINAN
JANUARY 1950
SPREAD OF COMMUNISM

arms, against the Communists' 1,100,000, plus the advantages of American economic assistance, the strategic initiative soon passed to the Communists. By the end of 1947 they had recovered much of Manchuria and north China. During 1948 they consolidated their positions in these areas and mounted an offensive against the Yangtze valley. Peiping, the former Imperial capital of China, was occupied in January 1949.

With the opening of 1949 Nationalist China virtually was prostrated by the effects of civil war, economic dislocation, disruption of foreign trade, inflation, and political disunity. American economic assistance, which between 1945 and 1949 amounted to a total value of over $2 billion, was largely dissipated. American attempts to bring the Kuomintang leaders around to instituting reforms and liberalizing their regime were unavailing. After the Communists had massed large forces just above the Yangtze River, Chiang Kai-shek finally resigned from the presidency in January, turning over his duties to the vice president, General Li Tsung-jen, who then opened peace negotiations.

Failure of Peace Negotiations. As might be expected in the circumstances, Communist leaders by this time were defiant of the Nationalist government. The military position of the Red armies was so secure that they could afford to dictate terms which amounted to unconditional surrender. These terms included abrogation of the Nationalist Constitution, termination of the Kuomintang's control of the government, establishment of a coalition regime—which in fact the Communists would dominate—and reorganization of the armies, in which Nationalist troops would be subordinate. The negotiations failed when General Li rejected the Communist demand for the arrest of Chiang Kai-shek and some forty other top Kuomintang leaders for trial as "war criminals." General Li could not have complied even if he had wished to, for most of these figures had fled Nanking and were beyond his reach. Soon thereafter the principal government agencies removed to Canton, although the acting president remained for a time in Nanking. In April the Communists offered virtually the same terms of unconditional surrender and gave the Nationalist government five days in which to accept them. At the conclusion of this period Red troops crossed the Yangtze almost without opposition and soon occupied Nanking; in May Shanghai fell, undefended when the final attack came.

In the meanwhile the authority of the Nationalist government and its remaining military forces declined steadily. A wide split developed between those elements supporting the nominal government under acting president Li and those still loyal to Chiang Kai-shek. After his retirement from office, the Generalissimo and many military and party bureaucrats loyal to him established a base on the island of Formosa, recently regained from Japan. Here some of the best-equipped troops and units of the air force were stationed, and here also Chiang reportedly held the remaining gold reserves of the Nationalist government. Defense of Canton, the nominal capital after January 1949 was left to General Li's Kwangsi colleague, General Pai, and the troops of their Kwangsi clique.

The Nationalist Collapse. The autumn of 1949 marked the conclusion of another phase of Nationalist-Communist relations, during which the Communists achieved military and political victory and made their strongest bid for national control. At the end of September they symbolized their victories by the establishment of the People's Republic of China in Peiping as the national government for all of China. Nationalist authority reached a new low. As the effectiveness of the Kuomintang regime declined, provincial rulers in areas still unoccupied by the Communists operated in independence of the Central government. A number of provinces deserted to the Communist cause without resistance. General Li's Canton government was little more than a shell, unable to command forces loyal to the Generalissimo and to provincial war lords and weakened by divided counsels. On the "Double Tenth," October 10, 1949, the thirty-eighth anniversary of the founding of the Chinese republic, the government once more bundled up its files (many of which had remained unopened since the departure from Nanking) and commenced evacuation by air transport to Chungking. Five days later, on October 15, Canton was occupied by the Red army. Subsequently Chungking also fell, and so too Chengtu, in which the remnants of the Nationalist government briefly sojourned. By December all effective resistance in China was at an end, and the Nationalist prime minister, General Yen Hsi-shan flew to Formosa, announcing that his government would function from there. At the same time acting president Li Tsung-jen arrived in New York for treatment of a stomach disorder. A few months later Chiang Kai-shek resumed the Nationalist presidency in Formosa.

THE PEOPLE'S REPUBLIC OF CHINA

After conquest of Nanking and Shanghai, the Communists carried forward plans for the establishment of a national government. In September 1949 a constituent assembly, termed the People's Political Consultative Conference, was convened in Peiping for the purpose of drafting the laws for such a government. The 662 participants in this conference were "invited" by the Communists to attend. They included delegates from four principal elements: political parties, army groups, geographical areas, and occupational interests. In line with the theoretical principle of the "new democracy," the representatives of the political parties included members of the Democratic League and the Kuomintang Revolutionary Committee, as well as of the Communist party, roughly one third each according to the pattern of representation employed in the local assemblies of the border regions. Among the other three groups Communists predominated. It should be noticed, however, that the participants included a sizeable number of educators, writers, and other individuals of recognized standing and independence. These individuals were representative of the large body of unorganized liberal and moderate elements among the Chinese intelligentsia which shifted its allegiance during the latter years of the civil war from the leadership of the Kuomintang to that of the Communists. In reality, nonetheless, the conference was dominated by the Communists, just as the Nationalist constitutional conference of 1946 had been dominated by the Kuomintang.

In the course of its deliberations, the People's Political Consultative Conference adopted an organic law outlining its own powers as an interim authority and a Common Program providing for the establishment of the People's Republic of China.[17] It also enacted the organic law of the Central People's Government of the Republic and designated the first members of this government. Insufficient time has elapsed for the pattern of the new Communist regime to take shape. Moreover, reliable reports from Communist areas are scarce and incomplete. Accordingly, only a tentative outline of the political structure can be given.

According to the Common Program of the People's Political Consultative Conference, the republic is a "democratic dictator-

[17] The text of the Common Program appears in the Appendix at pp. 905–15.

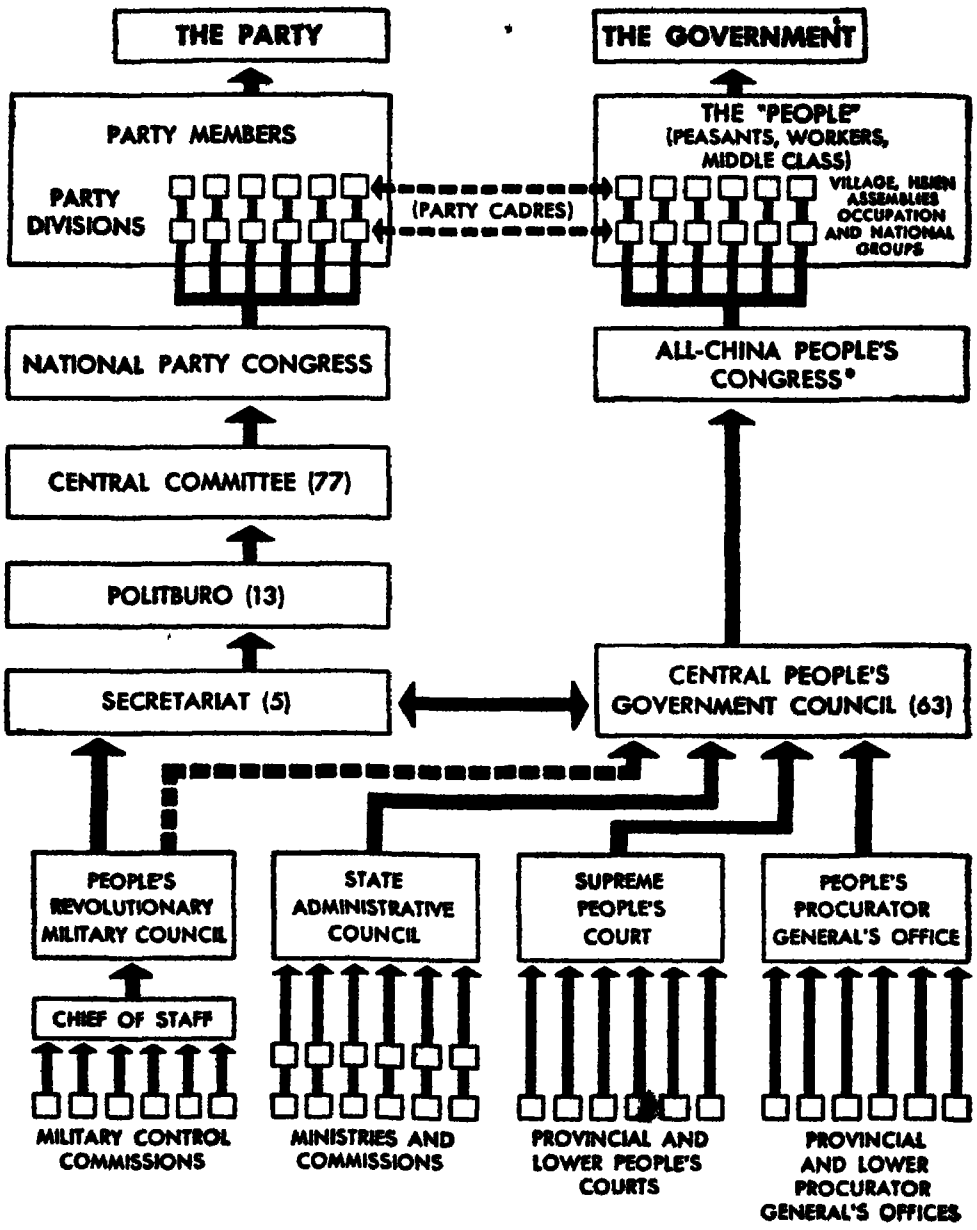
ship," representing the "working class, peasantry, petty bourgeoisie, national bourgeoisie, and patriotic democratic elements," and is "based on the alliance of workers and peasants led by the working class." It is clear, however, that neither the working class, nor the peasantry, nor any other of these elements is organized and equipped to assume the responsibilities of political leadership. Thus the "democratic dictatorship" is a dictatorship of the Communist party, together with its army. The Communists justify this situation with the assertion that the regime is democratic because it represents the interests of the people. By people they mean the workers and peasants and those elements who cooperate with them, but they exclude all "reactionaries, traitors, and bureaucratic capitalists," to whom all political rights are denied.

In many of its basic relationships the political system of Communist China is not unlike that which prevailed in Kuomintang China. As in the Nationalist regime, authority is monopolized by a single party, and is executed by an army loyal to that party and a governmental mechanism which is little more than its administrative arm. Thus a review of the structure of the Communist political system, as with that of Nationalist China, involves the party, the army, and the government.

The Communist Party. The Communist party is organized along the monolithic lines characteristic of Communist parties the world over. In theory supreme authority rests in the National Party Congress, composed of representatives of territorial and occupational divisions and subdivisions. In actuality it rests with the 77-member Central Committee, the 13-member Political Bureau (Politburo) and its executive committee, and the 5-member Secretariat. Mao Tse-tung, as chairman of the party, is chairman of the Politburo, Central Committee, and Secretariat.

Like the Kuomintang in Nationalist China, the Communist party is the sole ruling authority. Mao's "new democracy" provides for a "democratic dictatorship of all anti-imperialistic and anti-feudalistic elements," but in practice it is certain that the direction of public affairs remains the sole right of the party and its highly disciplined members. Thus the party is a well-organized machine, reaching downward from the Secretariat and Politburo at the top to the smallest cadres at the hsien and village levels and to the political commissars with the armies. In order to fulfill its functions, the party employs methods characteristic of similar parties in other

THE (COMMUNIST) PEOPLE'S REPUBLIC OF CHINA



*UNTIL SUCH TIME AS CONDITIONS ARE FAVORABLE FOR ELECTIONS, THE FUNCTIONS OF THE ALL-CHINA PEOPLE'S CONGRESS WILL BE EXERCISED BY THE APPOINTIVE PEOPLE'S POLITICAL CONSULTIVE CONFERENCE

totalitarian nations. It monopolizes control of the press and other media of information and tolerates no organized opposition or expression of hostile opinion. One of the most powerful party agencies is the Ministry of Peace Preservation, which operates the Communist secret police and is concerned with intelligence, espionage, party security, underground activities, and the organization of women's associations and youth corps. The party also conducts training programs, somewhat similar in purpose to the Central Training Institute of the Kuomintang, and it controls the output of public information through its New China News Agency.

Much less is known about the composition of the ruling group within the Communist party than was the case for the Kuomintang, for the simple reason that very few Western observers have been permitted freedom to report Communist affairs. It will be recalled that General Marshall distinguished between "dyed-in-the-wool Communists [who] do not hesitate at the most drastic measures to gain their end," and "a definite liberal group . . . especially of young men who have turned to the Communists in disgust." [18] All top leaders at the present time probably would be included within the first category. All of them are strict Marxists, although certain differences among them have been reported. The leader of the radical faction is said to be Liu Shao-chi, deputy chairman of the Politburo and member of the Secretariat. Liu might be termed the Communist Chen Li-fu, for he controls the party machinery and exercises considerable influence through colleagues placed in strategic positions within the party hierarchy. He got his start as a labor organizer in the 1920s and later studied in Moscow. He is one of the party's most accomplished theorists, is an advocate of full collaboration with the Soviet Union, and is reported to have made two trips to Moscow in 1949. Another proponent of Soviet collaboration is Kao Kang, head of the Communist administration in Manchuria, where he has worked closely with Soviet representatives, and another is Li Li-san, former leader of the party before the ascendency of Mao Tse-tung. Mao is frequently classified as less extreme in his views than these individuals, as is Chou En-lai. Chou is perhaps the Communist best known to the Western world, as he was the principal representative of Yenan to the Nationalist regime during the years of

[18] See page 808.

the united front and headed the Communist delegation during the Marshall mission. Mao and Chou clearly follow the international communist line on international affairs, but it is reported that, while favoring friendship and cooperation with the Soviet Union, they demand an independent course on internal problems of reconstruction. While the extreme group relies upon the influence and encouragement of the Soviet Union, Mao and those who support his position have the advantage of recognized leadership through the long struggle to power. Thus while all of the top Communist leaders are Marxists who believe in the dictatorship of the proletariat, in class war, and in world revolution, they differ among themselves as to immediate tactics and timing.

The Communist Army. The Communist army, now termed the "People's Liberation Army," is the means through which the party's control was extended throughout the greater part of the nation. Without the army the Communists would not have come to power. The army is engaged in many functions of a governmental nature. As it advanced into new territory it collaborated with the party in local and provincial affairs, establishing military control commissions for this purpose. In many parts of China these commissions are the actual government. The chief of staff of the Communist army is responsible to a Military Council, which is subordinate only to the Politburo and Secretariat of the party. The influence of military personnel within the party is exceedingly strong. Military figures hold important party positions, including membership in the Central Committee and Politburo. Chu Teh, for example, is a member of the Politburo and the Secretariat. Thus in Communist China, as in Nationalist China, military power remains a principal source of political power, and the army stands independent of and in large measure superior to governmental organization.

The Government. It may be expected that for some time to come Communist authority will be exercised through the well-organized machinery of the party and the army. In the meantime the governmental structure of the People's Republic will bear a relationship to the party and army similar to that of the five yuan of the National government to the Kuomintang and Nationalist army—that is, it will be an administrative agency through which party policy will be executed. It will not share in the actual formulation of policy.

The Common Program of the People's Political Consultative

Conference declares that the All-China People's Congress is to be "the supreme organ of state power." Roughly it corresponds to the Supreme Soviet of the USSR.[19] The Congress is to be organized according to the principle of "democratic centralism," outlined by Mao Tse-tung in *China's New Democracy*. People's assemblies are to be elected "by universal suffrage" at the local level, and other assemblies will be established at the hsien and higher levels, their members being selected by the body at the next lower level. Other members will be designated by occupational and national groups. The highest of these organs, standing at the top of the hierarchy, will be the All-China Congress. Until such time as local governments are established, authority rests with the military control commissions of the army. Until elections can be held, the People's Political Consultative Conference, the Communist appointed *ad hoc* assembly which drew up the Common Program and organic laws, is authorized to exercise the functions and powers of the Congress. These include: amending the Common Program of the "new democracy"; enacting or amending the organic law of the Central People's Government of the People's Republic; electing the members of the Central Council of the government; enacting resolutions concerning "fundamental policies or important measures related to the cause of the democratic revolution . . . or national construction work"; and electing a national committee to represent the Conference between sessions. The Consultative Conference (and presumably eventually the Congress) is to meet triannually, its national committee semiannually. The national committee is responsible for implementing resolutions of the Conference, "assisting the government in mobilizing the people to participate in the work of the people's democratic revolution and national construction work," and also for preparing for the meetings of the Conference.

According to the Common Program "the Central People's Government shall be the supreme organ for exercising state power when the All-China People's Congress is not in session." The powers of this government are exercised by the Central People's Government Council and by four subordinate organs responsible to the Council, namely, the State Administrative Council, the People's Revolutionary Military Council, the Supreme People's Court, and the People's Procurator General's Office.

The Central People's Government Council is composed of a

[19] See page 541.

chairman, six vice chairmen, and 56 Council members. Its members are elected by the Consultative Conference; they in turn select a secretary general who serves the Council. The organic law of the Council, which meets bimonthly, sets forth the following powers: 1. enactment and interpretation of the laws of the state, promulgation of decrees, and supervision of their execution; 2. determination of administrative policies; 3. annulment or amendment of the decisions and orders of the State Administrative Council which do not conform to the laws and decrees of the state; 4. ratification, abrogation, or amendment of treaties and agreements concluded by the republic with foreign governments; 5. dealing with the question of war and peace; 6. approval or revision of the state budget; 7. promulgation of acts for general amnesty and pardon; 8. institution and award of orders and medals of honor; 9. appointment or dismissal of principal government personnel, including members of the four subordinate organs; and 10. preparation for and convocation of the All-China People's Congress. Thus the Central Council combines in itself executive, legislative, and judicial functions.

The State Administrative Council is the Cabinet of the republic. It consists of a premier, a number of deputy premiers, an undefined number of additional members, and a secretary general, all appointed by the Central Council. It is the executive arm of the government, made up of the heads of governmental ministries and commissions, including foreign affairs, interior, public security, finance, trade, heavy industries, railways, labor, press board, communications, and so forth. It is responsible for the actual administration of policies formulated by the Central Council and for the operation of the civil service. It meets weekly or at the call of the premier or upon the request of one third of its members, and it has a permanent secretariat.

The organic law makes only general provisions for the establishment of the People's Revolutionary Military Council, the Supreme People's Court, and the People's Procurator General's Office. The Military Council is concerned with unified control of the Communist armies and is responsible to the Central Council. The Supreme Court is "the highest judicial organ of the country, and is responsible for the direction and supervision of the judicial work of all the judicial organs." The Procurator General's Office is responsible "for the strict observance of the laws by all government

institutions and government functionaries as well as nationals of the country."

The Common Program declares that the people of the republic shall have "freedom of thought, speech, publication, assembly, association, correspondence, person, domicile, movement from one place to another, religious belief and freedom to hold processions and demonstrations." But it also states that "reactionary elements, feudal landlords, and bureaucratic capitalists in general must, according to law . . . be deprived of their political rights for a necessary period after they have been disarmed and the special power abolished." In other words, civil liberties are to be granted only to those who abide by the dictates of the Communist-dominated regime, as in the Soviet Union and the Communist states of eastern Europe.

In October the Consultative Conference selected the first members of the Central Council. Mao Tse-tung was named chairman, and three other members of the inner circle of the party, Chu Teh, Liu Shao-Chi, and Kao Kang, became deputy chairmen. Three non-Communist deputies also were named: General Li Chi-sen, chairman of the Kuomintang Revolutionary Committee, Chang Lan, chairman of the Democratic League, and Madam Sun Yat-sen. More than half of the remaining members of the Council were listed as non-Communists. Subsequently the Central Council, at one of its first sessions, appointed the members of the State Administrative Council. Chou En-lai was named premier and minister of foreign affairs. Communists secured the other most important appointments, including the key portfolios of public security, interior, finance, trade, heavy industries, fuel, textiles, food, railways, and labor, as well as the secretary generalship of the Council. Shortly thereafter the Soviet Union formally recognized the People's Republic of China and severed diplomatic relations with the Nationalist regime.

CONCLUSION

The establishment of a national Communist regime leaves unanswered the question of China's future. The huge tasks of social, economic, and political reconstruction remain after bitter years of destructive warfare and internecine struggle. Communist success in large measure resulted from the disruptive influences of the

war years. Kuomintang authority was weakened and social and economic forces got out of control. Capitalizing upon these conditions, the Communists assumed the leadership in the national revolution which the Kuomintang allowed to go by default. But the fundamental problem remains one of increasing the productive capacity of the nation and of raising the standard of living of its people. The student will observe that the Communists' agrarian program, which certainly contributed much to their rise to power, does not in itself solve the basic relationship of supply to demand. Redistribution of the land, no matter how effective a device for social or political change, cannot be expected to have a marked effect upon over-all output. This poses the question whether the Communists, having gained control of the mechanisms of the state, might not proceed toward some form of collectivization in order to obtain increased production. Having come to power in rural areas, they have had little experience with large-scale industry, transportation, and foreign trade. Like the Nationalists, they must cope with the difficulties of inflation, and lack of the requisite capital for industrial expansion. Only if they can solve these problems, where the Nationalists failed, can the Communists be expected to retain their predominant position. It is unlikely that even unlimited support and aid from the Soviet Union could maintain them in power unless internal conditions improve. Mao Tse-tung himself warned that the task of consolidating power was far more difficult than that of acquiring power.[20]

Authoritarian Rule. Under both the Nationalist and Communist regimes modern Chinese government has exhibited the characteristics of authoritarian dictatorship. Control of public affairs in each has been retained by a single party, which has tolerated no opposition and which itself has been dominated by a relatively small ruling elite. Each party has justified its exclusive position, declaring that it has represented the interests of the people. In China, of course, conditions have been entirely unsuited to the operation of institutions of representative government. But in each case the ruling group within the party has employed censorship, propaganda, special privilege, and even terrorism to hold its exclusive position. Moreover, each party has relied upon military power, organized in a modern army loyal to its leaders, for extension and maintenance of its political leadership. The actual ad-

[20] *The New York Times*, Oct. 6, 1949.

ministrative machinery of government has been completely subordinated to party and army.

