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BY

G. A. Borgese

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Foreword

THIS is the first of three books whose unitary title is *Syntax*. Syntax, a term of grammar designating the rules which hold together the words and sentences, is here extended to the universal meaning of structure and order. Having lived through the time of disruption, the writer sums up his conclusions for those who survived with him and for those who grow toward "a time to build up."

The first volume, *Foundations of the World Republic*, arises from the *Preliminary Draft of a World Constitution.*

The second, *Hagia Sophia*, "Holy Sapience," explores under the conflicting religions and irreligions of the age the ground of a creed for all. It points symbolically to a credible new heaven as the first book delineates in the frame of the possible what might be called a new earth.

Poetry, however, *Poiesis*, "the Maker," as the builder of forms which imagination and rhythm propose to the flux of the real, as the mediator between logos and myth, is primal and final in the mind of man. Thus the third book is to be a narrative in verse in which the memory of the past aspires to join the spirit of those whom Homer called *Litai*, "the Prayers."

It is the hope of the author that the sequence will be completed in seven years.

The Preamble to the *Preliminary Draft of a World Constitution*[1] reads as follows:

> The people of the earth having agreed
> that the advancement of man
> in spiritual excellence and physical welfare
> is the common goal of mankind;
> that universal peace is the prerequisite
> for the pursuit of that goal;
> that justice in turn is the prerequisite of peace,

1. By the Committee To Frame a World Constitution (Robert M. Hutchins, G. A. Borgese, Mortimer J. Adler, Stringfellow Barr, Albert Guérard, Harold A. Innis, Erich Kahler, Wilbur G. Katz, Charles H. McIlwain, Robert Redfield, and Rexford G. Tugwell) (Chicago: University of Chicago Press, 1948).

and peace and justice stand or fall together;
that iniquity and war inseparately spring
from the competitive anarchy of the national states;
that therefore the age of nations must end,
and the era of humanity begin;

the governments of the nations have decided
to order their separate sovereignties
in one government of justice,
to which they surrender their arms;
and to establish, as they do establish,
this Constitution
as the covenant and fundamental law
of the Federal Republic of the World.

Foundations of the World Republic was first conceived and planned as an explanation of the principles and purposes underlying the Preliminary Draft and its Preamble.

The book therefore is divided into three parts: (I) "Peace and War," (II) "The Concept of Justice," and (III) "The Shape of Power."

Introduction

THE reader will find in this strange and wonderful book a creation, wide-arched and soaring, of idea and form. A mind of power and passion has built here a new kind of structure of thought and words about old, tremendous questions. Here problems of political action are expressed and resolved in metaphysical speculation, and both are lifted on wings of poetry.

G. A. Borgese lived a life of political action, prophecy, and poetry. The three aspects of his being merged and fused and drove him always onward toward greater harmonies and unities. He worked for a world republic, he thought boldly in metaphysics, and everything he wrote became in the end a poem. Many passages in the present book are pure poetry; and the book as a whole is a noble poem.

He could not keep separate these aspects of his nature and could not obey the plan he once set himself to write three books, each in a form appropriate to its subject. The first book was to be an examination of the consideratons underlying the *Preliminary Draft of a World Constitution*, of which he was chief architect. The second was to examine the universal elements of faith in all religions and irreligions and "point symbolically to a credible new heaven as the first book delineates in the frame of the possible what might be called a new earth." And a third book was to be a narrative in verse. But elements of the second projected book (which Borgese had begun in connection with an enterprise of the Ford Foundation) flowed into and became necessary parts of this first work, now no longer essentially political, while the work that is here published became also a metaphysical poem written in poetic prose. Part II includes Borgese's thoughts on Christianity and its evolution, past and future; on Hindu mythology and its interpretation; on cosmogony; on genetics and its metaphysical implications. And the question that includes all other questions, the question as to the destiny of man, is dealt with explicitly, conclusively, and creatively in the pages on the "Goal of Mankind." This book

fulfils Borgese's plan by rejecting it in favor of a unity of politics, metaphysics, and poetry in a single work.

To express this unified subject matter, Borgese has wrought a diction and syntax that, too, constitute a new creation. His powers of verbal expression were fabulous. When he became an American citizen, he made the English language his own and also made it over, attuning a new range of tones to a background as Roman as English can be. He had begun, in his notebooks, to enlarge and develop Interlingua, an evolved Latin, with the thought that the third book of poetry might be written in that language. He had published excellent poetry in Italian, German, and English. Now, in this work, his immense powers over verbal symbols and word-music achieve a form of expression as effective as it is strange. The reader is called upon to come to learn this new language as he might have learned to accept and understand Wagner's original musical line.

One who was glad of G. A. Borgese's friendship may add a more personal word. Borgese's spirit moved upward on the spiral of his thought and poetic forms. This work rests above the battle of personal striving. The rancor that is in all of us burned out of him while he was writing these pages. The prophecy of his poetry turned his face more purely upward. A man strongly built in terms of self, he was in essence selfless. His faith lay in, and his labors served, the "era of humanity."

In accordance with his plan we are reprinting, as an appendix, the full text of the *Preliminary Draft of a World Constitution*. The reader will find a number of passages printed in italics. These indicate divergences from the text as signed by the eleven members of the Committee To Frame a World Constitution and published by the University of Chicago Press in 1948. These changes introduce some corrections of detail, mostly in form, in one case also in substance, based on criticisms from all over the world which Borgese collected, sifted, collated in his capacity as secretary-general of the Committee To Frame a World Constitution.

ROBERT REDFIELD

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Part I

Peace and War

I

The Age of Nations

THE era of humanity has not begun, but the age of nations has ended. It ended in 1914 when the world wars began. The age of nations had lasted six hundred years, from the close of the Middle Ages to the opening of this century.

Antiquity had not been an age of nations. It had been an age of cities and empires. Israel itself, the most resemblant of ancient communities to the modern nation-state, had early developed a messianic prophecy which claimed for the law of Israel the world.

The Pharaohs first, having merged the multiplicity of the Egyptian tribes in one monarchy and one worship, had conceived their kingdom as the foundation of a virtually illimited world order. The concept, more or less manifestly, passed to other civilizations in the Middle East. Cyrus the Persian, in the sixth century B.C., embodied it in a thoroughly conscious will which he explicitly aimed at the establishment of a world state comprising all peoples and faiths.

The Greek city republics raised a barrier against which the Persian successors of Cyrus could not prevail. But those city-states too expanded into overland and oversea empires, inherently supranational, until Philip, the king of Macedonia, seized all Greece, and Philip's son, Alexander, having added the conquest of Persia to the conquest of Greece, raised himself to the unprecedented role of a West-East unifier.

Cyrus was the founding father of the World State in the shape of an absolute monarchy. Alexander, much rather than the Persian kings, was his heir. Caesar came third.

The One World of Alexander had been larger than Cyrus' but less enduring. It broke up at the death of its builder. The Romans, a city republic, took over the concept and purpose of the Persian and Greco-Persian universal monarchies, joined Europe to Africa, englobed most of the Eurasian heritage of Alexander,

and came nearer to building one world, in proportion to the world that was known and reachable, than any other unifier before or so far thereafter.

Inner strife between the "communist" plebs and the tory or "fascist" patriciate, together with the graft and default in the rulership of a world empire by the parliament and electorate of one turbulent city, necessitated the change of the republic into a monarchy. Julius Caesar was the first Caesar.

Some of his successors were great royal souls, others were tyrants. The structure of the Roman Empire leaned more and more toward forms of oriental autocracy. Yet within them traditions and institutions of the republic persisted, dormant but not extinct, and the legacy of Rome to the following ages was mixed. At all times the memory of the Roman world empire that had been, shone through with the ideal of a Roman world republic that could not be.

The philosophy of the Stoics, proclaiming since the age of Alexander the equality of men and the oneness of mankind, was basic to Rome, republican or monarchic. The monarchy of Caesar Augustus was laid on the cornerstones of peace and justice. A people of warriors disowned the spirit of war. A community of masters proclaimed the inviolability of the law to masters and servants alike. Citizenship was ultimately extended to all subjects. Christianity, lifting the Stoic dignity of the human person to an equalitarian promise of immortality for all and making all men partners of the city of God, was the destined conqueror of a society whose catholicity had already razed the fences between city and city, race and race, and made a city into a world.

Because her One World was not the whole world, because it had frontiers, Rome fell. Isolationist pacifism, ignoring or passively containing the pressure of the barbarians at the empire's walls, was first infiltrated, then flooded by their tide. Yet, as the Roman Empire was in proportion to the known and reachable world the largest aggregation of space and population that man ever saw, so was its span of time the longest. In its western half the Roman world government lasted five centuries; in its eastern half, centered in Constantinople, ten more.

The Middle Ages, in an obscured and mutilated Europe, clung, however elusively, to the concept of a Roman-Christian one world. Mongol conquerors, borrowing their universal plans

from the West, rode short-lived world empires from inner Asia to Central Europe and faded. Moslem-controlled "world governments" drove more than once at the core of Europe, each time to recede.

Already before the end of antiquity, the Roman-Christian unity had split in two; East and West, Constantinople and Rome. The western half in turn grew two-headed: with a Teutonic emperor and a Latin pope. They never agreed, all through the Middle Ages, nor even did they agree to disagree. Beneath their confused and inconclusive struggle, the crust of one world having worn thin, countless divisive forms, regressive or progressive, survived or spontaneously came to life, from die-hard tribalism to clusters of city-states, reminiscent of ancient Greece. The most vital trend of the Middle Ages—which pointed to a flexible union of autonomous communities under the guidance of an elective emperor and an elective pope, a federal republic cloaked in a dual monarchy—fell short of fulfilment, except in small samples such as Switzerland, an archetype in some respects of the United States of America and of a World Republic to come. The trend which prevailed led medieval society to a process of disintegration, marked by a rank efflorescence of single societies, acquisitive and centrifugal, artistic and unethical, pugnacious and suicidal, as well as by the emergence of the unco-ordinated individual, a law unto himself, who soon learned to write the first-person pronoun with a capital *I*.

Thus arose the nation-state, the particular formation of the age that was called modern.

It arose as a compromise between the oneness of a world which had obviously gone to pieces and the infinite disruption of its myriad fragments. Earlier or later, according to the variances of space and momentum, the micro-societies pullulating from the decomposition of the Middle Ages settled in larger though not too large combines around separate centers whose influence of gravitation was more restricted but more actual than the old nominal order. Astronomers have guessed an analogous phenomenon in the planetary coalescences after the cataclysm of the sun.

Earliest of such centers were Paris and London. Considerably before the finale of the Middle Ages, while other formations of

the new type were still nebulae, France and almost simultaneously England had already stood out as well-nigh solid nation-states.

Yet all chances for the restoration, or rather enactment, of the medieval unity were not irretrievably lost until the beginning of the fourteenth century. In 1303 emissaries of the king of France assailed and arrested the pope in his own palace. This was called the outrage of Anagni. The pope, Boniface VIII, died soon after, taking to his grave any hope that the papacy might stand or rise ever again as the ruler of rulers. In 1313 the last German emperor, Henry VII, whose southern expedition could still be accompanied by sensible expectations of success in the reunification of Europe, was buried, a failure, in Pisa. The local and national beings had now free course.

Dante wrote in those years his *Divine Comedy*, which he meant as a stubborn prophecy of One World to come, while posterity through six centuries read it as a memorial to things irreparably past. He also wrote a prose book, misnamed *Monarchy*—of which this *World Republic* we are writing is in some regards an offspring and transmutation—wherein he tried to establish, on foundations half-rational, half-arbitrary, his Roman-Christian unity as a nuclear federal union to be expanded to the whole earth.

But Bartolus, the leading jurist of the following generation, recognized the reality of the day in his description of the local or national being as "a community which does not recognize any superior authority": a precise definition of sovereignty as it was to be understood all through the modern age. Ahead of him, in Dante's own days, French political scientists and the Italian Marsilius—the latter in a book misnamed *The Defender of Peace*—had already formulated a full-fledged doctrine of the sovereign nation-state which had come of age.

The nation-state was founded on authority—of secular and military origin, though soon wrapped in divine right—as intensive vertically as it was limited horizontally. Its institutional form, until the English revolutions, was strict monarchy. Beyond his boundaries the king neither granted nor received obedience; conflicts with his peers and neighbors were either negotiated through compacts and marriages or decided in fights without umpire. Within his territory the ruler claimed total control. Cities and manors fell in line. The individual knights-

errant, chivalric or aesthetic, as well as the mere adventurers and buccaneers bent on profit and plunder, gathered after more or less protracted reluctance under the colors of the one superman. He was not above the law, because he was the law. His basic portrait, condensed in lines as brief and permanent as those of a monogram, is the Prince of Machiavelli.

The social organism, so headed and articulated in a rational framework of order controlled by positive force, was fit for its purpose. Its purpose and true religion—below the compulsory unanimity of a supranational and supernatural creed which the nation-states handled frankly in most cases as a natural and national tool—were wealth and power. The flag soon outgrew the altar. The main dogma of the national religion was the holiness of blood and soil, in a scope as far exceeding the tribe, the totem, the city, as it stopped far short of the oneness of mankind. The Roman language, a universal medium of communication for fifteen centuries or more, withdrew to the schools, then to wither altogether. The national dictionary, stabilizing the particularist idiom almost in the sacredness of a ritual, took the place of Bible and Latin.

Next to France and England came the unification of Spain. Others followed at closer or wider intervals, until in quickening tempo the pattern of the nation-state was adopted all over the world.

Russia, a national and imperial reincarnation around Moscow of the Eastern Roman unity which had been centered around Constantinople, was a comparatively latecomer. Ivan the Terrible was to her virtually what Ferdinand and Isabel had been actually to Spain.

Five successor nations of the western unity branched off across the Atlantic: Spain, Portugal, France, Holland, Britain. The last came out the strongest. One offshoot of Britain was to overshadow the mother-branch. This, America, is the latest born among great nations.

For nearly five hundred years, from the breakdown of the Middle Ages to the American and French revolutions, the pattern of the nation-state proved favorable in many respects to "the advancement of man in spiritual excellence and physical welfare." The governments, while authoritarian in matters of civil obedience and (more or less) of confessional conformism, were largely liberal toward individual self-determination in

other fields, intellectual and economic. The free-thinking rationalism inherent in societies which were no longer theocratic, except by political expediency, spurred critical philosophy and the natural sciences with their experimental perseverance leading to the industrial revolution and the machine age. Rivalry in luxury among the royal courts promoted literature, the theater, dramatic and instrumental music, all arts. The ratio of population increased only gradually; the standards of living, sustained by colonial exploitation and expansionist commerce overseas as well as by stabilized conditions of agriculture and craftsmanship in the homelands, improved slowly but steadily. Internal discipline, taming baronial arrogance and bourgeois restlessness, repressing sedition, civil or religious war, piracy, brigandage, assured the citizen-subject of the fruits of his labor or thrift. A spirit of confidence rose from Renaissance to Enlightenment. A new dogma, the dogma of human progress, was proclaimed by the century of Enlightenment, the eighteenth, and adopted by practically the consensus of Western civilization. The following generations extended the dogma to nature and the cosmos, under the name of progressive or creative evolution.

The external wars themselves did not hamper the march of progress. To a certain extent they even enhanced it, as competitive tests of valor and ability among the nation-states. One must be excepted: the Thirty Years' (1618–48) War. This, however, was much rather an interreligious than an international war, of a post-medieval rather than of a modern character; and its devastation remained confined to one nation, Germany. As a rule the other wars were, as a somewhat understating witticism had it, the sport of kings, a description which does not apply exclusively to the famed *guerre en dentelles*, "the war in laces." They were anyhow, as a rule, the business of kings, of their picked noblemen, and of a moderate number of professionals and volunteers. Their path of ravage was that of a narrow torrent, not of a tide; and civilian life was hit with narrow wounds which healed soon. It is not only in comparison with the atomic and pre-atomic age that their destructiveness appears trifling; also the mass slaughters, enslavements, arsons, demolitions of antiquity dwarf it. The wars, or tournaments, could drag on for years on end; but a battle was a one-day affair, with trumpets and gallops.

After the war there did come peace—as there had been peace in most walks of life also during the war. War-born peace was never Carthaginian. The small fry of duchies and principalities surviving from the fractional pluralism of the late Middle Ages could occasionally pass into more capacious abdomens, but it was taken for granted that war among nation-states of relevant size and of established standing should never be fought to the finish, that no surrender should be unconditional. The losing opponent—much rather than defeated enemy—was spared, soon to be befriended; it being taken for granted, at least until the partition of Poland, that the total ruin of one, sapping the ground of legitimacy and duration in which each and all were rooted, would spell ruin to all.

It was France once again which "gave to the wheel the motion." As France in the closing centuries of the Middle Ages had been paramount in building the pattern which was to model the age of nations, so was France the spearhead in the innovations and contradictions which were to overthrow the age of nations. This came to pass as a threefold repercussion of the French Revolution and its Napoleonic aftermath astride the eighteenth and nineteenth centuries.

The English and American revolutions had shaken the principles of legitimacy and monarchy and lifted the rights of the individual against the authority of the state. Carried to their extremes those tendencies would point to universal republicanism, possibly with mob rule, and ultimately to universal anarchism, with the tenet that "that government is best which governs least" brought logically to the corollary, as an unmitigated Thoreau might suggest, that the very best is the government which does not govern at all. Implications of this or of no less dreaded nature, Bossuet, the French bishop and historian, exposed already in the first English revolution; but the second was nice; and all three, including the American, kept on the whole within bounds of prudent and self-containing change. The concreteness and specialization of English-speaking life, its aversion to abstract thinking, restrained it from ideological ventures; so that universal apostleship was not a major ingredient in its national upheavals. Moreover, the Channel, let alone the Ocean, was forbidding enough to shield the English-speaking revolutions from external reactionary aggression while temper-

ing any temptation of theirs, had there been any, to military expeditions of a missionary intent.

