Advance Announcement

THE OPEN ROAD TO FREEDOM

By LIONEL CURTIS

Author of

World Revolution in the Cause of Peace

Cr. 8vo *Sewed* *3s. 6d. net*

THE proofs of this book were submitted to a research group at All Souls College consisting of Sir Arthur Salter, Professor Hanbury (Vinerian Professor of Law), Professor Ernest Jacob (Chichele Professor of History), C. M. Monteith, and Sir Keith Joseph. The proofs were revised by the author after discussion by the group, members of which state their differences in appended notes.

In this short book Mr. Curtis argues that an international state of free nations so strong that no aggressor would dare to attack could be established without great difficulty if statesmen realized that national governments need not be deprived of their present power to control currencies, tariffs, and migration—that indeed it would be mischievous to do so. He contends that the fear of war is the key to all other problems, and that if this fear were removed rulers would find that social and economic problems that now baffle them would be open to solution by national governments.

Appended to this book is a short constitution for an international state drafted by Professor Hanbury.

While Mr. Curtis's book was in the press Chatham House published a report on *Defence in the Cold War*, price 5s., by a group over which General Sir Ian Jacob presides. This report states the political and strategic problems which have to be solved if we are to prevent a third world war in the not too distant future. In *The Open Road to Freedom* Mr. Curtis shows what he thinks must be done to solve these problems.

The report on *Defence in the Cold War* reads like a prologue to *The Open Road to Freedom*.

BASIL BLACKWELL · BROAD ST. · OXFORD

THE OPEN ROAD TO FREEDOM

CATALOGUED

The Open Road To Freedom

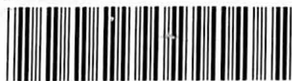
LIONEL CURTIS
Author of *World Revolution in the Cause of Peace*

BASIL BLACKWELL
OXFORD
1950

DATA ENTERED

RARE 321.04
C944O

Library IIAS, Shimla



00012863

Printed in Great Britain for BASIL BLACKWELL & MOTT, LIMITED
by A. R. MOWBRAY & Co. LIMITED, London and Oxford

FOREWORD

THE first draft of this book was submitted in proof to a group of my colleagues at All Souls College consisting of Sir Arthur Salter, Professor Hanbury (Vinerian Professor of Law), Professor Jacob (Chichele Professor of Modern History), Sir Keith Joseph, and C. M. Monteith. They each gave me comments in writing, in the light of which I revised my draft, and circulated the amended proofs to the members of the group who met to discuss it on October 1, 1950. After this discussion I revised the second draft in the light of expressed opinions. I sent a copy of the second draft to Sir Arthur Salter, who was unable to attend the first discussion group as he was visiting the United States of America at the time. On September 28th he wrote: 'I agree with you that *over the range of practicable federation* you are right in the essential points of (*a*) relating representation to the contribution, (*b*) restricting federal powers to defence and foreign policy. But there is so much else to decide.'

Of my other colleagues two were not in agreement with my general thesis, but their able and original comments led me to make a number of amendments in the second draft.

Professor Jacob, who seemed, like Sir Arthur Salter, to agree with my argument in its outline, felt that the historical statements upon which the argument was founded were an over-simplification. When I tried to make such qualifications and modifications of my statements as were needed to satisfy a professional historian,

I found that I could not do so without making the book too long for busy folk, who are not historians, to read.

The historical statements in this short book are based on previous books, which together cover more than a thousand pages. A list of them is given at the end of this book. To incorporate this historical matter in the present volume would swell it to unreadable length. It would also divert the reader from the point I am trying to make, that the prevention of war is the key to all other problems. The object of this book is to get something done in time to save the world from a third and more fearful catastrophe. It is prompted by the dictum of Thomas Carlyle that the object of human life is an act, not a thought.

It was, therefore, agreed that my colleagues should record their comments for publication and append them to this book. If any of them could not do this in time, I undertook to print and publish their statements as soon as they reached me.

Professor Hanbury found himself in agreement with my thesis that the fear of war could only be relieved if the free nations united in such a way as to make themselves too strong for any aggressor to attack, and that this they could only do by entrusting their common defence to federal authority. South African experience had led me to think that a scheme for political construction can be tested by seeing whether a constitution can be drafted to give effect to it. A national convention met at Durban and passed a number of resolutions by unanimous vote. Legal advisers were then instructed to draft these resolutions into a constitution, to be considered some time later at Cape Town.

When this second convention met the legal draftsmen

reported that some of the resolutions passed at Durban were too inconsistent to draft into a constitution. The convention, therefore, had to revise these resolutions before they could agree on the constitution under which the South African union is now governed.

I had told my colleagues that we ought to see whether Professor Hanbury could draft a constitution for an international commonwealth on the lines set out in this book. I was, therefore, rejoiced to find that the Vinerian Professor was prepared to submit a draft for discussion by the group. His draft, when made, was at once circulated to members of the group, who met to consider it on October 8, 1950. On the economic and financial aspects of the question full use was made of expert advice available in the college. The result can be seen in the draft constitution appended to this book.

These group discussions have shown how valuable team work is to those engaged on political construction. Professor Hanbury's draft was, in fact, an agenda which raised points which called for discussion, in the course of which we found that our own opinions were cleared and developed. The chief value of this book may, I think, be that the draft constitution will provide an agenda upon which other research groups in universities throughout the free nations can work. I hope too that Rotary Clubs, which extend over all the civilized world and operate even within the Iron Curtain, will remember that their founder had in mind the promotion of world peace.

In the course of discussion in groups like these public opinion will develop on such questions as how the executive and legislature of an international Union

should be constituted. When an international conference meets to consider what must be done to end the fear of a third war it will find in this draft constitution an agenda ready for discussion. It will also find that work by groups throughout the free countries will have clarified and developed a public opinion which would make it easier for an international conference to decide how to shape a draft constitution for submission to the electorates of the nations they represent.

With one exception British newspapers have failed to mention for the information of their readers that a resolution calling for such a conference has already been passed with one dissentient by the Senate in Canada and that a similar resolution is before Congress in Washington. On the motion to adjourn the House of Commons in August, E. H. C. Leather, M.P. (ex-Canadian airman), apprised the astonished House of these facts.

LIONEL CURTIS.

All Souls College,
Oxford.
October, 1950.

CONTENTS

CHAP.		PAGE
	Foreword	v
	Introduction	1
I.	The Open Road to Freedom	5
II.	America and the Dominions	11
III.	U.N.O.	14
IV.	General Botha and South Africa	22
V.	Problems of Germany and of the Colour Bar	26
VI.	Embarrassing and Inflammatory Matter	32
VII.	Representation	43
VIII.	The Capital Question	47
IX.	Heads in the Sand	49
X.	They are Ghosts	52
	Appendix: Draft Constitution for an International State	59
	Notes on The Open Road to Freedom	
	(1) Mr. Monteith	65
	(2) Sir Keith Joseph	68
	(3) Professor Jacob	73

THE OPEN ROAD TO FREEDOM

INTRODUCTION

THE first chapters of this book had already been written when General Marshall, on May 30, 1950, gave the principal address at Arlington National Cemetery over the graves of Americans who had given their lives in the war. I can think of no better introduction to this short book than this speech as reported in *The Times*:

> We have before us the greatest task ever faced by any generation of men in the fight to preserve peace. War, I say again, is no longer just an evil. In this age, it seems intolerable. There is nothing to be said in favour of war except that it is the lesser of two evils. It is better than appeasement of aggression, because appeasement encourages the very aggression it seeks to prevent; and it is far better than submission to tyranny and oppression, because without freedom and respect for human dignity life would not be worth living.
>
> DYNAMIC FORCE
>
> Unless we are faced with the choice between these terrible alternatives, I think we should concentrate on finding peaceful solutions to the world's problems. Peace should be a dynamic force and not a negative condition; that is, merely the absence of armed hostilities. We should support to the full every existing instrument for the building of a more stable world. So long as there is a forum for open discussion of international disputes, the United States should be a participant. So long as there remains a conference table around which the nations can gather, the United States should be the first to attend and the last to retire. So long as the United Nations forum 'remains open' there are cracks in the Iron Curtain through which some of our ideas will penetrate.

It would be unwise, it seems to me, to console ourselves with the thought that we would ultimately win if hostilities should break out again, because I fear that the victorious Power in another war will stand amidst its own ruins, with little strength left to re-establish itself or to offer assistance to its neighbours. It will only enjoy the empty triumph of inheriting the responsibility for a shattered and impoverished world. To one who follows the current trend of thought among the western European Powers it is evident that they are well aware of this. They realize that, whoever wins another war, their generation will lose it; they know that peace is a condition necessary to their survival, and they look to this country, not only for material and military strength to offset the probability of war, but, more importantly, I am sure that they look to us for a clear restatement of the moral principles we feel are essential to peaceful international society.

PRECARIOUS EQUILIBRIUM

Some have suggested that the United States should take the lead in dissolving the United Nations and in setting up a new organization, composed only of like-minded nations. Personally I think it would be unfortunate for the peace of the world deliberately to upset the precarious equilibrium that now exists. . . .

Those who have lost faith in the organization profess alarm because the eastern Powers use it as a platform for the dissemination of Communist propaganda. But we also have the privilege of telling our story through the same medium; and in any contest of ideas, I think honesty will finally win, for in the long run truth must prevail, and I will wager my money on American principles of freedom and equality under the law, and tolerance and justice for all men. . . .

We have taken the offensive regarding Communism. But we should constantly remind all people that no nation has ever embraced any form of totalitarian rule through exercise of the popular will. However, the ferment that is stirring around the world to-day is not all Communist-inspired. A large part of it, I believe, results from an upsurge of peoples who have long suffered in poverty and misrule; and the

millions who live under such sub-normal conditions are entitled to a fair share of the God-given rights of human beings. It is a challenge to the more favoured nations to lend assistance in bettering their lot.

RALLYING POINT

Furthermore, self-interest demands that we give close attention to these peoples, for their situation is the seed-bed for either one of two ways of life—democracy or Communism. If we act with wisdom, we can guide this yearning to the better things of life through democratic channels. We must present democracy as a force holding within itself the seeds of unlimited progress for the human race. We should make it clear that it is a means to a better way of life within nations, and to a better understanding among nations. Tyranny inevitably must fall back before the tremendous moral strength of the gospel of freedom and self-respect for the individual. . . .

I am certain that material assistance alone is not sufficient. The most important thing for the world to-day, in my opinion, is a spiritual regeneration which would restore a feeling of good faith and good will among men generally. Discouraged people are sorely in need of the inspiration of great principles. Such leadership can be the rallying point against intolerance, against distrust, and against the fatal insecurity that leads to war. I hope that we will provide that leadership. But we will have to get back to first principles if we are to speak with a voice that will kindle the imagination and rouse the spirit.

We have made much of America's strength and material prosperity. We have talked a great deal about the American way of life, but our material prosperity may or may not be exportable. A dynamic philosophy, on the other hand, knows no restrictions of time or space; and we do have an American creed that comes to us from the deep roots of the past.

It springs from the convictions and hopes of men and women from many lands who founded this nation and made it great. You will find that creed, that heritage, in the Declaration of Independence and the Constitution, with its Bill of Rights. . . . I do not mean that we should try to persuade other people to accept our form of government, but rather the great

fundamentals on which it is based. I mean that the basic principles on which our Government was founded are timeless and have validity for all mankind. . . .

Our greatest tribute to our dead will be a devotion to the resolve that war must not happen again. But we must not—I emphasize, we must not—as we invariably have done in the past, render ourselves impotent, an invitation to the ruthless aggressor; also, we should not place complete dependence on military and material power. It is a difficult road we have to follow, but we have a wealth of lessons from the past, and with clear heads and with genuine willingness to support our efforts, I think we can lead the world into a better life than now seems apparent.