To a very considerable degree both the Nationalists and Communists have perpetuated, in modern form, the theory and practice of political absolutism which prevailed in Imperial China. Under the Imperial system, as was described at page 723, the central regime was supreme. It will be recalled, however, that this principle was tempered by practical limits upon political authority, limits which operated both territorially and functionally. So too, modern dictatorship in China has been tempered by prevailing conditions and habits. In the case of the Nationalists, the government was a dictatorship in the sense that it represented control by a narrow, ruthless oligarchy which tolerated no opposition and which utilized all the resources at its disposal to suppress opposition and maintain its position. Likewise, the Communist regime is just as much a dictatorship, the inclusion of non-Communist representatives in the organs of the People's Republic notwithstanding.

But in the more practical sense the government of Chiang Kai-shek, like that of Imperial China, was not a dictatorship. A dictatorship, strictly speaking, is a government which can apply its authority at will. Chiang's government was not able to do this; its authority, even at the peak of its power, was not unlimited. On the contrary, many phases of Chinese life remained beyond the reach of government, as they did under the empire. And in many provinces, the Nationalists had to bargain with strong military and political figures, who retained much local autonomy. It was not that the Kuomintang government did not wish to exercise absolute authority in all matters throughout the nation; it was simply that it did not possess the ability to do so. Its power was spread thin over the vast geographical expanse of China. The Kuomintang and its national government were without the administrative machinery and the technical resources of a modern state, conditions which in Italy, Germany, and the Soviet Union made possible the operation of modern dictatorship. China remains for the most part a primitive agricultural nation in which most of the people live in small rural villages. In these villages, as already indicated, much of the ancient pattern of life remains.

The question remains whether there will exist a similar blending of theoretical absolutism and practical limit upon authority in Communist China. The physical, economic, and social factors

which prevented the Nationalists from maintaining a tight dictatorship remain and likewise will affect the Communist government. The Communists are attempting to overcome these factors with an even more highly disciplined party and army and by economic and social reconstruction throughout the nation.

Time alone will tell whether the Communists can provide the answers to China's problems. In the meantime it is certain that the Chinese people have lost what opportunity they may have had for advancement toward political democracy. Whether they will achieve economic security is yet to be seen.[21]

READINGS

There is considerably less literature in English available to the student who wishes to investigate Chinese Communism than is the case for the Nationalist movement and government. The few foreign observers who have visited Communist areas and who have written of their experiences have been for the most part journalists. Among the reports of these individuals, all of whom are to some degree at least sympathetic to the Communists, the following are recommended.

Belden, Jack, *China Shakes the World* (New York, 1949). Written with much power and emotion. The author visited Communist areas in 1947.

Epstein, Israel, *The Unfinished Revolution in China* (Boston, 1947).

Forman, Harrison, *Report from Red China* (New York, 1945).

Snow, Edgar, *Red Star Over China* (New York, 1938). This book, one of the first on Chinese Communism to appear, has become a minor classic. While no longer up to date, it contains a wealth of information on the early development of Communism and on its leaders.

Stein, Guenther, *The Challenge of Red China* (New York, 1945).

The second group of titles includes publications written by foreigners who spent relatively long periods living among the Communists.

Band, Claire, and William Band, *Two Years with the Chinese Communists* (New Haven, 1948). The authors, former teachers at Yen-

[21] For a recent evaluation of Communist China, see Bodde, Derk, "Report on Communist China," *Far Eastern Survey*, Vol. XVIII (Nov. 16, 1949), pp. 265–69.

ching University, Peiping, escaped across the Japanese lines and spent 1942 and 1943 in Communist areas.

Carlson, Evans F., *Twin Stars over China* (New York, 1940). An account by the well-known American marine colonel of his experiences with the Chinese guerrilla armies.

Smedley, Agnes, *Battle Hymn of China* (New York, 1943). The author, an American, has spent many years in Communist China and has been one of its most sympathetic advocates among foreign authors.

Strong, Anna Louise, *The Chinese Conquer China* (Garden City, 1949). Following her stay in Communist China, the author was expelled from the Soviet Union, although she had long been known as very sympathetic to the Chinese Communists.

Very little of the writings of Chinese Communists are available in English. The publication of the collected works of Mao Tse-tung, in English translation, has been announced for 1950 by International Publishers, New York. The footnote on page 784 directs the student to translations of Mao's *China's New Democracy*.

Two United States government publications which are of value in interpreting Chinese Communism are:

Department of State, *United States Relations with China* (the White Paper), Publication 3573 (Washington, 1949).

United States Congress, House of Representatives, Committee on Foreign Affairs, *Communism in China*, Supplement III-C, Report on the Strategy and Tactics of World Communism, (Washington, 1948). See also the review of this report by Michael F. M. Lindsay, in *Pacific Affairs*, Vol. XXII (March 1949), pp. 71–75.

The student wishing to keep himself informed of current developments must rely upon periodical and newspaper articles. In this connection the journals listed in the Readings for Chapter 31 are of particular interest.

APPENDIX

THE CONSTITUTION OF THE FRENCH REPUBLIC[1]

PREAMBLE

On the morrow of the victory of the free peoples over the regimes that attempted to enslave and degrade the human person, the French people proclaims again that every human being, without distinction of race, religion or belief, possesses inalienable and sacred rights. It solemnly reaffirms the freedoms of man and of the citizen consecrated by the declaration of rights of 1789 and the fundamental principles recognized by the laws of the Republic.

It proclaims, moreover, as particularly necessary in our time, the following political, economic and social principles.

The law guarantees to women in all domains equal rights with those of man.

Anyone persecuted because of his acts in favor of liberty has the right of asylum on the territories of the Republic.

Every one has the duty to work and the right to obtain employment. No one may suffer in his work or his employment by reason of his origins, his opinions or his beliefs.

Every man may defend his rights and interests by trade-union action and may join the union of his choice.

The right to strike is exercised within the framework of the laws that govern it.

Every worker, through his delegates, participates in collective bargaining on working conditions as well as in the management of business.

All property and all businesses whose exploitation has acquired the characteristics of a national public service or a monopoly in fact should become the property of the community.

[1] From *The New York Times*, September 21, 1946. Adopted by a popular referendum October 13, 1946, by a vote of approximately 9,200,000 to 7,790,000, it has since served as the constitutional basis of French government, but may be subject to amendment during the course of the next few years.

The nation assures to the individual and to the family the conditions necessary to their development.

It guarantees to all, and notably to the child, to the mother and to aged workers, protection for health, material security, rest and leisure.

Every human being who, by reason of his age, physical or mental condition or economic situation, finds himself incapable of work has the right to obtain from the community the means of decent living.

The nation proclaims the solidarity and equality of all French citizens with regard to the burden resulting from national calamities.

The nation guarantees equal access of the child and the adult to instruction, to vocational training and to culture. The organization of free and secular public education at all stages is a duty of the state.

The French Republic, faithful to its traditions, conforms to the rules of international law. It will undertake no war with a view to conquest and will never employ its forces against the liberty of any people.

On condition of reciprocity, France consents to the limitations of sovereignty necessary to the organization and defense of peace.

France forms with the peoples overseas a union founded on the equality of rights and duties without distinction of race or religion.

The French Union is composed of nations and peoples placing in common, or coordinating, their resources and their efforts to develop their civilization, to increase their well-being and to assure their security.

Faithful to her traditional mission, France proposes to guide the peoples for whom she has assumed responsibility toward freedom to govern themselves and democratically to manage their own affairs; putting aside all systems of colonization founded on arbitrary power, she guarantees to all access to public office and the exercise of the individual or collective rights and liberties proclaimed or confirmed above.

INSTITUTIONS OF THE REPUBLIC

Title 1. Sovereignty

Article 1. France is a republic—indivisible, secular, democratic and social.

Article 2. The national emblem is the tri-color flag—blue, white and red—in three vertical bands of equal dimensions.

The national hymn is the "Marseillaise."

The motto of the republic is: "Liberty, Equality, Fraternity."

Its principle is: government of the people, for the people and by the people.

Article 3. The national sovereignty belongs to the French people.

No section of the people nor any individual may assume its exercise.

The people in constitutional matters act by the vote of their representatives and by the referendum.

In all other matters they exercise sovereignty through their deputies in the National Assembly, elected by universal, equal, direct and secret suffrage.

Article 4. Under conditions determined by the law, all French nationals who are majors of both sexes enjoying their civil and political rights are voters.

Title 2. The Parliament

Article 5. The Parliament is composed of the National Assembly and the Council of the Republic.

Article 6. The duration of the powers of each Assembly, its mode of election, the conditions of eligibility, the basis of ineligibilities and incompatibilities are fixed by the law.

However, the two chambers are elected on a territorial basis—the National Assembly by universal direct suffrage, the Council of the Republic by the communal and departmental units by universal indirect suffrage.

The Council of the Republic is renewable, one half at a time.

Nevertheless, the National Assembly may itself elect by proportional representation councilors whose number shall not exceed one-sixth of the total number of members of the Council of the Republic.

The number of members of the Council of the Republic may not be less than one third or more than half the number of members of the National Assembly.

Article 7. War may not be declared without a vote of the National Assembly and concurrence in advance by the Council of the Republic.

Article 8. Each of the two Chambers is the judge of the eligibility of its members and of the regularity of their election; it alone may receive their resignations.

Article 9. The National Assembly convenes by right in annual session on the second Tuesday of January.

The total duration of interruptions of the session may not exceed four months. Any adjournments of sittings of more than ten days are considered as interruptions.

The Council of the Republic sits at the same time as the National Assembly.

Article 10. The sittings of the two Chambers are public. Reports of debates in extenso, as well as the parliamentary documents, are published in the Official Journal. Each of the two Chambers may convene as a secret committee.

Article 11. Each of the two Chambers elects its secretariat each year at the beginning of the session in accordance with the proportionate representation of the party groups.

When the two Chambers meet together to elect the President of the Republic, their secretariat is that of the National Assembly.

Article 12. When the National Assembly is not sitting, its secretariat, checking on the actions of the Cabinet, may convoke the Parliament; it must do this on the request of one third of the deputies or on that of the Premier.

Article 13. The National Assembly alone may vote the laws. It may not delegate this right.

Article 14. The Premier and members of Parliament have the initiative in legislation.

Bills and Proposed laws formulated by the members of the National Assembly are tabled with its secretariat.

The proposals framed by the members of the Council of the Republic are tabled with its secretariat and transmitted without debate to the secretariat of the National Assembly. These may not be received when they would have as a consequence the reduction of receipts or the creation of new outlays.

Article 15. The National Assembly studies the projects and proposals submitted it in its committees, of which it fixes the number, composition and competence.

Article 16. The budget proposal is submitted to the National Assembly.

This law must include only strictly financial dispositions.

An organic law will regulate the method of presentation of the budget.

Article 17. The Deputies of the National Assembly possess the initiative in expenditures.

However, no proposal for increasing expenditures or creating new expenditures may be presented during the discussion of the budget or of prospective or supplementary credits.

Article 18. The National Assembly supervises the accounts of the nation.

In this it is assisted by an accounting court. The National Assembly may entrust to the accounting court any inquiries or studies connected with public revenues and expenses or the management of the treasury.

Article 19. Amnesty may be accorded only by law.

Article 20. The Council of the Republic examines proposed laws voted on first reading by the National Assembly.

It gives its opinion at the latest within two months after a measure is sent to it by the National Assembly.

When a budget law is involved, this delay is reduced, if desirable, to such an extent as not to exceed the time expended by the National Assembly in its examination and vote. When the National Assembly has decided on an urgent procedure, the Council of the Republic gives its advice in the same time as that provided for discussion in the National Assembly in settlement of the matter. The delays provided in the pres-

ent article are suspended during interruptions of the session. They may be prolonged by a decision of the National Assembly.

If the advice of the Council of the Republic conforms, or if it has not been given within the period provided in the preceding part, the law is promulgated as voted by the National Assembly.

If its advice does not conform, the National Assembly examines the project or proposal for a law in a second reading. It determines definitively and in sovereign right the amendments submitted by the Council of the Republic, accepting or rejecting them in whole or in part. In case of total or partial rejection of these amendments, the vote in the second reading takes place by public ballot by an absolute majority of the members composing the National Assembly, when the vote on the whole has been expressed by the Council of the Republic under the same conditions.

Article 21. No member of Parliament may be prosecuted, arrested, detained or judged on the basis of opinions or votes expressed by him in the exercise of his functions.

Article 22. No member of Parliament may, during his term of office, be prosecuted or arrested for a criminal offense except with the authorization of the Chamber to which he belongs, except in case of a major crime. The detention or prosecution of a member of Parliament is suspended if the Chamber to which he belongs requests it.

Article 23. Members of Parliament receive compensation fixed in relation to a grade of civil servants.

Article 24. No one may belong at the same time to the National Assembly and the Council of the Republic. Ministers of Parliament may not be members of the Economic Council or of the Assembly of the French Union.

Title 3. The Economic Council

Article 25. An Economic Council whose status is fixed by law examines and advises on proposed laws in its domain. These proposed laws are submitted to it by the National Assembly before the Assembly discusses them.

The Economic Council may also be consulted by the Cabinet. It must be so consulted on the adoption of a national economic plan for the full employment of men and the rational use of material resources.

Title 4. Diplomatic Treaties

Article 26. Diplomatic treaties duly ratified and published have the force of law, even when contrary to domestic French laws, requiring for their application no legislative acts beyond those necessary to insure their ratification.

Article 27. Treaties relative to international organization, peace trea-

ties, commercial treaties, treaties that involve state finances, those relating to the status of persons and to the property rights of French citizens abroad and those that modify French internal laws as well as those that involve the cession, exchange or addition of territory do not become definitive until after having been ratified by a law.

No cession, no exchange and no addition of territory is valid without the consent of the interested populations.

Article 28. Diplomatic treaties duly ratified and published having an authority superior to that of internal laws, their provisions may not be abrogated, modified or suspended without a previous regular denunciation notified through diplomatic channels. When one of the treaties mentioned in Article 27 is invoked, except commercial treaties, the denunciation must be authorized by the National Assembly.

Title 5. The President of the Republic

Article 29. The President of the Republic is selected by the Parliament. He is elected for seven years. He is eligible for re-election only once.

Article 30. The President of the Republic appoints in the Cabinet the Councilors of State, the Grand Chancellor of the Legion of Honor, Ambassadors and envoys extraordinary, members of the Superior Council and of the Committee of National Defense, rectors of universities, prefects, chiefs of central administration, general officers and representatives of the Government in overseas territories.

Article 31. The President of the Republic is kept informed of international negotiations.

The President of the Republic accredits Ambassadors and envoys extraordinary to foreign powers; foreign Ambassadors and envoys extraordinary are accredited to him.

Article 32. The President of the Republic presides over the Cabinet. He causes to be established and has custody of the reports of the sittings.

Article 33. The President of the Republic presides with the same attributes over the Superior Council and the Committee of National Defense and assumes the title of chief of the armies.

Article 34. The President of the Republic presides over the Superior Council of the Magistracy.

Article 35. The President of the Republic exercises the right of pardon in the Superior Council of the Magistracy.

Article 36. The President of the Republic promulgates the laws within ten days after the transmission of a law definitively adopted to the Government. This delay is reduced to five days if urgency is declared by the National Assembly.

Within the period fixed for promulgation the President of the Re-

public may, in a message, ask the two Chambers for a new deliberation, which may not be refused.

In default of promulgation by the President of the Republic within the limits fixed by the present Constitution, it shall be accomplished by the President of the National Assembly.

Article 37. The President of the Republic communicates with Parliament by messages addressed to the National Assembly.

Article 38. Each official action of the President of the Republic must be countersigned by the Premier and by a Minister.

Article 39. Fifteen days at least, and thirty days at most, before the expiration of the powers of the President of the Republic, Parliament elects a new President.

Article 40. If in the application of the preceding article the election takes place when the National Assembly is dissolved in conformity with Article 51, the powers of the President in office are extended until the election of a new President. Parliament will elect this new President within ten days after the election of a new National Assembly.

Article 41. In case of disability noted by a vote of Parliament or in case of vacancy through death, resignation or any other cause, the President of the National Assembly provisionally assumes interim functions of the President of the Republic. He will be replaced by a Vice-President.

A new President of the Republic is elected within ten days, except under the conditions mentioned in the preceding article.

Article 42. The President of the Republic may be tried only in case of high treason.

He may be placed under accusation by the National Assembly and arraigned before the High Court of Justice under the conditions provided in Article 57 below.

Article 43. The function of the President of the Republic is incompatible with any other function.

Article 44. Members of families having reigned in France are ineligible for the Presidency of the Republic.

Title 6. The Cabinet

Article 45. At the opening of each Legislature, the President of the Republic, after the customary consultations, designates the Premier.

The latter may not constitute his Cabinet until invested with the confidence of the Assembly expressed by a public vote of an absolute majority of the Deputies, except if force majeure prevents the meeting of the National Assembly.

The same procedure is followed during the sitting of the Legislature in case of vacancy through death, resignation or any other cause, with the exception cited in Article 52 below.

No ministerial crisis occurring within fifteen days of the nomination of the Ministers will count for the application of Article 51.

Article 46. The Premier and the Ministers chosen by him are named by a decree of the President of the Republic.

Article 47. The Premier assures the execution of the laws. He appoints all civil and military officials except those referred to in Articles 30, 46, and 84.

The Premier assures the high direction of the armed forces and coordinates the putting into operation of the national defense.

The acts of the Premier mentioned in the present article are countersigned by the interested Ministers.

Article 48. The Ministers are collectively responsible to the National Assembly for the general policy of the Cabinet and individually for their personal actions.

They are not responsible to the Council of the Republic.

Article 49. A question of confidence may not be placed except after deliberation by the Cabinet; it may not be placed except by the Premier.

The vote on a question of confidence may not take place until a whole day after it has been placed before the Assembly. It takes place by public vote.

Confidence may not be refused to the Cabinet except by an absolute majority of the Deputies of the Assembly.

This refusal entails the collective resignation of the Cabinet.

Article 50. The voting of a motion of censure by the National Assembly entails the collective resignation of the Cabinet.

This vote cannot occur until a full day after the deposit of the motion. It takes place by public ballot.

The motion of censure may not be adopted except by an absolute majority of the Deputies of the Assembly.

Article 51. If in the same period of eighteen months two Ministerial crises occur under the conditions mentioned in Articles 49 and 50, the dissolution of the National Assembly may be decided by the Cabinet after the advice of the President of the Assembly. The dissolution shall be pronounced in conformity with this decision by a decree of the President of the Republic.

The dispositions of the preceding paragraph are applicable only after the expiration of the first eighteen months of the legislature.

Article 52. In case of dissolution, the Cabinet, except the Premier and the Minister of the Interior, remains in office for the dispatch of current affairs.

The President of the Republic designates the President of the National Assembly as Premier. The latter designates a new Minister of

the Interior in agreement with the secretariat of the National Assembly. He designates as Ministers of State members of the groups not represented in the Government.

General elections take place at least twenty days and not more than thirty days after the dissolution.

The National Assembly convenes by right on the third Thursday after its election.

Article 53. The Ministers have access to the two Chambers and their committees. They must be heard when they request it.

They may have themselves invited to participate in discussions before the Chambers by committee members designated by the latter.

Article 54. The Premier may delegate his powers to a Minister.

Article 55. In case of vacancy through death or for any other reason, the Cabinet designates one of its members to exercise provisionally the functions of Premier.

Title 7. The Penal Responsibility of Ministers

Article 56. Ministers are responsible penally for crimes and offenses committed in the exercise of their functions.

Article 57. Ministers may be placed under accusation by the National Assembly and ordered before the High Court of Justice.

The National Assembly decides by secret ballot and in accordance with an absolute majority of the members of which it is composed, except those who are participating in the prosecution in the inquiry or in judgment.

Article 58. The High Court of Justice is elected by the National Assembly at the opening of each legislature.

Article 59. The organization of the High Court of Justice and its procedure are determined by a special law.