But the French—apart from the accumulated momentum lent to their insurrection by the previous English and American revolutions, and from the unheard-of collapse of all rule of law after the inaugural day of their own revolution, Bastille Day—were a people of classicists and ideologues, with a reawakened urge to confer universal validity on the directions of their own behavior. More decisively, their continental frontiers lay open to the threat of reactionary attack and to the temptation of revolutionary counterattack as well. Both materialized; so that the coalition of the legitimist powers, which was already some kind of ideological alignment beyond the frame of the nation-state, was countered by an increasingly determined will to world revolution, and the French defensive-aggressive wars of the last decade of the century were undertaken and won in a spirit of crusade. The phenomenon was to be repeated almost literally four generations later in the national defense and universal claims of the Russian revolution.

This was the first innovation cutting through the finite shape of the nation-state. The second, deriving from the first, was mass conscription, forced on the French people by the dissolution of the royal army and the initial superiority of the foreign attackers. The system, with its perpetuation in the peacetime standing armies, was imitated successively by more and more nation-states and carried to early perfection by Prussia, with the English-speaking nations resisting, at least in peacetime, the world-wide trend, until America herself, doubting now her long-trusted oceanic safety, considered, though with divided soul, the adoption of Universal Military Training.

The inference from mass conscription, mass battle, and indiscriminate military servitude also in intervals of peace "when there is no peace," was that, while power and wealth and for a very long time the electoral franchise itself were concentrated in the ruling layers of landownership and moneyed bourgeoisie, the sweat and blood of the masses below were held freely expendable. The peasant, the shopkeeper, the craftsman, who more often than not in the best centuries of the age of nations had known of the current war just by hearsay, were now engulfed in it: a sociopolitical mutation which had been consummated long before the area bombings of World War II re-

fashioned warfare largely into an attack by the military of one power against the civilian population of the other. True, any private carried, as Napoleon told him, a "marshal's baton in his knapsack," and if he fell with the knapsack unpacked, a medal was pinned on the crepe of his widow. This, however, did not clinch the bargain.

Moreover, reward in the beyond having been derided by the philosophers of the bourgeoisie as pie in the sky and the divine right of the sovereign rulers having been repealed by the sovereign electorate, the earth took the place of heaven, the day of eternity, and naked force challenged naked force. Thus, encouraged also by the new school of jurists averring that the written law, void of all sanctity, is the mere codification of objective conditions extant in a given society, the masses awoke to their grudges and wants, soon to find in the neoclassical vocabulary of the republican revolutions their neoclassical denomination of proletariat. Socialism, French-born in the same final decade of the eighteenth century, was the twin brother of militarism. It was, by nature and destination, internationalist and supranationalist; with the dynamic and world-spanning concept of the struggling classes superseding the static and localized caste order (nobility, clergy, third estate or bourgeoisie) of the previous society, as the masses were being instructed that the various *patries*, the fatherlands which squeezed their sweat and blood, were nothing but going concerns of exploiters and taskmasters. The constellation of these feelings and desires was high on the horizon long before Marx and Engels described it "scientifically" and the *Communist Manifesto*, only a century ago, tried to prescribe its course.

The industrial revolution, with its immediate result in large-scale capitalism, concurred with militarism and early socialism in undermining the age of nations. The factory rose along the barrack-room, with parallel architecture and convergent implications. Money, by its very symbolical and disembodied nature, detached from soil, from masonry, even from the weight of coined gold, printed now on light paper or scribbled on private notes of exchange, became a voluble substance which was at home nowhere and anywhere. The phantasmal figure of the stockholder, unrelated to the management and the techniques of the enterprise, no less fluctuating than the value of his coupon, blurred further the picture. Through these and many such

other aspects of its amazing chiaroscuro, full-grown capitalism, while operating formally within the nation-state, straddled all frontiers, an international and supranational drive or drift as all-embracing as those of the revolutionary ideologies and of socialism. This mutation was practically consummated long before its glaring climax in the "one world" monopolies of the international cartels.

The third innovation of a supranational nature introduced by the French Revolution and its Napoleonic aftermath, along with the internationalism of the ideologies, both revolutionary and reactionary, and of economics, both socialist and capitalist, was the reappearance of the conscious world emperor and unifier. The neo-Caesar, a French soldier of Italian extraction and classical background, came fourth in line—leaving aside the Eurasian landslides of Mongol conquests in the early and late Middle Ages—after Cyrus, Alexander, and Caesar. The fifth, on a half-baked model supplied by Mussolini, was to be Hitler. The sixth, still in the making or unmaking, is Stalin, the near-Bonaparte of the Russian revolution. The seventh will be the One World Caesar if the advocates of the World Republic are going to be, as they still are, all Ciceros.

Under the Napoleonic wave all principles of legitimacy and national stabilities were submerged. Whole nation-states were obliterated in the swelling mass of the empire. Warfare, not yet quite totalitarian, was total already, with conscription forced on satellite states, battles ranging much beyond the traditional single day, casualties in one single campaign counted by the hundreds of thousands. The burning of Moscow was the preliminary flare of many fires to come.

Yet, when Napoleon fell and France ebbed into her national territory, the surface could look even again. The master-stroke of reconstructive statesmanship was the pardon of the victors to France, restored with all honors and little if any damage to her place among the leading nation-states. Thus, and with the favor of other circumstances, history seemed to resume its previous course.

The nineteenth century was the Indian summer of the age of nations.

Science and mechanics advanced from electricity to radium, from the steam engine to wireless and airplane. The literatures

and the arts, though more often expressive of passion than creative of orderly beauty, maintained standards of excellence from Goethe to Tolstoi, from Beethoven to Verdi, from Turner to Cézanne. The increase in economic resources and output did not lag hopelessly behind the colossal growth in population. Progress did not redeem poverty, but poverty did not disable progress. The "liberties and comforts" of the happy few, or not quite so few, in the Western civilization seemed worthy of Mr. Churchill's Periclean praise. International wars were limited in area and duration and spaced by wide intervals; neither were they waged without some measure of mutual restraint. It was not yet self-evident why "the competitive anarchy of the national states" should lead to chaos, why instead competition should not be productive after all of all-round prosperity in a world of free sovereignties as it was held to be in the world of free enterprise.

The forces of disintegration were at work nonetheless. They were being held in check by the "balance of power," a contrivance of Florentine invention in Renaissance Italy, applied now under British management to Europe and the world.

The balance of power was pressed by have-not or "have-not-enough" nation-states of recent formation, arrived too late for a satisfactory share in colonies, markets, and prestige. It was toppled by Germany, risen to be the most promising and threatening of the "have-not-enoughs," a stupendous compound of growing population, of intellectual and technical skill, and of military will to power sustained by a resolute belief in what doctrines of right as might and of the divine right of violence had been elaborated in the romantic cultures of all Europe. France had ceased to be a sufficient counterweight. Already during the Franco-Prussian duel of 1870 high-class observers like the Swiss historian, Burckhardt, felt the forebodings of continental and planetary tragedies. The ensuing lull lasted longer than they had anticipated. It ended in 1914.

World War I—or rather the first phase of the one World War that has known truces but not peaces since—started in both its initial drives as a challenge to the age of nations.

The first drive was the Hapsburg Monarchy's against South-Slav (Yugoslav) nationalism reaching from the small Kingdom of Serbia for vast chunks of the Monarchy. As *de mortuis nil nisi bene*—"one should say only good things about the dead"—

and the Hapsburg Monarchy passed away full thirty years ago at the close of that war, it has become the vogue in our years to extol its accomplishments, forgetting about its defaults. As a matter of fact the Hapsburg Monarchy was not the international and supranational architecture its mourners have in mind. It was an antinational aggregate, holding a variety of underprivileged breeds under the imperium of an Austrian, later on joint Austro-Magyar, elite. Arrows of direction pointed toward a renovation of the dual empire in a plurinational federation whose influence on the world-wide shape of things to come would have been far more relevant than the crystallized sample of the tri-unity of Switzerland. But the process was too slow for the national urges, without whose co-ordinated fulfilment no supranational structure is conceivable, to wait and see; so that their centrifugal momentum tore the empire to pieces, and the drive of the Hapsburg Monarchy against the nation-state remained memorable more as an attempted revindication of the day before yesterday than as a proposal for tomorrow.

The second initial drive of World War I—Germany's through Belgium to France—was of a decidedly more futuristic than archaic nature. It was leveled directly at the age of sovereign nations and its balance of power, in view of a new unitary order pivoted around the supremacy of Germany.

It was stopped and finally reversed. Germany was defeated though not quite undone. The old building of the age of nations was revamped and also remodeled and enlarged for a number of additional occupants. It looked awfully unsafe.

An undercurrent of unitary thinking and scheming, a mixture of nostalgia for antiquity or the Middle Ages with awareness of the approaching perils and projections of prophesied remedies, had run through the whole age of the divisive nations. It had been the French-pivoted "Grand Design" of King Henri IV, it had been the Spanish-centered world monarchy of Campanella, the Roman Catholic all-rulership of the Jesuit order, the International of Freemasonry. It had been the speculation of Erasmus and Leibniz; it was to be, in the Napoleonic years and those that followed, the announcements of Kant or Fichte and Shelley, Leopardi or Hugo or Whitman, alongside exploratory action toward continental or world federations by precursors typified in Mazzini.

The conquerors of Napoleon and their co-opted peer, France,

were not blind to the cracks below the fresh paint of the Restoration or to the necessity, if the rebuilt age of nations was not to cave in, that the nation-states, not unqualifiedly sovereign any longer, should be held answerable to a superior authority (and force) of supranational intent. Hence the Holy Alliance. It did not work. It was paralyzed, needless to say, by the veto power of each of its Big Ones; neither could it withstand the impact of new rising nationhoods whose will to existence should have been co-ordinated toward the common good but which the Holy Alliance chose instead to ignore or tried to choke. Its substitute was the "concert of powers," a phrase.

Inevitably, in the closing seasons of World War I, the need for a co-ordination of the nation-states and their subordination to a uniting power appeared more imperative than it had at the close of the Napoleonic age. Indeed, the whole war had been fought and was being lost and won at universal levels. Germany —and her allies, Hapsburgs and Turks—had stood for empire and hierarchy against the competitive anarchy of the sovereign nations. Russia in 1917 had stridden from czarism, a world monarchy of imagination, to communism, a world totality by definition. The one alternative left to the western European allies and their great transatlantic associate, unless they wished to withdraw into the backlands of obsolete particularism, was their Atlantis, the Federal Republic of the World.

Wilson was its first founding father. His errors and final frustration do not obscure the greatness of a feat whereby a speculation or "myth" of many centuries was taken down at last to the earth of political enactment. His indebtedness to Kant and acquaintance with Mazzini were subsidiary to the tradition of his own country, where the federal idea, migrated from its native places in Switzerland and other nooks and fringes of old Europe, had grown to unexpected magnitude, with its significance as a universal model becoming more and more articulate from the generation of Jefferson to the generation of Whitman. This Euramerican model Wilson proposed to Europe and the world.

What came out of it for the time being was the League of Nations. It was a miracle in appearance, while in reality a sign of obdurate hope against hope, that the League, a cripple, could live twenty-five years.

World War II, the second tempo of the one World War, began

from the same theme as the first, made grimmer by the intermediate disorder and impoverishment and conditioned for more frightful developments by the progress, the only conclusive progress of the time, in the techniques of mass murder. Germany, equipped now with a fascist philosophy of power absolute and amuck with racism, was the bidder once more, Italian fascism and Japan replacing now the two also-rans of World War I, for world rulership. She was defeated, and this time undone. But from the global wreckage in 1945 the same global problem stared, which had plunged the age of nations into the fires of 1914 and 1939. Roosevelt, in this respect a confused epigone of Wilson, tried a co-ordination in his United Nations: a hybrid, nearly as impotent as the League, while the Big Ones at its top hardly concealed the intention of usurping for themselves, if they only could, all powers, like a Holy Alliance—minus the holiness (and minus, as became promptly apparent, the alliance itself).

The principle of national self-determination which had underlain the age of nations, and whose commemorative tenets could still be read in the Atlantic Charter, had been scrapped at Teheran and Yalta—when a triumvirate of warring leaders agreed to carve the earth into empires, which they dubbed spheres of influence, and to enforce in near-Carthaginian peaces, with the subjugation and dismemberment of whole "sovereign" nations, their unconditional, and otherwise unusable, surrenders. On the other hand the wholesale application in the nineteenth century, and more spectacularly in the intermezzo between World Wars I and II, of the national principle entitling each nation to its own state had made for diminishing returns and ultimate bankruptcy. New nation-states sprouted everywhere, hoisting names of antiquarian flavor or fancy spelling, honeycombed inside improvised and twisted frontiers with pugnacious minorities whose assimilation or co-operativeness was not guaranteed by any historical stability or tradition of law. Others usurped the name of nations while being more or less going concerns of military and bureaucratic cliques or random splinters of broken empires. As the inextricable huddle of fractional nationalisms in the Balkans had sprung the sparks of World War I, so was World War II ignited first through the irreconcilable enclaves of Czechoslovakia and Poland. Both fires made

havoc of what was conventionally called the old "order"; neither gave birth to nation-states of viable structure. The Israel-Arab tragedy of 1947–48 and the Korean of 1950 and following bared at its most gruesome the nonsense of seeking at this hour solutions of national problems at levels other than supranational.

The popular assumption that the present movement toward world unity originates essentially in the technological revolution as applied to "weapons of mass destruction" is a fallacy derived from the superstition of our time, which is the adoration of the tool, the cult of the material causes. Techniques and tools are the products of spiritual evolution, of which in successive waves of reactions and actions they become contributing factors. They are not first causes. It was not the legion that made Rome, nor the phalanx that built Macedonia; but conversely. The same is true of crossbow and gunpowder, of catapult and iron-clad; and it is a commanding experience within our own time that the advances in mechanics of war—airplane or tank or submarine or jet or fission—have gained momentum under the stress of war, subsequently to increase by repercussion the momentum of war, much rather than they have been determinant agents of that stress.

Thus the atom bomb, last born of World War II, as it had not been its starter neither was it, all talk to the contrary notwithstanding, its decider. Nor is it likely to be, all talk to the contrary notwithstanding, the real exploder and title hero of World War III; during which, if we are self-fated to it, there are even some chances, no matter how substantial, that atomic warfare, with or without its emulous contrivances of bacteria and rays, may remain in inoperative reserve as did in World War II the chemical warfare that had been the most promising and advertised ingenuity worked out by World War I. Nor, finally, is the atom bomb the motor toward World Government, as popular opinion would have it; while, no doubt, atomic terror is a powerful accelerator of the motion. The technological revolution, in other terms, is the grave-digger of the age of nations. It has not been its killer.

For the age of nations, after a span of six centuries, was as good as dead, for reasons far deeper and more complex than any technological change, in 1914—when uranium was quietly No. 92 on the periodic table of elements and plutonium was

nothing and nowhere—the subsequent events, in battlefield and laboratory as well as in the sociopolitical and psychological eruptions, amounting merely to the story of its decomposition through the brief span of one generation, one-third of a century or less, 1914–45.

This, of course—the statement that "the age of nations must end," or rather has not even to end because it has ended already —must not be read, as some misread it in our Preamble, as meaning that there is no place any longer for national communities and cultures with large powers of social and political self-determination. The Stone Age has been long since over, but we still use cornerstones to plant our houses. To say that the matriarchal and patriarchal ages ended is not the same as saying that the institution of the family was abolished; neither is to say that the age of nation-states superseded the age of cities the same as saying that the cities and municipalities were wiped off. The meaning of our statement is clearly, and nothing more while nothing less, that the age is over through which the un-co-ordinated and sovereign national being was the supreme and only embodiment of law in the human society.

It seems evident that the process was completed soon after the end of World War II and the nearly simultaneous institution of the United Nations. It dawned now on practically everybody that the United Nations, last refuge and alibi of the age of nations, was confronted with the dilemma of evolving, not so slowly, into World Government or dissolving altogether. In the latter case mankind would be faced, all evolutionary transitions omitted, with a revolutionary choice between global destruction, atomic or other, and global integration by whatever means, World Republic or world despotism, its will to survival might dictate.

At the present stage Zeno the Stoic or Dante the Christian, who "dreamed" of the World State, are the realists. It is the custodians of the age of nations who are the dreamers—though no utopians in the vanguard acception of the word, for what they dream is the nightmare of yesternights.

II

The Myth of World Government

That Icarus stuck Daedalus-made wings to his shoulders with wax and flew from his island, Crete, sunward, is a myth, is poetry in the sense of fiction. But man's resolve to fly, with the foreknowledge that some day fly he would, was a myth in another way. It was poetry in the sense of creative vision, a proposal to history. Leonardo took it very seriously, wasted, as the word goes, on it much of his thriftless time. Finally one Orville Wright took off for good at Kitty Hawk, North Carolina, a few thousand miles and years from Icarus' fabled feat.

The flying carpet of the *Arabian Nights* never flew; but the carpeted floors of our Constellations do fly; this being the routine illustration, most familiar to this century's speed-and-locomotion-entranced mind, of the twofold "mythical" process which occurs in practically all fields.

On the one hand, the myth, historically untrue, posits in the past as an accomplished fact an unfulfilled desire; on the other hand, it launches it into the future, with the probabilities of fulfilment increased by the insistence and aesthetic vigor of the legendary statement, since, as Montaigne put it, "the strong imagination produces the event."