To these words of a great leader may be added those of another. On October 11, 1950, to 5,000 people at Copenhagen, Churchill said:

All the greatest things are simple, and many can be expressed in a single word: freedom, justice, honour, duty, mercy, hope. We who have come together here to-night, we also can express our purpose in a single word—Europe. . . .

We do not, of course, pretend that United Europe provides the final and complete solution to all the problems of international relationships. The creation of an authoritative, all-powerful world order is the ultimate aim towards which we must strive. Unless some effective world super-government can be set up and brought quickly into action, the prospects for peace and human progress are dark and doubtful.

This book has been written in the belief that an effective international government can 'be set up and brought quickly into action', and to show what that means and how it can be done.

I

THE OPEN ROAD TO FREEDOM

A TRAVELLER should know where he is going and also why. This book is based on the assumption that our goal is freedom. If so, we must know what freedom is and also why we seek it. But in order to do this we must see what freedom is not. It cannot mean a society in which we are free, each and all of us, to do as we like. A society in which each can do what he likes to please himself would not be a society at all; but

> An hell without order
> I may it well call,
> When every man is for himself
> And no man for all.[1]

Anarchy is a state of affairs which admits no government or law, where force alone counts and the stronger destroy the weaker, till the strongest is left alone to die, as he must, in the course of nature. A society properly so-called can only exist in so far as some of its members are moved by a sense of duty one to another. Force can only divide. The bond which unites men is duty.

By duty I mean a capacity in men to put the interest of others before their own. Where this capacity is present to a sufficient degree in enough members of any society, it enables them to form a government to enact and enforce laws on all its members. For though force divides where no sense of duty exists in men, it is none the less the instrument by which a government

[1] See Keith Feiling, *A History of England*, p. 375. Macmillan.

must see that its laws are obeyed. The despot who rules a primitive society can only do so because enough of his subjects feel that they must obey his orders and enforce his laws. Such a society with such a government is a state of a primitive kind. Its existence depends on the power of one man. But 'power corrupts, and absolute power corrupts absolutely', as Acton said in an aphorism which cannot be quoted too often in a world which has seen the communist, fascist, and nazi régimes. Because power corrupts, despotisms are unstable. They teach men to prize power above duty till the sense of duty decays too far to support the power of the ruler. This explains why some despotisms like that of Tsarist Russia slowly but surely decline to their ultimate fall, whilst others like that of Hitler collapse like a house of cards and are gone in a night. The characters of men grow in strength just as their muscles grow by exercise. A government to last must exercise the duty its subjects feel not only to itself but still more to each other, and to the state as a whole. It must look to each subject not only to obey the laws himself but, when called upon, to enforce them on those less willing to obey. When a state has enough subjects with a sense of duty sufficiently strong to enforce its laws, and has also enlisted them in the task of framing the laws, it becomes a commonwealth, a state in which those who make and enforce the laws are in fact its government.

The devotion of citizens to their state is not evoked by what they expect the state to do for them, but rather by the demands which it makes on them to dedicate their lives to the public interest. Hence the paradox that the loyalty of citizens to their state grows in

proportion to the demands which their government makes on them. This explains why commonwealths grow and are stable, while despotisms, for all their appearance of strength, lose their stability.

Freedom then is a system based, not on self interest, but on the infinite duty of each to all. The final end and object of a free system is to increase in citizens the sense of duty by which it lives and moves and has its being.

Freedom, as here defined, was first realized in cities of ancient Greece, where the citizens met in the market-place to make their laws and also to elect officers to enforce them. The citizens were in fact the government. These miniature commonwealths were too small, however, to resist the impact of powerful empires like those of Macedon and Rome. They perished and with them, freedom. But so did the Roman Empire which, decaying as all such systems must, collapsed before the barbarian tribes which overran it. In the dark ages which followed, the civilization of Europe had almost perished until it was replaced, amongst other things, by feudalism, a system based on compact, in which men looked to secure their lives and property in return for labour and military service rendered to lords, who looked to kings for protection on similar terms.

Such was the system which existed in England after the Norman Conquest. The first rift in this system was made when King John was forced by his lords to promise in Magna Carta certain rights not only to the lords themselves but also to the people at large. A longer step towards freedom was taken when Edward I called on the people to choose representatives with

whom he could settle what taxes they were to pay. It was thus that Parliament came into being, which in course of centuries secured to itself the control not only of all taxation but also of the powers to make and administer the laws. By the nineteenth century, sovereignty had passed from the Crown to the Parliament, or rather to the people who elected the House of Commons. With adult suffrage in the twentieth century it may be said that the people are in fact the government.

By the sixteenth century the growth of freedom had gone so far as to create the patriotism which inspires the plays of Shakespeare. The English were the first people to develop nationalism in the real sense of that word. The nation was united by devotion of Englishmen to each other. But nationalism was not confined to England. After the fall of the Roman Empire, Europe had broken up into a number of national states like Spain and France, governments which made demands on their subjects to support their power, demands which led them to regard power as an end in itself. Otherwise these despotic governments did little to foster the kind of public spirit which in England made the people attach a higher value to law than to power. The same was true of the commonwealths which had come into being in the Alps and the Netherlands.

Europe was thus divided between two systems, one consisting of great monarchies, which for all their visible strength had in them the seeds of decay, the other of smaller commonwealths which for all their seeming weakness had in them the quality of growth. They were constantly threatened with destruction by

the powerful monarchies, but were saved by the fact that monarchs in their passion for power were more often than not at war with each other. Spain, France, Prussia, Austria, and Russia were engaged in interminable wars, each fighting to extend its power. Monarchs could seldom combine to crush the commonwealths. The demands they made on their subjects to risk their lives and property in the struggle for power developed their sense of nationalism and made it acute. But this was no less true of the commonwealths. The civilization of Europe was thus parcelled out into nations each united by the loyalty of the people who composed them, in obedience to the law made by their government. Between these nations was a state of anarchy in which force alone counted. There was no international government and, therefore, no international law in the real sense of that word, whatever jurists might say. The sense of duty which each individual felt was at best toward the people who lived inside his national frontier. A Spaniard had a sense of duty to the other people in Spain, a Frenchman to the other people in France, an Englishman to the other people in England. But a Spaniard, a Frenchman, or Englishman felt no sense of duty to the peoples who lived in these other countries. Even Englishmen, Dutchmen, or Swiss felt little sense of duty to others outside their own commonwealth. The system into which Europe had fallen was fatal to peace. The nations were spending nearly as much on preparing themselves for killing each other as on keeping themselves alive.

In the Middle Ages peasant communities in the Swiss valleys were constantly fighting each other until

they began to realize that unless they stood together they would all be conquered by some power like Burgundy or Austria. In their cantons, more than twenty in number, no less than four languages were used, and after the Reformation some of these cantons, like Geneva, were Protestant while others remained Catholic. In spite of these difficulties they managed to form a confederation, which was strong enough to resist the attempts which Burgundy, France, and Austria made to conquer them. In five centuries the cantons developed a sense of Swiss nationalism; that is to say, each individual Swiss came to feel a higher devotion to the Swiss confederation than he felt for his own canton. Though conquered by Napoleon, after his fall they were able to develop their confederation into a federal union in 1848 and have since been free from all wars, civil or foreign. This small nation, with no coal, oil, or raw materials, is now one of the happiest and most prosperous in the world.

As André Siegfried has shown in his book on Switzerland (English translation published by Jonathan Cape), this little people shows how all nations might enjoy the welfare and happiness which the power they now have over nature would enable them to command if they were not so often at war with each other.

II

AMERICA AND THE DOMINIONS

THE Swiss cantons are in size more comparable to English counties than to modern nations, which have before them the more impressive example set by the British-American colonies, whose independence was recognized in 1783. These thirteen colonies had legislatures and electorates of their own on the same pattern as England herself, with governors appointed by the King. So long as they had looked to Britain to protect them from France they had allowed the British Parliament to control their foreign trade. In the Seven Years' War the French power was once for all driven from North America, mainly by the forces and at the cost of the mother country. The British Government had still to maintain a considerable force in America to deal with the Indians whom the colonial governments were unable to control. To meet a part of this cost Parliament passed the Stamp Act and imposed a tax on tea, which colonists disguised as Indians threw into the harbour at Boston, to show their resentment of a tax imposed on them by the British Parliament in which they were not represented. Though the Act was repealed and the tax withdrawn, blood was shed at Bunker Hill and, to secure the alliance of France, the colonies issued a declaration of independence.

When, in 1783, Britain had recognized their independence, the thirteen colonies acquired the status of so many sovereign states, which indeed, at that time, called themselves 'nations'. Some of them were

comparable in size to sovereign nations in Europe. Almost at once these young states found themselves in danger of going to war with each other over boundary and custom disputes. The confederation they had formed to fight for their independence was unable to pay the army which threatened to mutiny, or to meet the charges for the debt incurred in the war. The so-called United States was a scene of anarchy which began to infect Massachusetts, the most orderly of the states, where taxpayers were encouraged by an Irish officer, Shay, to refuse to pay their taxes.

Disaster was averted by Washington who, in 1787, induced the states to send delegates to Philadelphia to revise the Articles of Confederation. Exceeding their reference, the delegates, led by Washington, drafted a constitution on federal principles, under which, with subsequent amendments, the United States is still governed.

Had civil war broken out after 1783, America must have fallen a prey to invasion from Europe. Until the colonies declared their independence they had always looked to the British navy and army to protect them from foreign invasion. As independent states they found themselves in danger of fighting each other and in that case exposed to attack from abroad. As thirteen sovereign states they were powerless to maintain the independence they had wrested from Britain. Inspired to some extent by the examples of Switzerland and the Netherlands, they improved on the unions which those people had devised for their own protection.

The American Revolution was a symptom that the system under which civilized society was divided into a number of sovereign nations had broken down. The revolted colonies which called themselves nations, but

were really of the order of provinces, would have been unable to retain the freedom they had won unless they had come together as one nation in 1787.

The burning issue of slavery could not be settled at that time. The secession of the slave states in 1860 was suppressed in a civil war at a cost of 1,000,000 lives, a fact which really proves how strong the national union had grown since 1787. When the claim to secede had been closed once for all by the Battle of Gettysburg, no clash of arms has been heard in the North American continent. It remains the greatest field of peace in the world.

After the civil war the nine provinces of Canada (Newfoundland is now included as the tenth) united on lines which followed those set by the United States of America. The Australian colonies did the same in 1900. In 1909 a succession of wars in South Africa was closed by the union of the Orange Free State, and the Transvaal, with the Cape Colony and Natal. No lesson of history is more certain than this, that sovereign states can only avert the danger of war by merging their sovereignties into one international sovereignty; that is to say, by organic union. The spectre of war was thus laid in Switzerland, America, Canada, Australia, and South Africa. Attempts to ensure peace by inorganic unions like the Confederacy of Delos, the Holy Roman Empire, the American and German confederations, and the League of Nations have each and all of them paved the way to wars. We might have escaped the last and most terrible war if the free nations had been left to depend each on its own strength to resist aggression, and had not been led by the *ignis fatuus* of collective security to trust the League to maintain peace.

III

U.N.O.

IN this last war the free nations have learned one lesson beyond dispute. Of all these nations the United States was the strongest, and like others had hoped to keep itself out of the struggle. That the strongest of all free nations cannot by virtue of its own strength keep out of a world war, if once it has started, was proved at Pearl Harbour once for all. The free nations then realized that they could only win the war by uniting their forces under one command.

> There are no more side lines for a nation to sit on. We have learned that the only way to avoid being drawn into war is to prevent war. . . . The United States has become convinced that for the present peaceful nations could best serve themselves and their society by arming well and joining forces for common defence.

These words are taken from a booklet issued on September 29, 1950, by the State Department at the suggestion of the President.

After Pearl Harbour the free nations in three years created forces by land, sea, and air which in 1945 imposed surrender without conditions on Germany and Japan, with immeasurable destruction to both, and at infinite cost to themselves. It is obvious that had these same nations done in 1933 what they started to do in 1943 by uniting their forces under one command, the German army would not have allowed

Hitler to commit them to certain defeat. Had the free nations placed a union of their forces on a permanent footing there would have been no second war.