Title 8. The French Union

SECTION I. PRINCIPLES

Article 60. The French Union is formed on the one hand by the French Republic, which includes metropolitan France and the departments and territories overseas; and on the other hand by the territories or associated states.

Article 61. The situation of the associated states in the French Union depends for each of them on the act that defines its relations with France.

Article 62. The members of the French Union place in common their entire means for guaranteeing the whole of the Union. The Government of the Republic assumes the coordination of these means and the direction of policy suitable for preparing and assuming this defense.

SECTION II. ORGANIZATION

Article 63. The central organs of the French Union are: The Presidency, the High Council and the Assembly.

Article 64. The President of the Republic is the President of the French Union, whose permanent interests he represents.

Article 65. The High Council of the French Union is composed, under the presidency of the President of the Union, of a delegation of the French Government and the representation that each of the associated States has the power to accredit to the President of the Union.

It has the function of assisting the Government in the general conduct of the Union.

Article 66. The Assembly of the French Union is composed half of members representing metropolitan France and half of members representing the overseas departments and territories and the associated States.

An organic law shall determine the conditions under which the different parts of the populations will be represented.

Article 67. The members of the Assembly of the Union are elected by territorial assemblies with respect to overseas departments and territories; they are elected in metropolitan France to the number of two-thirds by members of the National Assembly representing the home country and to the number of one third by members of the Council of the Republic representing the home country.

Article 68. The associated States may designate delegates to the Union Assembly within the limits and conditions fixed by an internal law and act in each State.

Article 69. The President of the French Union convokes the Assembly of the French Union and closes its sessions. He must convoke it on the demand of half its members.

The Assembly of the French Union may not sit during interruptions of sessions of Parliament.

Article 70. The rules of Articles 8, 10, 21, 22, and 23 are applicable to the French Union under the same conditions as to the Council of the Republic.

Article 71. The Assembly of the French Union receives projects or proposals that are submitted for its opinion by the National Assembly or the Government of the French Republic or the governments of associated States.

The Assembly is qualified to pronounce on resolutions submitted to it by one of its members and, if they are taken into consideration, to instruct its secretariat to transmit them to the National Assembly. It may make proposals to the French Government and to the High Council of the French Union.

To be admissible, the resolutions referred to in the preceding paragraph must relate to legislation concerning overseas territories.

Article 72. In the overseas territories the legislative power belongs to Parliament as concerns criminal legislation, the regime of public liberties and political and administrative organization.

In all other matters French law is applicable in the overseas territories only by special order or if it has been extended by decree to the overseas territories after consultation with the Assembly of the Union.

Moreover, as an exception to Article 13, special disposition may be applied by edict to each territory by the President of the Republic in the Cabinet with the advice of the Assembly of the Union.

SECTION III. DEPARTMENTS AND OVERSEAS TERRITORIES

Article 73. The legislative regime of the overseas departments is the same as that of metropolitan departments save for exceptions fixed by law.

Article 74. The overseas territories are endowed with special status taking into account their special interests in the general interests of the Republic.

This status and the interior organization of each overseas territory or each group of territories are fixed by law after the advice of the Assembly of the French Union and consultation with the territorial assemblies.

Article 75. The respective status of members of the Republic and of the French Union are susceptible to evolution.

Modifications of the status and passage from one category to another within the framework set by Article 40 may result only from a law voted by Parliament after consultation with the territorial assemblies and the Assembly of the Union.

Article 76. The representative of the Government in each territory or group of territories is the depository of the powers of the Republic. He is the chief of the administration of the territory.

He is responsible for his acts to the Government.

Article 77. In each territory an elected assembly is instituted. The electoral regime and the composition and competence of the Assembly are fixed by law.

Article 78. In groups of territories the management of common interests is confided to an Assembly composed of members elected by the territorial Assemblies. Its composition and powers are fixed by law.

Article 79. The overseas territories elect representatives to the National Assembly and the Council of the Republic under conditions determined by law.

Article 80. All natives of overseas territories have the status of citizens with the same standing as French citizens of metropolitan France

or of overseas territories. Special laws will establish the conditions under which they will exercise their rights of citizenship.

Article 81. All French natives and natives of the French Union are citizens of the French Union, which assures them the enjoyment of the rights and liberties guaranteed by the preamble of the present Constitution.

Article 82. Those citizens who have not French civil status will preserve their personal status as long as they have not renounced it. This status cannot in any case constitute a motive for refusing or limiting the rights and liberties pertaining to the status of French citizen.

Title 9. The Superior Council of the Magistracy

Article 83. The Superior Council of the Magistracy is composed of fourteen members: the President of the Republic, presiding; the Keeper of the Seals or Minister of Justice, vice-president; six persons elected for six years by the National Assembly by a two-thirds majority and chosen outside its membership, and six alternates elected under the same conditions; six persons designated as follows: four magistrates elected for six years each, representing a category of magistrates under conditions prescribed by law, and four alternates elected under the same conditions; two members designated for six years by the President of the Republic outside Parliament and the magistracy but from the judiciary professions, and two alternates designated under the same conditions.

The decisions of the Superior Council of the Magistracy are taken by a majority. In case of a tie vote, that of the President is deciding.

Article 84. The President of the Republic appoints magistrates from a list submitted by the Superior Council of the Magistracy, except those of the public prosecutor's office.

The Superior Council of the Magistracy assures, in conformity with the law, the discipline of its magistrates, their independence, and the administration of judiciary tribunals. The presiding magistrates are not removable.

Title 10. Local Government Units

Article 85. The French Republic, one and indivisible, recognizes the existence of local government units. These units are communes, *departements* and overseas territories.

Article 86. The framework, the scope and the eventual regrouping of communes, departments and overseas territories are fixed by law.

Article 87. Local government units freely administer themselves through Councils elected by universal suffrage. The execution of the decisions of these Councils is assured by their Mayors or their Presidents.

Article 88. The coordination of the activities of state officials, the representation of the national interests and the administrative supervision of local government units are assured within the departments by the delegates of the Government designated by the Cabinet.

Article 89. Organic laws will extend departmental and municipal liberties; they may provide for certain large town structures and manners of functioning that differ from those of small communes and that entail special dispensations for certain departments; they will determine the conditions of application of Articles 85–88 above.

Laws will likewise determine the conditions under which local services of central administrations will function in order to bring the administration closer to the people.

Title 11. The Revision of the Constitution

Article 90. Revision takes place in the following manner

Revision is to be decided by a resolution adopted by an absolute majority of the members composing the National Assembly.

The resolution stipulates the object of the revision.

After at least three months it undergoes a second reading under the same conditions, unless the Council of the Republic, to which the resolution has been referred by the National Assembly, has adopted by an absolute majority the same resolution.

After the second reading, the National Assembly drafts a bill for the revision of the Constitution. This bill is submitted to Parliament and voted by a majority in the manner of an ordinary law.

It is submitted to a referendum unless it has been adopted on a second reading by the National Assembly by a majority of two thirds or been voted by a majority of three fifths by each of the two houses.

No constitutional revision touching the existence of the Council of the Republic can be made without the concurrence of that Council or resort to a referendum.

The bill is promulgated as constitutional law by the President of the Republic within eight days of its adoption.

Article 91. The constitutional committee is presided over by the President of the Republic.

It includes the President of the National Assembly, the President of the Council of the Republic, seven members elected by the National Assembly at the beginning of each annual session by proportional representation of groups and chosen outside its membership, and three members elected under the same conditions by the Council of the Republic.

The constitutional committee determines whether laws voted by the National Assembly entail a revision of the constitution.

Article 92. In the period allowed for the promulgation of the law,

the committee receives a joint request from the President of the Republic and the President of the Council of the Republic, the Council having decided by an absolute majority of its members. The committee examines the law, strives for agreement between the National Assembly and the Council of the Republic and, if it does not succeed, takes its decision within five days from its receipt of the request. This period may be reduced to two days in case of urgency.

It is competent to decide on the possibility of revision of only Titles 1 to 10 of the present Constitution.

Article 93. A law that, in the opinion of the committee, entails a revision of the Constitution is sent back to the National Assembly for further consideration.

If Parliament adheres to its original vote, the law may not be promulgated until the Constitution has been revised in the manner provided in Article 82.

If the law is considered in conformity with the provisions of Titles 1 to 10 of the present Constitution, it is promulgated within the period provided in Article 36, which period is prolonged by the addition of the periods provided in Article 92 above.

Article 94. In case of the occupation of all or part of the metropolitan territory by foreign forces, no procedure of revision may be started or continued.

Article 95. The republican form of government may not be the subject of a proposal of revision.

Title 12. Temporary Provisions

Article 96. A secretariat of the National Constituent Assembly is charged with assuring the permanence of national representation until the meeting of the deputies of the new National Assembly.

Article 97. In case of exceptional circumstances, the deputies belonging to the National Constituent Assembly may, until the date provided in the preceding article, be called into session by the secretariat either on their own initiative or at the request of the Government.

Article 98. The National Assembly will meet with full authority on the third Thursday after the general elections. The Council of the Republic will meet on the third Tuesday after its election. The present constitution will take effect from that date.

Until the meeting of the Council of the Republic, the organization of public powers will be determined by the law of Nov. 2, 1945, the National Assembly having the attributes conferred by that law on the National Constituent Assembly.

Article 99. The Provisional Government formed under Article 98 will hand its resignation to the President of the Republic on his elec-

tion by Parliament under the conditions fixed by Article 49 above.

Article 100. The secretariat of the National Constituent Assembly is charged with preparing the meeting of the Chambers created by the present constitution and providing for them, before the meeting of their respective secretariats, the meeting places and administrative facilities necessary to their functioning.

Article 101. During a period of not more than one year dating from the meeting of the National Assembly, the Council of the Republic may officially deliberate when two thirds of its members have been proclaimed elected.

Article 102. The first Council of the Republic will be renewed entirely in the year after the renewal of the municipal councils, which shall take place within one year dating from the promulgation of the constitution.

Article 103. Until the organization of the Economic Council and during a maximum period of three months dating from the meeting of the National Assembly, the application of Article 25 of the present constitution shall be suspended.

Article 104. Until the meeting of the Assembly of the French Union and during a maximum period of one year dating from the meeting of the National Assembly, the application of Articles 71 and 72 of the present constitution shall be suspended.

Article 105. Until the promulgation of the laws provided for in Article 89 of the present constitution and without prejudice to measures fixing the status of various *departements* and overseas territories, the *departements* and communes of the French Republic will be administered in conformity with existing laws except for Paragraphs 2 and 3 of Article 97 of the law of April 5, 1884, for the application of which the police of the state shall be placed at the disposal of mayors.

Nevertheless, the acts of the prefect in his capacity as representative of the *departement* will be carried out by him under the permanent supervision of the president of the departmental assembly.

The provisions of the preceding paragraph are not applicable to the Department of the Seine.

Article 106. The present constitution will take effect on the day of the meeting of the National Assembly. The National Assembly will meet with full authority on the third Thursday after the general elections.

Until the first meeting of the Council of the Republic, the organization of public powers will continue to be determined by the constitutional law of October 21, 1945, the National Assembly taking the place of the Constituent Assembly.

Article 107. The present constitution will be promulgated by the

President of the Provisional Government of the Republic within two days after the date of the proclamation of the results of the referendum and in the following form: "The National Constituent Assembly had adopted, the French people have approved and the President of the Provisional Government of the Republic promulgates the Constitution that follows: (the text of the Constitution)."

THE CONSTITUTION OF ITALY[1]

FUNDAMENTAL PRINCIPLES

Article 1. Italy is a democratic Republic founded on labor.

Sovereignty belongs to the people, who exercise it within the forms and limits of the Constitution.

Article 2. The Republic recognizes and guarantees the inviolable rights of man, whether as an individual or in social groups through which his personality develops, and requires the fulfilment of inalienable duties of political, economic, and social solidarity.

Article 3. All citizens have equal social dignity and are equal before the law, without distinction of sex, of race, of language, of religion, of political opinion, of personal and social condition.

It is the task of the Republic to remove the obstacles of an economic and social order which, limiting in fact the liberty and equality of citizens, prevent the full development of the human personality and the effective participation by all workers in the political, economic, and social organization of the country.

Article 4. The Republic recognizes the right of all citizens to work and promotes the conditions which render this right effective.

Every citizen has the duty to develop, according to his own capabilities and his own choice, an activity or function which contributes to the material or spiritual progress of society.

Article 5. The Republic, one and indivisible, recognizes and promotes local autonomy; it gives effect to the most ample administrative decentralization in the services which depend on the state; it adjusts the principles and the methods of its legislation to the requirements of autonomy and decentralization.

Article 6. The Republic protects linguistic minorities with appropriate norms.

Article 7. The state and the Catholic Church are, each in its own order, independent and sovereign.

[1] Department of State, *Documents and State Papers*, Vol. I, No. 1 (April 1948), pp. 46–63. The Constitution was approved by the National Assembly, December 22, 1947.

Their relationships are regulated by the Lateran Pacts. Modifications of the pacts, which have been accepted by the two parties, do not require the procedure of constitutional amendment.

Article 8. All religious confessions are equally free before the law.

Religious confessions other than the Catholic have the right to organize according to their own statutes, in so far as they do not conflict with the Italian juridical order.

Their relationships with the state are regulated by law on the basis of agreements with the appropriate representatives.

Article 9. The Republic promotes the development of culture and scientific and technical research.

It protects the scenic beauty and the historic and artistic patrimony of the nation.

Article 10. The Italian juridical order conforms to the generally recognized norms of international law.

The juridical condition of the foreigner is regulated by law in conformity with international norms and treaties.

The foreigner, who in his own country is prevented from effectively exercising the democratic liberties guaranteed by the Italian Constitution, has the right of asylum under conditions established by law.

Extradition of the foreigner for political offenses is not admitted.

Article 11. Italy repudiates war as an instrument of offensive action against the liberty of other peoples and as a means for the resolution of international controversies; it consents, on conditions of parity with other states, to limitations of sovereignty necessary to an order for assuring peace and justice among the nations; it promotes and favors international organizations directed toward that end.

Article 12. The flag of the Republic is the Italian tricolor: green, white, and red, in three vertical bands of equal dimensions.

PART I: RIGHTS AND DUTIES OF CITIZENS

Title 1. Civil Relations

Article 13. Personal liberty is inviolable.

No form of arrest, inspection, or personal search is admitted nor any other restriction whatsoever of personal liberty, except by warrant of judicial authority and only in cases and modes provided by law.

In exceptional cases of necessity and urgency, indicated positively by law, the police authority may adopt provisional measures which must within forty-eight hours be communicated to the judicial authority and, if this authority does not within the succeeding forty-eight hours validate them, they are understood to be revoked, and they remain without any effect.

Any physical or moral violence to persons who are in any way subject to restrictions of liberty is punished.

The law establishes the maximum limits of preventive imprisonment.

Article 14. The domicile is inviolable.

Inspections or searches or distraints cannot be executed except in cases and according to methods established by law and in accordance with the guarantees prescribed for the protection of personal liberty.

Verifications and inspections for reasons of public health and safety or for economic and fiscal purposes are regulated by special laws.

Article 15. Liberty and secrecy of correspondence and of every other form of communication are inviolable.

Limitation upon them may take place only by means of a warrant of the judicial authority stating the reasons and within the guarantees established by law.

Article 16. Every citizen may move and travel freely in any part whatsoever of the national territory, except for generally applicable limitations which the law establishes for reasons of health or security. No restrictions may be determined by political reasons.

Every citizen is free to leave the territory of the Republic and to return to it, subject only to legal obligations.

Article 17. Citizens have the right to assemble peacefully and without arms.

Notice is not required for meetings even in places open to the public. For meetings in public [private] places, notice shall be given to the authorities who may forbid them only for well-established reasons of public security or safety.

Article 18. Citizens have the right to meet freely, without authorization, for whatever purposes are not forbidden to individuals by the penal laws.

Secret associations are prohibited, and those which pursue even indirectly military aims by means of organizations of military character.

Article 19. All have the right freely to profess their own religious faith in whatever form, individual or collective; to propagate it and to conduct worship in private or in public, provided this does not involve rites contrary to morality.

Article 20. The ecclesiastical character and religious purpose or the purpose of worship of an association or institution may not be the cause of special legislative restrictions or of special fiscal burdens upon its constitution, its legal capacity, or any form of its activity.

Article 21. Everyone has the right freely to manifest his own thought by word, by writing, and by every other means of dissemination.

The press may not be subjected to authorization or censure.

A distraint may be exercised only by warrant of judicial authority with statement of reasons in case of crimes, for which the press law ex-

pressly authorizes it, or in case of violation of the norms which the law itself prescribes for those designated as responsible.

In such cases, when there is absolute urgency and opportune intervention of the judicial authority is not possible, a distraint on the periodical press may be executed by police agents of the courts. These must immediately, and in any case within not more than twenty-four hours, present charges before the courts. If the judicial authority does not sustain the charge within the succeeding twenty-four-hour period, the distraint is understood to be revoked and without effect.

The law may provide, with norms of a general character, that the means by which the periodical press is financed be made known.

Printed publications, entertainments, and all other manifestations contrary to good morals are prohibited. The law establishes provisions adequate to prevent and to repress violations.

Article 22. No one may be deprived for political reasons of legal capacity, or citizenship, or of his name.

Article 23. No forced loan may be imposed on person or estate except on the basis of law.

Article 24. Everyone may act at law for the protection of his own rights and legitimate interests.

The right of defense is inviolable at every stage and level of procedure.

The poor are assured, by appropriate institutions, of the means of action and defense before any court.

The law determines the conditions and the methods of reparation for judicial errors.

Article 25. No one may be removed from his natural judge as established in advance by law.

No one may be punished except by virtue of a law in force before commission of the act.

No one may be subjected to police measures except in cases prescribed by law.

Article 26. The extradition of a citizen may be granted only when it is expressly prescribed by international conventions.

In no case may it be granted for political offenses.

Article 27. Penal responsibility is personal.

The accused is not considered guilty until final conviction.

Penalties may not consist of treatment contrary to humane feeling and must be directed toward the reeducation of the condemned.

Capital punishment is not permitted except in cases prescribed by military law of war.

Article 28. In accordance with the penal, civil, and administrative laws, the officials and agents of the state and of public bodies are

directly responsible for acts committed in violation of rights. In such cases the civil responsibility extends to the state and to public bodies.

Title 2. Ethical-Social Relations

Article 29. The Republic recognizes the rights of the family as a natural society based on marriage.

Marriage is founded on the moral and juridical equality of the parties, within the limitations established by law to guarantee the unity of the family.

Article 30. It is the duty of parents to support, instruct, and educate their children, even if born out of wedlock.

In case of incapacity of parents, the law provides who shall acquit their tasks.

The law assures to children born out of wedlock every juridical and social protection compatible with the rights of the members of the legitimate family.

The law lays down the norms and the limits for the investigation of paternity.

Article 31. The Republic, by economic measures and other provisions, facilitates the development of the family and the fulfilment of the tasks pertinent thereto, with particular regard to large families.

It protects maternity, infancy, and youth, favoring the institutions necessary for this aim.

Article 32. The Republic protects health as a fundamental right of the individual and as an interest of society and guarantees free care to the indigent.

No one may be obliged to undergo a given treatment for illness except by provision of the law. In no case may the law violate the limits imposed by respect for the human personality.

Article 33. The freedom of art and science and freedom of instruction in them is affirmed.

The Republic lays down general standards for instruction and institutes state schools of all orders and grades.

Organized groups and private persons have the right to establish schools and educational institutions without burden to the state.

The law, in fixing the rights and obligations of non-state schools which request parity, must assure full liberty to them and must assure to their students a scholastic treatment equipollent to that of students of the state schools.

A state examination is required for admission to the various orders and grades of school, or for passing any of them, and in order to qualify for practice of a profession.

Institutions of higher learning, universities and academies, have the

right to give themselves autonomous regulations within limits established by the laws of the state.

Article 34. The school is open to all.

Elementary instruction, imparted for at least eight years, is obligatory and gratuitous.

Those of capacity and merit, even if without means, have the right to attain the highest grades of study.

The Republic renders this right effective by means of scholarships, allowances to families, and other aids which must be assigned by competition.

Title 3. Economic Relations

Article 35. The Republic protects labor in all its forms and applications.

It looks after the development and the professional advancement of workers.

It promotes and favors international agreements and organizations designed to affirm and regulate the rights of labor.

It recognizes freedom of emigration, except for obligations established by law in the general interest, and it protects Italian labor abroad.

Article 36. The worker has the right to a compensation proportionate to the quantity and quality of his labor and in any case sufficient to assure him and his family a free and dignified existence.

The maximum length of the work day is established by law.

The worker has the right to a weekly rest and to annual paid vacations and may not renounce them.

Article 37. The working woman has the same right and, for equal labor, receives the same compensation as the working man. The conditions of labor must permit the fulfilment of her essential functions in the family and assure to mother and child a special adequate protection.

The law establishes the minimum age for paid labor.

The Republic protects the labor of minors with special norms and guarantees to them, for equal work, the right to equal wages.