Other illustrations, in more or less contiguous fields, are hardly less obvious than the flying power. Neither Midas' touch nor any magic wand made lead into gold or other elements interchangeable; alchemy was an obdurate brain-tease all through the Middle Ages; but our chemistry is alchemy, coming or come true, not without witchcraft, and radium and cyclotron are no tall stories. Jupiter and Thor have long vacated the Olympus and Valhalla where they never lodged and whence they summoned or dismissed the storms; but we are already doing strange things, with dry ice or other intrusions, to the clouds. Ponce de León searched in vain for his Fount of Youth in Florida.

Were he with us he would not altogether disregard information about Bogomeletz or, why not, Voronoff; in the meantime the elixirs and philters of old are relabeled, e.g., hormones; G. B. S.'s *Back to Methuselah* does not sound any more as unqualified nonsense; and the miracle spear healing the wounds it inflicts has long since found its experimental counterpart in immunization to disease through inoculation of the same disease.

It is the superstition of our age, apparently dominated by the physical and natural sciences, that this twofold mythical process has materialized only in the world of matter. It is recorded also in the world of the spirit (if there are two such separable worlds).

Lethe and Eunoe, the rivers respectively of redeeming oblivion and of redeemed remembrance, flowed nowhere ever; but psychoanalysis has registered some partial success in exploring their sources within man himself. The physical intercourse between gods and men, of which all mythologies reported extravagant and occasionally indecent episodes, was a long-drawn-out prologue to the spiritual identification, unknown in classical antiquity, of the mystic with his God, while the mutual merging of the divine into the human and of the human into the divine, presaged in such pregnant myths as Tammuz' or Dionysos', was being consolidated in the dual experience, human-divine, which is basic to the Christian, and in his own way to the Hindu as well.

Salvation, analogously, which is a peace treaty between the experience of the individual and the cosmic order, had been exemplified in some stories of exceptional heroes pardoned by fate, lifted among the gods. It was to be extended to all men, as an opportunity calling for the co-operation of each one's free will.

In the sociopolitical field the Golden Age, a hopeless yearning for an irrevocable past, having about-faced toward the future, became the actual driving power of the will to progress. Arcadia, that fairy-tale society of the happy and free, that never-never land of self-born prosperity and unrestricted laissez faire, acted as the imaginative background of liberalism and intellectual anarchism as well.

It is not only that the innocent and incorrupt shepherd, all song and love and leisure, of bucolic poetry and melodrama was obviously the progenitor of Rousseau's good natural man, citizen of a coming Republic which spurned being dubbed

utopian. It is not only in the speculation of Marx that the mythical society of the totally free re-emerges with the "withering-away" of the state, nor is it only in Kropotkin's sociobiological idyll of mutual aid, in a human community held together by consent alone, that the Arcadian legislation summarized by poetry in the one line, "What pleases is permitted," acquires the substance of a positive program. Also in the official tenets of the accomplished revolutions the ancient fancy bade for a place in the sun.

Happiness could and should be "pursued," as the American Declaration of Independence declared, because those writers and founders believed that happiness, formerly a Fata Morgana, could now be attained. The state did not yet wither away; but it was their intention, and in several respects their deed, to prune it mightily.

Lincoln was a specialized man of action, unused to nostalgic flings, and anyhow more conversant with the Bible than with Indo-European mythology; but the Bible too has pictures of pastoral primitivism, along "still waters"; and without the impulsion provided, consciously or not, by an inherited loyalty to the myth of a society of free and equals, it would be more difficult to understand how he, instinctively a racialist, could after all believe that men *really* are "created equal," and act accordingly; with so scandalous a departure from Aristotle on whose authority the southern gentlemen maintained that free is free and slave is slave, two races of men, or, as their allegedly Christian pastors put it only yesterday,[1] that white is white and Negro is nigger.

Myth then is fable, and myth is force.

First perhaps to highlight in the sociopolitical field the latter meaning—of myth as force and faith, not as remembrance of what never came to pass or as passive daydream—was Georges Sorel. His myth was the General Strike. Through the impulsion provided by its ever impending even though never totally consummated threat, the bourgeois age, Sorel anticipated, would be overthrown and the proletarian era take its place.

That myth, as a universal pattern, failed, because, of the two

1. General Conference of the Southern Methodist Church in Columbia, S.C., May, 1948 (not so general, however, and representing only a fraction of the Methodist Churches of the South).

brothers, universalist socialism and nationalist militarism, militarism was the stronger. In a sense nationalism, with its magic call to the tribal emotions of blood and soil, had still a more "religious" appeal than the naked economic purpose of the class struggle. Thus militarism, an aggressive "march-on," took in its stride a rival whose challenge was supposed to triumph in a global "sit-down."

Yet the Marx-Sorel myth of the General Strike did not fade before embodying itself in a number of specific trends and events: most conspicuous, of course, the Russian revolution as it rose from the general strike of a defeated army, whereby militarism, having shed its distinctive insignia, revindicated in itself—and paradoxically identified itself with—its previously succumbing brother-antagonist, communism.

THE WORLD STATE AS THE "MYTH" OF OUR AGE

It is the outstanding trait of our years that the divisive myths, in a broad sense romantic, of the last century, such as nationalism, class struggle, and nationally circumscribed socialism—or National Socialism, naziism for short, a denomination fitting almost equally well in certain respects Russian communism at its present stage—are being superseded by a myth, in a broad sense classical, of a structural and unifying nature, the World State.

He who should say that World Government is the myth of this generation would state a self-evident truth.

The missionary fervor of this idea-force hints almost at emulous similarities with the certitudes of the primitive church spreading the "good news" among Jews and Gentiles, or of the eighteenth-century philosophers heralding equality and liberty, while its dignity as a categorical imperative has found already a formulation in Julian Huxley's dogma that "present-day men and nations will be judged by history as moral or immoral as to whether they have helped or hindered that unification."

No present-day nation has chosen deliberately to be judged immoral on this score, the opposition of Russia herself being sustained explicitly by the charge that the Western one-worldism is a Russophobe and Russia-encircling maneuver, while motivated implicitly by preference given to the traditional plan of a World Monarchy—to be vested in the third and ultimate Rome, as orthodox Russians used to call Moscow—rather than

to an untried World Republic, as suspect in its intentions today as probably inefficient in its intricate setup should its day come.

Otherwise there is consensus among the present-day governments—including Stalin's Russia, which is the heir to Lenin's and Trotzky's as theirs was to Caesars and czars—in the matter of principle. They all agree that World Unity, the Era of Humanity, is a goal of mankind, and a desirable one. They differ as to feasibility, whether proximate or remote, the odds for prompt achievement being perhaps in favor of World Government as a centralized world tyranny, an era of inhumanity, rather than as a federal republic, a complex proposition requiring, many think, the slow support of gradualism and time.

The people, were they polled everywhere as they are in America, would confirm and enlarge the American nominal majorities pro World Government, even though unable, minus scattered cases, to explain to themselves specifically what World Government means except that World Government should mean peace. Queries on the timetable of feasibility would leave them confused. Only a restricted minority so far contends that the translation of the idea into reality can be, if we so will, a matter of few years.

At any rate the myth, as a force, has found abode in an enormous congregation of minds all over the earth. The very earnestness with which the statesmen in power, one-worlders of the tardigrade set, chide the impatient, implies recognition of a movement whose pressure they can resent but not deride.

Should the myth of united mankind come true in the coming years, its curve during the latter phase, coeval to the dissolution of the age of nations, would look similar to that of the myth of winged mankind in its concluding period from 1783 to 1903.

As the unity of mankind, a will frustrated even in the most ambitious approaches of the ancient empires, had been transmitted, a thought as unyielding as ineffectual, from precursor to precursor, so had the dream of flying man struck roots in man's imagination and never sprouted.

From Icarus' fictional day to the exact date, 1783, of the fire balloon there had been no advance; from that date on the tempo of research and attempt grew to a compelling crescendo until the brothers Wright, a hundred and twenty years after the brothers Montgolfier, cashed the mythological check in the hard currency of fact.

It would not be surprising if under more commanding urges the acceleration of the One World myth were much prompter, Wilson's League being to World Government what the smoke-filled balloon was to the airplane.

As a rule nothing happens in human history that was not previously a "myth." This is not tantamount to saying that all myths come true.

We have referred to the mixed destiny of the General Strike as a myth-force. Cases of unmixed defeat are recorded in other chapters of history. The Crusades, streaming eastward with the battle cry "God wills it," were undertaken at the behest of a twofold myth—ejection of Islam from the Holy Land and re-union of Eastern with Western Christendom—whose enactment seemed desirable and feasible alike. They failed both ways.

The particular norms that "thou canst not make one hair white or black" or that the ordinary life-span of man is three score and ten, may well be less binding today than they were when enunciated. But the laws of logic stand. So do the "laws of nature," in spite of the partial blurring they have undergone through the philosophical and physical speculation of our age. So do the so-called laws of history, even though they have never been unambiguously formulated and their validity hardly stretches beyond empirical predictions suggested by an ever defective, ever fluctuating knowledge of the past; for "history," as a wit put it, "repeats itself always differently."

At any rate a natural myth which runs counter to biological laws will stay a fable; no horse-breeder will try to produce in his stables the centaur, half-man, half-horse. Nor will any ornithologist ever hatch the bird phoenix, which dies every five hundred years to be instantly reborn from its own ashes; though both the horse-breeder and the ornithologist, if they think deeper, should realize the symbolic validity of those myths, beyond their literal absurdity, as expressions of a positive drive against the immutability of the species and of a positive challenge to death.

In the same way a historical myth contradicting literally the data of experience should be dealt with as a futuristic fiction, irrelevant to action; or else man, seduced by false imagination and chasing, as the word goes, a wild goose, might stumble on pitfalls and come to griefs more deplorable, because they could

have been avoided, than those with which necessity besets his path.

Therefore the case against World Government should have a hearing. Those should be heeded who think they have good reasons for holding that World Government is a myth in the sheer sense of fable.

THE CASE AGAINST WORLD GOVERNMENT

Those reasons are, or might be, two. One is insistently cited; the other, for all we know, has been generally overlooked by the opponents of World Government.

The familiar reason claims to be founded on historical experience. It contends that you cannot have a government if you do not have a community. We do not have a world community, hence we cannot have a World Government.

If that were true, the problem of World Government would be settled now and forever. At the present time World Government is impossible because there is no world community; but, were ever a world community to rise full-fledged, a finished product, government in the ordinary sense would be supererogatory. The community of men, a brotherhood of the just and free, would need no judge or sheriff.

History, correctly questioned, does not answer that a government, a state, arises when the respective community is full-fledged. It answers that a government, a state, meets halfway the needs of a fledgling community, arises at the critical stage when a community in the making demands a pattern, a mold of law, for its further maturation to take shape. History, more insistently questioned, answers also that those critical stages never end, that the maturity of a human community is never mature. The day of a perfect community—made, no longer in the making—is mythical, in the inferior sense of myth, by definition.

Government, obviously, is a good or bad thing depending on the angle from which it is considered. It is a good thing if considered as a superior guidance, an educational institution paving for the citizen the way toward the good and beautiful, as well as a responsible board administering the useful. It is a bad—i.e., unpleasant—thing if considered as a suppressive agency interfering with the self-determination of the single, and represented in

the more or less obnoxious aspects of the traffic policeman, of the tax-collector, of the barrack-room, of court, of jail.

All allowance made for the accuracy of the statement that government on the whole has been much more efficient in its suppressive than in its progressive operation, government nonetheless remains as indispensable in the former as it is desirable in the latter.

Medieval doctors held the state to be a consequence—or wages—of original sin. A sin-proof society could sing and frisk ad lib, with everyone "crowned and mitred"[2] as his self's emperor and pope, and the harness of collective government packed away in a museum of prehistory.

What kind of community have those modern doctors in mind when they say that there is no world community for a World Government?

Is this city, Chicago, a community in the sense, we guess, they mean? Do the tenants of the Negro belt drop in for tea in the mansions of the North Side? Is Cicero, on our western border, the shrine of Saint Alph Capone? Yet this city has a municipality, a government, and Cicero has too. Plenty of common causes—lighting, water, sewage, conveyances, roads, parks, hospitals, schools, churches, yes, courts, yes, jails—hold their millions together. Force, governmental, lays its decisive accent on the consent, insures the continuity of the covenant in spite of race or creed, open feud or rampant revolt.

Or have those doctors learned from history that the states of the age of nations, unitary or federal, came to life when their respective communities had mellowed to unmistakable maturity?

The example drawn from the genesis of these United States seems hopeless. The demonstration has been given, with chapter and verse, indefatigably, that the community of the thirteen colonies was brittle indeed, cracking with rivalry and wrangle, tempted not only to separation but to fight, until the Constitution, Government, kneaded it, so to speak, into a continuum, whose continuity neither could nor can be secured at a lesser price than the government's eternal vigilance.[3]

Quotations have become hackneyed from pessimist observers

2. Dante's picture of his unrestricted self-determination in the Earthly Paradise.

3. See Richard Hooker's excellent essay, "The Background of Federal Union," *Common Cause*, August, 1947.

of those inaugural years who saw, or thought they saw, the newborn union, whether confederation or federation, go to seed under their very eyes—and from optimist forecasters who after all were confident that civilization, as embodied in the novel nation-state, might reach the Mississippi in a couple of centuries and the Pacific in five. The counterproof of the insufficiency of that community, of the necessity of government as a vanguard which leads the community, occasionally restive, to its further levels, has been offered over and over again in the classical case of the House Divided. The American house was divided, half-free, half-slave, long before the 1850's and 1860's. The rifts and rumble had been masked with paint, muffled by delay, since the 1780's or 1770's. These had been governmental expedients; expedients, no doubt: they had worked nevertheless.

What happened two generations later was that the disrupting drives of the immature community, the seceding states, challenged openly the cohesive will of the state. This prevailed; but vigilance was no longer enough in those days of reckoning; unity could not be secured at a cheaper price than battle. At the present time the house is no longer divided, if we mean thereby that its roof and symmetries look stable. Yet, all other remarks omitted, there are apartments on the ground floor, such as those where Huey Long or Bilbo were at home, which need attention and friendly care lest their relatively unsettled pull imperil the whole; and it looks as though there will always be a South.

In other terms, even at the present hour, over one hundred and sixty-five years from the Constitution: almost ninety from the Civil War, the government of the United States is stronger and more advanced than the community which it at the same time represents as a factual matter and promotes as a "myth," a proposal to history. A small guild of governmental workers, known as "the nine old men" of the Supreme Court, keep particularly busy repairing the leaks, repressing the termites, seeing to it, with industry tempered by prudence, that the union which the 1787 Constitution wanted "more perfect" becomes more perfect than one hundred and sixty-five years of constitutional operation have afforded to make it.

A case in point is the Fourteenth Amendment, through which the governing body of the Re-United States tried to enforce, in the community underlying the union, the principle of political and juridical equality among the races, as a belated corollary

from the Declaration of Independence's "self-evident" truth that all men are created equal and as a direct consequence of Gettysburg and Appomattox. Notoriously many sections of that community—in many respects still obdurately uncommuning—were hardly more willing in 1868 to submit to the edict than the "grass roots" of 1776 had been receptive to the lofty wind of human equality sounding among the tree tops of enlightened philosophy and Christian prayer.

The road therefrom was slow; the pessimist may even have contended, though wrongly, that there was no budging. Of course poll tax, white primaries, segregation, lynching, stand; but segregation received a body blow when the nine, or six, old men decided to decide that restrictive covenants in real estate are unenforceable. This happened, out of a blue sky, in 1948, eighty years from the Fourteenth Amendment.

Of course the blue sky is a figure of speech. The world community *in fieri* with its antiracial dogma, and the tactical necessities emerging from the ideological duel between America and Russia, exerted a definite stimulation on the conscience of the Court. But nobody will pretend that the American community as it is *de facto*, let alone in Oklahoma or Alabama, in this very block where I am writing, had so single-mindedly outgrown the color bar that the Court had nothing left to do than put in writing what the voice of the people manifestly commanded.

Everybody instead realized that it was still to be seen how the immature community would react to the premature command of its government, what traps and tricks the local coalitions of interests and passions would contrive to elude the law. Yet a written law, unless it be as crudely unhistorical and irrational as was prohibition, has a knack at gaining, sooner or later, observance; if a live spirit was behind it, it will not remain a dead letter.

Thus in the case of the restrictive covenants, government and community behave to each other much rather as cause to effect than conversely; a relationship occurring in countless other instances. The "melting pot" itself would have melted long since, scattering about the races and nations it tries to melt, if the pot, which is the state in being, were not of a more permanent material and a steadier shape than the community-to-be of which it is, in both senses of the word, the container.

COMMUNITY AND STATE

There is uneasiness in outlining once again the grade-school alectics of community and state, of the cause which produces ıe effect and of the effect which in turn becomes a cause, of ·gans and functions whose respective priority is a quibble like ıat one of the chicken and the egg, which comes first. There is nbarrassment in summarizing once more facts of American story, close to us in time and space, which everybody knows / rote. But it is of no avail. The opponents of World Govern-ent, on the argument from the lack of a world community, ick imperturbably to the statement that the American federal ate came into existence as the effect of the American federal)mmunity, was by no means a cause thereof. The fortitude ith which they refuse to implement their statement with posi-ve demonstration, to buttress it against the facts and reasons ' those holding a less simple view, adds to their immutable net the hypnotic efficiency of an incantation.