While the war was still in progress the united nations met at San Francisco to discuss what measures were needed to prevent another. To establish peace once for all they created the United Nations Organization, which differed in name only and not in principle from the League of Nations. The 'peace' provided by U.N.O. has been aptly described as 'a cold war'. For five years the world has lived in growing dread of a third catastrophe.

How came it to pass that the system created at San Francisco was designed on lines which from ancient to modern times have failed to prevent war, by statesmen who had seen the League of Nations end in a war from which civilization had scarcely survived?

Most thinking men have now seen that no rule of law can exist in the real sense of that word between states that maintain their sovereignties. A society divided into sovereign nations must from the nature of the case lapse into war from time to time. Ordinary folk know by bitter experience that war is fatal to freedom, which is to all right thinking men the end and object of life. To secure their freedom they would vote in overwhelming numbers to merge their sovereignties in an international sovereignty. How was it, then, that their rulers at the close of a second war which had wellnigh destroyed civilization, set out to prevent a further war by measures bound to end in war because they were based on the maintenance of national sovereignties? The charter they drafted maintained sovereignty in terms, a thing which had not

been done even in the covenant on which the League of Nations was based.

Why, unlike the people they govern, do rulers attach less value to freedom and peace than to sovereignty? The reason, of course, is that rulers spend their lives in the exercise of sovereignty, till in their minds it becomes the ark of the covenant. We have here a subtle example of Acton's aphorism that power corrupts. It corrupts the mind as well as the soul. The men in office who wield sovereignty come to regard it as fundamental and indispensable. Those at San Francisco would have declared that in no country would public opinion agree to surrender their national sovereignty, that such a proposal could not be made by a practical statesman. Yet that was what the most practical statesman who ever lived had, in 1787, done at the Congress of Philadelphia. Strangely enough, Washington believed that public opinion in the thirteen American states was against any proposal to merge their sovereignties in the United States. So he bluntly told their representatives that in the Congress they had no concern with public opinion. They were there to tell Americans how to prevent 'another dreadful conflict. If to please the people we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and honest can repair. The event is in the hands of God.'

The delegates followed this astounding lead by drafting a constitution under which the sovereignties of the thirteen states could be merged into one American sovereignty. They further provided that this proposal should be submitted, not to the legislatures

they represented, but to the voters who in each state had elected those legislatures. No one was more astonished than Washington by the result. The first three electorates to approve the constitution were those of states whose representatives at Philadelphia had been foremost in fighting the proposal that states should be asked to merge their sovereignties. Within twelve months the draft constitution had been approved by the electorates in nine states, a number which brought into operation the federal system under which the American people have attained the greatest freedom and happiness of any in the world.

Much as Washington had doubted that such a proposal would be adopted, he had seen that nothing less than a merger of sovereignties would secure to the people of America the freedom for which he had led them to victory. His faith inspired a majority of delegates at the Congress, and when they carried that faith, reduced to a practical form, to their several electorates, those electorates at once responded to the leadership which they and Washington had given to the people.

Washington showed, as had never been shown before, what leadership is and how a people who love freedom and know what freedom is will respond to it. It was Washington's lead at Philadelphia which ended a revolution which, had it run its course, would have ruined American freedom. At San Francisco there was no such leader who dared to tell the world what must be faced to end the revolution which, left to run its course, will destroy not only freedom, but, in this atomic age, even life, which is not worth living without freedom.

A sudden rise in the temperature of the cold war has at last galvanized U.N.O. into action. Early in July the forces of Northern Korea, long organized and armed by the Soviet Union, started without warning to overrun Southern Korea. The Southern Koreans were rapidly forced back on such forces as the Americans were able to send by air to support them. The Council of U.N.O. hastened to call on the other nations in the organization to contribute forces by land, sea, and air to support the American infantry and tanks which the North Koreans were rapidly driving towards the south-east. At the moment of writing it is hoped that the Americans will be able to hold at least a circle of thirty miles round the port of Pusan, as a bridgehead till reinforcements arrive from the U.S.A., Europe, Australia, and New Zealand. The fact has to be faced that as the League did nothing to prevent the invasion of Poland by Hitler, so U.N.O. has failed to prevent the unprovoked invasion of one of its members, Southern Korea.

Meanwhile the United States, Britain, and other governments, members of U.N.O., are pouring out money in millions to pay for the forces they are trying to raise.

The record of the governments which signed the Atlantic Pact is no more encouraging. On July 28th, 1950, the military correspondent of *The Times*, Captain Cyril Falls, Professor of Military History at Oxford, published an article on *Western Defence*, in which occur the following remarks:

After a good start . . . the record of the past nine months has been deeply disappointing. It is true that in the meantime the Atlantic Treaty organization has been created,

but, apart from the provision of American arms, this does not immediately strengthen Western defence. It is still only a first-class plan, and plans have never been scarce.

The Western Union machinery looks practical at first sight, but has not proved to be so. At the top international political and military committees meet once in six or in three months. They are not presided over by permanent chairmen, regularly dealing with the problems involved. Members come to these meetings with their heads full of their national problems. They return with fresh projects and requests which have to be further debated at home, where home politics and international rivalries tend to smother them.

Below the top level there are, of course, permanent organs which have no concern other than the work in hand, but they are constantly held up for lack of decisions. There is scarcely a measure involving action, even action in emergency at some future date, which can be taken by those engaged in creating any collective defence scheme without a specific ruling from above. If incomplete international co-operation prevents a ruling from being given, no action can follow.

When we come down to the actual fighting forces, without which planning is no more real than the discussions in Cloud Cuckoo Land, the state of affairs is less promising still.

With such lessons before them, why do our statesmen hesitate so long to complete and end the revolution which has plunged the world into two wars and now threatens a third? Cautious people shrink from a revolution even when it is as mild and free from bloodshed as was the revolution completed in Australia in 1900. But as Francis Bacon said, 'A froward retention of custome, is as turbulent a thing as an innovation: and they that reverence too much old times, are but

a scorne to the new'. As 'safety first' is the sure path to danger, so 'peace at any price' is the shortest way to war.

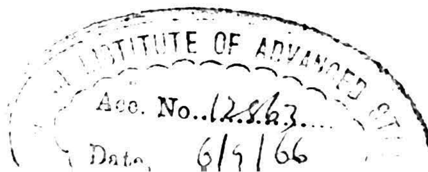
At San Francisco the governments disregarded the two plainest lessons of history. The Charter of U.N.O. was based on the assumption that sovereign governments which have won a war by co-operation can be trusted to co-operate in winning the peace. Yet can anyone cite a case in which allies who had won a war were afterwards able to establish a firm and lasting peace by co-operation? The Charter was framed on the false assumption that Communist Russia could be trusted to give the United Nations at least the same measure of co-operation in establishing peace and in restoring prosperity as she had given them when her own existence as well as that of the free nations was threatened by the despotisms of Germany and Japan. We know now how nearly a war between Russia and her Western Allies broke up the Congress of Vienna. We know too that for some generations another world war was only prevented by British sea power.

There is no previous case in which one power has deliberately set itself to prevent allies who shared its victory, in a great war, from winning the peace, and has openly done its best to prevent their recovery from the scarcity and misery created by war. But that is just what Soviet Russia has been doing since hostilities ended in 1945. By every means short of declaring war, for which she herself is not as yet prepared, she has done all in her power to perpetuate the hunger and unrest which war has left in its train.

All this was summarized by Mr. Menzies, the Prime

Minister of Australia, in a speech which he made on July 18th to the Australia Club in London:

> One of the greatest dangers facing the free nations is to say 'Let's pretend; let's pretend that the world is really at peace; let's pretend that we have a great world organization whose resolutions can give us protection; let's pretend that we live in some other world, not in this one'. That is our greatest danger.
>
> What we need to do all over the free world is to brace ourselves to the true facts of life, not pretend. We have to face the facts. What are the real facts? . . . What is it in the world that prevents us from stepping out into a new state of things in which all the moral, spiritual and material standards of living could be raised? It is the threat of war, the threat that once more the world may go down into the valley.
>
> From where does that threat proceed? The simple truth is that, but for one aggressive group, this world would step into the golden age to-morrow.



IV

GENERAL BOTHA AND SOUTH AFRICA

THE leadership shown by Washington in 1787 was happily not unique. South Africa, when facing a similar crisis, was fortunate in having a leader of quality. General Botha was not, like Washington, a man of education and culture. He could read and write, but never did either if he could help it, but like Washington he had an unerring eye for values, which made both these men great in war, but even greater in peace.

When the British Government had promised to give the Transvaal and Orange Free State responsible government, Dr. Jameson was Premier of the Cape Colony and asked Lord Selborne as British High Commissioner to review the situation. Lord Selborne responded in a memorandum in which he supported the early grant of responsible government to the two conquered republics, but pointed out that such governments, responsible to popular electorates, would find it difficult to avoid disputes with the Cape Colony and Natal over native customs and railway questions and other South African interests which none of the four colonies could handle for itself. Such disputes might easily lead to another war in a country where rifles are apt to go off of themselves. The danger could only be avoided by uniting the four colonial governments into one South African Government.

In political circles this proposal was regarded as

premature or even dangerous. Merriman, leader of the Cape opposition, moved that his party should denounce Lord Selborne for publishing his memorandum; but Francis Malan, who led the Boer section of the opposition, and had, indeed, been imprisoned during the Boer War, opposed Merriman's motion and said that he himself would move in the Cape assembly a resolution thanking Lord Selborne for what he had said.

The Selborne Memorandum was, none the less, regarded in political circles as visionary, till to everyone's surprise General Botha, now speaking as Premier of the Transvaal, invited the other colonial governments to send delegates to a national conference to consider it.

There was now a danger that the movement for union sponsored by Boer leaders in the Transvaal as well as the Cape might provoke opposition from the British, who, though a minority, were strong enough to prevent union unless it was carried with their consent. They knew that a Boer majority could return a government of the generals who had shaken the foundations of the British Empire.

The danger to union of British opposition was averted by Botha, who had already conceived the idea of uniting British and Dutch into one South African people. From the moment that he came into office in the Transvaal he set to work to earn the confidence of the British minority and succeeded. In some strange way an intimate friendship sprang up between him and Jameson, who was now the leader of the opposition in the Cape and was recognized by the British throughout South Africa as the leader to whom they looked. No one else but Jameson could have brought the British

minority to support the movement for a union which meant that all South Africa would be governed by the generals they had fought and beaten in the war. He once described himself as the man who had committed the greatest crime in South Africa. In reparation he now devoted himself to the cause of union so dear to the heart of his master, Rhodes. He, like Botha, was endowed with the qualities of vision and leadership. The friendship of these two leaders and their perfect trust in each other explains the miracle which healed the abscess which had long poisoned South Africa.

Intellectuals are at pains to prove that the method which redeemed America and South Africa from the curse of war can never be applied to nations divided by oceans which speak different languages and follow different religions. Such arguments are repeated with wearisome iteration. The difficulties which have to be met in creating an international union will not be underestimated by anyone who has studied Swiss or American history, least of all by those who have seen at close quarters the difficulty of uniting the British and Dutch in South Africa with memories of a long and bitter war fresh in their minds.

Those who have seen what leadership can do will never regard difficulties which stand in the way of freedom as insuperable. Critics who peep and botanize on political graves are bankrupt of any constructive policy for dealing with the dangers which are now threatening freedom itself with destruction.[1] They little know what leadership means, or the part which

[1] The reader will find typical examples of the criticism to which reference is made in two articles in the London *Times* of May 4, 1950, p. 5.

it plays in giving a new birth of freedom to a world tormented by war. This can only be done by leaders like Washington, Lincoln, Churchill, or Roosevelt, who see that freedom, not peace, is the goal of all human endeavour. They seek to abolish war, because they know that fear of war is fatal to freedom. They know that when once that fear is removed, governments will find that they can solve problems which have long defied solution.