Article 38. Every citizen unable to work and deprived of the means necessary to live has the right to support and to social assistance.

Laborers have the right to provisions and assured means adequate to their living requirements in case of accident, sickness, disability and old age, and involuntary unemployment.

Those unable to work and the disabled have the right to education and to a beginning in a profession.

Organs and institutions established or assimilated by the state provide for the fulfilment of the tasks contemplated in this article.

The freedom of private charity is affirmed.

Article 39. The organization of trade unions is free.

No other obligation may be imposed on a trade union except that of registering at local or central public offices, in accordance with the norms established by law.

A condition for registration is that the statutes of the unions sanction an internal organization on a democratic basis.

Registered trade unions have legal personality. They may, being represented as units in proportion to their membership, stipulate collective labor contracts with obligatory efficacy for all those members of the category of labor to which the contract refers.

Article 40. The right to strike is exercised within the sphere of the laws which regulate it.

Article 41. Private economic initiative is free.

This may not develop in conflict with social utility or in such a manner as to cause damage to security, to liberty, to human dignity.

The law determines the appropriate programs and controls in order that public and private economic activity may be directed and coordinated toward social ends.

Article 42. Property is public or private. Economic goods belong to the state, to organized groups, or to individuals.

Private property is recognized and guaranteed by law, which determines the methods of its acquisition and enjoyment and the limitations designed to assure its social functioning and render it accessible to all.

In cases prescribed by law, and on the basis of compensation, private property may be expropriated for reasons of general interest.

The law establishes the norms and limits of legitimate and testamentary succession and the rights of the state in inheritance.

Article 43. For the purpose of general utility the law may originally reserve or may transfer, by means of expropriation and with indemnity, to the state, to public bodies, or to communities of workers or of utilizers, specified enterprises or categories of enterprises which relate to essential public services or to sources of energy or to situations of monopoly and which have a character of preeminent general interest.

Article 44. For the purpose of securing a rational exploitation of the soil and of establishing just social relationships, the law imposes obligations and restrictions on private property in land; it fixes limits to its extension according to the region and agrarian zone; it promotes and requires reclamation, the transformation of latifundia, and the reconstitution of productive units; it aids the small and medium-scale proprietor.

The law frames provisions in favor of the mountainous zones.

Article 45. The Republic recognizes the social function of coopera-

tion conducted on the basis of mutuality and without purposes of speculation for private gain. The law promotes and favors its extension by suitable means and assures its character and permanence, subject to appropriate controls.

The law provides for the protection and development of artisanships.

Article 46. With a view to the economic and social advancement of labor and in harmony with the requirements of production, the Republic recognizes the right of workers to collaborate, in ways and within limits established by law, in the management of business enterprises.

Article 47. The Republic encourages and protects saving in all its forms; it disciplines, coordinates, and controls the administration of credit.

It favors the direction of popular savings to residential property, to property in productive land, directly cultivated, and to direct and indirect investment in the great productive enterprises of the country.

Title 4. Political Relationships

Article 48. All citizens, men and women, who have reached the age of majority, are electors.

The vote is personal and equal, free and secret. Its exercise is a civic duty.

The right to vote may not be limited except for civil incapacity or by reason of irrevocable penal sentence or in cases of moral unworthiness indicated by law.

Article 49. All citizens have the right to associate freely in political parties in order to compete by democratic methods to determine national policy.

Article 50. All citizens may submit petitions to the Chambers in order to request legislative provisions or to explain general needs.

Article 51. All citizens of either sex may hold public offices and elective positions on the basis of equality, according to requirements established by law.

The law may, for admission to public offices and to elective positions, equalize the status of Italians not belonging to the Republic with that of citizens.

Whoever is called to elective public functions has the right to devote to them the time necessary for their performance and to retain his job.

Article 52. Defense of the fatherland is a sacred duty of the citizen.

Military service is obligatory within the limits and procedures established by law. Its fulfilment does not prejudice the job of the citizen or his exercise of political rights.

The organization of the armed forces is informed by the democratic spirit of the Republic.

Article 53. All are bound to contribute to public expenses in proportion to their taxable capacity.

The system of taxation conforms to the criteria of progressivity.

Article 54. All citizens are in duty bound to be faithful to the Republic and to observe its Constitution and laws.

Citizens to whom public offices are entrusted are bound to perform their official duties with discipline and honor, swearing an oath in cases established by law.

PART II: THE ORGANIZATION OF THE REPUBLIC

TITLE 1. THE PARLIAMENT

SECTION 1. THE CHAMBERS

Article 55. The Parliament is composed of the Chamber of Deputies and of the Senate of the Republic.

The Parliament assembles in joint session of the members of the two Chambers only in cases established by the Constitution.

Article 56. The Chamber of Deputies is elected by universal and direct suffrage, in the proportion of one deputy for 80,000 inhabitants or for fractions greater than 40,000.

Eligible as deputies are all electors who on the day of election have reached their twenty-fifth birthday.

Article 57. The Senate of the Republic is elected on a regional basis.

To each Region is attributed one senator for 200,000 inhabitants or for a fraction greater than 100,000.

No Region may have a number of senators less than six. The Valle d' Aosta has a single senator.

Article 58. The Senators are elected by means of universal and direct suffrage by the electors who have attained their twenty-fifth birthday.

Those electors are eligible as senators who have attained their fortieth birthday.

Article 59. Whoever has been President of the Republic is by right senator for life unless he renounces the right.

The President of the Republic may nominate as senators for life citizens who have brought renown to the fatherland by merits of the highest order in the social, scientific, artistic, or literary fields.

Article 60. The Chamber of Deputies is elected for five years, the Senate of the Republic for six.

The term of either Chamber may not be extended except by law and only in case of war.

Article 61. The elections of new Chambers take place within seventy days of the end of the term of the preceding ones. The first meeting takes place within not less than twenty days of the elections.

The powers of the preceding Chambers are extended until the new Chambers have met.

Article 62. The Chambers meet by right on the first day of February and of October that is not a holiday.

Each Chamber may be exceptionally convoked on the initiative of its President or that of the President of the Republic or on that of one third of its members.

When one Chamber meets in exceptional session, the other is also by right convoked.

Article 63. Each Chamber elects from among its members its President and Presidential Bureau.

When the Parliament meets in joint session, the President and Presidential Bureau are those of the Chamber of Deputies.

Article 64. Each Chamber adopts its own regulations by absolute majority of its members.

The sessions are public; nevertheless each of the two Chambers and the Parliament of the united Chambers may determine to meet in secret session.

The decisions of each Chamber and of the Parliament are not valid if there is not present an absolute majority of their members, and if not adopted by a majority of those present, except when the Constitution prescribes a special majority.

The members of the Government, even if not members of the Chambers, have the right and, upon request, the obligation to attend the sessions. They must be heard whenever they request it.

Article 65. The law determines cases of ineligibility for, and of incompatability with, the office of deputy or that of senator.

No one may at the same time belong to both Chambers.

Article 66. Each Chamber judges the credentials of its members and unanticipated causes of ineligibility or incompatibility.

Article 67. Every member of Parliament represents the nation and exercises his function without restraint of mandate.

Article 68. The members of Parliament may not be prosecuted for opinions expressed or votes cast in the exercise of their functions.

No member of Parliament may, without authorization of the Chamber to which he belongs, be subjected to penal proceedings; nor may he be arrested, or otherwise deprived of personal liberty, or subjected to personal or domiciliary search, unless he be taken in the act of committing a crime for which the warrant or the order to seize is obligatory.

Like authorization is required for the arrest or for holding under ar-

rest a member of Parliament in execution even of an irrevocable sentence.

Article 69. The members of Parliament receive a compensation established by law.

SECTION II. THE ENACTMENT OF LAWS

Article 70. The legislative function is exercised collectively by the two Chambers.

Article 71. The initiative in legislation appertains to the Government, to each member of the Chambers, and to the organs and bodies on which it may be conferred by constitutional enactment.

The people exercise initiative in legislation by proposal of a bill drafted in the form of articles and supported by at least 50,000 electors.

Article 72. Every bill, having been presented to one Chamber, is, in accordance with its rules and regulations, examined by a committee and then by the Chamber itself, which approves it article by article and then by final vote.

The regulations will establish a shortened procedure for bills of declared urgency.

The regulations may also provide in what cases and what forms the examination and approval of bills are to be referred to committees, including standing committees composed to reflect the proportions of the parliamentary groups. Furthermore in such cases, until the moment of definitive approval, a bill is to be submitted to the Chamber, if the Government, or one tenth of the members of the Chamber, or one fifth of the members of the committee, request that it be discussed and voted upon by the Chamber itself, or else that it be considered for final approval by roll call. The regulations shall determine the forms of publicity to be given to the labors of the committees.

Normal procedure for examination and direct approval by the Chamber is always adopted for bills pertaining to the Constitution and the electorate, and for those delegating legislative power, authorizing the ratification of international treaties, or approving the budget or expenditures.

Article 73. The laws are promulgated by the President of the Republic within one month of their approval.

If the Chambers, each by an absolute majority of its own members, declare the urgency of a law, it is promulgated within the time which that law itself establishes.

The laws are published immediately after promulgation and take effect on the fifteenth day following publication, except when the laws themselves establish a different period.

Article 74. The President of the Republic, before promulgating a

law, may by means of a message stating the reasons request a new decision of the Chambers.

If the Chambers again approve a law, it must be promulgated.

Article 75. Popular *referendum* is established to determine the abrogation, total or partial, of a law, or of an act having the force of law, when it is demanded by 500,000 electors or by five regional Councils.

The *referendum* is not permitted for tax laws or laws on the budget, for laws of amnesty and of pardon, or for laws authorizing the ratification of international treaties.

All citizens who are eligible as electors of the Chamber of Deputies have the right to participate in the *referendum*.

The proposal submitted to *referendum* is approved if the majority of those eligible have participated in the voting, and if it has received a majority of votes validly cast.

The law determines the methods and procedures of carrying the *referendum* into effect.

Article 76. The exercise of the legislative function may not be delegated to the Government except after determination of principles and of governing criteria and only for a limited time and for defined objectives.

Article 77. The Government may not, without delegation of power by the Chambers, issue decrees which have the force of ordinary law.

When, in extraordinary cases of necessity and urgency, the Government on its own responsibility adopts provisional measures having the force of law, it must on the same day present them for conversion into law by the Chambers which, even if dissolved, are convoked for the purpose and assemble within five days.

The decrees lose effect as of the date of issue if not converted into law within sixty days of their publication. The Chambers may nevertheless regulate by law juridical relationships arising from decrees not converted into law.

Article 78. The Chambers decide upon the state of war and confer upon the Government the necessary powers.

Article 79. Amnesty and pardon are conceded by the President of the Republic on the basis of laws enacted by the Chambers delegating such power.

They may not apply to crimes committed subsequently to the proposal of delegation.

Article 80. The Chambers authorize by law the ratification of international treaties which are of a political nature, or which provide for arbitration or judicial regulation, or which involve changes of the territory, or charges on the finances, or modifications of the laws.

Article 81. The Chambers approve each year the budget and the account of expenditures presented by the Government.

Provisional exercise of the budget may not be conceded except by law and for periods which total not more than four months.

After approval of the budget by law, new taxes and new expenditures may not be established.

Every other law which involves new or greater expenditures must indicate the means to meet them.

Article 82. Each Chamber may provide for investigations of matters of public interest.

For this purpose it nominates from among its members a committee formed to reflect the proportions of its various groups. The committee of investigation proceeds in its inquiries and in its examinations with the same powers and subject to the same limitations as apply to the judicial authority.

Title 2. The President of the Republic

Article 83. The President of the Republic is elected by Parliament in joint session of its members.

Three delegates for each Region, elected by the Regional Council in such manner as to assure representation of minorities, participate in the election. The Valle d' Aosta has a single delegate.

The election of the President of the Republic takes place by secret ballot and requires a two-thirds majority of the assembly. After the third ballot an absolute majority is sufficient.

Article 84. Any citizen may be elected President of the Republic who has reached his fiftieth birthday and who enjoys civil and political rights.

The office of President of the Republic cannot be held contemporaneously with any other office whatsoever.

The salary and the endowment of the President are determined by law.

Article 85. The President of the Republic is elected for seven years.

Thirty days before the expiration of the President's term of office, the President of the Chamber of Deputies convokes the Parliament in joint session, together with the regional delegates, to elect the new President of the Republic.

If the Chambers are dissolved, or if their term has less than three months to run, the election takes place within fifteen days from the meeting of the new Chambers. In the meantime the powers of the President in office are extended.

Article 86. The functions of the President of the Republic, in each case in which he cannot perform them, are exercised by the President of the Senate.

In case of permanent disability, death, or resignation of the President of the Republic, the President of the Chamber of Deputies an-

nounces the election of a new President of the Republic within fifteen days, except for the longer period provided for when the Chambers are dissolved or when their term has less than three months to run.

Article 87. The President of the Republic is the head of the state and represents the national unity.

He may send messages to the Chambers.

He announces the elections of new Chambers and signifies the date of their first meetings.

He authorizes the presentation to the Chambers of bills initiated by the Government.

He promulgates the laws, and he issues decrees having the force of law, and regulations.

He announces the popular *referendum* in cases provided for by the Constitution.

He nominates, in the cases indicated by law, the officials of the state.

He accredits and receives diplomatic representatives, ratifies international treaties after securing, when it is needed, the authorization of the Chambers.

He has command of the Armed Forces; resides over the Supreme Council of Defense constituted according to law; declares the state of war on decision by the Chambers.

He presides over the Superior Council of the Judiciary.

He may concede pardons and commute penalties.

He confers the decorations of the Republic.

Article 88. The President of the Republic may, having heard their respective Presidents, dissolve both Chambers or only one of them.

He may not exercise such a power within the last six months of his term.

Article 89. No act of the President of the Republic is valid unless countersigned by the Ministers proposing it, who assume responsibility for it.

Acts which have the force of legislation and other acts indicated by law are countersigned also by the President of the Council of Ministers.

Article 90. The President of the Republic is not responsible for acts performed while exercising his functions, except high treason or offenses against the Constitution.

In such cases he is impeached by Parliament in joint session, by absolute majority of its members.

Article 91. The President of the Republic, before taking office, swears, in the presence of Parliament in joint session, an oath of fidelity to the Republic and of observance of the Constitution.

TITLE 3. THE GOVERNMENT

SECTION 1: THE COUNCIL OF MINISTERS

Article 92. The Government of the Republic is composed of the President of the Council and of the Ministers who collectively constitute the Council of Ministers.

The President of the Republic nominates the President of the Council of Ministers and on his proposal nominates the Ministers.

Article 93. The President of the Council of Ministers and the Ministers, before assuming their functions, swear an oath in the hands of the President of the Republic.

Article 94. The Government must have the confidence of the two Chambers.

Each Chamber accords or revokes confidence by means of a motion stating the reasons and voted by roll call.

Within ten days of its formation the Government presents itself to the Chambers to obtain their confidence.

An opposing vote by one or by both of the Chambers on a motion of the Government does not carry with it the obligation of resigning.

The motion of lack of confidence must be signed by at least one tenth of the members of the Chamber and may not be placed in discussion until three days after its presentation.

Article 95. The President of the Council of Ministers directs the general policy of the Government and is responsible for it. He maintains unity of political and administrative direction, and promotes and coordinates the activity of the Ministers.

The Ministers are responsible collectively for the acts of the Council of Ministers, and individually for the acts of their respective departments.

The law provides for the organization of the presidency of the Council and it determines the number, attributes, and organization of the ministries.

Article 96. The President of the Council of Ministers and the Ministers are impeached by Parliament in joint session for crimes committed in the exercise of their functions.

SECTION II. PUBLIC ADMINISTRATION

Article 97. The public offices are organized according to legal dispositions in such fashion as to assure effectiveness and impartiality of administration.

The spheres of competence, attributes, and appropriate responsibilities of officials are determined in the organization of the offices.

Admission to positions in the public administration is by means of competition except in cases established by law.

Article 98. Public employees are exclusively at the service of the Nation.

If they are members of Parliament they may not receive promotion except by reason of seniority.

Limitations of the right of affiliation with political parties may be established by law as regards judges, professional military officers in active service, police functionaries and agents, and diplomatic and consular representatives abroad.

SECTION III. AUXILIARY ORGANS

Article 99. The National Council of Economy and Labor is composed, in accordance with methods established by law, of experts and of representatives of the productive categories, in such a way as to take account of their numerical and qualitative importance.

It is a consultative organ of the Chambers and of the Government for the matters and in accordance with the functions attributed to it by law. It can initiate legislation and contribute to the elaboration of economic and social legislation according to principles and within limitations established by law.

Article 100. The Council of State is an organ of juridical-administrative advice and an organ for safeguarding justice in administration

The Court of Accounts exercises a preventive control to assure the legitimacy of acts of the Government, and also audits the administration of the budget. It participates, in cases and under procedures established by law, in control over the financial administration of bodies to which the state regularly contributes. It reports directly to the Chambers on the results of the audit so executed.

The law provides for the independence of the two institutions and of their members as against the Government.

TITLE 4. THE JUDICIARY

SECTION I. JURISDICTIONAL ORGANIZATION

Article 101. Justice is administered in the name of the people.

The judges are subject only to the law.

Article 102. The judicial function is exercised by regular judges instituted and regulated by the norms governing the judicial order.

Extraordinary judges or special judges may not be instituted. There may only be instituted, for stipulated subjects, specialized sections attached to the regular judicial organs, and in these sections may participate qualified citizens not drawn from the magistracy.

The law regulates the cases and forms governing the direct participation of the people in the administration of justice.

Article 103. The Council of State and the other organs of administrative justice have jurisdiction for the protection of legitimate interests as against the public administration and, in particular subjects indicated by law, for the protection also of subjective rights.

The Court of Accounts has judisdiction in matters of public accounting and in other matters specified by law.

Military courts in time of war have jurisdiction established by law. In time of peace they have jurisdiction only for military crimes committed by members of the Armed Forces.

Article 104. The judiciary constitutes an autonomous order independent of every other power.

The Superior Council of the Judiciary is presided over by the President of the Republic.

The first president and the general procurator of the Court of Cassation are of right members.

The other members are elected: two thirds by all the regular judges from those belonging to the various categories; one third by Parliament in joint session from the regular university professors of law and lawyers who have had fifteen years of practice.

The Council elects a vice president from the members chosen by Parliament.

The elective members of the Council remain in office four years and are not immediately reeligible.

So long as they are in office they may not be inscribed in the professional registers nor belong to Parliament or to a Regional Council.

Article 105. In accordance with the norms of the judicial order, the following matters pertain to the Superior Council of the Judiciary: appointments, assignments and transfers, promotions, and disciplinary measures in regard to judges.

Article 106. The nomination of judges takes place by competition.

The law on the judicial organization may permit the nomination even by election of honorary judges for all functions attributed to individual judges.

Upon designation by the Superior Council of the Judiciary there may be called to the office of Counselor of Cassation, on the ground of outstanding merit, regular university professors of law and lawyers who have had fifteen years of practice and who are inscribed in the special registers of those practicing in the superior courts.

Article 107. Judges are irremovable. A judge may not be exempted or suspended from service or assigned to another seat or function except as a result of decision by the Superior Council of the Judiciary, adopted either for just cause and with the guaranty of defense as estab-

lished by the judicial organization, or with the consent of the judge himself.

The Minister of Justice has authority to institute disciplinary action.

Judges differ only in diversity of function.

The Public Prosecutor enjoys for his office the guaranties established according to the norms of the judicial order.

Article 108. The norms governing the judicial order and each magistracy are established by law.

The law assures the independence of judges of special jurisdictions, of the Public Prosecutors attached to such courts, and of outsiders who participate in the administration of justice.

Article 109. The judicial authority has the judicial police directly at its disposal.

Article 110. Except as regards the competence of the Superior Council of the Judiciary, the organization and functioning of the services relating to justice pertain to the Minister of Justice.

SECTION II. NORMS REGARDING JURISDICTION

Article 111. All measures pertaining to jurisdiction must be accompanied by a statement of reasons.

Appeal for violation of law is always admitted from sentences and from measures infringing personal liberty which are pronounced or taken by regular or special courts. This norm may be departed from only in the case of sentences of military courts in time of war.

From decisions of the Council of State and of the Court of Accounts, appeal is admitted only on grounds of jurisdiction.

Article 112. The Public Prosecutor has the obligation of administering penal action.

Article 113. The judicial protection of rights and of legitimate interests against acts of the public administration is always permitted before either ordinary or administrative courts.

Such judicial protection may not be excluded, or limited to particular means of impugnment, or apply simply to specified categories of acts.

The law determines which courts may annul acts of the public administration in cases and with effects provided for by the law itself.

TITLE 5. THE REGIONS, THE PROVINCES, THE COMMUNES

Article 114. The Republic is divided into Regions, Provinces, and Communes.

Article 115. The Regions are constituted as autonomous bodies with their own powers and functions according to the principles fixed by the Constitution.