One wonders whether, turning their eyes from the American evolution to the evolutions and revolutions of those elder en-ties overseas whose process of coalescence had been a matter ' centuries, not of years, they would remain as firm. If so, they ıght to maintain that Switzerland never knew any difference :twee n unifying and unified cantons, never a taste of social or :ligious strife, let alone civil war, its federal union being the)dification of a loving community wherein Bern and Zurich, essin and Vaud, Catholic and Protestant, burgher and farmer, ıd lived happily ever before. They ought to consider the weld-g of England and Scotland in one crown as the formal avowal ' an age-old affection, so impressively dramatized in the idyll ' Elizabeth and Mary, and the integration of France, this first-)rn of modern nation-states, as a *de jure* seal on the *de facto*)nsent which had pushed, e.g., so irresistibly the duke of Bur-ındy into the embrace of his dear king. Bismarck, only yester-ıy, they should think, was the best man in the long-overdue ıptials of Bavaria and Berlin, as Cavour's Italy had proved asible because Turin and Naples were already two peas unmis-ıkably born for one pod.

If, as common sense dictates, community and state, peas and)d, are not separate entities, are born and grow in function of

each other, the issue raised by these objectors boils down to the query whether or not there is today *enough* of a world community to make sensible the bid for a World Government with the twofold function of actuating the potencies of the community and promoting their growth. The query can be answered.

ONE WORLD AS SPACE

A community is space and spirit. Its size is determined by the range of its system of communications; its vitality by the amount of concordance in the feelings and purposes which are communicated.

Horse, wheel, oar, sail, burst the shell of the tribe—or, conversely, the expansive will of the tribe tamed the horse, fashioned the wheel, the oar, the sail.

Aristotle (*Politics* vii. 4), prescribing the just size of a community and state, not too small, not too large, rejected the state of "too many," as being "not a state, being almost incapable of constitutional government." "For," he went on to explain, "who can be the general of such a vast multitude, or who the herald, unless he have the voice of a Stentor?" On this and such other indisputable data of experience Aristotle decreed that God alone could take care of the whole of mankind. A General Marshall, handling from behind a desk millions of soldiers across seven seas, or a globe-voiced Stentor—say, a short-wave set—were myths to him, in the sense of fallacies.

Cicero (*Republic* vi. 20) wrote: "You will notice that the earth is surrounded and encircled by certain zones, of which the two that are most widely separated, and are supported by the opposite poles of heaven, are held in icy bonds, while the central and broadest zone is scorched by the heat of the sun. Two zones are habitable; of these the southern, the footsteps of whose inhabitants are opposite to yours, has no connection whatever with your zone. [He meant those "down under," whom we call Australians.] Examine this northern zone which you inhabit, and you will see what a small portion of it belongs to you Romans. . . . Do you suppose that your fame or that of any of us could ever go beyond those settled and explored regions by climbing the Caucasus or by swimming the Ganges?"

Seneca, not long thereafter, in a mysterious fling of imagination, swam a more forbidding water than the Ganges, landed in his prophesied Transatlantis. Dante responded with his west-

ward-ho Ulysses (*Inferno*, XXVI), a myth of his own make. The Crusades, politically and religiously a bootless errand, resulted geographically in a triumph. They burst the shell of Western Christendom. Trail blazers and navigators fanned out east and west; the myth of a transoceanic world invaded the poetic and the popular mind; until navigators who meant business cashed the myth in the currency of fact. (Whereupon, incidentally, the astronomers from Copernicus on, driven by the same drive and uncomfortable in the cozy cosmos of Ptolemy, sailed for this infinite, or at least ever expanding, universe of ours.)

Locomotive, steamer, automobile, wire, wireless, pointed to the expansion of the national spaces into one supranational community of communication—or, conversely, the universalist urge of Humanism and Enlightenment, "mythologized" in the mechanic enthusiasm of those ages and in the furore for space-spanning speed of the eighteenth-century horseman and coachman, contrived to itself the tools for a world community of communication. At the present stage, after airplane, radio, radar, fission, radioactivity, the separate national spaces look like properties whose owners think that a three-foot fence of barbed wire will protect their apples from the birds of the neighbor's trees. It is by the skin of their teeth that the divisive governments hold back the new phases when the flying machine, helicopter, or whatever else its name-to-be, will be weaned from the nation-controlled airfield, and "ham" transmitters by the hundreds of thousands will be too confusing for any local air police to rule the waves.

Nobody questions this picture. It is the consensus that One World, in the sense of one space of communication, exists already. The contention might be that this space is devoid of spirit, that the universality of communication does not contain or imply any community of the mind.

This, by itself, in its mere enunciation, sounds untenable. If it is true that the spirit creates to itself its body, no less true is it, in the usual chicken-egg dialectics, that the body, or space, creates to itself its spirit. It is not necessary to be a specialist in geopolitics to realize that the Nile had something to do with the formation and duration of the social and spiritual thing called Egypt or that the sea-designed spatial context of Britain was one notable factor in the birth and growth of the British com-

munity and civilization. A global space, as we have it now, implies, part actually, part virtually, a global community of the mind and the will.

ONE WORLD AS SPIRIT

On actual inspection no denier of a world community in being will deny the standardization of customs and manners, consumers' goods, medicine, clothing, food (in so far as available). He may belittle its import. He will, or should, pay more attention to "interfaith," a phenomenon not restricted to the tripartite nonaggression pact between Catholics, Protestants, and Jews, in the United States; since the erosion, tacit or frankly admitted, of the divisive dogmas, with its disclosure of "the essential unity of all religions," is a present process everywhere, and no Christian pulpit would announce the damnation to hellfire of Gandhi, the unchristened. The linguistic barriers, parceling into parochial inclosures the global space of intercommunication, still look steep; interpreters and earphones at international gatherings hardly master them; but the rising demand for a universal medium—be it a "basic" distilled from one extant language or some synthetic product of the mind—no longer a whim of semantic alchemists, attests alike the gravity of the obstacle and the rationality of a remedy.

As for the will to political and social unity, one might conventionally distinguish three levels in contemporary society: the upper brackets or elite, the mass of the people, and, between the two, the professional politicians and ruling castes.

At the elite, or "tree-tops," level this generation witnesses a concord unprecedented since the age of Humanism and the more recent one of the eighteenth-century Enlightenment. Now as then, thinkers, scientists, poets, speak one language in many inflections. They build one congregation of believers in progressive evolution, biological and spiritual, the nondenominational faith of this age. They all are humanitarians and world unifiers, adversaries of the sovereign nation-state, vocal despisers, where they are not gagged, of the immorality or imbecility of their sovereign governments. Exponents of sectarian patriotism, bootlickers of authoritarianism, Machiavellians of strict observance, dervishes of blood and soil, racialist headhunters, war-torch bearers, imperialist mystics, survive, if they do survive, in

dim corners, practically ignored. None of them has the stature and intellectual dignity of a Gobineau, Barrès, De Maistre, H. Chamberlain, Pareto, Nietzsche, Kipling.

The masses, the grass roots, respond with their sullen mistrust of governments and diplomacies and of their cold or hot wars. To be sure, the masses themselves are not uneducated enough to swallow whole such coarse stories as the Morgan Bank single-handedly dragging America into World War I or Wall Street breeding systematically World War III. They feel nonetheless, more or less obscurely, that war today, no longer a "sport of kings" as two centuries ago, is the sport (with its risks and its prizes) of certain guilds of leaders whose will is strong enough to extort the obedience of the people while not so visibly holy as to command their devotion, and from whose motives and aims the people are separated by a gulf which they, complying with Churchill's or any other warlord's prescription, fill willy-nilly with their own "blood, sweat, and tears." A remarkable trait of our wars is the almost total lack of those earnest hymns, martial prayers, with which the singing combatants of other generations confessed to the sacredness of their sacrifice.

It is at the intermediate level between upper and lower brackets that the sound and fury of competitive nationalism have their locus. There dwell, out of necessities and habits which in many cases do not entail conscious guilt, the bureaucracies, the pressure groups, the staffs of the armed forces, the personnel of the arming diplomacies; there those bulky nuclei are joined by the bulkier agglomeration of the "frustrates," intellectual third-classers, consumers of secondhand passions, retainers, applicants, whose humbled personal longings find satisfaction in the collective pride of the totem. Yet even there the indorsement of the nation-state as the supreme and final form of society is not without some residue of perplexity, even, one should say, remorse. As a rule those guardians themselves of ditches and fences aver untiringly that the unity of mankind would be desirable, were it only feasible. In many cases they even officiate, as delegates from their sovereign governments, at the United Nations; pay fervent—and, strange as it may seem, not insincere—lip service to the strange altar which their routine-pulled hands keep meanwhile busy wrecking.

One is mystified, in so telltale a climate of history, at the stoniness of objectors who, faced with the world community as it

lives, breathes, and moves before their eyes, behave like the rustic who saw the giraffe and said that there ain't such an animal. The polarization itself of capitalism and communism, so shriekingly overemphasized here and there—but not everywhere—is overarched already by conceivable mediations, socialist Europe's presently, Asia's later. The world federalists in fine, whether thousands or millions all over the world, would show by a show of hands that they are (or aren't they?) a world community, in the same way as the well-known philosopher, no less exemplary in experiment than the rustic in dogma, teased by the logician who was arguing that movement is logically impossible, stood up and walked.

From any angle the argument against World Government from the lack of world community appears frivolous. It is not made less frivolous by the assistance of a few pious souls worried lest "perfectionism" arouse the impious arrogance of perfection, and an immoderate improvement of mankind, united in peace and justice, infringe on the rights of God and disown man's liability to the original sin. They should relax. They may rest assured that when we reopen the Garden of Eden there will be room left for their dear old serpent.

THE ARGUMENT FROM BIOLOGICAL DESTINY

The second and last conceivable argument against World Government as a feasible proposition would be much more valid. It is the argument from biological destiny.

"One of the results of our analysis," wrote Bergson in the final chapter of his final book, "has been to draw a sharp distinction, in the sphere of society, between the closed and the open. . . . The open society is the society which is deemed in principle to embrace all humanity. . . . The closed society is that whose members hold together, caring nothing for the rest of humanity, on the alert for attack or defence, bound, in fact, to a perpetual readiness for battle. Such is human society fresh from the hands of nature. Man was made for this society, as the ant was made for the ant-heap."[4]

If that were so, and if the handiwork of nature were adamant to any change, even the demonstration that there is extant today a world community, part in the making, part made, would

4. *The Two Sources of Morality and Religion* (1932), trans. R. A. Audra and C. Brereton (New York: Henry Holt & Co., 1935), pp. 255 ff.

be of scant avail. As soon as man should try to cast that fluid content into a definite mold of sociopolitical union, the community *in fieri* would break—elusively or explosively—and scatter away. Nature would resume her course.

Nature, however, as a determined and determining will, is a figure of speech, a myth in the sense of fable. Nobody ever lifted her veil. The constancy of her intention—or, more appropriately, tension—is at best a guess.

Bergson himself was a one-worlder. He clung to the "best last hope" of mankind, which in his time was the League of Nations, with the seeds of an integral humanity in it. His approach from the pessimism of the biological law to the optimism of a human legislation to come was charted in the statement or forecast of a collective "mystic" endeavor whereby mankind, overcoming nature and destiny, strives for a self-assigned (or God-inspired) destination. The open society, "deemed in principle to embrace all humanity," was to Bergson at the same time supernatural and realizable.

A less exacting approach can be tried from the other end.

"We suggest," thus Bergson again, "that there is a natural society, vaguely prefigured in us, that nature has taken care to supply us with a diagram of it beforehand. . . . The diagram, vague and incomplete, corresponds, in the realm of reasonable and free activity, to what is, in the case of instinct, the clear-cut design of the ant-hill or the hive at the other terminal point of evolution."

"Let us begin by saying," he goes on to explain, "that man was designed for very small societies. And it is generally admitted that primitive communities were small. . . . It is possible that humanity did in fact begin as scattered and isolated family groups."

Man was designed. . . . For what hidden purpose of nature? The smallness of the primitive society of man was obviously designed by the brief range of movement within the limited area available to the group for food-gathering or hunting. Unless she had equipped him since his crib with wheel and keel, Nature could not have "designed" man for a larger, let alone open, society.

Those limits, economic, could not be exceeded. They determined the maximum size of the natural society. There were, we suppose—a guess to which we may have to return later on in

these pages—other limits, biologic, which determined its minimum size, and beneath which the group could not descend without forfeiting its chances of survival.

We peer timidly through the veil of Nature, suggest a law according to which the minimum size of a human society is expressed in the number within which the birth rates of the two sexes are maintained even, thus securing in the frame of the endogamic community the preservation and reproduction of a basically monogamic species. Let us suppose, imaginarily, that under average circumstances that number would run to, say, three hundred male adults, the chief food-earners, together with a couple of thousands or so between oldsters, women, and offspring. It is not unlikely that the minimum limits, biologic, would approximately coincide with the maximum limits, economic. The size of the "closed" and "isolated" community, the natural society of man, would be in the vicinity of, say, three thousand people: an aggregation which, while inferior to the population of the most important Greek city-states, strikingly fulfils the statistical prerequisites intimated by Aristotle for the perfect society of man. "Clearly then," he wrote, "the best limit of the population of a state is the largest number which suffices for the purposes of life, *and can be taken in at a single view.*" The last words take us in a leap to the modern speculations and nostalgias about "direct democracy," operative only, we are told, in the town meeting, most desirably—and naturally—outdoors, under a communal tree such as the one so fondly sketched by Tom Paine.

Yet, we return to Bergson, "yet nature, which ordained small societies, left them an opening for expansion." War, with ensuing conquests and conglobations of small societies, has provided the most-used access to that opening.

How come? Should we then believe that the asserted biological law, designing man for separate small societies like anthills and hives, is half-valid, half-void? It would be valid in so far as it ordains separate communities. It would be void in so far as it prescribes small sizes.

Take the present situation as popularly known. Nature, blinking at man's transgressions, has allowed through thousands of years the prescription of smallness to fall in desuetude until its presumed enactment was sunk into the subconscious memory of prehistoric eras. The natural small society was allowed to grow into cities and other combines, to flow into empires, to

solidify in nation-states. It was finally allowed, under our eyes, to swell into the mammoth proportions of East and West, Russian sphere and American system: two worlds. Here, however, is the limit. The micro-pluralism of the natural societies had been driven to gravitate and coalesce around some selective centers of power, big or bigger, few or fewer; until all its molecular elements disposed themselves in the dual magnetic field of Soviet empire and Atlantic community. But there is no farther to go. A One World, a World Government comprehending East and West, would be antinatural—or supernatural at best. Nature, so remiss until yesterday, will be strict from now on in enforcing what is left of her law. Dualism, this minimum of pluralism, is final, a twin pillar of Hercules, a *ne plus ultra* (unreliable though the metaphor and slogan be, if man, after reasonable intervals of hesitation, transgressed already more than once upon such pillars and commands).

Now, stretch as one may the picture of Nature as an anthropomorphic intention (or tension), this behavior of hers would be baffling. One may well postulate that Nature is interested in the preservation and growth of the species. But there is no reason for postulating that Nature is interested in fight as such—except in so far as *this* or *that* fight may be assumed to serve the interest of the species. If Nature thought—or acted as if she thought—that World War III, atomically and superatomically waged, will be profitable to the preservation and growth of the species, the goddess would have gone insane behind her veil.

Clearly, then, whichever way one chooses, the mystic and suprarational detour of Bergson or a rational exploration of extant trends in nature and history, there is no such thing as a fixed law of nature prohibiting One World. The argument from biological destiny is less frivolous than the argument from the lack of community, but it is no less invalid. World Government then, a former U-topia, a Nowhere, has found its Where, this world. It is a myth, no longer in the sense of fiction, but in the sense of force, a factor of fact.

As a matter of fact, most of its critics dispute the timetable only. The great majority agree that when the time comes World Government is feasible.

It remains to be seen whether it is desirable: a query as serious as the usual answer is unsatisfying.

III

Peace and War

THE usual answer, usually held so obvious as to dispense with words, is that universal government is desirable because it insures universal and permanent peace. But is that so? Would world government insure world peace? And, were it so, would universal and perpetual peace be desirable and good?

The statement that "the people of the earth" agree today in this desire may be correct. Peace-loving unanimity seems to rule the mind of man. The giants themselves, arming to the teeth, vie with each other in being sure, in swearing they are sure, that their arms are shields, not spears. The bellicose philosophies have been proscribed. As everybody, West and East, is for democracy, so is everybody, East and West, for peace.

Yet not even unanimity in desiring bears sufficient evidence to the legitimacy of the desire. There are deviations and delusions in mass psychology, and an epidemic mood of sentiment is not necessarily an obligatory mode of thought. Mankind as a whole, the "peace-loving" human race of our day, might well be in the grip of a deceitful wish.

It can be theoretically contended that peace and war are equally indispensable to man's nature and life as are systole and diastole to the beat of the heart. There is no transgression against logic in considering the possibility that peace and war, instead of being two mutually exclusive alternatives, are two mutually integrating alternations. If that were so, and if it is concurrently assumed that world government would stabilize peace on earth, world government, a splitter of man's nature, should be seen as a threat, not as a promise, to man.

DANTE'S MONARCHY AND THIS WORLD REPUBLIC

A rigorous demonstration of the supremacy of peace was provided by Dante—himself a fighter, body and soul—in the open-

ing pages of the One World book he inappropriately called *Monarchy*.

The goal of civilization as a whole, he states, chapter iii, is the realizing of all the potentialities of the human mind; and this demands the harmonious development and co-operation—the federal union, we would translate—of the several members of the universal body politic. In Dante's own words, there is one end for which Nature "produces the individual man, another for which the domestic group, another for which the district, another for which the city-state, and another for which the kingdom; and lastly, there is an ultimate goal for which the eternal God, by his art, which is nature, brings into being the human race in its universality." It is "plain" to Dante that "the specific potentiality of humanity as such is a potentiality or capacity of intellect." This "cannot all be reduced to actuality at the same time," cannot be developed in full, "by one man, or by any of the limited associations distinguished above." The full development of the human intellect requires the united effort of the universality of man.