Those problems have their roots in a system which the passage of time has rendered obsolete. Mechanization has imposed on national governments more tasks than they can discharge, so long as they have to devote so much of their time and of their resources to preparations to meet the danger of war. Their agenda becomes so crowded with secondary questions that they lose sight of the primary importance of removing the fear of war once and for all. This cannot be done by any one of them; but it can be done if the free nations do in peace what they did in war—pool their forces under one command. Political leaders close their minds to the verdict of history that this cannot be done in peace by any league between sovereign governments. Had the free governments which met at San Francisco boldly said this to their own peoples and had asked them to approve by popular votes the erection of one organic government responsible to electorates, national governments would at once have found themselves free and able to repair the ravages of war and to bring into effective being social reforms which were long overdue even in 1914. The world would now be well on its way to prosperity far in advance of that which two devastating wars have left in ruins.

V

PROBLEMS OF GERMANY AND OF THE COLOUR BAR

LET us take some problems secondary only to the one primary problem of preventing war and see what would happen. To do that it is necessary to have a clear picture before us of a system which would be effective in preventing war once for all. Let us suppose that in 1945 the free united nations of Western Europe and of the British and American Commonwealths had approved the creation of an international government charged with the duty of preventing war and for that purpose vested with a first charge on all the human and material resources of the free peoples who accepted the system. There would then have come into being a federal executive clothed with all the powers necessary to prevent war, and with no others. That executive must of course control the issues of peace and war; that is to say, foreign policy. It must also control colonies and dependencies. Our experience from 1939 to 1945 proves that control of African and other dependencies is essential to any government charged to prevent or conduct war with a totalitarian aggressor.

The first act of such a federal executive would be to assume control of all the forces by land, sea, and air of the nations included in the union. Their armies, navies, and air forces would pass to its control just as the armies and navies of the thirteen American states passed under the control of the federal government of

the U.S.A. when its constitution came into operation. The united nations would each retain their police and national militias, as the thirteen states each retained control of police and militia. But all forces which could be used in a world war would pass to the control of the federal government. The British, American, and French armies, navies, and air forces, and those of all other nations joining the Union, would pass under the control of the federal government, answerable directly to the joint electorate of the nations inside the Union. The governments of the U.S.A., of Britain, France, Germany, and the rest would have no forces which could be used in a world war. It follows that Germany, as Germany, would have no army, navy, or air force by means of which she could again involve Europe and the world in war. The mere act of union would of itself automatically have solved the German problem.

The relations of the white and coloured races present a problem second in importance only to that of preventing war. Relations on different and discordant principles have grown up in countries controlled by the British, French, Dutch, Belgian, and Portuguese Governments. The colonies controlled by these governments would pass to the control of the Union Government, which would then be in a position to develop the relations of coloured people to whites on consistent principles. A government responsible to free peoples would certainly be based on the principle of equal rights for all civilized men, on preparing all its subjects, coloured as well as white, to govern themselves. Let us think what this would mean in Africa, the continent in which the relations of coloured majorities to white minorities are based on conflicting

principles. South of the Zambesi to the Cape these relations are based on the colour bar. In theory skilled labour is reserved to the whites. The Boer War and events which followed it showed how the colour bar operates in practice. The heroic resistance of the Boer commandos could only be ended by making the farms in the Transvaal and Orange Free State uninhabitable. But the British were not prepared to leave women and children to starve on the veldt at the mercy of the natives. They were gathered into camps. As the war went on a number of Boers were taken prisoner. When peace was made at Vereeniging in 1902 the Boers who surrendered rejoined their families in the camps. Under the terms of surrender the British Government provided £3,000,000 to replace the Boers and their families on their farms. From this £3,000,000 loans were made to every Boer who had land to offer as security. When every Boer who could offer security had been replaced on his farm, the government found that it still had on its hands in the camps ten per cent of the Boer population, people known as poor whites, who had no property of any kind and, worse still, no skill or will to do work such as would enable them to earn a living for themselves. For them to work with their hands like the natives was to lose caste and sink to the level of blacks.

A commission was appointed by the Transvaal Government to examine this situation. When the commission began its work, most of the poor whites had drifted back to the farms of more fortunate relatives, where they squatted in idleness, and lived on mealies, the staple food of the Kaffirs. They were barefooted and therefore riddled with the enervating

disease called hook-worm. They had no agricultural skills or crafts to lift themselves out of their poverty. From the farms the commission went to Johannesburg, visited the goldmines, and found there no miners who were South African born. The rock-drilling was done by skilled men imported from Cornwall. Their pay was at the time a pound a day. But all the heavy work of lifting the drills and getting them into position was done by natives whose pay was a few shillings a week. One day the miners struck, but the mines continued to work as if nothing had happened. Poor whites were paid a pound a day to officiate as skilled miners, but all the skilled work of drilling was done by natives. In doing the drudgery the natives had become skilled miners, and were able to carry on by themselves. Poor whites who had taken no opportunity to learn the trade were drawing a pound a day as foremen.

The commission thus found a key to the problem they were trying to solve. The school of skill is drudgery. The colour bar produced poor whites because the whites, by refusing to do the drudgery, never acquired the skill. Coloured men who did the drudgery were forcing their way into the ranks of skilled labour. In the printing trade coloured men were found working as compositors. The colour bar not only led whites to degenerate but actually gave coloured men an advantage in learning crafts—the opposite of the purpose for which it was conceived.

Embedded in or adjacent to the territory now covered by the South African Union are three native protectorates—Basutoland, Swaziland, and Bechuanaland. The natives from these protectorates earn their living on mines and farms in Union territory under the

colour bar, returning from time to time to their homes under British rule in the protectorates where there is no colour bar. The Union Government thus controls the relations of the whites to these natives while they are at work, but not when they return home. The fact that there is no colour bar in the protectorates operates to make South African whites in the Union more tenacious of the colour bar. There are thus in South Africa two different and incompatible policies governing the relations of white and black, one South African, the other British.

In the British territories of tropical Africa the colour bar does not apply. The natives are free to own land. In the greater part of the South African Union they are not allowed to own land, and most of the land reserved for their use is of poorer quality.

If once a government responsible to the free nations controlled tropical Africa, it would aim at fitting the natives to govern themselves. Its aim would be to create, north of the Zambesi, a great self-governing Negro Dominion. There would be no colour bar north of the Zambesi. Every kind of job would be open to the native. Agriculture and industry would be fostered; education would be general. Provision would be made for training Africans as craftsmen, doctors, lawyers, journalists, teachers, and so on. The right of the African to own land would be free and unfettered. In tropical Africa the attraction of hope and ambition to natives south of the Zambesi would be overpowering. Millions of natives who are now subject to the colour bar in South Africa would move across the Zambesi into the free Negro region where no colour bar prevailed. In a few generations the white South African

would be left to do his own drudgery and, in doing it, would enter the school of skill and become a craftsman. The poor white would disappear and with him the curse which the colour bar has laid on South Africa. She would wake to realize the dream of a white man's country, in a free international union. The Negro self-governing state of tropical Africa would be also a member of that Union.

VI

EMBARRASSING AND INFLAMMATORY MATTER

THE states, members of U.N.O., have each a currency of their own, which is, in fact, the visible badge of national sovereignty. These currencies are subject to constant change in their relative values. Their instability does more, perhaps, than anything to check the revival of trade. An international government charged with the task of creating and maintaining forces by land, sea, and air too strong for any aggressor to attack would have to defray heavy expenditure at the outset. Its budget would, none the less, be smaller than the sum of the budgets which free nations have to meet to maintain their armaments. In order to finance its forces, the international government would have to establish an international bank and a currency of its own. It would not be necessary for it to interfere with the national currencies of its component states. But obviously, nationals in those states, when trading within the Union, would have every advantage in using the international currency. In international trade the national currencies would go out of use. It might even happen that traders inside some states would find the international currency more convenient than the national currency, which might then fade out of existence.

It would thus be unnecessary for the international constitution to empower the federal government to

create a currency of its own. Such power would be implicit in a constitution which created an international government charged with the task of providing forces too strong for aggressors to attack, and for that purpose vested with a first charge on all the resources of the states it has to defend.

When the movement for union was in progress a course of lectures was given in South Africa by H. A. L. Fisher, the historian.

In one of these lectures he observed that 'such movements had succeeded in so far as their authors had been able to divest them of embarrassing and inflammatory matter'. This timely warning was partly responsible for the rapid success that movement achieved. It is well to realize, therefore, that the movement to establish an international union should not be embarrassed by proposals to abolish national currencies. They are quite unnecessary.

This also applies to tariffs, a factor which impedes the revival of industry and trade. The primary motive of the American Union was fear of war. But secondary to that were the hostile tariffs maintained by the thirteen states which had brought trade to a standstill. As noticed above, the states were not nations but provinces. The tariffs between them were a standing threat to American peace. It was necessary, therefore, for the Constitution to impose free trade inside the Union and to reserve the power of imposing a tariff on foreign imports to the Federal Government. Moreover, customs were the natural source of revenue needed by the federal government to meet the cost of the national defence.

In the movement to create an international union

there is real danger of following too closely what was only a national union of so-called states which were only contiguous provinces of one country. It is far too often assumed that in an international union the power to make tariffs and also to control migration must be reserved to the federal government, as in the U.S.A. It is, therefore, vital to consider whether in an international union of free nations, divided by oceans and with different tongues and of different races, the power to control tariffs and migration ought to be vested in the international government.

Such a government will be designed to become a government of the world, as the nations outside its jurisdiction learn how to govern themselves and become qualified to enter the Union. A clear conception of the kind of world which ought to exist under one government is needed to enable us to find an answer to this difficult question. What kind of human society do we want this earth to inherit?

Liberal thinkers in countries inhabited by white people are prone to assume that to establish world freedom we must first of all abolish nationalism. They picture a world in which everyone is free to move as they wish from one country or continent to another, and also to mix their blood irrespective of race. In course of time the result would be a uniform society of people speaking one language, in whose veins European, Mongolian, Dravidian, and African blood would be mixed. The distinction of races and of national characteristics would vanish. This view of nationalism is incompatible with freedom. It ignores the fact that up to the Conference of Paris, in 1919, nations were the instruments through which such freedom as the world

has achieved has been attained. To achieve the freedom they have, the British and the Americans had to create nationhood for themselves. And so it has been with the nations of Europe. The national freedom attained enabled these peoples to develop a variety of races speaking a number of languages, each with its own literature, art, and a culture of its own.

Every serious thinker would agree that a community which enables its members each to develop his own individuality is superior to one which tends to reduce individual characters to a uniform level. And so also is a world society which enables each nation to develop its own individual character to the utmost. In biological nature the lowest form of life is the jelly-fish, a one-cell organism of which every part is like every other. The highest form of life is the human body, in which organs that differ in form and in composition are united together in one body controlled by a single mind. The world government we need is one which will help each nation to develop its own individual character to the utmost. This has happened in so far as national governments have been able to control their own affairs. In less than two centuries the American people have grown to be different from the stocks from which they are derived in Europe. This has been due to the fact that since 1787 they have been able to decide for themselves who may or may not enter their country as citizens, and also how those citizens are to make their living on the land, in workshops, or in counting-houses. The growth of their individuality is due to their control of migration and of tariffs.

The degree of freedom thus established has in this century been threatened by international wars in

which despotisms have sought to destroy the commonwealths and the freedom on which they are based. In a few years this freedom has been gravely restricted. The control which national governments once exercised over their own economic conditions is largely illusory. All thinking men have been driven to see that if freedom is again to advance on national lines, means must be found to prevent once for all not only war but the fear of war, which can only be done in so far as free nations merge their national sovereignties into one international sovereignty. But no one in his senses would suggest that one international government could ever undertake more than a fraction of the functions now discharged by national governments.