Article 116. Particular forms and conditions of autonomy, in ac-

cordance with special statutes adopted as constitutional laws, are attributed to Sicily, to Sardinia, to Trentino-Alto Adige, to Friuli-Venezia Giulia, and to Valle d' Aosta.

Article 117. Within the limits of the fundamental principles established by the laws of the state, the Region legislates in regard to the following matters, provided that such legislation is not in conflict with the interest of the Nation or of other Regions:

Organization of the offices and of the administrative bodies dependent on the Region;

Communal boundaries;

Urban and rural local police;

Fairs and markets;

Public charities and health and hospital assistance;

Professional instruction, training of artisans, and scholastic assistance;

Museums and libraries of local bodies;

City matters;

Tourist trade and hotel industry;

Street railways and automobile lines of regional interest;

Thoroughfares, aqueducts, and public works of regional interest;

Lake ports and lake navigation;

Mineral and thermal waters;

Quarries and peat bogs;

Hunting;

Fishing in domestic waters;

Agriculture and forests;

Artisanship;

Other subjects indicated by the constitutional laws.

The laws of the Republic may delegate to the Regions the power to issue norms for their execution.

Article 118. The administrative functions pertaining to the subjects listed in the preceding article reside in the Regions, except those of exclusively local interest which by the laws of the Republic may be attributed to the Provinces, the Communes, or other local bodies.

The state may by law delegate to the Region the exercise of other administrative functions.

The Region normally exercises its administrative functions by delegating them to the Provinces, to the Communes or other local bodies or by making use of their officials.

Article 119. The Regions have financial autonomy within forms and limits established by the laws of the Republic which coordinate this regional autonomy with the finances of the state, of the Provinces, and of the Communes.

To the Regions are assigned their own taxes and quotas of the taxes

of the treasury in relation to the needs of the Regions for the expenses necessary to fulfil their normal functions.

In order to provide for specified ends, and particularly for the development of the South and of the Islands, the state by law assigns special contributions to individual Regions.

The Region has its own domain and patrimony according to forms established by the laws of the Republic.

Article 120. The Region may not levy import or export duties or duties on the transit trade between Regions.

The Region may not adopt provisions which hinder in any way the free circulation of persons and things among the Regions.

It may not limit the right of citizens to exercise their professions, employments, or labor in any part of the national territory whatsoever.

Article 121. The organs of the Region are the Regional Council, the Executive Committee (*Giunta*) and its President.

The Regional Council exercises the power of legislation and regulation attributed to the Region and the other functions conferred on it by the Constitution and the laws. It may propose bills to the Chambers.

The Executive Committee (*Giunta*) is the executive organ of the Region.

The President of the Executive Committee (*Giunta*) represents the Region; he promulgates regional laws and regulations; he directs the administrative functions delegated by the state to the Region, conforming to the instructions of the central Government.

Article 122. The system of elections, the number and cases of ineligibility and incompatibility of the regional councilors, are established by laws of the Republic.

No one may belong at the same time to a Regional Council and to either Chamber of Parliament or to another Regional Council.

The Council elects from its membership a President and a presidential bureau for its own labors.

The regional councilors cannot be called to answer for opinions expressed or votes cast in the exercise of their functions.

The President and members of the Executive Committee (*Giunta*) are elected by the Regional Council from its own members.

Article 123. Every Region has a constitution which, in harmony with the Constitution and with the laws of the Republic, establishes the norms relative to the internal organization of the Region. The regional constitution regulates the right of initiative and of *referendum* on laws and administrative provisions of the Region and the publication of regional laws and regulations.

The regional constitution is enacted by the Regional Council by

absolute majority of its members, and it is approved by legislative action of the Republic.

Article 124. A Commissioner of the Government, residing in the capital of the Region, supervises the administrative functions exercised by the state and coordinates them with those exercised by the Region.

Article 125. The control of the legitimacy of the administrative acts of the Region is exercised, in decentralized form, by an organ of the state according to modes and within limits established by the laws of the Republic. In specified cases the law may admit control on the basis of general merit, solely with the effect of prompting, by formal demand, a re-examination of the decision on the part of the Regional Council.

Within the Region are established organs of administrative justice of the first grade in accordance with the order established by law of the Republic. Sections may be established with seats in other places than the regional capital.

Article 126. The Regional Council may be dissolved when it performs acts contrary to the Constitution or commits grave violations of the laws, or if it fails to respond to the request of the Government to replace its Executive Committee (Giunta) or President when they have committed analogous acts or violations.

It may be dissolved when, by reason of resignations or through the impossibility of forming a majority, it is not in a position to function.

It may also be dissolved for reasons of national security.

A dissolution is executed by a decree of the President of the Republic stating the reasons, after hearing a committee of deputies and senators constituted for regional questions according to procedures established by law of the Republic.

With the decree of dissolution is nominated a Commission composed of three citizens who are eligible for the Regional Council, which Commission announces new elections within three months, and provides for ordinary administration within the competence of the Regional Executive Committee (Giunta) and for such acts as cannot be postponed. These acts are subject to ratification by the new Regional Council.

Article 127. Every law passed by the Regional Council is communicated to the Commissioner, who, except in case of opposition on the part of the Government, must approve it within a period of thirty days from its submission.

The law is promulgated within ten days from the date of approval, and becomes effective not earlier than fifteen days from its publication. If a law is declared urgent by the Regional Council, and the Govern-

ment of the Republic consents, its promulgation and date of effect are not subject to the specified terms.

The Government of the Republic, when it considers that a law passed by a Regional Council exceeds the competence of the Region or conflicts with the interests of the nation or with those of other Regions, returns it to the Regional Council within the period fixed for approval.

When the Regional Council approves it anew by an absolute majority of its members, the Government of the Republic may, within fifteen days from communication of that fact, submit the question of its legitimacy to the Constitutional Court, or the question of the general merit of the regional law because of conflicts of interests to the Chambers. In case of doubt the Court decides the issue of competence.

Article 128. The Provinces and the Communes are autonomous bodies within the scope of principles fixed by the general laws of the Republic which determine their functions.

Article 129. The Provinces and the Communes are also territorial units of state and regional decentralization.

The Provinces may be subdivided into districts (*circondari*) with exclusively administrative functions for the sake of further decentralization.

Article 130. An organ of the Region, constituted in accordance with procedures established by the law of the Republic, exercises, likewise in a decentralized form, the control of legitimacy over acts of the Provinces, Communes, and other local bodies.

In cases specified by law, control on the issue of general merit may be exercised in the form of a request stating reasons, submitted to the deliberative bodies for re-examination of their decisions.

Article 131. The following Regions are constituted:

Piedmont	Marche
Valle d' Aosta	Lazio
Lombardy	Abruzzi e Molise
Trentino-Alto Adige	Campania
Venetia	Puglia
Friuli-Venezia Giulia	Basilicata
Liguria	Calabria
Emilia-Romagna	Sicily
Tuscany	Sardinia
Umbria	

Article 132. By constitutional enactment, the Regional Councils having been heard, arrangements may be made for the fusion of existing Regions or the creation of new Regions with a minimum of one million inhabitants, when request for such arrangements is made by

as many Communal Councils as represent at least one third of the interested populations, and when the proposal is approved by *referendum* of the majority of the populations themselves.

By means of a *referendum* and by law of the Republic, the Regional Councils having been heard, consent may be given that Provinces and Communes which so request it be detached from one Region and joined to another.

Article 133. Changes of provincial boundaries and the institution of new Provinces within the area of the Region are established by law of the Republic, on the initiative of the Communes, the Region itself having been heard.

The Region, having heard the interested populations, may by its own enactment establish within its own territory new Communes and change their boundaries and names.

TITLE 5. CONSTITUTIONAL GUARANTIES

SECTION 1. THE CONSTITUTIONAL COURT

Article 134. The Constitutional Court decides:

on controversies regarding the constitutionality of laws, and of acts having the force of law, emanating from the state and the Regions;

on conflicts arising over constitutional assignment of powers within the state, between the state and Regions, and between Regions;

on impeachments of the President of the Republic and of the Ministers, according to the norms of the Constitution.

Article 135. The Constitutional Court is composed of fifteen judges: one third named by the President of the Republic; one third named by Parliament in joint session; and one third named by the supreme judicial bodies, ordinary and administrative.

The judges of the Constitutional Court are chosen from the magistrates of the superior courts, ordinary and administrative, including magistrates in retirement; from regular university professors of law; and lawyers who have had twenty years of practice.

The Court elects its president from its members.

The judges are nominated for twelve years; they are renewed by instalments in accordance with the norms established by law; and they are not immediately reeligible.

The office of judge of the Constitutional Court cannot be held concurrently with that of member of Parliament or of a Regional Council, with the practice of law, or with any position or office indicated by law.

In cases of impeachment of the President of the Republic or of Ministers there shall take part, besides the regular judges of the Court, sixteen members who are to be elected at the beginning of

each legislature by Parliament in joint session from citizens having the qualifications of eligibility for the Senate.

Article 136. When the Court declares unconstitutional a rule of law, or of an act having the force of law, the rule ceases to have effect from the day following the publication of the decision.

The decision of the Court is published and is communicated to the Chambers and to the interested Regional Councils in order that, where it is considered necessary, provision may be made according to constitutional forms.

Article 137. A constitutional law establishes the conditions, the forms, the time limits for proposing decisions as to constitutionality, and the guaranties of independence for the judges of the Court.

By ordinary law are established the other rules necessary for the establishment and functioning of the Court.

No impugnment of the decisions of the Constitutional Court is admitted.

SECTION II. AMENDMENT OF THE CONSTITUTION— CONSTITUTIONAL LAWS

Article 138. Amendments of the Constitution and other constitutional laws are passed by each Chamber in two successive deliberations at an interval of not less than three months, and they are approved by absolute majority of the members of each Chamber in the second voting.

The laws themselves are submitted to popular *referendum* when, within three months of their publication, a demand is made by one fifth of the members of either Chamber, or by 500,000 electors, or by five Regional Councils. A law submitted to *referendum* is not promulgated unless it is approved by a majority of the valid ballots.

Referendum does not take place if a law has been approved in its second voting by a majority of two thirds of the members of each Chamber.

Article 139. The republican form is not subject to constitutional amendment.

TRANSITIONAL AND FINAL ARRANGEMENTS

1. When the Constitution becomes effective the Provisional Head of the State exercises the attributes and assumes the title of President of the Republic.

2. If at the time of the election of the President of the Republic the Regional Councils have not all been constituted, only the members of the two Chambers will participate in the election.

3. For the initial composition of the Senate of the Republic are

nominated as senators, by means of a decree of the President of the Republic, deputies of the Constituent Assembly who have by law the qualifications to be senators and who:

have been presidents of the Council of Ministers or of legislative assemblies;

have been members of the dissolved Senate;

have been three times elected, including election to the Constituent Assembly;

were declared dismissed in the session of the Chamber of Deputies of November 9, 1926;

have suffered the penalty of imprisonment of not less than five years in consequence of condemnation by the Fascist Special Tribunal for the Defense of the State.

Likewise nominated as senators, by decree of the President of the Republic, are members of the dissolved Senate who were members of the National Consultative Assembly.

Before signature of the decree of nomination the right to be nominated senator may be renounced. Acceptance of candidacy in the political elections implies renunciation of the right to be nominated senator.

4. For the first elections to the Senate, Molise is considered as a Region in itself with the number of senators which belong to it in proportion to its population.

5. The disposition in article 80 of the Constitution, in so far as it concerns international treaties which impose charges on the finances or modifications of the law, takes effect from the date of convocation of the Chambers.

6. Within five years of the effective date of the Constitution, a revision of the special organs of jurisdiction now existing will be undertaken, excepting the jurisdictions of the Council of State, of the Court of Accounts, and of the military courts.

Within one year of the same date provision shall be made by law for the reorganization of the Supreme Military Tribunal with reference to article 112.

7. Until the new law on the organization of the judiciary bringing it into conformity with the Constitution shall have been issued, the norms of the existing organization will continue to be observed.

Until the Constitutional Court begins to function, the decision of controversies indicated in article 134 takes places within the forms and limits of the norms pre-existent to the date when the Constitution takes effect.

The judges of the Constitutional Court nominated in the initial composition of that court are not subject to the system of partial renewal and remain in office twelve years.

8. The elections of the Regional Councils and of the elective organs of provincial administration will take place within one year from the effective date of the Constitution.

Laws of the Republic regulate for each branch of the public administration the transfer of state functions attributed to the Regions. Until provision shall have been made for the reorganization and the distribution of administrative functions among the local bodies, the Provinces and Communes retain the functions which they now exercise, and others the exercise of which the Regions delegate to them.

Laws of the Republic regulate the transfer to the Regions of functionaries and dependents of the state, including those of the central administrations when rendered necessary by the new organization. In setting up their offices the Regions must, except in cases of necessity, draw their personnel from that of the state and of local bodies.

9. The Republic, within three years from the effective date of the Constitution, will adjust its laws to the requirements of local autonomy and to the legislative competence attributed to the Regions.

10. In the Region of Friuli-Venezia Giulia, referred to in article 116, the general norms of part II, title V, apply. The protection of linguistic minorities in conformity with article 6 remains binding.

11. Until five years from the effective date of the Constitution, other Regions may be formed, by constitutional enactment modifying the list in article 131, and without recourse to the procedure required by the first paragraph of article 132, but with the obligation to hear the interested populations nevertheless remaining in effect.

12. The reorganization under any form whatsoever of the dissolved Fascist party is prohibited.

Notwithstanding article 48, temporary limitations are established by law, for a period of not over five years from the effective date of the Constitution, on the suffrage and eligibility of the responsible heads of the Fascist regime.

13. The members and descendants of the House of Savoy are not electors and may not hold any public office or elective position.

To the former kings of the House of Savoy, their wives, and their male descendants are prohibited ingress into and sojourn in the national territory.

The properties within the national territory of the former kings of the House of Savoy, of their wives, and of their male descendants revert to the state. Transfers of and the establishments of royal rights on these same properties, which took place after June 2, 1946, are null and void.

14. Titles of nobility are not recognized.

The predicates of those existing before October 28, 1922, serve as parts of the proper name.

The Order of St. Maurice is conserved as a hospital corporation and functions in the modes established by law.

The law regulates the suppression of the Heraldic Council.

15. When the Constitution goes into effect the legislative decree of the lieutenancy of June 25, 1944, number 151, on the provisional organization of the state, is held to be converted into law.

16. Within one year from the effective date of the Constitution, the revision and coordination with the Constitution of the preceding constitutional laws, not until then explicitly or implicitly abrogated, will be undertaken.

17. The Constituent Assembly will be convoked by its President to decide, before January 31, 1948, on the law for the election of the Senate of the Republic, on the special regional statutes, and on the press law.

Until the date of the elections of the new Chambers, the Constituent Assembly may be convoked, if there is need to decide on matters placed within its competence by article 2, first and second paragraphs, and article 3, first and second paragraphs, of the legislative decree of March 16, 1946, number 98.

In this period the standing committees continue to function. The committees on legislation submit to the Government the bills transmitted to them, with contingent observations and proposals of amendment.

The deputies may present questions to the Government with request for written reply.

With reference to the second paragraph of the present article, the Constituent Assembly is convoked by its President on the written request of the Government or of at least two hundred deputies.

18. The present Constitution is promulgated by the Provisional Head of the State within five days of its approval by the Constituent Assembly and takes effect on January 1, 1948.

The text of the Constitution is deposited in the town hall of every Commune of the Republic to remain displayed, during the whole of the year 1948, in order that every citizen may have knowledge of it.

THE CONSTITUTION (FUNDAMENTAL LAW) OF THE UNION OF SOVIET SOCIALIST REPUBLICS[1]

CHAPTER I. THE SOCIAL STRUCTURE

Article 1. The Union of Soviet Socialist Republics is a socialist state of workers and peasants.

Article 2. The political foundation of the USSR is the Soviets of Working People's Deputies, which grew and became strong as a result of the overthrow of the power of the landlords and capitalists, and the conquest of the dictatorship of the proletariat.

Article 3. All power in the USSR belongs to the working people of town and country as represented by the Soviets of Working People's Deputies.

Article 4. The economic foundation of the USSR is the socialist system of economy and the socialist ownership of the instruments and means of production, firmly established as a result of the liquidation of the capitalist system of economy, the abolition of private ownership of the instruments and means of production, and the elimination of the exploitation of man by man.

Article 5. Socialist property in the USSR exists either in the form of state property (belonging to the whole people) or in the form of cooperative and collective-farm property (property of collective farms, property of cooperative societies).

Article 6. The land, its mineral wealth, waters, forests, mills, fac-

[1] As amended by the Supreme Soviet of the USSR on February 25, 1947, on the recommendations of the Drafting Commission. From the *Soviet News*, publishers (London, 1947).

tories, mines, rail, water and air transport, banks, communications, large state-organized agricultural enterprises (state farms, machine and tractor stations and the like) as well as municipal enterprises and the bulk of dwelling houses in the cities and industrial localities, are state property, that is, belong to the whole people.

Article 7. The common enterprises of collective farms and cooperative organizations, with their livestock and implements, the products of the collective farms and cooperative organizations, as well as their common buildings, constitute the common, socialist property of the collective farms and cooperative organizations.

Every household in a collective farm, in addition to its basic income from the common collective-farm enterprise, has for its personal use a small plot of household land and, as its personal property, a subsidiary husbandry on the plot, a dwelling house, livestock, poultry and minor agricultural implements—in accordance with the rules of the agricultural artel.

Article 8. The land occupied by collective farms is secured to them for their use free of charge and for an unlimited time, that is, in perpetuity.

Article 9. Alongside the socialist system of economy, which is the predominant form of economy in the USSR, the law permits the small private economy of individual peasants and handicraftsmen based on their own labor and precluding the exploitation of the labor of others.

Article 10. The personal property right of citizens in their incomes and savings from work, in their dwelling houses and subsidiary home enterprises, in articles of domestic economy and use and articles of personal use and convenience, as well as the right of citizens to inherit personal property, is protected by law.

Article 11. The economic life of the USSR is determined and directed by the state national-economic plan, with the aim of increasing the public wealth, of steadily raising the material and cultural standards of the working people, of consolidating the independence of the USSR and strengthening its defensive capacity.

Article 12. Work in the USSR is a duty and a matter of honor for every able-bodied citizen, in accordance with the principle: "He who does not work, neither shall he eat."

The principle applied in the USSR is that of socialism: "From each according to his ability, to each according to his work."

CHAPTER II. THE STATE STRUCTURE

Article 13. The Union of Soviet Socialist Republics is a federal state, formed on the basis of a voluntary Union of equal Soviet Socialist Republics, namely:

The Russian Soviet Federative Socialist Republic.
The Ukrainian Soviet Socialist Republic.
The Byelorussian Soviet Socialist Republic.
The Uzbek Soviet Socialist Republic.
The Kazakh Soviet Socialist Republic.
The Georgian Soviet Socialist Republic.
The Azerbaijan Soviet Socialist Republic.
The Lithuanian Soviet Socialist Republic.
The Moldavian Soviet Socialist Republic.
The Latvian Soviet Socialist Republic.
The Kirghiz Soviet Socialist Republic.
The Tajik Soviet Socialist Republic.
The Armenian Soviet Socialist Republic.
The Turkmen Soviet Socialist Republic.
The Estonian Soviet Socialist Republic.
The Karelo-Finnish Soviet Socialist Republic.

Article 14. The jurisdiction of the Union of Soviet Socialist Republics, as represented by its higher organs of state power and organs of state administration, embraces:

(*a*) Representation of the USSR in international relations, conclusion, ratification and denunciation of treaties of the USSR with other states, establishment of general procedure governing the relations of Union Republics with foreign states;

(*b*) Questions of war and peace;

(*c*) Admission of new republics into the USSR;

(*d*) Control over the observance of the Constitution of the USSR, and ensuring conformity of the Constitutions of the Union Republics with the Constitution of the USSR;

(*e*) Confirmation of alterations of boundaries between Union Republics;

(*f*) Confirmation of the formation of new Territories and Regions and also of new Autonomous Republics and Autonomous Regions within Union Republics;

(*g*) Organization of the defense of the USSR, direction of all the Armed Forces of the USSR, determination of directing principles governing the organization of the military formations of the Union Republics;

(*h*) Foreign trade on the basis of state monopoly;

(*i*) Safeguarding the security of the state;

(*j*) Determination of the national-economic plans of the USSR;

(*k*) Approval of the consolidated state budget of the USSR, and of the report on its fulfillment; determination of the taxes and revenues which go to the Union, the Republican and the local budgets;

(*l*) Administration of the banks, industrial and agricultural institutions and enterprises and trading enterprises of all-Union importance;

(*m*) Administration of transport and communications;

(*n*) Direction of the monetary and credit system;

(*o*) Organization of state insurance;

(*p*) Contracting and granting of loans;

(*q*) Determination of the basic principles of land tenure and of the use of mineral wealth, forests and waters;

(*r*) Determination of the basic principles in the spheres of education and public health;

(*s*) Organization of a uniform system of national-economic statistics;

(*t*) Determination of the principles of labor legislation;

(*u*) Legislation concerning the judicial system and judicial procedure; criminal and civil codes;

(*v*) Legislation concerning Union citizenship; legislation concerning rights of foreigners;

(*w*) Determination of the principles of legislation concerning marriage and the family;

(*x*) Issuing of all-Union acts of amnesty.