But what is the assignment of the human intellect, its goal? The assignment of the intellect is, literally, intelligence, the acquisition of knowledge. Primarily and ultimately, the intellect is speculation, pure reason. True, there are other activities of the human mind; "hence it is commonly said that the speculative intellect by extension becomes the practical intellect, the end of which is *doing*"—as in political action—"and *making*"—as in the operations of the arts and crafts. Such things, however, are done and made, such activities are exercised, in subordinate function of the one goal, and for its sake alone. "They are all alike handmaids of speculation, as the supreme function for which the Prime Excellence brought the human race into being."

If speculation is supreme, the supremacy of peace follows self-evidently, since speculation—or contemplation—the maximum of intellect, and war, a maximum of action, are diametrical incompatibles. "And," thus Dante in the following chapter, "since it is with the whole as it is with the part, and it is the fact that in sedentary quietness the individual man is perfected in knowledge and wisdom, it is evident that in the quiet or tranquility of peace the human race is most freely and favorably disposed toward the work proper to it (which is almost divine, even as it

is said 'Thou hast made him a little lower than the angels'). Whence it is manifest that universal peace is the best of all those things which are ordained for our blessedness."

The argument is unshakable once one accepts the premises on which it rests. The premises are: (1) that man is intellect, destined to pure contemplation, with action a "secondary" instrument therefor; (2) that there exists objectively around and above man a cosmos of temporal things and a heaven of the Eternal Being, which man is equipped to apprehend or called to contemplate.

Evidently the writers of our Preamble had the Dantean passage in mind. From it they drew purpose and motion toward "the advancement of man" as "the common goal of mankind." But they did not feel so sure about the premises. At least, they did not feel so sure that the audience of our age would countenance those premises, take them for granted.

Hence their variants, far-going.

They did not write that the goal of civilization as a whole, "the common goal of mankind," is the actualization of man's speculative intellect. They preferred the less rigid and more comprehensive phrase "spiritual excellence," which includes, together with intellectual knowledge and contemplation as manifest in philosophy and science, also emotional harmony, as controlled by the moral will, and aesthetic fulfilment: a fourfold perfectibility, or convergent quest for "excellence," which in any case is religion, whether or not creed and prayer are present components in the integration of the mind.

They, writers for this generation, could not demote the "practical intellect" to an ancillary task below the speculative, both being equal in dignity as they are equal in necessity. Traditional usage, still unable to grasp in one thought and word the unity of the body-soul, forced them seemingly to distinguish between "spiritual excellence" and "physical welfare." They assigned to the latter the latter place in the sentence—visibly in observance of the idealist tenet, "it is the spirit that builds unto itself the body," which is a partial truth, i.e., an error, misconstruing the physical as the vestment of the spiritual, yet less misleading than the opposite or materialist error exposing the spirit as a travesty of the body. But the latter or second place in the sentence was not intended by the writers as a secondary one. The conventional demarcation between the spiritual and

the physical was meant for co-ordination, not subordination; and the co-ordination itself is overlapping, if the concept of the writers was, as it was, that "physical welfare"—food and shelter, security and sanitation, ultimately "prosperity" or "abundance"—is not merely an end to itself. It is also a means to an end, the prerequisite for further stages of biological evolution when man may grow to be greater and better than he is today. Thus the integrated mind, the *mens sana*, and the *corpus sanum*, the healthy body, are a condition to each other, with the spiritual and the physical, though listed in sequence, moving in a continuum where either is simultaneously effect and cause.

In one respect, implicit already in what is said above, the variant deepens decisively to a variance. The medieval doctor could contemplate the goal of the individual man and of the collective civilization of mankind as a terminal, immutable, whose attainment was not denied to the combined *élan* of will and grace. He knew a fixed earth and fixed stars, which we know no more. This is not tantamount to saying that any goal —or no goal at all—is just as good as any other, or, as the philosophy of our century put it in its most adventurous day, that "the substance of the universe is change." The substance of our universe is, rather, "intention"—the acknowledgment of a purpose together with the acknowledgment that the purpose is not possible of accomplishment. We believe in perfectibility, we do not in perfection. The purpose, the "common goal of mankind," is no mirage, no deceit or conceit of the mind. It shares, rather, of the nature of a horizon—which is real and unreal alike; a frame of extant spaces and forms within which is inclosed one fraction of our journey, a compass which commands the direction, while the inclosing line is provisional ever, moves with our moving, will be never trodden by our step.

Hence the hardly concealed perplexity—or contradiction, as the reader may deem it at first sight when it is revealed—in the opening lines of our Preamble. "The common goal of mankind" is "the advancement of man in spiritual excellence and physical welfare." The goal . . . is the advancement. In cruder terms the goal of the march is the march itself. A direction is prescribed, but an arrival is denied. A criterion of comparison is understood in the very word "excellence," which posits a higher as against a lower; but no superlative is available. There is a higher and

lower, but no uppermost; a better and worse, yet no best. The finalism has no finality, the end is endless.

Such is our compromise between the expanding universe of man's action and its curvature under the moral law. Though no contradiction as it may seem to the reader at first sight, though consistent with such other compounds of infinite and finite as are familiar to modern mathematics and astrophysics, it is nevertheless a heavy price to pay for any whom classical and medieval heritage may have brought up in the cult of categorical order and of the Aristotelian-scholastic exactness of the intellectual contour. No cheaper price, however, is enough if a World Constitution in the middle of this century is not to be, literally, a Utopia, a scheme of things located in the Nowhere where the parallels meet and the arc of the horizon solidifies; or, more idly than that, an academic pastime, a syllabus of solitaires. Had its writers countenanced unreservedly Dante's premises, walked in his track, they would have talked backward —or "no-ward"—pulled themselves, root and branch, off the clime in which they belong and on which they wish to act.

Dante himself could not countenance those premises wholeheartedly. A minority of one in a society of which he was the angry whip and self-appointed taskmaster, ready day in day out for hopeless battle in word and deed, he did not heed, as far as his personal experience was concerned, his own call to the blessedness of contemplation. Few in his generation had ears to hear it. The perfect triumphant church of contemplative monks, the anarcho-mystical community of all men as saints, which a Cistercian monk, Joachim of Floris, had delineated, an earthly suburb of heaven, a couple of generations ahead of the poet, would have had no appeal for the fierce merchants and the mercenary soldiers teeming in Dante's time and world arbiters soon after. The new orders themselves, Dominicans and Franciscans, put action, occasionally fight, much above contemplation. The late scholastic, already more than sketched in Bonaventura, full-fledged in Occam, introduced the fluid element of voluntarism—a harbinger of emotion, of passion, of gratuitous grace disconnected from any merit acquired through regulated good works—into the sheer intellectual structure of Thomism. All definitions blurred, all goals became interlocked, or hung loose. The process is best illustrated to the eye by the innovations in painting, as the contour melted in the shadow, color and

landscape vied with, then prevailed upon, design and human figure, the golden ground was spent in the liquid light running unevenly through the whole surface, the surface itself glided into the illusion of the perspectives, curled in the weight and volume of the sensual stroke.

True, from the epoch of indiscriminate experiment, of illimited plurivalences—the age of wealth and profligacy which was politically the age of nations, socially of competitive economy, intellectually of criticism—we have emerged or should like to have emerged. We do not even like any more to call ourselves "modern." We call ourselves, whatever it may mean, "post-modern." The line between the past and this threshold of future is drawn by the European at 1914, World War I, by the American at 1945, atomic inaugural: a slight discrepancy. It seems that the demand of the new age is a new classicism—which, however, cannot be a neo-classicism—a new system or syntax—which cannot be found in the context of bygones. As the painter's innovations were descriptive of the "modern" age, so is the astronomer's proposition exemplary for ours, in which the cosmos of Einstein, while other than Galileo's, is not the replica of Ptolemy's. The ancient symmetries, *symmetria prisca*, waned, *periit;* the new ones, which we are trying to build, should interpret and encompass, not repeat, those of antiquity; and the Middle Ages, which our self-complacent forefathers, enchanted by their own achievements in progress, depicted as Dark, whereafter some nostalgic souls in our battered generation reversed the judgment and fancied them instead to be the Bright Ages, should be called plainly Middle as they, part dark, part bright, were in many respects besides the chronological.

This is why, for all the reverence due to the most representative architect of the Middle Ages, for all our indebtedness to his structure, the foundations of our World Republic cannot coincide stone for stone with those of Dante's world government. He saw, or thought he saw, *della vera cittade almen la torre*, "of the true City at least the tower." What we see is more and less than that tower. It is ampler, with wider and interchangeable accesses as necessitated by the multiplication of the human mind and action in these six centuries—with variety of optional spaces and outlooks according to an almost boundless pluralism of peoples and cultures whose togetherness in one world order must be incomparably more federal and republican, in all the

meanings of this word, than was, by immature implications alone, Dante's self-styled Monarchy. On the other hand, though by the same token, what we see is less than that tower in so far as it must be less definite and self-assertive. Our city of man has much in it that is unfinished and unfinishable. Its faith rests on —and rises to action from—the anticipation of largely unpredicted stages of evolution, none of which is final. Its symbolism cannot possibly culminate in anything as absolute as that other city's tower, or gothic pinnacle.

The consequence, in the issue of peace and war we are dealing with today, is that Dante's plea for universal peace is at first hearing much more cogent than ours. Given that the goal of civilization is contemplation, pure intellect, peace is the prerequisite. If instead the goal of mankind is the advancement of man, mind and body, intellect and will—toward stages as largely indefinite as they are indefinitely comprehensive—it will be in order to ask whether war, however harmful to this or that man in particular, could not be beneficial to man in general, a device of destiny, an instinct planted in him by his own nature, short of which his faculties would weaken, his motion forward would flag.

The case for war deserves a hearing.

THE MEANINGS OF WAR

Once more the origins and meanings of war should be told apart.

Its economic origins were not discovered by modern wits. They are primal. Aeschylus and Herodotus know them. Machiavelli stated tersely that war is waged to enrich the victor and impoverish the vanquished. This is war as business. The neighbor tribe or association of tribes, poor or greedy, makes up with one day's battle, a short cut, for seasons of neglected labor or adverse conditions, lays hand on the better or luckier neighbor's supply of food, gold, tools, soil, women, slaves. (America, if we focused on her the light of ancient poetry, would loom large, a citadel of wealth and pride atop a world of paupers, like a gigantic Troy.)

Those historians and poets of course knew other motives of war, which the modern historian usually minimized as pretexts of the economic factor, the one that counts. They knew the will to power—of which the acquisition of wealth is an instrument,

not the aim. Hence their relentless hammering on dynasts and captains, which the modern historian strove to counterbalance with his revindication of the masses. They knew also tribal or national hatred, the self-love of the closed community which explodes in gratuitous aggressiveness against the alien—whose gods are Juggernauts, whose language is Jabberwocky—as dramatized in the double meaning, "foreign" and "enemy," of the one Roman noun *hostis*. This is war as passion. But a product, or by-product, of war, which in turn operated as a factor of war, has been as a rule overlooked by the historian, ancient and modern alike. It has been familiar intuitively to the poet and artist through all ages. It is being approached more or less penetratingly by the psychologist and anthropologist of our age.

An analogy in the world of matter is offered by the luminous flame as a product, or by-product, of combustion. Combustion may well be described as a rapid mutation of chemical elements without intrinsic relevance given to its manifestation in light—which may occur, in greater or lesser measure, or not occur, according to circumstances. In the same way the combustion of war can be described as the acceleration and climax of economic conflict or as the interplay of the economic factor with the imperial and the tribal, regardless of the flare of unpurposive feelings which usually, to a greater or lesser extent, developed from its fire. Such feelings can be generically listed among those of plenitude and pleasure. When carried to their maximum, their name is enthusiasm. The proportion of their presence in this or that subspecies of war, in this or that phase of man's experience, cannot be fixed in a constant. In the same way the light expressed by the embers in the fireplace is a minimal by-product of their consummation in heat, while in the same room the consumption of matter occurring in the electric bulb is negligible as compared with its manifestation in light, which is its being; and the "perfect" arsonist, when man meets matter at his most violent, does not set afire the harvest or the building for gain or vengeance but for the disinterested gratification of his eye. There can be wars or acts of war as disinterested as that type of arson. If this word bears too heavily the connotation of crime, we may substitute for it "bonfire," a spiritualization of destruction in glory

This is war as glory. More exactly, this is war as sport.

A closer analogy is provided by the evolution of hunting. Early man chased the big beast for security, caught big and small for food. A by-product, however, derived freely from his compulsory exertion, man's delight in his own strength and craft. It remained dear to him even when the objective aims of hunting receded or became outdated altogether. Today, in by far most of the inhabited earth, the supremacy of man over nature has become crushing; wildlife, even in its most terrifying shapes of fangs and claws, is being herded into man-made sanctuaries where its dwindling offspring can be preserved as live trophies of a battle long won; and the quota of meat which civilized societies draw from undomesticated animals is trivial. Yet the idealized appeal of hunting outlives, in most civilized societies, the material causes which brought it forth in barbarity: a flame as light, one would say, traveling through time from a source of fire that is no more.

Tolstoi, who listed hunting among the "vicious pleasures," was haunted by its temptation as long as his old age had sinews, and the English near-Tolstoians, near-Buddhists, who engaged only yesterday in a campaign for the prohibition of the cruel fun, shocked not only the sensible but also the sensitive according to whom the hunting party is as essential to the English landscape as are its trees and streams. Indeed, the noble horseman running after a worthless fox is not worried at all about the security of his egg-laying hens; nor is a bullfight fought for steaks. These and such other encounters between man and beast, particularly if the beast is of the kind that presumably might strike back, are staffages in the landscapes of history and prehistory, concise motion pictures—some of them, like that of the bull, tinged with ritual allusions to extinct worships—commemorating at man's noon the herculean feat of his dawn when the more obdurate brutes were banned or sentenced to death while others were taken into protective custody and disciplined as tributaries of labor and sustenance to the conqueror.

The implication of the performances is that man's vigor has not been slackened, his shrewdness in combat, which made him potent against stronger potencies, has not been numbed by culture; that, if need were, he could start all over again. We stopped a few moments ago at the double meaning of Latin *hostis*. Double also is the English meaning of *game:* specifically,

the comestible quid of the bagged quarry, generically an aimless play whatever, a sport (which is disport, a moving away from work and purpose) when the roast, if any, is incidental and what really matters is, so to speak, the odor.

Likewise, on a parallel scale of allegories—boxing, wrestling, other gladiatorial contests of champions or teams, are war games, in smaller or larger frames of unnecessitated artistry. So were and are, in their lingering remnants, tournaments and duels. The level at which the two parallel spiritualizations merge to the eye of the observer in one and the same process, with the disembodiment, so to speak, of hunting duplicated in the idealization of the battle, obviously cannot be set at some imaginary sharp edge between prehistory and history. Its locus is not in chronology but in psychology. It can be schematically postulated at a moment, fluctuating in time, when man realizes that animal nature has for him no more terrors. If in his aeon-long struggle with the monsters of the forest and the swamp, in his "combat with the dragon," he had become accustomed to the intoxication of peril, to risk for the sake of risk (and pride), he will look around for substitutes—which is a looking below. As far as he sees he stands now on the summit of the creation; everything in it is below him. To be sure, an Achaean warrior wounded a goddess in the fray; Jacob wrestles with the angel. But "to be sure" in this context is punnic. In the world of the sure, of the visible, there is no match for man any more, no competitor worth his surpluses of energy—except man himself. Him, i.e., himself in his fellow-man, man chooses as his antagonist—for he has no other choice. Him, his brother, as a peer who may prove a superior, man bids to a test whose ordeal is not perfunctory, whose outcome is not foregone. Wars, to be sure, were waged for keeps and gains; but, even as pottery, no mere utility and utensil, was ornament too, even as armors were beautified in luxury and cannons themselves were gilded, so was a texture rich and strange interwoven with, overlaid to, the rough substance of war, changing it, as much as feasible, into a pageantry of valor and honor, a sport—not for kings alone. Even laws of war, of fratricide, laws of the lawless, were contrived, and more often than not observed; penalties were threatened, though less often enforced, on the transgressor; so that the battlefield should resemble a fenced arena where vio-

lence is regulated by umpires. The acme of the metamorphosis, or rather allotropy, of war into sport, was attained in chivalry—and in its lunatic fringe, knight-errantry.

WAR AS WILL TO SELF-DESTRUCTION

Other vistas open from this ridge, reaching into those regions of the unknown or half-known where the nature of war appears in the lurid light of the spirit of death, in so far as this spirit manifests itself not in the will to kill but in the wish to die.

There is in man, as there is in any other extant being or thing, a will to security and a drive away from it, a compulsion to insecurity. There is an abhorrence of death, and there is an urge for death. The ambivalence, more or less vaguely suspected in other ages, was methodically explored by modern psychology—whose findings, however, as well as those of similar import in cognate sciences, have been sorrily overlooked by those one-worlders whose speculation and action are centered on peace and security alone.

The presence of the death-urge has been verified at much lower strata than mankind. Its activity in the dark depths of nature witnesses to its inherence in the whole build-up of life.

The mice rushing to nothingness behind the weird tune of the pied piper belong in the repertoire of every child. Less popular is the self-immolation in colossal proportions, without musical accompaniment, of the uncounted millions of rats which from the security of their jungle invaded in September, 1914, a Siamese sea town, assembled at the water line, did not mind the ravens and hawks swooping on them in flocks, swam frantically into the open, landed back for a week on end, hundreds of thousands of corpses along a twenty-mile shore at the rim of each tide.