It follows, then, that to prevent war an international government must be given all powers necessary to prevent it, while all other powers must be reserved to the national governments. How to make this division will be seen if we keep firmly in mind the object for which national governments must exist side by side with an international government. Our answer is that national governments must exist to produce the best possible life for the nations they govern. The international government must exist to make the task of the national governments possible, by securing them once for all against the danger of war. This it can do if it is given a first charge on all the resources of the nations it has to protect.

We thus come face to face with the question how the international government can obtain all the revenue it needs from the nations it has to protect, without depriving the national governments of their power to

regulate and control economic conditions from which all revenues have to be drawn.

If, as is widely assumed, this can only be done by transferring control of customs from the national governments to the international government, the power by which national governments can adjust social conditions will be taken from them. No international government could possess the time or the knowledge needed to control the economic and social conditions of a number of free nations scattered all over the globe. Had the task been attempted for the British Commonwealth by one imperial authority it would certainly have failed. To find a solution of this problem let us think how a national government raises the revenue it needs. It never attempts to apportion the burden between one taxpayer and another to the benefit received by each. The best it can do is to distribute the burden in proportion to the ability of each taxpayer to bear it. It seeks to tax the rich in proportion to their wealth and the poor in proportion to their poverty.

On the same principle in an international state the burden of their common defence must be apportioned amongst the nations to be defended in proportion to their wealth.

In the light of modern statistics the relative wealth of nations can be measured with greater accuracy than the relative wealth of individual taxpayers. A standing commission of financial experts could measure the relative wealth of France, Britain, the U.S.A., Canada, Belgium, Holland, and so on with greater accuracy than a national treasury can measure the relative wealth of its taxpayers. Such a commission could once

in every five years compile a schedule showing the wealth of each national state in the Union. The expenditure for defence voted by the international legislature would then be apportioned between the states in that ratio.

Under the constitution the quota due to the international government must then be payable on demand by the international treasurer, without any vote from the national legislature which owes the quota. Otherwise the international government would find itself in the same position as the government of the United States under the confederation, which never received from the states more than a fraction of the indents they were legally bound to pay on demand under the Articles of Confederation they had signed. Such an international government would be no more able to prevent war or the fear of war than the League of Nations or U.N.O. have been.

Under the constitution it would be the duty of each national legislature to impose taxes sufficient to finance the international quota as well as its own domestic services. If the international government were always to frame its estimates for three years in advance, each state would know in time how much revenue it would need to raise in addition to its own national expenditure to meet the international quota. At the same time it would be absolutely free to distribute the burden amongst its taxpayers in such a way as to give effect to its own domestic policy, in which one item would usually be to secure a sound distribution of wealth.

An international union with finances based on a system like this could thus include capitalist and

socialist states side by side. The only function of the international government would be to prevent all danger of war. It would have nothing to do with the domestic structure of the national states, which each of them would be free to determine for itself.

If a state were to fail to pay its quota on demand, the supreme court must be empowered by the constitution to authorize the international government to take over from the national government the collection of the excise and such other taxes as would suffice to meet the sum due to the international treasury. Their officers would have legal authority to collect these taxes from the individual taxpayers in the defaulting state. If the sum collected were insufficient to meet the quota, the supreme court should have power to authorize the international legislature to impose taxes on the individual taxpayers in the defaulting state. An attempt on the part of the national government to resist the collection of these taxes would be an act of secession to be dealt with as the federal government of the U.S.A. dealt with the secession of South California. A federation admits no right of secession.

The reasons against depriving the national governments of their power to control tariffs are even stronger when applied to proposals to deprive them of power to control migration. Such proposals usually come from people in countries in which few members of politically backward races have settled. They are sometimes made by Americans who assume that what was done in their own constitution must be done in the constitution of an international state. While power to control migration was (on paper) taken from the states, it was vested in the federal government, and has been used

with effect to exclude Asiatics. If it had not been so used, the United States would by now be largely populated by migrants from countries in Asia which have not, as yet, learned how to govern themselves. The same would be true of Canada if its government had not been able to control migration. Australia, New Zealand, and South Africa might now contain more Asiatics than Europeans had their governments not been empowered to control migration in time. I cannot conceive how anyone who has lived in any of these countries can believe that they would ever allow the power to control migration or customs to be taken from their national governments, and so expose themselves to be flooded with immigrants from Asia and Africa, who would undermine their capacity to govern themselves. In my own view they would be wrong to do so, because by doing so they would delay the growth of freedom, for the rest of the world as well as for themselves. The essential function of national states in an international union is to control their own structure and composition.

Statesmen will realize how much less formidable the project of creating an international union looks if it does not mean that the governments who enter it are to be deprived of their own currencies or of their power to control tariffs and migration if, in a word, it is divested of these 'inflammatory and embarrassing' proposals. The difficulties which deter statesmen are, in fact, the creation of enthusiasts, economic and social, and of those who think that restrictions properly imposed by the American constitution must therefore be imposed by the constitution of an international state. If the world is to get an unbreakable peace it must be

the work of men who confine themselves to that one aim.

If and when they establish an international government, clothed with all the powers it needs to prevent war, it may then be found that the problems created by tariffs and migration may find solutions and be solved by means other than those provided in the constitution of the U.S.A. Light has been thrown on this subject by the growth of the British Commonwealth. It has won two wars in this century, but has signally failed to prevent their outbreak. When Japan entered the last war on the side of Germany, the British Commonwealth only escaped destruction by the skin of its teeth. Tariffs and migration were major factors in leading Japan to attack the commonwealth. For years the British Government had tried to persuade the Australian Government to amend its migration laws in a way to make them less humiliating for the Japanese. And so with tariffs; but little or nothing was done to reconcile Japan to the protectionist policy of Australia.

The weakness of the British Government was due partly to the fact that Australia and other Dominions, from the colonial period, had been used to think mostly of their own economic and social interests and to think too little of how to prevent war, a function they regarded as belonging to the Imperial Government, on which the Dominions are not represented.

With an international government it would be otherwise. It would be equipped to prevent war, as the British Government never has been. The Dominions would also be represented in its legislature and executive. And so with all the states in the Union.

At present the maintenance of tariffs by national governments is largely due to the fear of war. In the light of what happened in the last two wars, every government feels that it must protect its own productive system, and especially those industries that supply munitions of war. National governments would be readier to reduce tariffs in a world from which the fear of war was removed.

The international government would, moreover, have far greater influence with state governments than the British Government has ever had with Dominion governments. The national states would be represented on its legislature and executive. Charged with the task of maintaining armaments strong enough to prevent war, and so distributed as to meet danger at any point, it would have to distribute not only its forces but also its factories throughout the states. Each state would be interested in getting as many forces and factories as possible. The international government, when asking a state government to modify tariff and migration laws which might be a danger to peace, would thus be in a far stronger position than the British Government now is in the British Commonwealth.

VII

REPRESENTATION

IF the cost to be met by the international government is distributed on the principle of dividing the burden in proportion to the ability of each state in the Union to bear it, the question how to distribute power to control expenditure amongst the states in the Union has then to be answered. The control of federal expenditure will in the first instance be exercised by the federal legislature, elected by the whole body of voters in the Union. It surely follows that if each state is to bear the burden in proportion to its national wealth it should share control over the expenditure of federal revenue in the same proportion. If this principle is adopted, the proportion of members in the federal legislature to which each state is entitled would be settled every five years when the standing committee appointed to assess the taxable capacity of the states makes its final award.

The word 'final' is used because it may be assumed that the commission would always begin by submitting to the national governments a provisional assessment, and then hold a public inquiry at which objections by states would be heard. This procedure would have one practical advantage. The arguments used by a national government against the share of the burden proposed in the provisional award would be tempered by the reflection that, if in response to those arguments the commission reduced the burden in its final award,

the number of representatives that the state would be entitled to send to the federal legislature would be reduced in the same proportion.

This procedure as a whole would emphasize the fact that the obligation of states to meet the cost of the international government, and their power to control the expenditure, were both based on the same principle.

The international state would, of course, be designed at the outset as the nucleus of a world state. Its first function would be to unite for the maintenance of peace the nations already experienced in the art of governing themselves. Its constitution should be so framed as to admit other nations as and when they acquire the practice of responsible government in an adequate degree. It should look forward to the admission of the peoples of Asia and Africa.

The subsequent admission of other nations must, as in the constitution of the U.S.A., be left under the control of the more advanced nations that have formed the original Union. A time will come when China, for example, will claim to have reached the degree of responsible government which entitles her to apply for admission to the international union. The federal government and legislature of the Union would then have to decide whether the Chinese had, in fact, attained a type of genuine self-government, such as would qualify them for admission. They should be in a position to decide that question on its merits.

It is safe to assume that when the application is made, the Chinese people will not have advanced to the same level of responsible government as the nations of Western Europe or of the British and American commonwealths. Nor will they have reached a capacity

for production equal to that of the nations already in the Union. On the other hand, the Chinese people will outnumber all the people grouped in the Union. Even though they have reached a degree of self-government sufficient for admission, that degree will not be equal to the level of responsible government achieved by the nations in the Union. If, as is too often assumed, representation in the federal legislature were to be based on population and not on the share of the burden of taxation which each national state has to bear, the more advanced states would be swamped in the legislature by the representatives of a people less advanced in the practice of self-government. On the other hand, by far the greater proportion of the federal revenue would be paid by the more advanced and industrialized peoples. One can hardly foresee a time when the wealth of the nations in Western Europe, and in the British and American commonwealths, will not greatly exceed the wealth of China. The more backward people would control expenditure provided by the more forward peoples.

This will never happen because the more advanced and productive peoples would refuse to commit the control of their joint wealth and expenditure to a legislature controlled by a people which supplied only a minor part of it. They would not admit to their Union a people more numerous but less advanced than themselves in self-government and productive capacity. One major object of an international union would thus be frustrated, which is to unite in one world-wide polity the more forward nations with those less advanced as they attain a degree of self-government adequate for the purpose.

This disastrous result can best be avoided if from the outset it is made clear that as the cost of an international union will be divided in proportion to the national wealth of each of the states included, so also will power to control the expenditure of federal revenue be distributed in the same proportion.

VIII

THE CAPITAL QUESTION

WHEN everything else had been settled by the national convention in South Africa the hopes of Union were almost wrecked by the rival claims of Cape Town, Bloemfontein, and Pretoria to be chosen as the capital of the Union. 'If you want to be warm you must be near the fire', said that shrewd old Boer, de la Rey. His remark shows plainly enough where the difficulty of fixing a capital lies. The South African dispute was only ended by making Cape Town the seat of the legislature and Pretoria the seat of the executive. Bloemfontein was made the judicial capital. Ten years before the rival claims of New South Wales and Victoria had delayed the creation of the commonwealth of Australia.

The State in which the capital is fixed will have greater influence and derive more benefit from federal expenditure than other states in the Union. It cannot be otherwise where the capital is fixed in the ground of a single state. In a project to unite countries divided by oceans these rival claims will be most acute. We are apt to forget that the seas in fact connect these countries one with another, for the seas, the skies, and the ether above them are their necessary means of intercourse. The land where the capital is must always be owned by the state in which it is placed. But the seas are the common possession of all the states in the union.

It is surely within the power of naval architects to

build ships in which the admiralty, war office, ministry of air, foreign office, and treasury of the federal authority could be housed. And what is to prevent the construction of a ship large enough to hold the federal assembly and the offices and rooms which legislatures have in their buildings? Members of Parliament and officials could be housed in vessels specially designed for the purpose. Modern liners are floating hotels.

At the close of each session the legislature could decide where the next session is to be held, at New York, Quebec, Cape Town, Sydney, Wellington, or wherever a harbour in the union will allow ships to float as steadily as the House of Commons stands on its site at Westminster or the Capitol in Washington. A floating capital avoids the jealousy which must arise if the federal laws have to be made and administered in any one state.

On the other hand it gives legislators and officials the means of getting to know states other than their own. It has also the sovereign merit of elasticity.