Article 15. The sovereignty of the Union Republics is limited only in the spheres defined in Article 14 of the Constitution of the USSR. Outside these spheres each Union Republic exercises state authority independently. The USSR protects the sovereign rights of the Union Republics.

Article 16. Each Union Republic has its own Constitution, which takes account of the specific features of the Republic and is drawn up in full conformity with the Constitution of the USSR.

Article 17. The right freely to secede from the USSR is reserved to every Union Republic.

Article 18. The territory of a Union Republic may not be altered without its consent.

Article 18a. Each Union Republic has the right to enter into direct relations with foreign states and to conclude agreements and exchange diplomatic and consular representatives with them.

Article 18b. Each Union Republic has its own Republican military formations.

Article 19. The laws of the USSR have the same force within the territory of every Union Republic.

Article 20. In the event of divergence between a law of a Union Republic and a law of the Union, the Union law prevails.

Article 21. Uniform Union citizenship is established for citizens of the USSR.

Every citizen of a Union Republic is a citizen of the USSR.

Article 22. The Russian Soviet Federative Socialist Republic consists of the Altai, Krasnodar, Krasnoyarsk, Primorye, Stavropol and Khabarovsk Territories; the Archangel, Astrakhan, Bryansk, Velikiye-Luki, Vladimir, Vologda, Voronezh, Gorky, Grozny, Ivanovo, Irkutsk, Kaliningrad, Kalinin, Kaluga, Kemerovo, Kirov, Kostroma, Crimea, Kuibyshev, Kurgan, Kursk, Leningrad, Molotov, Moscow, Murmansk, Novgorod, Novosibirsk, Omsk, Orel, Penza, Pskov, Rostov, Ryazan, Saratov, Sakhalin, Sverdlovsk, Smolensk, Stalingrad, Tambov, Tomsk, Tula, Tyumen, Ulyanovsk, Chelyabinsk, Chita, Chkalov and Yaroslavl Regions; the Tatar, Bashkir, Daghestan, Buryat-Mongolian, Kabardinian, Komi, Mari, Mordovian, North Ossetian, Udmurt, Chuvash and Yakut Autonomous Soviet Socialist Republics; and the Adygei, Jewish, Oirot, Tuva, Khakass and Cherkess Autonomous Regions.

Article 23. The Ukrainian Soviet Socialist Republic consists of the Vinnitsa, Volhynia, Voroshilovgrad, Dniepropetrovsk, Drohobych, Zhitomir, Transcarpathian, Zaporozhye, Izmail, Kamenets-Podolsk, Kiev, Kirovograd, Lvov, Nikolayev, Odessa, Poltava, Rovno, Stalino, Stanislav, Sumy, Tarnopol, Kharkov, Kherson, Chernigov and Chernovitsi Regions.

Article 24. The Azerbaijan Soviet Socialist Republic includes the Nakhichevan Autonomous Soviet Socialist Republic and the Nagorno-Karabakh Autonomous Region.

Article 25. The Georgian Soviet Socialist Republic includes the Abkhazian Autonomous Soviet Socialist Republic, the Adjar Autonomous Soviet Socialist Republic and the South Ossetian Autonomous Region.

Article 26. The Uzbek Soviet Socialist Republic consists of the Andizhan, Bukhara, Kashka-Darya, Namangan, Samarkand, Surkhan-Darya, Tashkent, Ferghana and Khorezm Regions and the Kara-Kalpak Autonomous Soviet Socialist Republic.

Article 27. The Tajik Soviet Socialist Republic consists of the Garm, Kulyab, Leninabad and Stalinabad Regions and the Gorno-Badakhshan Autonomous Region.

Article 28. The Kazakh Soviet Socialist Republic consists of the Akmolinsk, Aktyubinsk, Alma-Ata, East Kazakhstan, Guryev, Jambul, West Kazakhstan, Karaganda, Kzyl-Orda, Kokchetav, Kustanai, Pavlodar, North Kazakhstan, Semipalatinsk, Taldy-Kurgan and South Kazakhstan Regions.

Article 29. The Byelorussian Soviet Socialist Republic consists of the Baranovichi, Bobruisk, Brest, Vitebsk, Gomel, Grodno, Minsk, Moghilev, Molodechno, Pinsk, Polessye and Polotsk Regions.

Article 29a. The Turkmen Soviet Socialist Republic consists of the Ashkhabad, Mary, Tashauz and Chardzhou Regions.

Article 29b. The Kirghiz Soviet Socialist Republic consists of the Dzhalal-Abad, Issyk-Kul, Osh, Talas, Tien-Shan and Frunze Regions.

CHAPTER III. THE HIGHER ORGANS OF STATE POWER IN THE UNION OF SOVIET SOCIALIST REPUBLICS

Article 30. The highest organ of state power in the USSR is the Supreme Soviet of the USSR.

Article 31. The Supreme Soviet of the USSR exercises all rights vested in the Union of Soviet Socialist Republics in accordance with Article 14 of the Constitution, in so far as they do not, by virtue of the Constitution, come within the jurisdiction of organs of the USSR that are accountable to the Supreme Soviet of the USSR, that is, the Presidium of the Supreme Soviet of the USSR, the Council of Ministers of the USSR, and the Ministries of the USSR.

Article 32. The legislative power of the USSR is exercised exclusively by the Supreme Soviet of the USSR.

Article 33. The Supreme Soviet of the USSR consists of two Chambers: the Soviet of the Union and the Soviet of Nationalities.

Article 34. The Soviet of the Union is elected by the citizens of the USSR voting by election districts on the basis of one deputy for every 300,000 of the population.

Article 35. The Soviet of Nationalities is elected by the citizens of the USSR voting by Union Republics, Autonomous Republics, Autonomous Regions and National Areas on the basis of twenty-five deputies from each Union Republic, eleven deputies from each Autonomous Republic, five deputies from each Autonomous Region and one deputy from each National Area.

Article 36. The Supreme Soviet of the USSR is elected for a term of four years.

Article 37. The two Chambers of the Supreme Soviet of the USSR, the Soviet of the Union and the Soviet of Nationalities, have equal rights.

Article 38. The Soviet of the Union and the Soviet of Nationalities have equal powers to initiate legislation.

Article 39. A law is considered adopted if passed by both Chambers of the Supreme Soviet of the USSR by a simple majority vote in each.

Article 40. Laws passed by the Supreme Soviet of the USSR are published in the languages of the Union Republics over the signatures of the President and Secretary of the Presidium of the Supreme Soviet of the USSR.

Article 41. Sessions of the Soviet of the Union and of the Soviet of Nationalities begin and terminate simultaneously.

Article 42. The Soviet of the Union elects a Chairman of the Soviet of the Union and two Vice-Chairmen.

Article 43. The Soviet of Nationalities elects a Chairman of the Soviet of Nationalities and two Vice-Chairmen.

Article 44. The Chairmen of the Soviet of the Union and the Soviet of Nationalities preside at the sittings of the respective Chambers and have charge of the conduct of their business and proceedings.

Article 45. Joint sittings of the two Chambers of the Supreme Soviet of the USSR are presided over alternately by the Chairman of the Soviet of the Union and the Chairman of the Soviet of Nationalities.

Article 46. Sessions of the Supreme Soviet of the USSR are convened by the Presidium of the Supreme Soviet of the USSR twice a year.

Extraordinary sessions are convened by the Presidium of the Supreme Soviet of the USSR at its discretion or on the demand of one of the Union Republics.

Article 47. In the event of disagreement between the Soviet of the Union and the Soviet of Nationalities, the question is referred for settlement to a conciliation commission formed on a parity basis. If the conciliation commission fails to arrive at an agreement, or if its decision fails to satisfy one of the Chambers, the question is considered for a second time by the Chambers. Failing agreement between the two Chambers, the Presidium of the Supreme Soviet of the USSR dissolves the Supreme Soviet of the USSR and orders new elections.

Article 48. The Supreme Soviet of the USSR at a joint sitting of the two Chambers elects the Presidium of the Supreme Soviet of the USSR consisting of a President of the Presidium of the Supreme Soviet of the USSR, sixteen Vice-Presidents, a Secretary of the Presidium and fifteen members of the Presidium of the Supreme Soviet of the USSR.

The Presidium of the Supreme Soviet of the USSR is accountable to the Supreme Soviet of the USSR for all its activities.

Article 49. The Presidium of the Supreme Soviet of the USSR:

(*a*) Convenes the sessions of the Supreme Soviet of the USSR;

(*b*) Issues decrees;

(*c*) Gives interpretations of the laws of the USSR in operation;

(*d*) Dissolves the Supreme Soviet of the USSR in conformity with Article 47 of the Constitution of the USSR and orders new elections;

(*e*) Conducts nation-wide polls (referendums) on its own initiative or on the demand of one of the Union Republics;

(*f*) Annuls decisions and orders of the Council of Ministers of the USSR and of the Councils of Ministers of the Union Republics if they do not conform to law;

(*g*) In the intervals between sessions of the Supreme Soviet of

the USSR releases and appoints Ministers of the USSR on the recommendation of the Chairman of the Council of Ministers of the USSR, subject to subsequent confirmation by the Supreme Soviet of the USSR;

(*h*) Institutes decorations (orders and medals) and titles of honor of the USSR;

(*i*) Awards orders and medals and confers titles of honor of the USSR;

(*j*) Exercises the right of pardon;

(*k*) Institutes military titles, diplomatic ranks and other special titles;

(*l*) Appoints and removes the high command of the Armed Forces of the USSR;

(*m*) In the intervals between sessions of the Supreme Soviet of the USSR, proclaims a state of war in the event of military attack on the USSR, or when necessary to fulfill international treaty obligations concerning mutual defense against aggression;

(*n*) Orders general or partial mobilization;

(*o*) Ratifies and denounces international treaties of the USSR;

(*p*) Appoints and recalls plenipotentiary representatives of the USSR to foreign states;

(*q*) Receives the letters of credence and recall of diplomatic representatives accredited to it by foreign states;

(*r*) Proclaims martial law in separate localities or throughout the USSR in the interests of the defense of the USSR, or of the maintenance of public order and the security of the state.

Article 50. The Soviet of the Union and the Soviet of Nationalities elect Credentials Committees to verify the credentials of the members of the respective Chambers.

On the report of the Credentials Committees, the Chambers decide whether to recognize the credentials of deputies, or to annul their election.

Article 51. The Supreme Soviet of the USSR, when it deems necessary, appoints commissions of investigation and audit on any matter.

It is the duty of all institutions and officials to comply with the demands of such commissions and to submit to them all necessary materials and documents.

Article 52. A member of the Supreme Soviet of the USSR may not be prosecuted or arrested without the consent of the Supreme Soviet of the USSR, or, when the Supreme Soviet of the USSR is not in session, without the consent of the Presidium of the Supreme Soviet of the USSR.

Article 53. On the expiration of the term of office of the Supreme Soviet of the USSR, or on its dissolution prior to the expiration of its

term of office, the Presidium of the Supreme Soviet of the USSR retains its powers until the newly elected Supreme Soviet of the USSR shall have formed a new Presidium of the Supreme Soviet of the USSR.

Article 54. On the expiration of the term of office of the Supreme Soviet of the USSR, or in the event of its dissolution prior to the expiration of its term of office, the Presidium of the Supreme Soviet of the USSR orders new elections to be held within a period not exceeding two months from the date of expiration of the term of office or dissolution of the Supreme Soviet of the USSR.

Article 55. The newly elected Supreme Soviet of the USSR is convened by the outgoing Presidium of the Supreme Soviet of the USSR not later than three months after the elections.

Article 56. The Supreme Soviet of the USSR, at a joint sitting of the two Chambers, appoints the Government of the USSR, namely, the Council of Ministers of the USSR.

CHAPTER IV. THE HIGHER ORGANS OF STATE POWER IN THE UNION REPUBLICS

Article 57. The highest organ of state power in a Union Republic is the Supreme Soviet of the Union Republic.

Article 58. The Supreme Soviet of a Union Republic is elected by the citizens of the Republic for a term of four years.

The basis of representation is established by the Constitution of the Union Republic.

Article 59. The Supreme Soviet of a Union Republic is the sole legislative organ of the Republic.

Article 60. The Supreme Soviet of a Union Republic:

(*a*) Adopts the Constitution of the Republic and amends it in conformity with Article 16 of the Constitution of the USSR;

(*b*) Confirms the Constitutions of the Autonomous Republics forming part of it and defines the boundaries of their territories;

(*c*) Approves the national-economic plan and the budget of the Republic;

(*d*) Exercises the right of amnesty and pardon of citizens sentenced by the judicial organs of the Union Republic;

(*e*) Decides questions of representation of the Union Republic in its international relations;

(*f*) Determines the manner of organizing the Republic's military formations.

Article 61. The Supreme Soviet of a Union Republic elects the Presidium of the Supreme Soviet of the Union Republic, consisting of a President of the Presidium of the Supreme Soviet of the Union Re-

public, Vice-Presidents, a Secretary of the Presidium and members of the Presidium of the Supreme Soviet of the Union Republic.

The powers of the Presidium of the Supreme Soviet of a Union Republic are defined by the Constitution of the Union Republic.

Article 62. The Supreme Soviet of a Union Republic elects a Chairman and Vice-Chairmen to conduct its sittings.

Article 63. The Supreme Soviet of a Union Republic appoints the Government of the Union Republic, namely, the Council of Ministers of the Union Republic.

CHAPTER V. THE ORGANS OF STATE ADMINISTRATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Article 64. The highest executive and administrative organ of the state power of the Union of Soviet Socialist Republics is the Council of Ministers of the USSR.

Article 65. The Council of Ministers of the USSR is responsible and accountable to the Supreme Soviet of the USSR, or, in the intervals between sessions of the Supreme Soviet, to the Presidium of the Supreme Soviet of the USSR.

Article 66. The Council of Ministers of the USSR issues decisions and orders on the basis and in pursuance of the laws in operation, and verifies their execution.

Article 67. Decisions and orders of the Council of Ministers of the USSR are binding throughout the territory of the USSR.

Article 68. The Council of Ministers of the USSR:

(*a*) Coordinates and directs the work of the all-Union and Union-Republican Ministries of the USSR and of other institutions under its jurisdiction;

(*b*) Adopts measures to carry out the national-economic plan and the state budget, and to strengthen the credit and monetary system;

(*c*) Adopts measures for the maintenance of public order, for the protection of the interests of the state, and for the safeguarding of the rights of citizens;

(*d*) Exercises general guidance in the sphere of relations with foreign states;

(*e*) Fixes the annual contingent of citizens to be called up for military service and directs the general organization of the Armed Forces of the country;

(*f*) Sets up, whenever necessary, special Committees and Central Administrations under the Council of Ministers of the USSR for economic and cultural affairs and defense.

Article 69. The Council of Ministers of the USSR has the right, in respect of those branches of administration and economy which come within the jurisdiction of the USSR, to suspend decisions and orders of the Councils of Ministers of the Union Republics and to annul orders and instructions of Ministers of the USSR.

Article 70. The Council of Ministers of the USSR is appointed by the Supreme Soviet of the USSR and consists of:

The Chairman of the Council of Ministers of the USSR;
The Vice-Chairmen of the Council of Ministers of the USSR;
The Chairman of the State Planning Commission of the USSR;
The Ministers of the USSR;
The Chairman of the Arts Committee.

Article 71. The Government of the USSR or a Minister of the USSR to whom a question of a member of the Supreme Soviet of the USSR is addressed, must give a verbal or written reply in the respective Chamber within a period not exceeding three days.

Article 72. The Ministers of the USSR direct the branches of state administration which come within the jurisdiction of the USSR.

Article 73. The Ministers of the USSR, within the limits of the jurisdiction of their respective Ministries, issue orders and instructions on the basis and in pursuance of the laws in operation, and also of decisions and orders of the Council of Ministers of the USSR, and verify their execution.

Article 74. The Ministries of the USSR are either all-Union or Union-Republican Ministries.

Article 75. Each all-Union Ministry directs the branch of state administration entrusted to it throughout the territory of the USSR either directly or through bodies appointed by it.

Article 76. The Union-Republican Ministries, as a rule, direct the branches of state administration entrusted to them through corresponding Ministries of the Union Republics; they administer directly only a definite and limited number of enterprises according to a list confirmed by the Presidium of the Supreme Soviet of the USSR.

Article 77. The following Ministries are all-Union Ministries:

Aircraft Industry.
Automobile Industry.
Foreign Trade.
Munitions.
Geological Survey.
Agricultural Stocks.
Material Reserves.
Machine and Instrument-making Industry.
Medical Supplies Industry.
Merchant Marine.

Oil Industry of the Eastern Areas.
Oil Industry of the Southern and Western Areas.
Food Reserves.
Communications Equipment Industry.
Railways.
Rubber Industry.
Inland Water Transport.
Communications.
Agricultural Machinery Industry.
Machine-tool Industry.
Building and Road Building Machinery Industry.
Construction of Army and Navy Works.
Construction of Heavy Industry Works.
Construction of Fuel Industry Works.
Shipbuilding.
Transport Machinery Industry.
Labor Reserves.
Heavy Machine-building Industry.
Coal Industry of the Eastern Areas.
Coal Industry of the Western Areas.
Chemical Industry.
Nonferrous Metals Industry.
Pulp and Paper Industry.
Iron and Steel Industry.
Electrical Industry.
Power Stations.

Article 78. The following Ministries are Union-Republican Ministries:

Grocery Supplies Industry.
Internal Affairs.
Armed Forces.
Higher Education.
State Control.
State Security.
Public Health.
Foreign Affairs.
Cinematography.
Light Industry.
Timber Industry.
Meat and Dairy Industry.
Food Industry.
Building Materials Industry.
Fish Industry of the Eastern Areas.
Fish Industry of the Western Areas.

Agriculture.
State Farms.
Textile Industry.
Trade.
Finance.
Justice.

CHAPTER VI. THE ORGANS OF STATE ADMINISTRATION OF THE UNION REPUBLICS

Article 79. The highest executive and administrative organ of the state power of a Union Republic is the Council of Ministers of the Union Republic.

Article 80. The Council of Ministers of a Union Republic is responsible and accountable to the Supreme Soviet of the Union Republic, or, in the intervals between sessions of the Supreme Soviet of the Union Republic, to the Presidium of the Supreme Soviet of the Union Republic.

Article 81. The Council of Ministers of a Union Republic issues decisions and orders on the basis and in pursuance of the laws in operation of the USSR and of the Union Republic, and of the decisions and orders of the Council of Ministers of the USSR, and verifies their execution.

Article 82. The Council of Ministers of a Union Republic has the right to suspend decisions and orders of the Councils of Ministers of its Autonomous Republics, and to annul decisions and orders of the Executive Committees of the Soviets of Working People's Deputies of its Territories, Regions and Autonomous Regions.

Article 83. The Council of Ministers of a Union Republic is appointed by the Supreme Soviet of the Union Republic and consists of:

The Chairman of the Council of Ministers of the Union Republic;
The Vice-Chairmen of the Council of Ministers;
The Chairman of the State Planning Commission;
The Ministers;
The Chief of the Department of Arts;
The Chairman of the Committee for Cultural and Educational Institutions.

Article 84. The Ministers of a Union Republic direct the branches of state administration which come within the jurisdiction of the Union Republic.

Article 85. The Ministers of a Union Republic, within the limits of the jurisdiction of their respective Ministries, issue orders and instructions on the basis and in pursuance of the laws of the USSR and

of the Union Republic, of the decisions and orders of the Council of Ministers of the USSR and the Council of Ministers of the Union Republic, and of the orders and instructions of the Union-Republican Ministries of the USSR.

Article 86. The Ministries of a Union Republic are either Union-Republican or Republican Ministries.

Article 87. Each Union-Republican Ministry directs the branch of state administration entrusted to it, and is subordinate both to the Council of Ministers of the Union Republic and to the corresponding Union-Republican Ministry of the USSR.

Article 88. Each Republican Ministry directs the branch of state administration entrusted to it, and is directly subordinate to the Council of Ministers of the Union Republic.

CHAPTER VII. THE HIGHER ORGANS OF STATE POWER IN THE AUTONOMOUS SOVIET SOCIALIST REPUBLICS

Article 89. The highest organ of state power in an Autonomous Soviet Socialist Republic is the Supreme Soviet of the Autonomous Republic.

Article 90. The Supreme Soviet of an Autonomous Republic is elected by the citizens of the Republic for a term of four years on a basis of representation established by the Constitution of the Autonomous Republic.

Article 91. The Supreme Soviet of an Autonomous Republic is the sole legislative organ of the Autonomous Republic.