The scientist[1] who reports on this case surmises at its origin an outbreak of epidemic panic in the jungle. He reports also on similar catastrophes in the world of the squirrel, in the world of the antelope. Huge herds of antelope in thick formation, goaded by the unseen, will overrun the African steppe; not even the lion will halt them, for no sooner has he driven his teeth into a fast-picked prey than he is trampled to death by the avalanche of hoofs whose charge will not be spent until the whole conglomeration of abdicating life plunges into a lake or the sea.

1. As referred to in Hans Rothe, *Neue Seite* (Lauf bei Nürnberg: Nest Verlag, 1947), pp. 12–14.

Individual suicide, as distinctive of the human race as are hand, language, laughter, perhaps reason, is a freakish exception, if any can be unequivocally ascertained, in the animal world. Collective self-doom can be more plainly observed in animal than in human behavior. This writer himself, nonetheless, compared long ago in the context of Fascist history[2] the "will to suicide" of a national community to self-destructive mass hysterias as have been seen suddenly erupting in the society of the hive. Hans Rothe in turn, staring at the wreckage of his country, wondered yesterday whether perhaps irrational instincts, uncontrollable, are not at work in the human species as they are in the life and death of mice and antelope, whether perhaps we had not "talked ourselves in vain into believing that the existence of men and peoples runs according to definite laws which can be defined, and that reason is the power."

Much as the motives of human history are more intricate than those operating in lower nature, the simplification is permissible, pointing to the Germans of our century as an imposing instance of collective will to suicide in the society of man. There are other examples in plenty. The Jews of the first century, the Aztecs of the sixteenth, may be cursorily mentioned. The medieval saga of the *Nibelungen*, a pied-piper dirge, accidentally or not in early German, typifies—more single-mindedly than any other historical record or poetic vision—in the joint self-annihilation of Burgundians and Huns an instinct or fate whose might seems to cut across all races and ages.

If that is so, if the spirit of war, in so far as it is related to the spirit of death, wells up from the inmost sources of life, if and in as much as its aggressive and acquisitive impetus is instead the release of a self-suppressive tension, a response of the living to the call of the abyss, it follows that no world union or constitution can entirely do away with it. Residues will persist obdurately, as a residue of primeval crime subsists, insoluble indefinitely, at the bottom of the social crucible, or as disease, resilient against the attacks of sanitation and medicine, resumes from however beleaguered headquarters the offensive, filters up from never sealed undergrounds in unexpected variations afresh.

This is not the same as underwriting the reasoning of those who, rightly incredulous of the dream that violence should

2. *Goliath: The March of Fascism* (New York, 1937), p. 317.

perish altogether from the earth, infer wrongly therefrom that world union and constitution are no use as peacemakers, a conclusion as odd as would be the dismissal of police and courts, of doctors and nurses, on account of the resistance which certain amounts of evil and ill will oppose anyhow to any social treatment. Neither, on the other hand, is the recognition of war as upsurgence of a self-destructive instinct in the camouflage of will to power, the same as lifting it to the sphere of the desirable and beautiful. It may well be, like hurricane and earthquake, an "act of God"; execrable just the same; and no argument at all in "the Case for War." As a trick of the spirit of death, war remains in the realm of the awesome as ugly.

WAR AS SPORT IN GLORY

Yet, in a contiguous though contrasting aspect of its kinship with death, war bids for a place in the realm of the awful as holy.

Suicide, individual or collective, is contempt of life. Fight—when severed from the will to suicide as its unconscious motor—is contempt of death.

All animal nature, we see, lives in an almost incessant agitation of fear, with the will to existence of each being and species keeping watch, sounding alarms, summoning to flight, against and away from the nondescript terrors of the unknown. It is uniquely human, we assume, to know the archterror by description and presence. In the awareness of death we are and move. From its shadow, indelible in man's wake as if his own ghost stalked his living body, we borrow the breath of our fright and haste.

But let us imagine, in a statuary gesture symbolic of collective behavior, that man suddenly about-faces, bids a halt to the intolerable pursuit, arouses the pursuer to battle. The meaning of the challenge is that he does not care. Death is naught to him. Freedom from fear he achieves not through a quest for security, through bargain, but through wilful adoption of insecurity illimited, a plunge which he and what he stands for may or may not survive. Thus one more element, uniquely human, is drafted to the ordeal by battle, this element being gamble, man's game with chance, his ruthless experimentation with the laws—and the lawlessness—of the probable and possible.

If he wins, he takes back, as it were, a brand-new life of his

own make, from the furnace into which he had thrown the life he had received from nature. If he loses, if he falls, immortality as the unextinguishable substance of universal life is postulated by his degradation of death—we called it contempt of death—even were he, as concerns himself, to perish traceless from earth and heaven. The last terror shall be conquered last; thus wrote the saint, Paul, dating the subjugation of death at the consummation of time, when there are dates no more. The hero triumphs over it at any time he chooses: deathless in the instant of his passing by his denial of the relevance of death.

This is war as courage, a sublimation of war as sport to an absolute of defiance, intrinsically metaphysical, which cannot be measured on the yardstick of any relative cause, whether imagined or positive. The *casus belli* in a clash of armed nations may be as disproportionate to the stake as were the biographical incidents in the single duels which stopped short the careers of a Hamilton or Lassalle. It may be a case of collective punctilio, dubbed honor, a volatile quid or quibble calling for thick blood; or Helen, surveying from the ramparts of Troy the carnages dedicated to her aging flesh of pleasure; or a holy, yet hollow, sepulcher; an eternal bliss, Christian or Moslem, Catholic or Calvinist, from which no participant returned with a factual report; ideal or ideological legacies to a posterity which will ignore or deride them; inscriptions, hardly decipherable by stranger ages to come on the strange altars to which the current age drags its hecatombs; or, when it is "the real thing," the greener pastures beyond the border, the neighbor's ready treasure, more appealing than the costly zeal, the long-drawn-out industry which might or might not procure its counterpart; or, again, the "wooden pail" in which the "great illusion" of war as a short cut to wealth was cartooned in the Baroque tale of two city-states warring for a piece of junk.

Whatever the reasons or rationalizations of war, the heart has its reasons, as was said by Pascal in a different context, which reason knows not. Those reasons, irrational or subrational, yet suprarational, culminate in a radiation which, for all the infinite variety of the underlying motives, is constantly the same; bravery for bravery's sake, signifying that there are values less expendable than blood, more precious than the person, and that it is in those values that the justification of life resides. No sacrifice short of the total is a convincing test of this devotion; no

offering sparing the person and intrusting its span to the ordinary course of nature conveys the meaning of martyrdom, which is a testimonial to the transcendent, "the readiness," in Shakespeare's words pliable to our meaning, "that is all." It has been said insistently that the love of the sexes is a trick of nature, whose purpose is procreation. It might be said that war is the stratagem of a supernature calling man to emancipation from his thraldom to death.

Hence—from this uppermost efflorescence of creativeness beyond death, which is the concomitant yet opposite aspect of the nethermost urge, ratlike, described above as a maniac drive for self-destruction—much more than from any recognizable stem or branch in the confused genealogy of war, the ever unresolved "double talk" of all civilization about peace and war. Each and all of its spokesmen—exception made, if they are spokesmen of civilization, of a few Fascist and pre-Fascist rousers—bow to peace, worship the supremacy of its blessings. Homer himself, the prime progenitor of all, knows the holiness of peace no less piously than any riper sage. He went far enough to introduce Achilles himself somewhere (*Il.*, XVIII) unexpectedly reciting a prayer for the end of all strife among gods and men. No less competently, however, did he know the "honey sweetness of anger," the "joy of battle," a double talk threading uninterruptedly his double tale. Tolstoi, the most Homeric of all later witnesses of man, grew to be a single-minded advocate of the abolition of all violence. His single-mindedness in doctrine and predication, however, receives perplexing chiaroscuros not so much from the huge mural of *War and Peace*, where war and peace are displayed in their functions of alternations rather than alternatives, as from the earlier tapestries in which the exploits of the huntsman and warrior in the Caucasus of his youth are rendered with an exhilaration which no retrospective renouncement can stifle.

Aphrodite, the generative, the joiner, is wedded in the fable to Ares, the sunderer, the wrecker. Lucretius subordinates him to her, consecrates his poem to the "darling of men and gods, nurturing Venus," begs her to let "meanwhile the savage works of war to sleep and be still over every sea and land" so that—in a sequence of peace and intellectual progress, as cause and effect, identical to Dante's—he, the poet, and his friend, Memmius, addressee of the poem, may apply "ears unpreoccupied

and keen intelligence detached from cares to true philosophy." The Romans of Lucretius' *tempus iniquum*, "time of trouble," and those of the following generation tune in, damn war, close the temple of Janus, congregate under Augustus as the prince of peace. Yet Horace himself, a pacifist, a, so to speak, conscientious objector to the point of confessing with no blush he threw away his shield at the battle of Philippi, lists with no reproof among the various sorts of men and their delights those who dream, insatiable, of martial thrills.

The Middle Ages, more consistently than antiquity or Renaissance, opposed to the atrocity of battle the sanctity of harmony, under the Prince of Peace. Yet the medieval epic is a tutti of war clarions. The age of nations, in its untiring speculations on the ageless desires of man, wavered between total peace as desirable and possible and total peace as desirable while impossible. It did not lack, however, emotional trends and practical impulses from whose angles total peace appeared impossible and undesirable alike. Once again the gods of the city, enlarged and sallying to further enlargement, were substituted for God the one and heavenly; blood sacrifice was hallowed as a liturgical tie between ancestry and offspring; peace, the precarious, dimmed in the iron-gray reflexes of Machiavelli's legion, in the more lustrous brass of the Prussian phalanx; the French revolutionary youth was pied-piped en masse into the "gloire" of the patriotic massacre; militarism itself, its drill and drudge, not only the eventual glamor of the pitched battle, was "servitude" but was also "grandeur" in Vigny's binomial. Then, or earlier or later, the doctrinaires grasped the emotions, forged them into tenets of romantic philosophy and belligerent biology. The moment even came when they, no matter whether tarred or not with Fascist brush, turned to a pre-Socratic sage, Heraclitus, tried, much to his amazement, to deduct from his discovery of conflict and the clash of the opposites as basic to cosmic life, a specific indorsement of violence among humans in the sense of a Bernhardi or Sorel.

The medieval prayer for contemplative accomplishment in the stability of peace is granted neither by Hamlet, for whom contemplation, whether intellective search or moral "conscience," "doth make cowards of us all," nor by Goethe's Euphorion, for whom "war is the password." ("And so rings it forth.") Lynceus, in the same act of the same drama, the lynx-

eyed Towerman, the contemplator par excellence, rushes down from his tower, a prey to aesthetic-military intoxication, joins the court of the conquering empress. Faust, at the beginning of the story, soliloquizing in the murky spell of suicide, evokes against and above it the coruscation of death in glory when bloody laurels gird the forehead of the combatant, thus opposing to the death-urge as gravitation, ratlike, the demigodly levitation whereby the extreme sinking of the personality as accident becomes its supreme soaring as substance.

In no such sublimation or transfiguration of war was the art of war inculcated as the art of grabbing and killing. It is only incidentally, so to speak instrumentally, that the hero kills, the essence of heroism residing instead in the readiness, though not in the wish, to be killed. It was never sung with authority that it is sweet and noble to kill for one's country—or faith, or honor, or property, or however else may be painted the chips in the game. But it was sung with authority that *dulce et decorum est pro patria mori*, "it is sweet and noble to die for one's country"—or whatever other loyalty is inscribed in the banner. This it is that makes understandable Kipling's barrack-room election of love and war as the two best things on earth. The wedding of Aphrodite to Ares is celebrated again under the knowing leer of Nietzsche as he, adopting the theme of Lucretius yet interchanging its accents, assigns impartially to the female pregnancy, war to the male, and justifies womanhood as "the relaxation of the warrior."

ARJUNA AND KRISHNA

Let us borrow once more from the shopworn terminology of the Nietzschean. Let us suppose that peace is the Apolline, war the Dionysiac—the two opposite, yet equally indispensable drives that unite in life's arc. If one fails, all falls.

This is an area of contemplation whereon both the poor devils of this day's warmongering and the limp angels of this century's pacifism fear to tread.

Krishna, the charioteer of the *Bhagavad-gita*, knew better. Nowhere has the ambivalence of peace and war been carried to symmetries so vertical, forced to solutions so radical as in that dialogue of man and god.

The first canto brings forth the gospel of nonresistance. Arjuna, the king, delivers it to the god unknown who serves him

as charioteer on the rim of the battle. It could be memorized by any pacifist and conscientious objector.

When, Krishna, I behold my kin
To battle's fury led,

(and who is not our kin?)

I feel my mouth go dry; I feel
My fainting members fail;
My hair stand up in horror; and
My trembling body quail. . . .

Although they kill me, Krishna, I
Have no desire to slay;
The earth would not reward me, nor
The universe repay. . . .

A curse upon such awful deeds
We planned a monstrous sin
When, greedy for a kingdom's joys,
We thought to kill our kin.

If I oppose no weapon to
Their weapons, if they slay
My unresisting body, I
Have found the better way.

So (Canto II)

Spoke heroic Arjuna
To Krishna, then released
His final purpose in the word
"I will not fight," and ceased.

That the ceasing was not final, that Arjuna after all does not sit out the battle, is due to the exploration of universal life across which the charioteer, the guide, first a god unknown, then the revealed all-embracing deity, takes him back to the way of the magnanimous. The way is detachment. All aims of war, the killing, the winning, the "kingdom's joys," are discounted: fruits ever rotting on a tree of chimeras. War itself, however, emerges at a level analogous to that of aesthetic beauty in the definition of Kant: a purposiveness without purpose.

For no man with a body can
All toilsome labor shirk;
But he is called renouncer, who
Renounces fruits of work.
[Canto XVIII]

War is maximal labor, the worst in so far as it is undertaken for "fruits," the highest in so far as it is detached.

He then whose inner being shuns
The egotistic way,
Whose thought is uncontaminate,
May slay, and slay, and slay;
He kills a world, and yet kills naught,
Unfettered by a selfish thought.

As Krishna had proclaimed a few moments earlier (Canto XI);

Drona, Bhishma, Yayadrath,
Karna, with every foe
Who stand your rival in the field,
Are doomed, and now lie low.
Then banish pain and *slay the slain!* . . .

The conscientious objection is relegated, in the final peroration of Krishna, to an inferior status where a fit of self-seeking faint-heartedness usurps the dignity of the moral law.

In self-conceit you frame the thought
"I will not fight"—in vain;
Your soldier's nature, though you strive
Against it, will constrain.

The king assents to the god:

Your grace, unshaken one,
Prevails. Your will be done.[3]

To kill a world and yet kill naught, more succinctly to *slay the slain*, are slimmest yet most comprehensive emblems of war conceived as an act whose spiritual significance transcends all aims. It is the means in this case that justify the ends.

War, undertaken and undergone in the presence of the spirit of death, appears in our words as man's duel with death. He certainly cannot refuse, for any time being, the death sentence served on him by nature since time's beginning. He can, however, refuse at times the nature-appointed executioner for the undisclosed day; call the enemy, if he please, to an open ordeal by battle; demote him from the absoluteness of power by reserving to himself the choice of day and way.

In the Hindu's own words, which rhyme with Christ's, the soul saves itself by giving itself away. War becomes an active aspect of Berdyaev's "eternal Gethsemane." Immortality is claimed in the contempt of death—which

3. The passages of the *Bhagavad-gita* are quoted from the translation of Arthur W. Ryder (Chicago: University of Chicago Press, 1929).

clings to selfish folk,
Not to renouncing men.

NEW CROSSROADS

The query from which we started confronts us then with increased stress at the end of this path—whether world government as a universal and perpetual peacemaker would be (*a*) possible, in so far as war arises from a death instinct planted in the species by nature itself and recurrently manifest in collective drives for self-annihilation; (*b*) desirable, even the possibility granted, in so far as universal and perpetual peace would obliterate, together with the deceit and atrocity of war, its values in the sphere of the heroic and holy, its substance, a quintessence from the mess of the motives, as "sport in glory," the call for man to risk the highest stake in the pursuit of the highest end, which is freedom from fear.

> Death, be not proud though some have called thee
> Mighty and dreadful, for thou art not so. . . .

Moralists have been wondering about the use man is prepared to make of leisure, as its hours and days expand in the countries of more advanced technology and easier output of goods. Week ends as we see them, radio, television, motion pictures, pulp, are no favorable omens. Longevity rears its problematic head from more and more promising statistics: another kind of leisure, projected into the years. If some new drug or surgery suddenly bestowed physical immortality on man, one wonders whether man at his present stage of education could absorb the shock. The upshot of the mixed blessing might be delay and decay, a diluted death dubbed life undying, with mankind a three or more billion herd, *numerus fruges consumere nati*, munching its feed forever.

In this same field of worry belongs the doubt whether freedom from fear, as granted in our Preamble, in the negative aspect of security from war would be an unmixed blessing. The individual would be physically spared; the race might be spiritually castrated. The query is whether and how universal peace, postulated as the prerequisite for man's spiritual and physical advancement, could replace the values of war with values of comparable or superior momentum and strength. It cannot be answered without some further reflection.

What is clear so far can be summed up in three propositions.

The first proposition contends that Western man had developed in the modern age a hedonistic "way of life," whose most successful appearances can be located in France and America. French hedonism is—or was until yesterday, 1940—more definitely a quest for pleasure. American hedonism is rather intended for the avoidance of pain.