In the summer of 1941 the aims of peace were formulated on a battleship in the Atlantic Charter. It is hard to see why laws could not be made in and administered from a floating capital when a treaty which is now a landmark in history was drafted and signed on a battleship.

IX

HEADS IN THE SAND

WHEN these pages were already in print a pamphlet called *Heads in the Sand* was published by Mr. R. W. G. Mackay, Labour Member of Parliament for Reading North, who was one of the British representatives at Strasbourg. Its purports can be gathered from the first three paragraphs of the Foreword.

In June 1950 the National Executive of the Labour Party issued a statement on *European Unity* which was deplorable in every respect—in its tone and timing; in the aunt sallies which it put up to knock down; in its refusal to look beyond Britain; and finally, and above all, in its hypocrisy, its smugness, and its complacency. It opposed any surrender of national sovereignty, and would not support the creation of a political authority in Europe with real powers. All it would support was the undemocratic principle of 'consultation at Government level'. The only virtue of the document—believed to be largely the work of Dr. Hugh Dalton, as Chairman of the Labour Party International Committee—was that it clarified the situation by reflecting the views of the Executive on European Unity in blunt and almost blimpish terms.

Taxed in the House of Commons, the Prime Minister said it was not, of course, a statement of government policy; and in the debate on the Schuman proposals two weeks later, Sir Stafford Cripps said that it had no relation to present policy whatever. But the statement cannot be dismissed as lightly as this. It represents the view of Ministers

in the British Government who would like Britain to remain in glorious isolation and independence, and would like to see the Council of Europe die. It was the initiative of the French and Belgians as Brussels Treaty powers which led to the creation of the Council of Europe, while the British Foreign Office and Foreign Secretary tried to prevent it coming into existence. Having failed in this, they are trying to limit its functions so as to make it quite inoperative.

What part the Dalton statement plays in the internal struggle for power among the leaders of the Labour Party it is difficult to say. No doubt it has its place. But this is not just a matter of an internal party controversy. The Conservative Party, according to Mr. Churchill, take virtually the same view. It does not want to create in Europe any supra-national authority of which Britain forms a part. Thus the Conservative Party, according to Mr. Churchill, and the Labour Party, according to the Executive, are in complete agreement over the part which Great Britain should play in the development of European co-operation. However much the Conservative Party and the Conservative press may criticize the Labour Party attitude, and the Labour Party and its press attack the Conservatives for their lack of candour about European co-operation, one fact is now crystal clear: there is little difference to-day between the two parties, either on the purposes of European co-operation, or on the form of unity which its purposes must impose. The bi-partisan foreign policy of the two parties established during the last war, if it was ever broken after the war, has been restored, at any rate with respect to our policy in Europe.

In Mr. Mackay's view the economic dislocation inflicted on Europe by two world wars is the cause why we are now living in fear of a third. The danger of war, he believes, can only be averted by creating a

united states of Europe on the same lines as the United States of America.

The prosperity which would follow such a union is ably argued and supported by a wealth of economic statistics. It is hoped that readers of *The Open Road to Freedom* will study Mr. Mackay's argument with the care and attention it deserves.

Mr. Mackay believes that to end the fear of war we must first establish economic prosperity. His approach is in essence that of the functionalists. In section 9 entitled 'A Practical Plan' he elaborates the intricate proposals which he laid before the assembly of Strasbourg, the realization of which would require, so it seems, the approval of the European Governments which wished to adopt his scheme.

I hope that Mr. Mackay will still consider whether the realization of his proposal for Europe would not be more likely if the free governments of the world were united on the basis of the draft constitution appended to this book. I confess that a careful study of Mr. Mackay's proposals confirms my belief that unbreakable peace can be secured only by the federal and not by the functional approach.

X

THEY ARE GHOSTS

THERE is real danger that as years pass the world may become insensible to the enormous menace by which it is threatened. Time and again despotisms have thought to enslave mankind and have nearly succeeded. But never before has a great power tried to impose on the human race a denial that right and wrong are valid distinctions. Never before has a power set out to spread such misery that men will adopt this damnable creed, and a system which is the negation of God.

The evil must get worse the longer it is suffered to go on, and no time is too soon to end it once for all. The procrastination of the British Government is a standing threat to the peace of the world, a procrastination too often supported in the Press. On June 4, 1950, the *Observer* writes of the Schuman proposal:

> The proposed authority is dictatorial, for it is not under any kind of political control, either by an elected Parliament, or by its constituent elected governments. (The idea of subjecting it to a court of appeal is unworkable for its decisions are not judicial but political.) At the same time it is impotent, for though its decisions have executive force, the means by which they can be enforced in case of challenge—police forces and military forces—are not in the hands of the authority, but in those of its constituent governments.

Obviously, both these faults must be corrected. 'Executive force' must be placed where it will be backed by real

executive power, and where it will be at the same time responsible to an elected and representative body.

Theoretically, this can be done in two ways. Either the proposed authority must itself be given full governmental powers, including police and military power, and be made responsible, as any democratic government is, to an elected parliament of the whole area which it governs. That is, the participant nations must form a *federation*. Or the proposed authority must be placed under a council of its constituent governments—a council which takes the political decisions by negotiation and agreement from case to case and uses the authority as a mere technical executive. That is, *its business must be conducted on the* CONFEDERAL *principle*.

In fact, *since the Western nations are not ready for full federation*, only the second way is at the moment practical politics. If the Schuman Plan is to be made to work at all it must, for the time being, be worked through those methods of voluntary co-operation by governments which for the past two years have become the established means whereby the common business of the western European and Atlantic community is transacted.

We are here told that the business of the Western Union 'must be conducted on the *confederal* principle', which has always failed to achieve results in practice as the League of Nations and U.N.O. have failed. Any such organization based on the maintenance of national sovereignties can only produce a further complication of machinery, already so complicated that it cannot be made to work at all by the governments that design it.

At the opening session of the Liberal Party Assembly at Scarborough, Lady Violet Bonham-Carter said:

> ... the innumerable bodies set up in Europe and elsewhere to promote co-operation are a cat's-cradle of tangled

threads, loose ends and crossing wires. In spite of this multitude of bodies we and our allies have often seemed to be pursuing a day-to-day and hand-to-mouth policy, and at times to be springing ugly and inconvenient surprises upon one another. All subscribed to the aim of unity, but there was no generally accepted goal.

The reason given for trying a proved failure once more is that 'the Western nations are not ready for full federation'. But how does the *Observer* or anyone else know that the Western nations are not ready to merge their sovereignties in an international sovereignty, until they have been asked? That governments are not ready, and least of all the British Government, we know too well. But what right have governments to say that the nations are not ready, until they have put the question to their own national electorates? It is not enough to ask electorates whether they are ready to forgo their national sovereignties. They must be asked in terms as precise as those used by the Congress of Philadelphia to the thirteen states in 1787. To put the question, governments must first of all draft the constitution of the international union, so that electors can know what they are asked to accept or reject.

It is common form for statesmen and the press to say that to prevent war governments must be prepared to give up 'some part of their sovereignty'. As they seldom tell us what they mean by 'sovereignty', let us say that in using that word in these pages we mean the claim which every government makes to over-rule every other authority within its own jurisdiction. No government can abandon that claim in part. It follows, therefore, that no government can give up a part of its sovereignty; which like a watch is destroyed if you

give up a part of it once for all. Nor do they say what must be done in order to give up a part of their sovereignty (still less the whole of it) because they shrink from saying that the thing cannot be done without the recorded assent of the people themselves. They have not faced the fact that a government cannot give up its sovereignty except by handing it over to some other sovereign government. We have only to think what happened in the United States in 1787 to see that this must be so. It never seems to have crossed the mind of any one at Philadelphia that thirteen sovereign states could merge their sovereignties in the United States except by consent of the electorates expressly given in each state. In order to get that consent the question had to be placed before the electors in the form of a printed constitution. When that was done the electors accepted it with a promptitude which surprised even its authors.

Faced though we are by a world revolution our statesmen and journalists unite in branding any attempt to show how nations can merge their sovereignties in a union strong enough to remove the fear of war as sheer lunacy. They fail to realize that in doing so they refuse to admit that any plan for preventing war must once for all be submitted for approval to the people themselves. Throughout they assume that nothing more is required than approval by executive governments and national legislatures. The consent of the people who elect those legislatures has no place in their calculations. What prevents these governments from meeting as delegates from the thirteen American states met in 1787 to consider what must be done to avert the danger of war is, I believe, the conviction

that nations must be asked to surrender their right to control their own currencies, tariffs and migration. If once they realize that no such proposal should or could be submitted to their national electorates, that reason will have vanished.

In facing a revolution, the first way to test a plan for ending it is to see whether it can be drafted into a constitution. With this purpose in view I append a draft sketched by Professor Hanbury, Vinerian Professor, who now fills the chair in which Blackstone codified our common law in the Codrington Library at All Souls College. The results of Blackstone's work became the foundation of the legal system developed in the United States after the revolution. Readers will note how short and how simple this draft is, shorter and simpler indeed than any previous instrument of the kind. It may help to show how easy and simple it would be to end this world revolution once for all if we confine our attention to the one object of preventing war and resist the temptation to solve the problems presented by national currencies, tariffs and migration.

The second and final test to which a plan like this should be submitted is to put it into execution and observe the results. But that is a test which can only be made by ministers in office. Should experience prove it necessary to vest in the international government compulsory power to deal with any of these questions that can be done by subsequent amendment of the constitution. For that purpose Professor Hanbury suggests in this draft that the process of amendment should be made easier than it was in the constitution of the United States.

Let those who would reach the end of this long and

perilous journey call to mind the words which John Bunyan put into the mouths of some of his pilgrims who had reached the brink of the great river:

> In process of time there came a post to the town again, and his business was with Mr. Ready-to-halt. So he inquired him out, and said, prepare thyself for this journey. After this, Mr. Ready-to-halt called for his fellow-pilgrims, and told them, saying, I am sent for. So he desired Mr. Valiant to make his will. And because he had nothing to bequeath to them that should survive him but his crutches and his good wishes, therefore thus he said, These crutches I bequeath to my son that shall tread in my steps, with a hundred warm wishes that he may prove better than I have been. Then he thanked Mr. Great-heart for his conduct and kindness, and so addressed himself to his journey. When he came to the brink of the river he said, Now I shall have no more need of these crutches, since yonder are chariots and horses for me to ride on. The last words he was heard to say were, Welcome life! So he went his way.
>
> After this, Mr. Feeble-mind had tidings brought him that the post sounded his horn at his chamber door. Then he came in and told him, saying, I am come to tell thee that thy Master hath need of thee. Then Mr. Feeble-mind called for his friends, and told them what errand had been brought unto him. Then he said, Since I have nothing to bequeath to any, to what purpose should I make a will? As for my feeble mind, that I will leave behind me; for that I shall have no need of in the place whither I go, nor is it worth bestowing upon the poorest pilgrims: wherefore, when I am gone, I desire that you, Mr. Valiant, would bury it in a dunghill. This done, and the day being come on which he was to depart, he entered the river as the rest. His last words were, Hold out, faith and patience! So he went over to the other side.
>
> When days had many of them passed away, Mr. Despon-

dency was sent for; for a post was come, and brought this message to him: Trembling man! these are to summon thee to be ready with the King by the next Lord's day, to shout for joy for thy deliverance from all thy doubtings. And, said the messenger, that my message is true, take this for a proof: so he gave him a grasshopper to be a burden unto him.

Now Mr. Despondency's daughter, whose name was Much-afraid, said, when she heard what was done, that she would go with her father. Then Mr. Despondency said to his friends, Myself and my daughter, you know what we have been, and how troublesomely we have behaved ourselves in every company. My will and my daughter's is that our desponds and slavish fears be by no man ever received, from the day of our departure for ever; for I know that after my death they will offer themselves to others. For, to be plain with you, they are ghosts which we entertained when we first began to be pilgrims, and could never shake them off after; and they will walk about and seek entertainment of the pilgrims: but, for our sakes, shut the doors upon them. When the time was come for them to depart, they went up to the brink of the river. The last words of Mr. Despondency were, Farewell night; welcome day! His daughter went through the river singing, but no one could understand what she said.