Article 92. Each Autonomous Republic has its own Constitution, which takes account of the specific features of the Autonomous Republic and is drawn up in full conformity with the Constitution of the Union Republic.

Article 93. The Supreme Soviet of an Autonomous Republic elects the Presidium of the Supreme Soviet of the Autonomous Republic and appoints the Council of Ministers of the Autonomous Republic, in accordance with its Constitution.

CHAPTER VIII. THE LOCAL ORGANS OF STATE POWER

Article 94. The organs of state power in territories, regions, autonomous regions, areas, districts, cities and rural localities (stanitsas, villages, hamlets, kishlaks, auls) are the Soviets of Working People's Deputies.

Article 95. The Soviets of Working People's Deputies of territories, regions, autonomous regions, areas, districts, cities and rural localities (stanitsas, villages, hamlets, kishlaks, auls) are elected by the working

people of the respective territories, regions, autonomous regions, areas, districts, cities or rural localities for a term of two years.

Article 96. The basis of representation for Soviets of Working People's Deputies is determined by the Constitutions of the Union Republics.

Article 97. The Soviets of Working People's Deputies direct the work of the organs of administration subordinate to them, ensure the maintenance of public order, the observance of the laws and the protection of the rights of citizens, direct local economic and cultural affairs and draw up the local budgets.

Article 98. The Soviets of Working People's Deputies adopt decisions and issue orders within the limits of the powers vested in them by the laws of the USSR and of the Union Republic.

Article 99. The executive and administrative organ of the Soviet of Working People's Deputies of a territory, region, autonomous region, area, district, city or rural locality is the Executive Committee elected by it, consisting of a Chairman, Vice-Chairmen, a Secretary and members.

Article 100. The executive and administrative organ of the Soviet of Working People's Deputies in a small locality, in accordance with the Constitution of the Union Republic, is the Chairman, the Vice-Chairmen and the Secretary elected by it.

Article 101. The executive organs of the Soviets of Working People's Deputies are directly accountable both to the Soviets of Working People's Deputies which elected them and to the executive organ of the superior Soviet of Working People's Deputies.

CHAPTER IX. THE COURTS AND THE PROCURATOR'S OFFICE

Article 102. In the USSR justice is administered by the Supreme Court of the USSR, the Supreme Courts of the Union Republics, the Courts of the Territories, Regions, Autonomous Republics, Autonomous Regions and Areas, the Special Courts of the USSR established by decision of the Supreme Soviet of the USSR, and the People's Courts.

Article 103. In all courts cases are tried with the participation of people's assessors, except in cases specially provided for by law.

Article 104. The Supreme Court of the USSR is the highest judicial organ. The Supreme Court of the USSR is charged with the supervision of the judicial activities of all the judicial organs of the USSR and of the Union Republics.

Article 105. The Supreme Court of the USSR and the Special Courts of the USSR are elected by the Supreme Soviet of the USSR for a term of five years.

Article 106. The Supreme Courts of the Union Republics are elected by the Supreme Soviets of the Union Republics for a term of five years.

Article 107. The Supreme Courts of the Autonomous Republics are elected by the Supreme Soviets of the Autonomous Republics for a term of five years.

Article 108. The courts of Territories, Regions, Autonomous Regions and Areas are elected by the Soviets of Working People's Deputies of the respective Territories, Regions, Autonomous Regions or Areas for a term of five years.

Article 109. People's Courts are elected by the citizens of the district on the basis of universal, direct and equal suffrage by secret ballot for a term of three years.

Article 110. Judicial proceedings are conducted in the language of the Union Republic, Autonomous Republic or Autonomous Region, persons not knowing this language being guaranteed the opportunity of fully acquainting themselves with the material of the case through an interpreter and likewise the right to use their own language in court.

Article 111. In all courts of the USSR cases are heard in public, unless otherwise provided for by law, and the accused is guaranteed the right to defense.

Article 112. Judges are independent and subject only to the law.

Article 113. Supreme supervisory power to ensure the strict observance of the law by all Ministries and institutions subordinated to them, as well as by officials and citizens of the USSR generally, is vested in the Procurator-General of the USSR.

Article 114. The Procurator-General of the USSR is appointed by the Supreme Soviet of the USSR for a term of seven years.

Article 115. Procurators of Republics, Territories, Regions, Autonomous Republics and Autonomous Regions are appointed by the Procurator-General of the USSR for a term of five years.

Article 116. Area, district and city procurators are appointed by the Procurators of the Union Republics, subject to the approval of the Procurator-General of the USSR, for a term of five years.

Article 117. The organs of the Procurator's Office perform their functions independently of any local organs whatsoever, being subordinate solely to the Procurator-General of the USSR.

CHAPTER X. FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

Article 118. Citizens of the USSR have the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organization of the

national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment.

Article 119. Citizens of the USSR have the right to rest and leisure.

The right to rest and leisure is ensured by the establishment of an eight-hour day for factory and office workers, the reduction of the working day to seven or six hours for arduous trades and to four hours in shops where conditions of work are particularly arduous, by the institution of annual vacations with full pay for factory and office workers, and by the provision of a wide network of sanatoria, rest-homes and clubs for the accommodation of the working people.

Article 120. Citizens of the USSR have the right to maintenance in old age and also in case of sickness or disability.

This right is ensured by the extensive development of social insurance of factory and office workers at state expense, free medical service for the working people, and the provision of a wide network of health resorts for the use of the working people.

Article 121. Citizens of the USSR have the right to education.

This right is ensured by universal and compulsory elementary education; by free education up to and including the seventh grade, by a system of state stipends for students of higher educational establishments who excel in their studies; by instruction in schools being conducted in the native language, and by the organization in the factories, state farms, machine and tractor stations, and collective farms of free vocational, technical and agronomic training for the working people.

Article 122. Women in the USSR are accorded equal rights with men in all spheres of economic, government, cultural, political and other public activity.

The possibility of exercising these rights is ensured by women being accorded an equal right with men to work, payment for work, rest and leisure, social insurance and education, and by state protection of the interests of mother and child, state aid to mothers of large families and unmarried mothers, maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

Article 123. Equality of rights of citizens of the USSR, irrespective of their nationality or race, in all spheres of economic, government, cultural, political and other public activity, is an indefeasible law.

Any direct or indirect restriction of the rights of, or, conversely, the establishment of any direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, is punishable by law.

Article 124. In order to ensure to citizens freedom of conscience, the church in the USSR is separated from the state, and the school from the church. Freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens.

Article 125. In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the USSR are guaranteed by law:

(*a*) freedom of speech;

(*b*) freedom of the press;

(*c*) freedom of assembly, including the holding of mass meetings;

(*d*) freedom of street processions and demonstrations.

These civil rights are ensured by placing at the disposal of the working people and their organizations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights.

Article 126. In conformity with the interests of the working people, and in order to develop the organizational initiative and political activity of the masses of the people, citizens of the USSR are guaranteed the right to unite in public organizations: trade unions, cooperative societies, youth organizations, sport and defense organizations, cultural, technical and scientific societies; and the most active and politically conscious citizens in the ranks of the working class and other sections of the working people unite in the Communist Party of the Soviet Union (Bolsheviks), which is the vanguard of the working people in their struggle to strengthen and develop the socialist system and is the leading core of all organizations of the working people, both public and state.

Article 127. Citizens of the USSR are guaranteed inviolability of the person. No person may be placed under arrest except by decision of a court or with the sanction of a procurator.

Article 128. The inviolability of the homes of citizens and privacy of correspondence are protected by law.

Article 129. The USSR affords the right of asylum to foreign citizens persecuted for defending the interests of the working people, or for scientific activities, or for struggling for national liberation.

Article 130. It is the duty of every citizen of the USSR to abide by the Constitution of the Union of Soviet Socialist Republics, to observe the laws, to maintain labor discipline, honestly to perform public duties, and to respect the rules of socialist intercourse.

Article 131. It is the duty of every citizen of the USSR to safeguard and fortify public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might

of the country, as the source of the prosperity and culture of all the working people.

Persons committing offenses against public, socialist property are enemies of the people.

Article 132. Universal military service is law.

Military service in the Armed Forces of the USSR is an honorable duty of the citizens of the USSR.

Article 133. To defend the country is the sacred duty of every citizen of the USSR. Treason to the motherland—violation of the oath of allegiance, desertion to the enemy, impairing the military power of the state, espionage—is punishable with all the severity of the law as the most heinous of crimes.

CHAPTER XI. THE ELECTORAL SYSTEM

Article 134. Members of all Soviets of Working People's Deputies —of the Supreme Soviet of the USSR, the Supreme Soviets of the Union Republics, the Soviets of Working People's Deputies of the Territories and Regions, the Supreme Soviets of the Autonomous Republics, the Soviets of Working People's Deputies of the Autonomous Regions, and the area, district, city and rural (stanitsa, village, hamlet, kishlak, aul) Soviets of Working People's Deputies—are chosen by the electors on the basis of universal, equal and direct suffrage by secret ballot.

Article 135. Elections of deputies are universal: all citizens of the USSR who have reached the age of eighteen, irrespective of race or nationality, sex, religion, education, domicile, social origin, property status or past activities, have the right to vote in the election of deputies, with the exception of insane persons and persons who have been convicted by a court of law and whose sentences include deprivation of electoral rights.

Every citizen of the USSR who has reached the age of twenty-three is eligible for election to the Supreme Soviet of the USSR, irrespective of race or nationality, sex, religion, education, domicile, social origin, property status or past activities.

Article 136. Elections of deputies are equal: each citizen has one vote; all citizens participate in elections on an equal footing.

Article 137. Women have the right to elect and be elected on equal terms with men.

Article 138. Citizens serving in the Armed Forces of the USSR have the right to elect and be elected on equal terms with all other citizens.

Article 139. Elections of deputies are direct: all Soviets of Working People's Deputies, from rural and city Soviets of Working People's

Deputies to the Supreme Soviet of the USSR, are elected by the citizens by direct vote.

Article 140. Voting at elections of deputies is secret.

Article 141. Candidates are nominated by election district.

The right to nominate candidates is secured to public organizations and societies of the working people: Communist Party organizations, trade unions, cooperatives, youth organizations and cultural societies.

Article 142. It is the duty of every deputy to report to his electors on his work and on the work of his Soviet of Working People's Deputies, and he may be recalled at any time upon decision of a majority of the electors in the manner established by law.

CHAPTER XII. ARMS, FLAG, CAPITAL

Article 143. The arms of the Union of Soviet Socialist Republics are a sickle and hammer against a globe depicted in the rays of the sun and surrounded by ears of grain, with the inscription "Workers of All Countries, Unite!" in the languages of the Union Republics. At the top of the arms is a five-pointed star.

Article 144. The state flag of the Union of Soviet Socialist Republics is of red cloth with the sickle and hammer depicted in gold in the upper corner near the staff and above them a five-pointed red star bordered in gold. The ratio of the width to the length is 1 : 2.

Article 145. The capital of the Union of Soviet Socialist Republics is the City of Moscow.

CHAPTER XIII. PROCEDURE FOR AMENDING THE CONSTITUTION

Article 146. The Constitution of the USSR may be amended only by decision of the Supreme Soviet of the USSR adopted by a majority of not less than two thirds of the votes in each of its Chambers.

THE CONSTITUTION OF JAPAN[1]

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

We believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

[1] Department of State, Publication 2836, Far Eastern Series 22 (Washington, 1947). The Constitution was promulgated on November 3, 1946, and became effective on May 3, 1947.

Chapter 1. The Emperor

Article 1. The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power.

Article 2. The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

Article 3. The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor.

Article 4. The Emperor shall perform only such acts in matters of state as are provided for in this Constitution and he shall not have powers related to government.

The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

Article 5. When, in accordance with the Imperial House Law, a Regency is established, the Regent shall perform his acts in matters of state in the Emperor's name. In this case, paragraph one of the preceding article will be applicable.

Article 6. The Emperor shall appoint the Prime Minister as designated by the Diet.

The Emperor shall appoint the Chief Judge of the Supreme Court as designated by the Cabinet.

Article 7. The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people:

Promulgation of amendments of the constitution, laws, cabinet orders and treaties.

Convocation of the Diet.

Dissolution of the House of Representatives.

Proclamation of general election of members of the Diet.

Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers.

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.

Awarding of honors.

Attestation of instruments of ratification and other diplomatic documents as provided for by law.

Receiving foreign ambassadors and ministers.

Performance of ceremonial functions.

Article 8. No property can be given to, or received by, the Imperial House, nor can any gifts be made therefrom, without the authorization of the Diet.

Chapter 2. Renunciation of War

Article 9. Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

Chapter 3. Rights and Duties of the People

Article 10. The conditions necessary for being a Japanese national shall be determined by law.

Article 11. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

Article 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article 13. All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

Article 14. All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.

Peers and peerage shall not be recognized.

No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

Article 15. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any group thereof.

Universal adult suffrage is guaranteed with regard to the election of public officials.

In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable, publicly or privately, for the choice he has made.

Article 16. Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the en-

actment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any person be in any way discriminated against for sponsoring such a petition.

Article 17. Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official.

Article 18. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article 19. Freedom of thought and conscience shall not be violated.

Article 20. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice.

The State and its organs shall refrain from religious education or any other religious activity.

Article 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article 22. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article 23. Academic freedom is guaranteed.

Article 24. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.

With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

Article 25. All people shall have the right to maintain the minimum standards of wholesome and cultured living.

In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

Article 26. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.

Article 27. All people shall have the right and the obligation to work.

Standards for wages, hours, rest and other working conditions shall be fixed by law.

Children shall not be exploited.

Article 28. The right of workers to organize and to bargain and act collectively is guaranteed.

Article 29. The right to own or to hold property is inviolable.

Property rights shall be defined by law, in conformity with the public welfare.

Private property may be taken for public use upon just compensation therefor.

Article 30. The people shall be liable to taxation as provided by law.

Article 31. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

Article 32. No person shall be denied the right of access to the courts.

Article 33. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended, the offense being committed.

Article 34. No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

Article 35. The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued for adequate cause and particularly describing the place to be searched and things to be seized, or except as provided by Article 33.

Each search or seizure shall be made upon separate warrant issued by a competent judicial officer.

Article 36. The infliction of torture by any public officer and cruel punishments are absolutely forbidden.

Article 37. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State.

Article 38. No person shall be compelled to testify against himself.

Confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence.

No person shall be convicted or punished in cases where the only proof against him is his own confession.

Article 39. No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy.

Article 40. Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law.

Chapter 4. The Diet

Article 41. The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.

Article 42. The Diet shall consist of two Houses, namely, the House of Representatives and the House of Councillors

Article 43. Both Houses shall consist of elected members, representative of all the people.

The number of the members of each House shall be fixed by law.

Article 44. The qualifications of members of both Houses and their electors shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.

Article 45. The term of office of members of the House of Representatives shall be four years. However, the term shall be terminated before the full term is up in case the House of Representatives is dissolved.

Article 46. The term of office of members of the House of Councillors shall be six years, and election for half the members shall take place every three years.

Article 47. Electoral districts, method of voting and other matters pertaining to the method of election of members of both Houses shall be fixed by law.

Article 48. No person shall be permitted to be a member of both Houses simultaneously.

Article 49. Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law.

Article 50. Except in cases provided by law, members of both Houses shall be exempt from apprehension while the Diet is in session, and any members apprehended before the opening of the session shall be freed during the term of the session upon demand of the House.

Article 51. Members of both Houses shall not be held liable outside the House for speeches, debates or votes cast inside the House.

Article 52. An ordinary session of the Diet shall be convoked once per year.

Article 53. The Cabinet may determine to convoke extraordinary sessions of the Diet. When a quarter or more of the total members of either House makes the demand, the Cabinet must determine on such convocation.

Article 54. When the House of Representatives is dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election.

When the House of Representatives is dissolved, the House of Councillors is closed at the same time. However, the Cabinet may in time of national emergency convoke the House of Councillors in emergency session.

Measures taken at such session as mentioned in the proviso of the preceding paragraph shall be provisional and shall become null and void unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet.

Article 55. Each House shall judge disputes related to qualifications of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

Article 56. Business cannot be transacted in either House unless one-third or more of total membership is present.

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution, and in case of a tie, the presiding officer shall decide the issue.

Article 57. Deliberation in each House shall be public. However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor.

Each House shall keep a record of proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes.

Article 58. Each House shall select its own president and other officials.

Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

Article 59. A bill becomes a law on passage by both Houses, except as otherwise provided by the Constitution.

A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

The provision of the preceding paragraph does not preclude the House of Representatives from calling for the meeting of a joint committee of both Houses, provided for by law.

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection of the said bill by the House of Councillors.

Article 60. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when no agreement can be reached even through a joint committee of both Houses, provided for by law, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives shall be the decision of the Diet.

Article 61. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

Article 62. Each House may conduct investigations in relation to government, and may demand the presence and testimony of witnesses, and the production of records.

Article 63. The Prime Minister and other Ministers of State may, at any time, appear in either House for the purpose of speaking on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

Article 64. The Diet shall set up an impeachment court from among the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

Chapter 5. The Cabinet

Article 65. Executive power shall be vested in the Cabinet.

Article 66. The Cabinet shall consist of the Prime Minister, who

shall be its head, and other Ministers of State, as provided for by law.

The Prime Minister and other Ministers of State must be civilians.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article 67. The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if no agreement can be reached even through a joint committee of both Houses, provided for by law, or the House of Councillors fails to make designation within ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.

Article 68. The Prime Minister shall appoint the Ministers of State. However, a majority of their number must be chosen from among the members of the Diet.

The Prime Minister may remove the Ministers of State as he chooses.

Article 69. If the House of Representatives passes a non-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved within ten (10) days.

Article 70. When there is a vacancy in the post of Prime Minister, or upon the first convocation of the Diet after a general election of members of the House of Representatives, the Cabinet shall resign en masse.

Article 71. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

Article 72. The Prime Minister, representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet and exercises control and supervision over various administrative branches.

Article 73. The Cabinet, in addition to other general administrative functions, shall perform the following functions:

Administer the law faithfully; conduct affairs of state.

Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

Administer the civil service, in accordance with standards established by law.

Prepare the budget, and present it to the Diet.

Enact cabinet orders in order to execute the provisions of this

Constitution and of the law. However, it cannot include penal provisions in such cabinet orders unless authorized by such law.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

Article 74. All laws and cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister.

Article 75. The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister. However, the right to take that action is not impaired by.

Chapter 6. Judiciary

Article 76. The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power.

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws.

Article 77. The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs.

Public procurators shall be subject to the rule-making power of the Supreme Court.

The Supreme Court may delegate the power to make rules for inferior courts to such courts.

Article 78. Judges shall not be removed except by public impeachment unless judicially declared mentally or physically incompetent to perform official duties. No disciplinary action against judges shall be administered by any executive organ or agency.

Article 79. The Supreme Court shall consist of a Chief Judge and such number of judges as may be determined by law; all such judges excepting the Chief Judge shall be appointed by the Cabinet.

The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of ten (10) years, and in the same manner thereafter.

In cases mentioned in the foregoing paragraph, when the majority of the voters favors the dismissal of a judge, he shall be dismissed

Matters pertaining to review shall be prescribed by law.

The judges of the Supreme Court shall be retired upon the attainment of the age as fixed by law.

All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article 80. The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court. All such judges shall hold office for a term of ten (10) years with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law.

The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article 81. The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act.

Article 82. Trials shall be conducted and judgment declared publicly.

Where a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press or cases wherein the rights of people as guaranteed in Chapter 3 of this Constitution are in question shall always be conducted publicly.

Chapter 7. Finance

Article 83. The power to administer national finances shall be exercised as the Diet shall determine.

Article 84. No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe.

Article 85. No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

Article 86. The Cabinet shall prepare and submit to the Diet for its consideration and decision a budget for each fiscal year.

Article 87. In order to provide for unforeseen deficiencies in the budget, a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet.

The Cabinet must get subsequent approval of the Diet for all payments from the reserve fund.

Article 88. All property of the Imperial Household shall belong to the State. All expenses of the Imperial Household shall be appropriated by the Diet in the budget.

Article 89. No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority.

Article 90. Final accounts of the expenditures and revenues of the State shall be audited annually by a Board of Audit and submitted by

the Cabinet to the Diet, together with the statement of audit, during the fiscal year immediately following the period covered.

The organization and competency of the Board of Audit shall be determined by law.

Article 91. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

Chapter 8. Local Self-Government

Article 92. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article 93. The local public entities shall establish assemblies as their deliberate organs, in accordance with law.

The chief executive officers of all local public entities, the members of their assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article 94. Local public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within law.

Article 95. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

Chapter 9. Amendments

Article 96. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.

Chapter 10. Supreme Law

Article 97. The fundamental human rights by this Constitution guaranteed to the people of Japan are fruits of the age-old struggle of man to be free; they have survived the many exacting tests for durability and are conferred upon this and future generations in trust, to be held for all time inviolate.

Article 98. This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government,

or part thereof, contrary to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established laws of nations shall be faithfully observed.