The second proposition states that the very great merits of America in preserving, largely intact, against the disruptions of this age, the legacies of Humanism and Enlightenment are partly offset by her unwillingness—a result of mental indolence—to test those doctrines of peace, benevolence, and progress, against the philosophies of war and violence which Europe produced in the tumult of its generations from Romanticism to the World Wars. They may well be, they are, philosophies of chaos, voices of destruction. They must be faced nonetheless with a mental courage equal to the mental temerity that brought them forth either in the romantic, later Fascist, view of permanent war as indeed not the doom but a boon of mankind, or in the no less romantic call of Trotsky's neo-Marxism to permanent revolution (from whose deluge of blood some Ararat of peace might show, you never can tell, somewhen, somewhere). Devilries of that magnitude are not done away with by piously ignoring them, nor are they met by the routine exorcisms or the commonplace oratory (a few exceptions do not alter the picture) of Western official political science and humanitarian best sellers: cheap targets to the derision of any Hitler or Mussolini or Vishinsky, let alone Nietzsche or Sorel. This is what makes our mouths "go dry" when we pronounce once more words such as freedom, justice, brotherhood, equality, democracy, peace; which uncritical overuse, stereotyped since the eighteenth century, has shorn of active meaning and whose restoration to power cannot be worked out short of a remorseless investigation of what they stand for. To the friendly listener abroad they sound stale, or naïve; to the unfriendly, false.

The third proposition, accordingly, suggests that world government movements animated merely by a will to peace in so far as peace is merely security from war, avoidance of pain and peril, are self-defeating, with neither the merits nor the probabilities that make for victory. Indeed, they are not movements toward something; they are movements, or attempted movements, away from something: escapes.

One quotation will suffice. We take it from a leaflet entitled "International Mandate for a World Constituent Assembly."

> As people of one earth, although from many countries, we who sign this mandate do here declare ourselves united across national boundaries by our determination to oppose war and seek peace.
>
> We want to enjoy life and have our families safe from sudden death in war. We want to improve our homes and communities without fear that they may soon be wiped out. . . .

The prayer does not lack greatness only—rehearsing, as it were, a World Republic anthem whose refrain would state that "we wanna go home," to stay. It lacks persuasiveness too. If the writers had thought—until it hurt—before writing, they would have found out how many—how few—in how "many countries . . . across national boundaries" are at this hour in a position to insist on a stabilization of peace, of this peace, as an opportunity to "enjoy life" and to improve—air-conditioning and television, we suppose, not excluded—their homes. In a world of destitution and terror great numbers have become apathetic to any new doom, extermination being the cessation of suffering; others, here and there, look up to this or that citadel of wealth, high in the hills, wonder whether war, atomic and superatomic as it may be, might not blaze a trail toward revenge and pillage.

"For survival the time has come," etc., so the leaflet goes on.

Survival, an infelicitous term picked by Roosevelt for World War II, is half-surrender. The will to live goes much beyond survival. It goes, if need be, also beyond death.

THE CASE FOR WAR SUMMARIZED

Pacifism, then, is the dead weight of Federalism. Its rejection should be final as long as peace, identified negatively with the cessation of the use of force, is held to be universally attainable in human relations and as long, concurrently, as peace is postulated to be an ultimate good and an end in itself rather than a means to superior ends.

True, philosophers and sages to whom the insufficiency of the negative concept of peace as mere security from violence was obvious lifted the word to meanings which, had they a counterpart in objective experience, would make peace the good, ultimate and supreme. Thus, according to Augustine, peace, far from being barely the absence of war, is positively the presence of "well-ordered concord." Thus, in the words of Aquinas, ex-

patiating on Augustine's definition, "the peace of all things is the tranquillity of order," by which the latter saint explicitly meant that peace between men consists in that kind of concord which makes one man agree with another in respect of something befitting to them both. Hence, he contended, for men to be at peace with one another, each must be at peace with himself; the "tranquillity of order" being conceivable only if all the desires of each individual man have been "set at rest together."[4]

This clearly relegates—or promotes, if we so prefer—absolute peace to the sphere of mystical expectations. Its Kingdom—or Republic—is not of this world. It belongs in the communion of the saints, not in the community of men, within which "tranquillity" as the obliteration of conflicting desires is as incredible as it would be undesirable.

On the one hand, absolute peace, achieved by man, would single him out absurdly for a condition unique in the universe as we know it. The universe as we know it is a universe of war. Its dual essences, the perpetuity of its contrasts, the precariousness of its reposes, are proclaimed by whatever image we choose to represent our vision of the life within which we live: whether the minimal which was called Atom (or "the Indivisible," whereas it is a scene of divisiveness and tumult, repulsion and urge, anarchy and power) or whether the maximal, which has been called God. Indeed, all grief and doom of everything that is and dies, the *Weltschmerz*, clamors against the picture of a God unconcerned, fellow-traveler of Satan, olympic above the storm of his creation; God, if the name have a meaning, being instead the Master of Syntax, or Syntax itself, enforcing a law over the unruliness of the caducous forms—the Resister to Evil, i.e., to Chaos, or that Resistance itself—while the doctrine of nonresistance is, as a survey of its origins would show, the fruit of withering cultures when they decided, theologically and politically alike, for the softness of servitude against the cruel price of liberty.

On the other hand, the abolition of war, in the total sense of conflict of the minds involving if need be the use of bodily force, would entail, together with the eradication of what is evil in violence, the waste of the virtues and values cropping up from

4. For these and other essential quotations cogently elucidated in sequences and contrasts see "War and Peace" in Mortimer J. Adler's *Syntopicon of Great Books* (Chicago, 1952).

war as "sport in glory," as man's challenge to death through which the fighter freely provokes or freely assents to his own extinction, *fidem firmans sanguine*, "Sealing with mortal blood his faith in Everlife."

The proposition of pacifism therefore should be tested in the light of alternatives providing for the maintenance and preservation of those virtues and values by transferring them if possible—or "castling" them, as the language of chess would suggest—to other fields of human behavior: a proviso which was insistently present to the peace-loving thinkers, when they were serious thinkers, of all ages down to ours.

Kant himself, the first organic schemer of perpetual peace in federal order, did not overlook the dangers of a prolonged peace as a breeder "of a mere commercial spirit, and with it a debasing self-interest," nor was he unaware of the "something sublime" that war has about it as a prodder to fortitude and at times a "spur for developing to the highest pitch all talents that minister to culture."

In a similar vein Malinowski, a one-worlder of our time, much as he was horrified by World War II and by the presages of a worse relapse, acknowledged in general the services rendered by war to progress. "Since pugnacity is so widespread, yet indefinitely plastic, the real problem is not whether we can completely eliminate it from human nature, but how we can canalize it so as to make it constructive."[5] An important discovery of this author is the dissociation of anger, physiological or pathological, from organized warfare which as a rule operated instead as a "cartharsis," a purifying canalization of individual passions and interests into the unselfish order of institutionalized battle. The early explosions of belligerency—such as "man-hunting in search of anatomic trophies, the various types of armed body-snatching for cannibalism, actual or mystical, as food for men and food for gods"—should be understood "in terms of ambition, thirst for glory, and of mystical systems." In later stages aggression is harnessed by culture. The purpose and *raison d'être* of war "depend on whether it creates greater values than it destroys." Its constructiveness has been particularly notable in the phenomenon of conquest whose most important effect has

5. "An Anthropological Analysis of War," in *Magic, Science and Religion and Other Essays* by Bronislaw Malinowski, with an Introduction by Robert Redfield (Glencoe, Ill.: Free Press, 1948), pp. 207–309.

been an all-round enrichment in the national life "through a natural division of labor between conquerors and conquered. . . . Often a compound system of codification is drawn up. Religious and scientific ideas are exchanged. . . . War as an implement of diffusion and cross-fertilization by conquest assumes, therefore, an important role in evolution and history."

Another anthropologist, Redfield, while agreeing with Malinowski that no "biological destiny," no fixed instinct, assigns man to life in closed societies and to war among them, emphasizes again however, in his own way, the legitimacy of war as a constructive element of evolution and history. "Rather than an argument against world government from biological destiny," he wrote to this writer, "I would expect an argument from 'sociological destiny.' I would expect it to be argued that every human society, in order to have that solidarity which will keep it running, requires some contrasting society against whose members the members of one's own group may see themselves. From this view there is no inherent characteristic, no structure, nothing biological, in man that makes it necessary that he be hostile to outsiders in his closed community, but rather a necessity in the mechanics of societal arrangements which has developed in him, as an acquired habit, until now universal, the 'readiness for battle.' "

We in turn had echoed in another context the age-old perplexity of all thinkers, if they were serious thinkers, between the promise of peace and the commandment of battle. "No formula," we submitted, "has been worked out fixing once for all the proportions of altruistic creed and of egotistic device as represented in the composite state of mind that we call pacifism. Belligerency is brutishness and it is bravery; it is aggressive greed and it is self-immolation. Pacifism is in varying degrees love of peace and hate of peril. It witnesses to advanced civilization and/or to advancing decay. The historical instances, from post-Augustan Rome through Renaissance Italy and pre-revolutionary China to pre-Vichy France, are confused and confusing. Both elements, the moral and the immoral, the progressive ideal and the corruptiveness of wealth, are present in the Western pacifism of today."[6]

Christianity itself in its primal experience failed to overcome once for all the ambivalence. Its founder, the Prince of Peace,

6. "Of Atomic Fear and Two 'Utopias,' " *Common Cause*, September, 1947.

blessed the peaceful but stated also that he had come "to put not peace but the sword." He extolled the meek in heaven but thrashed the moneychangers on earth. He disarmed his followers, but one of them had struck already; and not even the armor of the professional warrior, the Roman centurion, was in his eyes definitively an impediment to divine adoption (if, we may guess, the centurion was supposed to fight in the spirit, "detachment," of Krishna). Peace was his pledge to men, yet in the sign of "good will,"[7] not as impartial acquiescence in whatever is, or chooses to be, good or evil. A master of Syntax, *the* Master of Syntax he was, like his Father above, a chooser, a discriminator, a judge—which means a Resister, when it need be a fighter—visualized with much more finality in Michelangelo's athlete than in crib and infancy, and a forgiver of sins, surely, if and when the sins have been ground by the sinner himself to repentance. For his victory to come he claimed "legions of angels"—those, of course, brandishing when need be blade and fire, not babies of stucco; to the enemy he promulgated not wholesale amnesties but extermination in soul and body. His very firmness at the close of his career in holding his own, in upholding his "Kingdom" (wherever located), was an act of war in that it necessitated the enemy force to spend itself sinking its ephemeral gain in the ever resurgent freedom of his freely shed blood.

Likewise, though in a vastly different frame, Gandhi's civil resistance, Thoreau's civil disobedience, bear the accent on resistance and disobedience, not on the assumed civility thereof. The sharpness itself of Gandhi's face, his angular posture—

7. The King James translation of Luke 2:14 "and on earth peace, good will toward men," extending the proposal and promise to everybody and everything, is as current in the English-speaking world as it is misleading and the fruit of an error. The American (Goodspeed) translation, preceded by others, "Glory to God in heaven and on earth! Peace to the men he favors," avoids the optimistic error, re-establishes the discrimination, but loads it unnecessarily with overtones of excessively pessimistic, one might say Calvinist, origin in a promise of peace reserved to those whom God, with no merit of theirs, gratuitously chooses, "favors." Faithfully to the correct text καὶ ἐπὶ γῆς εἰρήνη ἐν ἀνθρώποις εὐδυχίας and on the just middle ground between merit and grace as well as between optimism and pessimism, the Vulgate read: "et in terra pax hominibus bonae voluntatis," peace to the men of good will. The rendering would be still clearer if "inter homines," as the text suggests, were substituted for "hominibus," *among the men* for *to the men*. Peace is promised to the men of good will among themselves. Whether —and when they will be able to carry it to the others, the angels did not say. They too, like the Prince of Peace they announced, came "to put not peace but the sword," intrusted universal peace to the universal victory, whenever it may come, of Good against Evil. As a matter of fact, they were a "multitude from the heavenly armies."

poised, one would say, for martial gait even when he sat or lay—protest against the bleat into which self-styled disciples, East and West, but mostly West, are still trying to translate a voice which in the final phase of his career did not shrink from admitting that under certain circumstances war, even shooting war, might become unavoidable between Hindu and Moslem.[8]

Of Tolstoi, the other contemporary patriarch of total pacifism, it may be said, as may be said of many another servant of the absolute cause, that since he embraced the cause of peace he had no peace. His pacifism was in the sign of wrath, a preliminary to combat. At last, cutting short at his twelfth hour the alternation, wherein much of his apostolic power and all his inward glory had been caught, between upheaval against sin and capitulation to what he deemed to be a sinful life in wealth and peace, he tore, as it were, his sheets as Tristan does his bandages, and staggered, a moribund, to that final station, Astapovo—there, in an act of war joining the ascetic end with his career's military beginnings, to meet on his own terms death, which, however disguised or proxied, is the real antagonist of the warrior.

This then has been, in shifting perspectives, the case for war.

In its light the face of the fanatic warmonger, as we may imaginatively typify it, does not lose that twist which the learned may call dionysiac while to ordinary good sense it is plainly insane. But the "Apolline" smile of the absolute pacifist looks mildly half-witted.

If he means business, if he lives up to his conscience, that smile will wane. When war breaks out, he will be a "conscientious objector," i.e., a fighter, not "sitting out" the war but standing to his own war within that war.

As a rule he will not object. He will forget and be forgiven. Memorable among his feats remains the Joad resolution whereby the Oxford undergraduates in the early 1930's pledged themselves "under no circumstance to fight for King or coun-

8. "NEW DELHI, Sept. 17. Mohandas K. Gandhi opened the subject of war yesterday in an address to a Hindu youth organization. If Pakistan 'persisted in wrongdoing,' Mr. Gandhi was quoted as saying, 'there was bound to be war' " (*New York Times*, September 18, 1947). "I can no more," said Gandhi directly in a more general and more than Hindu-Moslem context, "I can no more preach non-violence to a cowardly man than I can tempt a blind man to enjoy healthy scenes. Non-violence is the summit of bravery" (Gandhi, *India of My Dreams* [Bombay: Hind Kitabs, Ltd., 1947], p. 53).

try." They fought. Their promise, an inspiration to fascism, was an incentive to war, not a factor of peace.[9] Pacifism, indeed, is not only the dead weight of world federalism. It is the dead weight of peace, exposing it supine to the violent.

Indeed, freedom from fear is a compelling assignment: fear—a death of the spirit while the body survives—being of all servitudes the basest.

Yet fear can be tamed by security or conquered by courage.

A voice, still unrepressed, of man's conscience intimates that the latter way is the better.

THE PROBLEM IN ITS LIMITS

But the discussion, confusing as long as peace and war are terms usable ad lib for specific happenings in human history as well as in the all-comprehensive, we might say cosmic, meanings of tranquillity and struggle, reaches clarity when the problem of world government *in re* peace and war is circumscribed within "warfare among nations as we know it."

In a parallel way it is silly, hence sinful, to be "against sin." It makes sense to be against this or that sin, once it is manifest as a sin. The extirpation of Evil, root and branch, is not for man (nor God—as man can understand his God). Evil*s* can, hence must, be fought. So can and must crime*s* and disease*s*, of which the judge or doctor has his hands full—which would fall empty if he set out to catch Crime and Disease, capitalized, in general.

Dismissing then Pacifism in General, leaving the "tranquillity of order" and the total cessation of struggle to destinies, not temporal, that are beyond his power, the one-worlder demands the cessation of warfare among the nations.

Why?

THE CASE FOR PEACE

> The people of the earth having agreed
> . . . that iniquity and war inseparably spring
> from the competitive anarchy of the national states;
> *From the Preamble*

A pious reader of the Preliminary Draft and its Preamble objected that not all iniquity springs from war. Surely. Iniquity springs from all manner of sin (original or derivate). We did not

9. See now a shorter story, Aesopian fable, from Costa Rica, 1948: demilitarized on Friday, December 3; invaded on Saturday, December 11.

mean, nor can anyone read as if we had meant, that peace among the nations will fling open the gates of Heaven. Our World Republic is of this world.

But we did mean that war among the nations as we know it and can expect it to be is inherently—inseparably—iniquity, with its potential contributions, such as technology, to the advancement of man submerged in the wreck of whatever spiritually or materially could justify war in the past and even give rise to the scholastic category of the "just war." If the yardstick of Malinowski is adopted that the "purpose and *raison d'être*" of war "depend on whether it creates greater values than it destroys," no purpose or *raison d'être* remains for war among the nations as we know it and can expect it to be.

Bankruptcy of war as business.—In the field of material expectations the "great illusion" that war might be economically profitable to the victor had been definitely exploded long since, soon after World War I. Profit from victory, enrichment through conquest of the loser's treasure and trade, had been some kind of equity, if not justice, according to the norm that "none but the brave [if, may we add, he is lucky] deserves the fair," whether woman or wealth, rape or robbery, be the promised reward. In some odd cases, oddest of all the Franco-Prussian duel of 1870–71, it seemed that "the competitive anarchy of the national states" feted the triumph of rivalry illimited, otherwise called free enterprise, a religion assuming that competition, even when practiced with tooth and nail, redounds to the advantage of all parties concerned. In fact both fighters of 1870–71 thrived in the afterfight; and, let alone the novel bargain whereby the loser while losing a province was coaxed and helped to seize an empire, the transfusion itself of those few billion francs from France's to the victor's body, while no doubt fortifying the taker, seemed to lift and quicken the blood also of the however involuntary donor.