APPENDIX

CONSTITUTION OF AN INTERNATIONAL UNION

WE, the people of the States of ...., having before our eyes the paramount necessity of banishing war and all fear of war, and realizing that this end cannot be attained without the abdication by the several constituent member States of certain of their exclusive sovereign powers, do establish this constitution for the International Federation, hereinafter called the Union.

ARTICLE I

1. All legislative powers herein granted shall be vested in an Assembly of the Union.

2. The Assembly shall consist of one House, and shall be composed of representatives chosen by the people of the constituent States every second year. The qualifications for electoral capacity shall in each constituent State be the same as those laid down in the constitutions of the constituent State concerned.

3. No person shall be a representative who shall not have attained the age of twenty-five years, and who is not a citizen of one of the constituent States or a citizen of the Union as hereinafter defined.

4. Representatives and direct taxes shall be apportioned among the several constituent States according to the national wealth of such States. The national wealth shall be assessed by a report compiled every five years, during the period covered by the last two weeks

in September and the first two weeks of October, by a Committee of Union Taxation Advisers (hereinafter called the Committee), constituted as hereinafter prescribed and approved by the Assembly. Until the presentation of the first report of the Committee, representatives and direct taxes shall be apportioned in accordance with an assessment to be made by the United Nations Organization. PROVIDED that the first report of the Committee be presented to the Assembly not later than one year after its first session, and PROVIDED that it shall be lawful for the Committee at any time to make a re-assessment of the national wealth of a State in case of emergency.

5. When vacancies occur in the representation from any State, the vacancy shall be filled as provided in the constitution of the State concerned.

6. The Assembly shall choose its own Chairman and other officers. The Chairman shall be chosen for a period of three years and shall be re-eligible for one period of three years or less.

7. The Assembly shall meet once in every year on board a ship, lying at anchor within the territorial waters of one of the constituent States.

8. The representatives shall receive a remuneration for their services, to be ascertained by the Assembly on the advice tendered in the first report of the Committee, and paid out of the Treasury of the Union. No representative, for any speech or debate in the Assembly, shall be questioned in any other place.

9. Every measure which shall have passed the Assembly shall, before it becomes a law, be presented to the President of the Union. If he approve he shall sign it, but if not he shall return it, with his objections,

to the Assembly, who shall reconsider it. If, after such reconsideration, it shall again be passed by the Assembly, it shall become a law. If a measure shall not be returned by the President within ten days after it shall have been presented to him, it shall become a law, in like manner as if he had signed it.

10. The Assembly shall have power:

(*a*) To establish a Union Bank.

(*b*) To provide for the common defence of constituent States, and for this purpose only to impose taxes, hereinafter called the defence taxes, on the States, proportioned according to the national wealth as provided in section 4 of this article. The defence taxes shall, for the first three years after the first meeting of the assembly, be based on an estimate determined within six months of that meeting, and thereafter on an estimate determined not less than three years before the defence tax is to be levied. The defence tax shall be a first charge on the resources of each of the constituent States, and it shall be the duty of each State to keep its currency freely convertible into the currency of the Union, and failure to do so shall be accounted a default in contribution of the defence tax. PROVIDED that any State shall have a right of appeal, against its assessment to defence tax, to the Court of the Union. If the Court of the Union shall allow the appeal, the assessment shall be returned for reconsideration by the Committee. In case the Court of the Union shall have dismissed the appeal, and the constituent State concerned fails to pay the defence tax within six months from that date, the Assembly shall have power to prescribe means for its direct collection.

(*c*) To grant Union citizenship to those who are

citizens of no State at all, or of a State not a member of the Union.

(*d*) To build a ship or ships for the purpose of the statutory meetings of the Assembly and other purposes of the Union.

(*e*) To exercise exclusive legislative power in all matters relating to the common defence of the States, including the raising, training, discipline, equipment and supplies of all armies, navies, and air forces, drawn from the citizens of the Union, or of any constituent State.

PROVIDED that each State shall have power to establish, control, discipline, and equip police forces for its own internal security.

(*f*) To make all laws which shall be necessary for carrying into execution the foregoing powers.

11. All powers, other than those enumerated in section 10, shall be reserved to the constituent States.

ARTICLE II

1. The executive power shall be vested in a President of the Union and in a Council of not less than ten, not more than twenty persons, who shall be appointed by the President.

2. The President shall hold office for a period of three years, and shall be re-eligible for one period of three years or less.

3. No person shall hold the office of President who shall not have attained the age of thirty years.

4. The President shall be chosen from among the citizens of those ten States whose wealth has been adjudged the greatest by the Committee, as provided in section 4 of Article I.

5. The members of the Council shall be chosen from among the citizens of the Union and the citizens of all the States, but so that a two-thirds majority of seats shall always be reserved for the citizens of the ten States referred to in the foregoing section of this article. Members of the Council shall be chosen for a period of three years, and shall be re-eligible for one further period of three years, subject to the preservation of the proportion among States as defined above.

6. The President and Council shall appoint a Committee of Union Taxation Advisers, and a Committee of Advisers on Scientific Matters.

7. The President and Council may appoint inspectors, who shall have power of unrestricted entry into all factories on the territory of constituent States, which have been certified by the Committee of Advisers on Scientific Matters as engaged on the production of war potential. All such war potential shall be primarily available for the equipment of the armed forces of the Union as provided in section 10 (*e*) of Article I.

8. The President and Council shall appoint a Treasurer and other executive officers of the Union.

9. The President and members of the Council shall receive a remuneration to be ascertained by the Assembly on the advice tendered in the first report of the Committee and paid out of the Treasury of the Union.

10. The President shall be Commander-in-Chief of the armed forces of the Union and shall have sole power to issue commissions to officers of those forces.

Article III

1. The judicial power of the Union shall be vested in the Court of the Union.

2. The Court of the Union shall consist of a Chief Justice and eight Associate Justices, who shall be appointed by the Assembly, on the nomination of the President and Council, from among the citizens of the Union, and of all the constituent States. PROVIDED that not more than one Justice be appointed from any one State.

3. The judicial power shall extend to the following suits:

(*a*) All cases arising out of the powers of the President, Assembly, and Council, including appeals from courts martial established in furtherance of the President's power as Commander-in-Chief.

(*b*) Appeals against assessment of national wealth by the Committee, under section 4 of Article I.

PROVIDED that in these appeals no Justice shall be present from the State appealing.

4. The Justices shall receive a remuneration to be ascertained by the Assembly on the advice tendered in the first report of the Committee and paid out of the Treasury of the Union, and shall not be diminished during their continuance in office.

ARTICLE IV

1. The following shall be original constituent States of the Union. . . . .

2. New States may be admitted into the Union by a two-thirds majority of the Assembly, ratified by the President and two-thirds of the Council.

ARTICLE V

Amendments to this constitution may be made by a two-thirds majority of the Assembly and ratified by the Assembly in extraordinary session called by the President.

NOTES ON
THE OPEN ROAD TO FREEDOM

4 Paper Buildings,
Temple, E.C.4.
October 4, 1950.

DEAR CURTIS,

I have read *The Open Road to Freedom* with the very greatest interest. And I do, of course, agree—indeed, I don't see how anyone in his senses could disagree—that the free nations must, before it is too late, learn how to pool resources and work together. But I cannot agree, I'm afraid, that federation is the best way to do it.

You quote Switzerland, Canada, South Africa, the United States. Surely these examples prove, if they prove anything, the *irrelevance* of federation proposals to the actual situation which exists to-day? For they show only that federation is a fairly potent means of preventing war *within the federated area*, of preventing war between the formerly sovereign units. (It is not always effective even to do that—there was the American Civil War.) Confederations, which you attack, and some even looser associations, have achieved the same result. One example is the Commonwealth.

Your projected federation would include only countries which are not, thank heaven, even remotely likely to go to war with each other in the foreseeable future. And there is not the slightest chance of its including, in the foreseeable future, the potential

aggressor or any of its satellites. I am afraid, therefore, that I am not much impressed by the fact that, since federation, there has been no war between Natal and the Transvaal, between Berne and Zürich, between British Columbia and Prince Edward Island.

Pearl Harbour is a fairly vivid reminder that federation has no magic to protect the federated area from attack by an outside aggressor. *Since federation*, the U.S.A., Canada, Australia, South Africa, have each been involved in two major wars.

The real problem to-day—let us face it—is (*a*) if possible, to deter Russia from further aggression; (*b*) if she is not deterred, to defeat her. Whether there is war or not depends, ultimately, on what view Stalin takes of his chances, and it is the job of the free nations to make those chances seem remote.

It is a terribly urgent problem and its very urgency seems to me to add to the irrelevance of federation proposals. They raise problems which need not, must not, be raised now—the Commonwealth problem, the fundamental economic difficulties which Little so forcefully outlines, the problems of nationalist sentiment, slumbering now, but easy to awake. Even if all these problems are worth solving there is not time even to start. We must get together quickly, effectively, for a very clear and imperative purpose. It seems to me that this getting-together should be an empirical, one step at a time, practical and practicable affair—co-ordinated economics, joint staff-talks, perhaps, eventually, as Churchill proposed at Strassbourg, a West European Army. Approached in that way, the problems of co-operation between the free nations seem to me to be soluble (and, indeed, they are being solved at

the moment). This co-operation may even, in time, ripen into federation.

May I sum up my reasons for disagreeing with your main thesis by saying that federation proposals seem to me, first of all, irrelevant. None of us on this side of the Iron Curtain are going to fight each other. (If we were, of course, federation might be a good way of stopping us.) Secondly, they may, I think, possibly be disruptive and even dangerous if put forward at the present moment, for they could easily bring to light and life poisonous disagreements between the free nations themselves.

May I say again how very much I agree that we must co-operate or perish, and I am most sincerely sorry that these criticisms of your proposals on how we should do it are so unconstructive. But it is, I think, a very healthy and heartening thing that there should be full; frank, sympathetic discussions on these matters—an example, indeed, of what we must co-operate to defend.

Yours very sincerely,

CHARLES MONTEITH.

NOTES ON *THE OPEN ROAD TO FREEDOM*

By Sir KEITH JOSEPH

1. We all want to avoid war—provided the moral and material cost is not so great that the battle is lost without being fought at all. Any method proposed should be seriously considered.

2. Lionel Curtis should, more than anyone, know that politics is the art of the possible—yet he proposes a method (Federation) which calls for a political miracle, and which he only evokes to achieve much less than it is usually understood to involve while avoiding few of its difficulties.

3. His Federation can in present circumstances only include the Western powers and those in general agreement with them—except for the two danger spots of India-Pakistan and Egypt-Israel there is no fear of war *between* such countries. Therefore his Federation is aimed at reducing the fear of war with an outside power by mobilizing the optimum force against the Russians, until the time ultimately arrives for welcoming them too as another state within the Federation.

4. In setting out to mobilize Western power, Curtis passes over the remarkable progress made in Atlantic and European Defence, because—as he quite rightly says—Confederal arrangements (that is, arrangements whereby the contribution of each country remains at its own discretion) have never been effective to prevent war.

5. He forgets that this lesson has been learnt by many citizens and their representatives. Are not conscription in this country, constant staff talks, success in Korea, slowly mounting strength including American in Europe new and—in this context—hopeful factors?

6. No one is satisfied yet with our defence arrangements, but should Curtis not turn his energy to improving that which is already initiated rather than put his immense vitality, experience, and reputation behind a remote alternative?

7. For what is he proposing?

Federation: the very word with all its emotive significance arouses enthusiasm in Europe—and *will arouse an equal disillusion* if it is found to be no more than a word. It offers a new focus of loyalty and confidence to the European, demoralized by the ineffectiveness of his national states.