Article 99. The Emperor or the Regent as well as Ministers of State, members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

Chapter 11. Supplementary Provisions

Article 100. This Constitution shall be enforced as from the day when the period of six months will have elapsed counting from the day of its promulgation.

The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convocation of the Diet and other preparatory procedures necessary for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph.

Article 101. If the House of Councillors is not constituted before the effective date of this Constitution, the House of Representatives shall function as the Diet until such time as the House of Councillors shall be constituted.

Article 102. The term of office for half the members of the House of Councillors serving in the first term under this Constitution shall be three years. Members falling under this category shall be determined in accordance with law.

Article 103. The Ministers of State, members of the House of Representatives and judges in office on the effective date of this Constitution, and all other public officials who occupy positions corresponding to such positions as are recognized by this Constitution shall not forfeit their positions automatically on account of the enforcement of this Constitution unless otherwise specified by law. When, however, successors are elected or appointed under the provisions of this Constitution, they shall forfeit their positions as a matter of course.

THE (COMMUNIST) PEOPLE'S REPUBLIC OF CHINA[1]

PREAMBLE

The great victories of the Chinese People's War of Liberation and the People's Revolution have ended the era of the rule of imperialism, feudalism and bureaucratic capitalism in China. From the status of being oppressed, the Chinese people have become the master of a new society and a new State. It has replaced the feudal, compradore, fascist, dictatorial Kuomintang reactionary rule with the Republic of the People's Democratic Dictatorship.

The Chinese People's Democratic Dictatorship is the state power of the People's Democratic Front of the Chinese working class, peasantry, petty bourgeoisie, national bourgeoisie and patriotic democratic elements based on the alliance of workers and peasants and led by the working class.

The Chinese People's Political Consultative Conference—composed of the representatives of the Communist Party of China, all democratic parties and groups, people's organizations, all areas, the People's Liberation Army, all national minorities, Overseas Chinese and patriotic democratic elements—is the form of organization of the Chinese People's Democratic United Front.

The Chinese People's Political Consultative Conference, representing the will of the people throughout the country, proclaims the establishment of the People's Republic of China and organizes the People's own Central Government.

The Chinese People's Political Consultative Conference unanimously agrees that the New Democracy, namely the People's Democracy, shall be the political foundation for national construction of the People's Republic of China. The Chinese People's Political Consultative Conference has also worked out the following Common Program,

[1] Adopted on September 29, 1949. Unofficial English translation broadcast by the (Communist) New China News Agency, as published in *Far East Spotlight* (October 1949).

which should be observed in common by all units participating in the Chinese People's Political Consultative Conference, all levels of the People's Government and people throughout the country.

Chapter I: General Principles

Article 1. The People's Republic of China is a New Democratic State, that is, a People's Democracy. This Republic realizes the people's democratic dictatorship led by the working class, based on the alliance of workers and peasants and rallying all democratic classes and all nationalities in China. This Republic opposes imperialism, feudalism and bureaucratic capitalism and works for the independence, democracy, peace, unification, prosperity and strength of China.

Article 2. The Central People's Government of the People's Republic of China must undertake to wage the People's War of Liberation to the very end, liberate all the territory of China and accomplish the task of unifying China.

Article 3. The People's Republic of China must abolish all the prerogatives of imperialist countries in China, confiscate bureaucratic capital for ownership by the People's State; systematically transform the feudal and semi-feudal land ownership system into the system of peasant land ownership; protect the public property of the State and the property of co-operatives; protect the economic interests and private property of workers, peasants, the petty bourgeoisie and national bourgeoisie, develop the people's New Democratic economy and steadily transform the country from an agricultural into an industrial country.

Article 4. The right of the people of the People's Republic of China to elect and be elected is prescribed by law.

Article 5. The people of the People's Republic of China shall have freedom of thought, speech, publication, assembly, association, correspondence, person, domicile, movement from one place to another, religious belief and freedom to hold processions and demonstrations.

Article 6. The People's Republic of China abolishes the feudal system which holds women in bondage. Women shall enjoy equal rights with men in political, economic, cultural, educational and social life. Freedom of marriage for men and women shall be enforced.

Article 7. The People's Republic of China must suppress all counter-revolutionary activities, severely punish all Kuomintang counter-revolutionary war criminals and other obdurate arch-counter-revolutionary elements who collude with imperialism, commit treason against the Motherland and oppose the cause of the People's Democracy. Reactionary elements, feudal landlords and bureaucratic capitalists in general must, according to law, also be deprived of their political rights for a necessary period after they have been disarmed and their special power abolished, but they shall at the same time be given a means of

livelihood and compelled to reform themselves through labor to make them into new men. If they continue their counter-revolutionary activities, they shall be severely punished.

Article 8. It is the duty of every national of the People's Republic of China to defend the Motherland, to observe the laws, to maintain labor discipline, to protect public property, to perform public and military service and to pay taxes.

Article 9. All nationalities in the People's Republic of China have equal rights and duties.

Article 10. The armed forces of the People's Republic of China, that is, the People's Liberation Army, the people's public security forces and people's police are armed forces belonging to the people. Their tasks are to defend the independence, territorial integrity and sovereignty of China and the revolutionary fruits and all legitimate rights and interests of the Chinese people. The Central People's Government of the People's Republic of China shall endeavor to consolidate and strengthen the people's armed forces to enable them to accomplish their tasks effectively.

Article 11. The People's Republic of China unites with all peace and freedom-loving countries and peoples throughout the world; first of all with the Soviet Union, all people's democracies and all oppressed nations. It stands in the camp for international peace and democracy to jointly oppose imperialist aggression and defend lasting world peace.

Chapter II: Organs of State Power

Article 12. The State power of the People's Republic of China belongs to the people. All levels of the People's Congress and all levels of the People's Government are organs for the exercise of State power by the people. All levels of the People's Congress shall be elected through universal suffrage by the people. All levels of the People's Congress shall elect the respective levels of the People's Government. The various levels of the People's Government shall be the organs for exercising State power at their respective levels when their respective People's Congresses are not in session. The All-China People's Congress is the supreme organ of State power. The Central People's Government shall be the supreme organ for exercising State power when the All-China People's Congress is not in session.

Article 13. The Chinese People's Political Consultative Conference is the form of organization of the People's Democratic United Front. It shall be composed of the representatives of the working class, the peasantry, revolutionary servicemen, intellectuals, the petty bourgeoisie, the national bourgeoisie, national minorities, Overseas Chinese and patriotic democratic elements.

Pending the convocation of the All-China People's Congress to be

elected through universal suffrage, the plenary session of the Chinese People's Political Consultative Conference shall exercise the functions and powers of the All-China People's Congress, enact the statute of the Central People's Government of the People's Republic of China, elect the Central People's Government Council of the People's Republic of China and vest it with the authority of exercising State power.

After the convocation of the All-China People's Congress elected through universal suffrage, the Chinese People's Political Consultative Conference shall submit proposals on fundamental policies relating to the construction work of the country and other important measures, to the All-China People's Congress or to the Central People's Government.

Article 14. Military control shall be enforced in all places newly liberated by the People's Liberation Army and the Kuomintang reactionary organs of State Power shall be abolished. The Central People's Government, or military and political organs at the fronts, shall appoint personnel to organize Military Control Commissions and local People's Governments to lead the people in establishing revolutionary order and suppressing counter-revolutionary activities and, when conditions permit, to convene conferences of the representatives of all circles.

Pending the convocation of the local People's Congresses elected through universal suffrage, the local conferences of representatives of all circles shall gradually assume the functions of the local People's Congresses.

The duration of military control shall be determined by the Central People's Government in accordance with military and political conditions of the given locality.

Article 15. All levels of the organs of State power shall put into practice democratic centralism. Its main principles are: The People's Congress is responsible and accountable to the people. Within the People's Congress and the People's Government Council the minority shall abide by the decisions of the majority. The appointment of the People's Government at various levels shall be confirmed by the People's Government of the highest level. The People's Government of the lower level shall obey the People's Government of the higher level and all local People's Governments throughout the country shall obey the People's Government.

Article 16. The jurisdiction of the Central People's Government and the local People's Governments shall be defined in accordance with the nature of the various kinds of affairs and shall be prescribed by decrees of the Central People's Government Council so as to benefit both national and local unification and conform to the needs of local circumstances.

Article 17. All laws, decrees and judicial systems of the Kuomintang reactionary government oppressing the people are abolished. Laws and decrees protecting the people shall be enacted and the people's judicial system shall be established.

Article 18. All State organs must enforce a revolutionary working style of honesty, simplicity and service to the people, must severely punish graft, forbid extravagance and oppose the bureaucratic style of work characterized by estrangement from the masses of the people.

Article 19. People's supervisory organs shall be set up in the People's Governments at county and municipal levels and above to supervise the execution of duties by the various levels of state organs and public functionaries, and indict organs and functionaries who violate the law or are derelict in the performance of their duties. Individuals or people's organizations have the right to indict before the people's supervisory organs or people's judiciary organs any state organ or any public functionary violating the law or derelict in the performance of duties.

Chapter III: The Military System

Article 20. The People's Republic of China shall build up a unified army, that is, the People's Liberation Army and the people's public security forces, which shall be under the command of the People's Revolutionary Military Council of the Central People's Government and which shall institute a unified command, a unified system, unified organization and unified discipline.

Article 21. The People's Liberation Army and the people's public security forces shall, in accordance with the principles of unity between the officers and rank and file and unity between the army and the people, set up a political system of work and educate the commanders and fighters of these forces in a revolutionary and patriotic spirit.

Article 22. The People's Republic of China shall strengthen and modernize the land forces and establish an Air Force and a Navy to consolidate the national defense.

Article 23. The People's Republic of China shall enforce the system of People's Militia to maintain local order, lay the foundation for national mobilization and prepare for the enforcement of an obligatory military service system at the appropriate moment.

Article 24. The armed forces of the People's Republic of China shall, during peace time, systematically take part in agricultural and industrial production to assist in national construction work providing this does not hinder military tasks.

Article 25. Dependents of revolutionary martyrs and revolutionary servicemen who suffer from privation shall receive preferential treatment from the State and from society. The People's Government shall appropriately provide means of livelihood and re-settlement for dis-

abled servicemen and retired servicemen who have participated in the revolutionary war.

Chapter IV: Economic Power

Article 26. The basic principle for economic construction of the People's Republic of China is to attain the goal of developing production and bringing about a prosperous economy through the policy of taking into account both public and private interests, benefits to both labor and capital, mutual aid between the city and the countryside and the interflow of goods at home and between China and countries abroad.

The State shall co-ordinate and regulate the State-owned economy, co-operative economy, individual economy of peasants and handicraftsmen, private capitalist economy and State capitalist economy in the spheres of operation, supply of raw materials, markets, labor, technical equipment, policies of public finance and trade, etc., so that all components of the social economy can play their part and effect division of work and co-operate under the leadership of the State-owned economy to promote the development of the entire social economy.

Article 27. The agrarian reform is the essential condition for the development of the productive power and the industrialization of the country. In all areas where the agrarian reform has been carried out, the rights of ownership to the land obtained by peasants shall be protected.

In areas where the agrarian reform has not yet been carried out, the peasant masses must be set in motion to organize peasant organizations and to realize the slogan, "Land to the tiller" through such measures as the elimination of local bandits and despots, reduction of rents and interest and the distribution of land.

Article 28. The State-owned economy is of a Socialist nature. All enterprises vital to the economic life of the country and to the people's livelihood shall come under the unified operation of the State. All State-owned resources and enterprises are the common property of all the people. They are the main material basis of the People's Republic for the development of production and the creation of a prosperous economy and are the leading forces of the entire social economy.

Article 29. Co-operative economy is of a semi-socialist nature and is an important component of the entire people's economy. The People's Government shall foster its development and accord it preferential treatment.

Article 30. The People's Government shall encourage the active operation of all private economic enterprises beneficial to the national welfare and the people's livelihood and long term development.

Article 31. The economy based on co-operation between State and private capital is of a State Capitalist nature. Whenever necessary and

possible, private capital shall be encouraged to develop in the direction of state capitalism—for example towards joint operations with State-owned enterprises or in joint operations with the State or operation of State-owned enterprises and exploitation of the State-owned resources through the form of concessions.

Article 32. The system of workers taking part in the administration of production shall at present be put into practice in State-owned enterprises. That is, Factory Administrative Committees shall be set up under the leadership of the factory director.

In privately-owned enterprises, collective contracts should be signed by the employer and the trade union representing the workers and employees in order to carry out the principle of benefits to both labor and capital. At present an 8 to 10-hour day shall in general be enforced in publicly and privately-operated enterprises, but this may be dealt with at discretion under special circumstances. The People's Government shall fix the minimum wage according to the conditions, various places and trades. Labor insurance shall be gradually instituted. The special interests of juvenile and women workers shall be protected. Inspection of industries and mines shall be carried out to improve safety devices and the sanitary facilities of the industries and mines.

Article 33. The Central People's Government shall as early as possible draw up a general plan for rehabilitating and developing the main branches of the public and private economy of the entire country, determine the division of work and co-operation between the Central and Local Governments in economic construction and carry out unified coordination of the mutual relations between the economic departments of the Central and Local Governments.

Under the unified leadership of the Central People's Government, the various economic departments of the Central and Local Governments should give full play to their creativeness and initiative.

Article 34. Agriculture, forestry, fishing and stock-raising: In all areas where the Agrarian Reform has been thoroughly carried out, the People's Government will take as its central task the organization of the peasants and all labor power which can be employed in agriculture to develop agricultural production and by-occupations and shall guide the peasants step by step to organize various forms of mutual aid, labor and production co-operation according to the principle of free choice and mutual benefits. In newly liberated areas, the first step of the Agrarian Reform should be linked up with reviving and developing agricultural production. The People's Government should, in accordance with the plan of the State and the needs of the people's livelihood, restore the output of grain, industrial raw materials and export goods to the pre-war production level and surpass it within the shortest possible time. Attention should be paid to building and repairing irrigation works,

taking preventive measures against floods and drought, restoring and developing livestock raising, increasing the use of fertilizers, improving farm tools and seeds, taking preventive measures against pests and plant diseases, relieving the victims of natural calamities and systematically carrying out irrigation for land reclamation.

Forests shall be protected and afforestation shall be developed according to plan.

Fishing grounds along the seacoast shall be protected and the aquatic products industry shall be developed.

Livestock raising shall be protected and developed and preventive measures taken against plague.

Article 35. Industry: To lay down the foundations for the industrialization of the country, work shall be centered on the planned, systematic rehabilitation and development of heavy industry, such as the mining and steel and iron industries, light industry, the machine-building industry, the electrical industry and the main chemical industries. At the same time the production of the textile industry and other industries beneficial to the national welfare and the people's livelihood shall be restored and increased to meet the daily consumption needs of the people.

Article 36. Communications: Railways and roads must be restored and transport facilities increased. Rivers must be dredged and waterway transportation expanded; postal and telegraphic services must be improved and developed; various communication facilities must be built up and civil aviation inaugurated step by step, according to plan.

Article 37. Commerce: All legitimate public and private trading shall be protected. Control of foreign trade shall be enforced and the policy of protecting trade shall be adopted. Domestic free trade shall be adopted under the general economic plan of the State, but commercial transactions disturbing the market are strictly prohibited.

State-owned trading organs shall undertake to adjust supply and demand, stabilize commodity prices, and foster the people's co-operatives. The People's Government shall adopt the necessary measures to encourage the people to deposit their savings, to facilitate overseas remittances, and channel idle capital and commercial capital not beneficial to the national welfare and the people's livelihood into industry and other productive undertakings.

Article 38. Co-operatives: The broad masses of the working people shall be encouraged and assisted to develop co-operatives according to the voluntary principle. Supply and marketing co-operatives, consumers' co-operatives, credit co-operatives, producers' co-operatives, and transport co-operatives shall be organized in towns and villages. Consumers' co-operatives shall first be organized in factories, institutions, and schools.

Article 39. Finance: Financial enterprises shall be strictly controlled by the State. The right of issuing currency belongs to the State. The circulation of foreign currencies within the country is forbidden. Buying and selling of foreign exchange, foreign currencies, gold, and silver shall be handled by the State banks. Private financial enterprises operating within the law shall be subjected to State supervision and direction. Severe punishment shall be meted out to all who engage in financial speculation and undermining of the financial enterprises of the State.

Article 40. Public finance: The system of budget and final accounts shall be instituted. The financial spheres of the Central and Local Governments shall be defined. Retrenchment and economy shall be enforced. The balancing of the budget shall gradually be attained and capital accumulated for the country's production.

The taxation policy of the State shall be based on the principle of insuring supply for the revolutionary war and taking into account the rehabilitation and development of production and the needs of national construction. The taxation system shall be simplified and a just distribution of the burden effected.

Chapter V: Culture and Educational Policy

Article 41. The culture and education of the People's Republic of China is new and democratic, that is, national, scientific and popular. The main tasks of the cultural and educational work of the People's Government shall be to raise the cultural level of the people, to train personnel for national construction work, to liquidate feudal, compradore, fascist ideology and to develop the ideology of serving the people.

Article 42. Love for the fatherland and the people, love of labor, love of science, and solicitude for public property shall be promoted as the public spirit of all nationals of the People's Republic of China.

Article 43. Efforts shall be made to develop the natural sciences and to place them at the service of industrial, agricultural, and national defense construction. Scientific discoveries and inventions shall be encouraged and rewarded. Scientific knowledge shall be popularized.

Article 44. The application of a scientific historical viewpoint to the study and interpretation of history, economics, politics, culture, and international affairs shall be promoted. Outstanding works of social science shall be encouraged and awarded.

Article 45. Literature and arts shall be promoted to serve the people, to enlighten the political consciousness of the people and to encourage the labor enthusiasm of the people. Outstanding works of literature and art shall be encouraged and rewarded. The people's drama and cinema shall be developed.

Article 46. The educational method of the People's Republic of China is the unity of theory and practice. The People's Government will reform the old educational system, subject matter, and teaching methods practically according to plan.

Article 47. In order to meet the widespread needs of revolutionary work and national construction work, universal education shall be carried out. Middle and higher education shall be strengthened. Technical education shall be stressed. The education of workers during their spare time and education of cadres at their posts, shall be strengthened. Revolutionary political education shall be accorded to young intellectuals and old style scholars in a planned and systematic manner.

Article 48. National sports shall be promoted. Public health and medical work shall be extended. Attention shall be paid to safeguarding the health of mothers, infants, and children.

Article 49. Freedom of reporting true news shall be safeguarded. The utilization of the press to slander, to undermine the interests of the State and the people, and to provoke world war is prohibited. The people's broadcasting and people's publication work shall be developed. Attention shall be paid to publishing popular books and newspapers beneficial to the people.

Chapter VI: Policy toward Nationalities

Article 50. All nationalities within the boundary of the People's Republic of China are equal. Unity and mutual help shall be effected among them to oppose imperialism and the public enemies within these nationalities, so that the People's Republic of China will become a big fraternal and co-operative family of all nationalities. Greater Chinese nationalism and chauvinism shall be opposed. Acts of discrimination, oppression, and splitting the unity of the various nationalities shall be prohibited.

Article 51. Regional autonomy shall be carried out in areas where national minorities are aggregated and autonomous organs of the various nationalities shall be set up according to their respective population and size of the region. The various nationalities shall have an appropriate number of representatives in the local organs of State power in places where various nationalities live together and in the autonomous areas of national minorities.

Article 52. The nationalities within the boundary of the People's Republic of China have the right to join the People's Liberation Army and organize local people's public security forces in accordance with the unified military system of the State.

Article 53. All national minorities have the right freely to develop their dialects and languages and to preserve or reform their customs, habits, and religious beliefs. The People's Government shall help the

masses of the people of all national minorities to develop their political, economic, cultural and educational construction work.

Chapter VII: Foreign Policy

Article 54. The principles of the foreign policy of the People's Republic of China are: to safeguard the independence, freedom and territorial integrity and sovereignty of the country; to support lasting international peace and friendly co-operation between the peoples of all countries; and to oppose the imperialist policy of aggression and war.

Article 55. The Central People's Government of the People's Republic of China shall examine the treaties and agreements concluded between the Kuomintang and foreign Governments, and recognize, abrogate, revise, or renew them according to their respective contents.

Article 56. The Central People's Government of the People's Republic of China may negotiate and establish diplomatic relations on the basis of equality, mutual benefits, and mutual respect for territory and sovereignty with foreign governments which sever relations with the Kuomintang reactionaries and adopt a friendly attitude toward the People's Republic of China.

Article 57. The People's Republic of China may restore and develop trading and commercial relations with foreign governments and people on the basis of equality and mutual benefit.

Article 58. The Central People's Government of the People's Republic of China shall do its utmost to protect the legitimate rights and interests of Chinese residing abroad.

Article 59. The People's Government of the People's Republic of China shall protect law-abiding foreign nationals in China.

Article 60. The People's Republic of China shall accord the right of asylum to foreign nationals who seek refuge in China because they are oppressed by their own Governments for supporting the people's interests and taking part in the struggle for peace and democracy.

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