8. But Federation—even if proclaimed—would bring no security to those *economically* insecure without free migration—so that, for instance, Italian unemployed could work in England, just as Americans can move from a poor to a rich state: and without reduced tariffs—so that all goods might be sold freely all over the Federated area.

9. Nor will Federation bring extra *political* security unless by such economic factors it reduces the Communist fifth column or unless—in the field of force—it secures additional soldiers or weapons. This can only be done by devoting more of the nations' resources to warlike—probably instead of social—purposes.

10. It is true that we, France, and Italy, for instance, each spend *about* the same percentage of our budgets on defence: but compare the percentages of our

national incomes that go into our budgets, and it will be found that France and Italy lag far behind.

To raise more forces they must levy taxes more effectively—a major revolution in the attitude of their citizens.

11. It is also true that an army, for instance—even a smaller army than the aggregate of the armies of the constituent powers, but under the command of one Atlantic super-cabinet—would be more effective than an alliance. But a Confederate force can be under one command—just as the allied troops contributed by their respective governments were under the command of Eisenhower. And is there not already a promising start made with British and American troops in Europe and more to come?

12. As for rationalization of industry in Europe. Federation could only achieve this either by inflicting great hardship—depriving Italy, for instance, of her uneconomic steel industry—or over a long term of years.

Autarchy may make no sense economically, but strategically—when any country may be overrun—it may be sensible.

13. There are many and great evils and wastes which could and should be attacked, some by national, some by international action: but let us attack them direct, and not as by-products of a vast scheme of Federation set on foot to achieve the comparatively modest aim of effective Defence, which can be, and is being, sought by appropriate means already.

14. It may be that Federation has been successful in America—and possibly also in South Africa—but conditions were so *much* more simple that there is no resemblance between the contexts then and now.

Besides, such Federation saved internal (to a certain extent only even then) and not external wars.

15. Federation—if migration is to be eased and tariffs are to be reduced—would increase production, raise effective demand, and gradually improve the standard of living of the majority. But think of these enormous 'IFS' and imagine the furious opposition that such proposals would arouse!

16. Besides, the standard of living for the majority could only be increased at the expense—in a relative, and, in a measure at first, in an absolute sense—of those countries with the highest standard, us and Belgium.

This is not necessarily to be deplored, but it should be realized.

17. Curtis, however, expressly disclaims migration and tariffs as Federal powers: so that all he seeks by the vast dislocation of Federation is a Federal Defence Force.

This, indeed, is an excellent aim, but the Confederate forces under unified command towards which we are reaching will be as effective as a perfect Federal force because they will be in being so much sooner and with so much less opposition and difficulty.

18. A Federal army would involve new citizenship arrangements, standard pay, amenities, rations, and supply—all delicate questions raising in miniature the problems of migration, tariffs, and industrial rationalization deliberately avoided by Curtis.

Whereas the Confederate system whereby British, Australian, Canadian, Indian, Colonial and Allied troops have fought side by side under one command is a familiar process.

19. Let us see that such a system works prophylactically now, rather than pursue the hideously difficult course of Federation.

20. Let us reinforce success: let us concentrate on constructive criticism of the hopeful new defence arrangements already shadowed forth in the Brussels and Atlantic Treaties.

KEITH JOSEPH.

October 8, 1950.

NOTES ON
THE OPEN ROAD TO FREEDOM

By E. F. Jacob

I THINK that your book, with spirit and intention of which I so largely agree, suffers a little from the very characteristic at which you are so deliberately aiming: simplification. There are passages both in the historical part and in the practical chapters which seem to me greatly to over-simplify the issues. I do not want to write a documented criticism, but should prefer to indicate the main lines of my difficulties as briefly as possible. You may consider some to be old-fashioned platitudes.

1. In Chap. I, in order to prepare the ground for your main thesis, you have to underline the chaos of early Europe and to lay stress on the absence of international law. Thus, in writing of Europe after the collapse of the Roman Empire, you say:

> In the dark ages which followed, the civilization of Europe had almost perished until it was replaced by feudalism, a system based on compact, in which men looked to secure their lives and property in return for labour and military service rendered to lords, who looked to kings for protection on similar terms. Such was the system which existed in England after the Norman Conquest. . . .

It is quite true that feudo-vassalism provided, as far as a contractual system could provide, an element of protection and stability that made it possible for the

political institutions of the nascent kingdoms to develop. But the old civilization came to be 'replaced' by a great deal more than that. You say nothing of the concept of Christendom or of a Christian society living by a law which was the successor of the Roman *Jus gentium*, or of the growth of the idea of the law of nature, with which we have by no means finished, even in 1950. You say nothing of the often highly successful efforts of the medieval Western Church to arrest, through its diplomacy and its judicial mechanism, disputes before they had grown to any considerable proportions. Does Innocent III mean nothing? Do the efforts of the medieval merchants to establish a mercantile code and to ensure the acceptance of sound commercial standards mean nothing? I have never been a believer in what is sometimes called 'medieval universalism': but the achievement of an age which really did lay the foundations of a European *society* ought not to be undervalued.

So, too, in depicting the Hobbesian *bellum omnium contra omnes* in post-Reformation Europe (his phrase was certainly an exaggeration) you say, p. 9:

> There was no international government and, therefore, no international law in the real sense of that word, whatever jurists might say.

This is scarcely a historian's view of the nature of international law. To you, international law is evidently the *diktat* of an international state: in fact, in your view, there *can* be no effective international law without an international state, since otherwise it cannot be enforced. Quite apart from the contributions to international peace made by the poor jurists whose efforts you think so ineffective, do our existing inter-

national conventions go for nothing? Or modern methods of arbitration? 'They do not stop war,' you will say. No, but they promote agreement and maintain standards of decency and humanity on an international scale.

2. Nobody is more competent to speak about organic unions in the British Commonwealth than the author of *The Open Road to Freedom.* Yet I would ask the architect of several of these settlements (and what an achievement they have been!) whether the historical analogy of the Americas and the Dominions supports his contention. In America, in South Africa, and, to a less extent, in Canada the danger was from strife within and between the states or provinces that ultimately came together. And there were, within them, certain common factors, whether of kinship (however remote) or of ideals or of rough utility; certain common assumptions, even between North and South in the Civil War. The threat to-day is from without the Atlantic-European community. You have, to make your international authority complete, to include the Soviet and the new Far-Eastern Communist states that have emerged or are emerging, and where then are the common factors or even the common interest?

Lastly, and it is, perhaps, a small point in so summary a reduction of history, the Holy Roman Empire was not an 'attempt to secure peace' by an 'inorganic union'. It was a Germanic re-creation in the West of an empire which still existed at Constantinople, and its original purpose was to preserve, in the hands of German rulers, the western-central lands of Europe from the Netherlands to Italy, and prevent adventurers in the form of German dukes or Lombard princelings from stepping

in and creating confusion. Of course, as Dante saw it, the universal monarchy had a higher pacific purpose based on philosophical argument: but that was roughly how the thing began.

3. On p. 16 you say: 'Why, unlike the people they govern, do rulers attach less value to freedom and peace than to sovereignty? The reason, of course, is that rulers spend their lives in the exercise of sovereignty, till in their minds it becomes the ark of the covenant.' And then you go on to connect sovereignty with absolute power and its corrupting influence.

Every lawfully constituted government must govern, and modern conditions have necessitated a prodigious extension of a government's sphere of action, to say nothing of its sphere of influence. But to imagine that in so doing 'rulers' (by which I suppose Cabinet Ministers are meant) enjoy 'exercising sovereignty' seems rather absurd. They merely do their job. To you sovereignty means the exercise, by the rulers of the state, of incontrovertible power: to me it is something more difficult to define: it may be the effective operation of a people's will in accordance with the nature and spirit of their institutions; it has a social content. However much legal sovereignty is a necessary concept, the strictly legal definition of the term does not seem adequate; for if you are persuading people to waive their national sovereignty, you are asking them to do more than instruct their government to give way on this or that issue; you are asking them, to a great extent, to change a mentality which they have inherited or acquired as the result of many years of evolution.

4. In Chap. V you say that the first act of the new

federal executive, when in command, would be 'to assume control of all the forces by land, sea, and air, of the nations included in the union'. If the federal executive controls, then it will have to determine the conditions of national service, in the sense that it will tell the components of the federation what forces it needs and the nature of their armament, and the component states will then have to work out how the burden is to be carried. The first stage is, of course, to put this idea before the national electorates in some form of constitution showing the relation of the federal authority to the component states. Is it possible to assure the electorates that the assessments will be fair ones, without going much more fully into the mechanism of control?

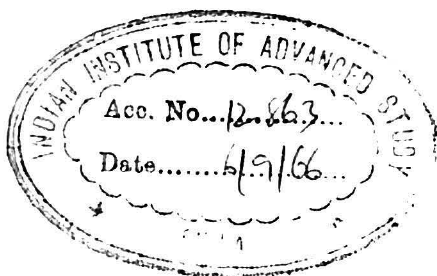
In the draft constitution it is suggested that the Government of the International Federation shall have control over all factories making weapons of war, or war potential. The armaments industry is immensely wide and complex, and in the sort of war that will have to be waged, all kinds of ordinary civilian or commercial firms will be involved. It seems that you would have to create an international Ministry of Supply-cum-Labour to deal with all the problems of materials and industrial personnel that would arise. Would the trade unions and, in the non-nationalized firms, the employers consent to such control? It seems very doubtful. A national Ministry of Supply has problems in plenty: an international ministry might be overwhelmed.

It appears to me that the technical questions involved in your scheme are of a very baffling sort and that as many of them as possible should be left to the

component states to worry out. The less federal control *technically*, the better.

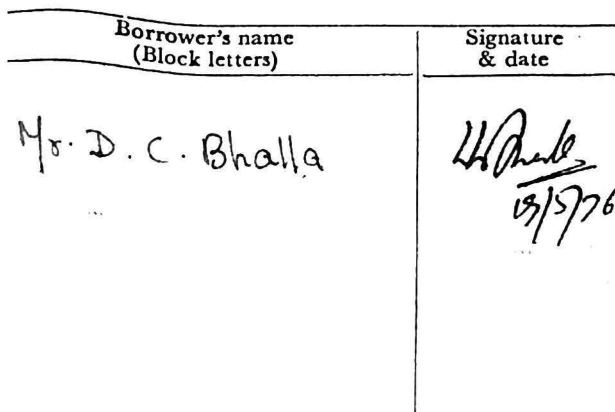
5. But there is a greater problem than the technical one. It concerns leadership and, more specifically, the question of national representation on the federal authority. It is going to be most difficult to secure agreement on this. At the beginning of your book you print the very remarkable address of General Marshall at the Arlington National Cemetery in 1950. By implication you have thereby enlarged the scope of the federal authority's work by including aims that are—as p. 3 makes clear—broadly cultural and spiritual, as well as material. The federation is not simply a defensive authority. It has a positive mission. How is this going to be reflected in the organs of its government? In other words, will the Council of the Federation be chosen from the powers that are militarily and economically the strongest, or will room be made for those who have been largely instrumental in creating the intellectual heritage which the new Atlantic community (if I may use Professor Halecki's phrase) has taken over?

I know that defence stands first: but standards of living, particularly in those backward territories of which General Marshall speaks, are not to be neglected. It is clear that you are involved in something more than repelling the aggressor: this constitutes the greatness, but also the major long-term problem, of your plan.



PREVIOUS BOOKS BY LIONEL CURTIS

The Commonwealth of Nations, published 1914 by Mac-
millan


I. I. A. S. LIBRARY

Acc. No. 12863

Call No.

Author : Curtis, Lionel

Title : Open road to freedom

Borrower's name (Block letters)	Signature & date
Mr. D. C. Bhalla	13/5/76

ume I,

t came
ber 31,
o meet
will be
Jnwin,
I have
up to

Oxford

ivers