The paradox was reversed when the economic consequences of World War I showed all fighters as losers, owing to the unprecedented expenditures of victors and vanquished as well and to the futility, soon glaring, of claiming any "reparation" worth speaking of from bankrupt debtors. The net result, while zero in cash, was below zero in trade; for the victor coalition, by sterilizing the importing markets of the succumbing party, had, as it were, cut its own nose to spite the other's face. America, in-

deed, towered high as the one exception, national fortune blooming over alien disaster; until the local illusion, the gilded age, having outlived by a decade the universal mirage of prosperity through war, sank in those doomsyears, 1929–31, when the erosion of the economic subsoil of one world shook New York at Wall Street hardly less than Vienna in its Kredit Anstalt, joining the woes of the victors to those of the vanquished.

The process, as everybody knows, grew in the economic consequences of World War II according to the rise of costs and losses. This is obvious; less so to the unaccustomed or reluctant eye is the new feature in matters of reparations. They were written on paper after World War I, there to stay, dead letter. The charges, however, were not yet manifestly reversed. They are being reversed now, with the chief conqueror, while writing or underwriting strange figures of never-never refunds and indemnities, paying in the meantime prompt reparations to conquered and liberated (a half-synonym for conquered), to foe and friend alike. For one thing, the tenet, as worded by the eighteenth-century economist, Galiani, that "he who deprives a man or animal of his liberty, must feed him," was attested on a mammoth scale in the subjugated countries, Germany or Japan or others, where the food of the occupant had to be rushed to the famine of the occupied, the American plow thus making up for the American sword. More comprehensively, in quickest genealogy, Lend-Lease begat UNRRA, this in turn generated ERP, ECA, MSA—alongside sister-administrations of the same order in other places than Europe—a deal unheard of in such size since the time perhaps when Rome began handing over purses and parcels to the Nordic tribes across her wall for them to keep quiet and eventually cushion off in her behalf the impact of the Asian horde louring already beyond the Gothic steppe.

True, America's fortune, once more, after another war and another victory, stands: quite solitary this time in a world of paupers. That this prosperity, a relative one, is riddled with gaps and stains; that American prosperity in full still is, as it was after World War I, "around the corner"; that the ghost of October, 1929, more than ever haunts though not yet sufficiently instructs the American mind; that the myth, which is a half-conscious desire, of the coming depression, also is "around

the corner"; that the uneasiness of this sensitive Dives, aware of Lazarus at his gate, along with a feeling, irrepressible now, of world-wide interdependence, saps what used to be self-confidence in splendid isolation, casts dubious omens on the golden fleece, the Fort Knox hoard; that output and trade move largely on a vicious circle which writes down as profit what had been written off as bribe or dole to vassals or vanquished; all these and suchlike are sidelights or shadows which do not affect essentially for the time being the rosy color of this one nation. But it is of the essence to realize that American prosperity, whether of flush or health or both, and whatever its distribution in depth and expectancy in time, can nowise be ascribed to war and victory. What stands of this wealth is approximately what stood before—plus perhaps an ordinary rate of accretion brought about by its own accumulation, and perhaps also an incidental acceleration impressed by the tension of overproduction and overconsumption in the war and cold-war years. It certainly is not the souvenirs picked up by the GI's in the conquered countries, nor is it war-born indemnities or confiscations—when even the works of art are being returned to the enemy galleries—that make the American pot of gold brim over. Its singularity is in its isolation; its dazzle is an effect of the surrounding darkness: a contrast due to circumstances, now waned, which allowed America for the last time to strike without being struck. Distance and inequality in the flying and landing ranges kept her still invulnerable while smiting; shielded her, stone and flesh, from devastations of the European and Asiatic type, even though the very figure of fifty billion dollars in one year's instalment of her outlay for the war that was and the war that is to be is devastation in its own right. She can still bear the burden, still rich, not because she hit but because she was not hit. Even in the case of fortunate America, war, if it is dirt, is "pay-dirt" no more.

Default of war as power.—Power, a middle thing astride the material and the spiritual, partaking of both natures, might be considered alternatively as the fair, though with no dowry of gold, deserved by the brave (if he is lucky too). But remuneration in power, in empire, proved as elusive in the wars of this century as returns in wealth. The aggressor nations, Germany, Japan, let alone Italy, which wished to gather the world under one roof, their own, crashed; but the British Empire, captain for

twenty-seven years (1914–41) of the anti-German coalition, came out of the first bout (1914–18) with its structure shaken, Ireland hanging loose, the bonds of authority slackened to uncertain federal agreements. It stepped, in the global years of the second fight, behind the captainship of America; the captainship of America in turn to be first contained then defied by Russia's rivalry, and the quondam British Empire, on whose anyway fated liquidation Churchill did not want, nor was he needed, to preside, survives, in so far as it survives, its Pyrrhic victory with no other primacy than among the clients of America. Poverty and dependence replace affluence and pride; Ireland, India, Palestine, Egypt, are more or less formally gone; secession stirs in South Africa, murmurs in Canada, riots in Malaya, the very term "British" has been deleted from an indefinable "Commonwealth of Nations," too large for Britain, too small for One World; substitute paths of empire are being anxiously and hopelessly sought, with Kipling's Recessional tuned now to days he did not see.

The shape of other "victor" empires, the Dutch and next in line the French, at the present hour is self-explanatory. True, there are the Two that count. One, though abstaining from any relevant annexation of land, though emancipating, so to speak, the Philippines and promoting Puerto Rico to home rule, yet controls a far-flung assortment of hardly disguised protectorates. The other, in a continuity of territory which is also a continuity of pressure, holds open sway over a "sphere of influence" which grew to the middle Danube, which grows far beyond the lower Yangtze. In either case one might think at first sight that war had its reward in power. Few today, however, trust that first sight. The limits, self-oppressive, under which the Big Two labor, are not marked so much by the indiscipline and crude bargaining, visible at every turn, of America's satellites, or in the opposite camp by a disaffection which, though of course far less visible in day-by-day occurrences, then suddenly burst in so glaring a symptom as the Yugoslav schism. Those limits, far more oppressively, are set by the mutual relations between the Big Two themselves. The elimination of all other competitors has not resulted in a freer use by either of his share of power. Quite to the contrary, both have been deprived of the freedom of choice, of the flexible motions and varying resorts which were provided by the six—or eight—partner game as it was

played at the time of the Balance of Power and could be played now too if the nominal list of the Big Five atop the United Nations had anything to do with a factual proportion of forces. Such as things are, the Two have been compelled to a closed combat, cold war so far, without respite or exit, without mediators or umpires, in a walled cockpit summing up the wide world. Thus each of the Two is inexorably in the grip of the other, and the accretion of his power in terms of absolute quantities is stultified in the relativity of its subjection to the opposite parry and assault.

Somehow the Two look alike. Both act in a spirit of titanism, assuming that they alone, the proud, have inherited the earth; the other two billion on its face are figures only. Both also live in the spirit of fear which often shadows pride. The Easterner knows, or thinks he knows, that he could sweep all Europe and what remains of Asia, crowd with the push of his mass the intruder Occident to a global Dunkirk from France to the South Seas, yet dreads the cost, wonders whether a grab is necessary where a windfall is possible, watches bankruptcy looming on an enemy who might be crushed by his own pyramidal armaments before, in a hot war, he tries them; be it as it may, the Easterner seeks patience in the "historical law" which dooms a maritime community, Athens or Carthage, when its merchants and sailors rise to rival the infantries of a continental potentate. The Westerner in turn brandishes his weapon, no longer unique, with a shaky wrist, for conscience bothers him and worry besets him: whether the doer would not pay for the deed if it is not certain that the weapon, no longer unique, yet bigger and better, he hopes, in his fist, has made its Russian counterpart a dud and all other weapons obsolete. Thus, the absolute weapon being caught, like any other absolute, in the mesh of the relative, America prays—and toils—for better miracles of push-button war, gropes meanwhile for some international trick or control—short of world government, of course—which should acquit Hiroshima and exorcise, particularly for her own benefit, while not for her own alone, the demons we ourselves evoked. He, if any such is extant, is blind who sincerely believes that the motive behind America is lust for empire—World Wall Street Empire, as the Russians and their echoes put it. Nothing could be dearer to her, in her collective mind, than to be let alone, if she only could. The same, in spite of variants, is true of Russia.

She would feel happier if she felt that communism, in Mr. Eden's happy formula, can stay Communist at home. The companies of friends or serfs which either party woos or dragoons are needed from dire necessity, so either party feels, as shock absorbers when the shock comes. Might is fright.

Perpetuity of the nations.—The crowns of power the Two Big Ones picked up from their battlefields of victory are crowns of thorns. They would not be more comfortable if World War III wove them in one. For the same obstacle would rise against the free exercise of power unified in the hands of one nation as stood against the dual, Russo-American, rulership. The obstacle is the mutliplicity of the nations. Indeed, the Age of Nations is over, but the nations live: a verbal contradiction which is resolved as soon as we recall analogous processes in the evolution of other social organisms such as the family or the city. The Age of Matriarchs and Patriarchs perished, but the family persisted. The tumefaction of the city-state, that concentration of power in the crammed space which the sovereign citizen encompassed in his sight and hearing, gave way; but that withering did not entail the extinction of the city in its reduced function of municipality. On the contrary, the demotion of those entities, family or city, from their status as supreme agents of history made for their however mitigated permanence in history, adjusted them to variable surroundings, sheltered them against political or doctrinal overthrows. The same with the nations. They have ceased to be supreme. They do not cease to be.

Granted that a schoolmastering attitude toward the human past, teaching Man what he might have been, ought to have been, is exposed to frivolousness and pedantry alike. But the opposite attitude, so familiar to post-Hegelian strummers, according to which whatever happened was good and necessary, all rational being real, all real being rational, is as prima facie otiose as it is intrinsically vicious. There is no holiness in history, unless man-centered arrogance substitute this alias for what submissive piety used to call Providence (which was always right); or, more judicially, there is as much holiness in history as there is sin; and it befits the historian, while he narrates truthfully, to complain and plan, to mirror the actual, past or current, in the image of the desirable: an operation of the mind which once befitted the chorus in the Greek tragedy and must ever be of the essence in any tale, poetry or prose, of what came

to pass if memory is, as it cannot but be, a proposal to history joining the statement of human events with the judgment of and a counsel to Man. For what is Man if it is not we, the men?

In this light, and in the setting of the relations between nations and mankind, the first phase (1914–18) of the world revolutionary war we are living through appears as a bid, largely successful, for all nations to adopt the pattern which had been first achieved by France several centuries earlier. The principle that emerged from the armistice, no matter how delayed its application in a number of cases, was that each nation was entitled to a nation-state. Casualties of the fight had been the Hapsburg and the Ottoman empire, compounds of master nations and subject peoples, on whose antiquated patterns Germany had had her try at a unification of nations under the supremacy of one. Those patterns went to pieces. Poland, buried alive, was raised again; a number of nation-states were new-born or reborn. Simultaneously, two propositions of universality dawned, East and West, Lenin's International and Wilson's League. They remained apart, equally though for different reasons inoperative; nor was the situation changed by a tangential contact when Russia met the League, there not to meet America. The multitude of the sovereign powers and the deadlock of the ideas made short shrift of the balance of power. The second phase (1939–45) found Germany clinging to her design: one nationalism to become supranational through subjugation of the other nations. Russia stepped from the insurrectional to the Napoleonic phase of her revolution. She met Germany in Poland. The West, whose passion had been controlled to a large extent by reason during World War I, now let it loose. The Atlantic Charter, that brittle memorial to Wilson, gone with the wind, Casablanca, January 1943, registered the conversion of the West to the Fascist idea of the extermination of the enemy nations, forged the phrase "unconditional surrender" whose only conceivable meaning could be that those statesmen and generals were as confident of victory as they were totally blank about the use to make of it.

Thus the second armistice descended on us humans. The UN, a reincarnation of the League, was lacerated by the inordinate presence of Russia and America not much less damagingly than the League had been mortified by their absence. For the vanquished there was of course no admittance, but they

proved unable, even had they been willing, to die; the unconditional surrenders being instead conditioned by fates and forces which stand as far above the strength of any victor as they are beyond the helplessness of any loser. Italy, the weakest and first to give up, had been paroled and largely pardoned, with permission to enlist, though treated to humble pie, in the anti-German crusade. Japan was to be taken into protective custody (accent on the protection) by America. Germany, the main culprit, in a couple of years turned out to be, astonishingly for the thoughtless only, the main object of competitive zeal between the two main punishers, vying with each other in remolding the national structure they had been supposed to wreck and scrapping a Carthaginian peace which could not be enforced, since there was no Carthage. Antiquity did know of final reckonings, for a nation then, in so far as one can talk of nations in antiquity, an empire, was a prolongation of the city-state, its head; the head chopped off, the whole body rotted; thus Nineveh, thus Carthage, thus, though already more qualifiedly, Jerusalem itself; but in our time the spirit of the nation has pervaded the body, lives forth in any territory beyond any dismemberment; its capital city, the brain of its head, is magically transplanted into whatever limb expediency proposes or, when all visible ground is denied, into the invisible of the will of men. Hence Berlin, burned and quartered, is well-nigh as important in its rubble as it was in its marble; and there is a weird laughter in the spectacle of the Big Two who went, so to speak concordantly, to execute the convict, and give him instead, however discordantly, first and further aid that he may serve if he please as a buffer between them, blunting in behalf of the one the impact from the other.

Opposite, in a striking symmetry to the not-extermination of Germany, stands the inexterminable Jewry: which Germany planned scientifically to wipe off the earth and which instead gets after two thousand years its nation-state. Spontaneously or through concomitant or conflicting interests the peoples live, or revive from sham deaths; thus Ethiopia, Czechoslovakia, Denmark, other Jonahs, came out after brief sojourn from their Fascist whales; thus "third forces" or more are bred intensively by the Big Two themselves seeking a remedy to their desperate dualism in a plurality of nations which they would be glad to invent if they did not exist. They exist, however; their very

extenuation and degradation in power protects them from obliteration; impotent as they are to give an order to the world, no disorder or violence is potent enough to do away with them.

Let then the wise, post-Hegelian or other, scoff, say: "It is not you who will stop history. World War III is due. Korea, the 38th parallel, is its rehearsal or prelude, so to speak, 'phony.' World government, a new order of force, will be born of blood. It will reside in the fist of the winner. Your Federal Republic will sink in the same ink from which it came." It is possible that the price paid so far by man is not enough. Certitude in hoping, a contradiction in terms, would be titanism, individual, aping the collective titanism of this age. It may well be that the God of One World chooses to speak in the thunder rather than in the whisper which the God of Israel breathed to Elijah. Yet history is in the making and we are of its makers. Yet, whatever one may think of the inevitability of World War I, common sense itself, vocal everywhere, not ambitious speculation alone thinks that World War II could have been averted if Armistice I (1919–39) had been less foolish and perverse. Supposing it is too late to deviate it from perdition, supposing destiny, largely of our own make, is fixed and that the rational, which obviously is world government, will not be real until another incomparable avalanche of the irrational has spent itself in fire and carnage, why should reason bow to unreason, clear sight wear blinkers?

It is clear that no winner's fist will be strong enough to hold the world. As common sense intuitively puts it, there will be no winner. If victory, so to speak, goes to the American West, the banner of the World Republic will have flown at America's vanguard long before victory, an instrument for victory. If victory, so to speak, goes to the Russian East, its battle cry will have been the same, with such modified intonations as may spur fifth columns. Even the wonted dilemma, World Republic or World Tyranny, on closer inspection must be understood with grains of salt. Probably, if the East prevailed, mankind would be longer under martial law. Ultimately, however, as, e.g., a Spanish-English war, a Franco-Prussian war posited a Spanish-English or Franco-Prussian peace, World War, whether in two acts or three, postulates World Peace, which is the peace among all nations, partnership universal. Their pluralism, grown ineradicable, foils any single might with difficulties which, invincible already in the Two-Power setup of this armistice, would

stand multiplied, not halved, in the brief reign of one. Sooner, under Euramerican leadership, or later, but not indefinitely late, after Eurasian conquest, the human race would land at a monstrous cost in approximately the same Federal Socialist Republic of the World which reason at hardly a higher price than of pride and prejudice could attain in the next few years. The third ordeal by battle, should it come, would seal at a monstrous cost the evidence furnished already persuasively enough by the first and second: that war among the nations does not pay, in wealth or power, any more.

Debacle of the moral values.—It would be extraordinary if, all positive aims gone to seed, wealth and power quitting the loser and cheating the winner, the ethical and aesthetic values of war subsisted nevertheless. They would more than subsist. Disembodied of all causes and purposes that at other times motioned the fighter, aware of the former as pretexts and of the latter as lies, war in our century would stand out at last as a pure spiritual act, a ritual of courage and immortality in man's challenge to pain and death.

This is not how this warring generation feels. Practically with one voice it denounces the ugliness and infamy of war.

Practically no one would underwrite with reference to present and future the tribute of Ortega y Gasset to the invention of war as he, a simplifier, saw it in its original splendor. "And now," he wrote in a celebratory vein, "and now one of the most prodigious events of human history takes place, an event from which gigantic consequences have sprung." The boys of some primitive horde enamored of unseen beauties belonging in alien hordes decide to make those women their own. This is however not easy. "To rob them one has to fight; and war is born for the service of love. War calls for a leader and necessitates discipline, thus bringing into being authority, law, and social structure. But unity of leadership and discipline entails and fosters unity of spirit, a common concern in the great problems of life. And we find. . . ." We find, so he goes on to tell or rather sing, that war was the mother of all good things.

The song, even were it all truth for the past, has the ring, irrevocably, of the past.[10]

10. Concurrently, from the specialized angle of the physicist and biologist, Erwin Schrödinger in *What Is Life?* (Cambridge, 1951), p. 40: "The anti-selective effect of the modern mass slaughter of the healthy youth of all nations is hardly outweighed by the consideration that in more primitive conditions war had a positive selective value in letting the fittest tribe survive."

IV

Leviathan and His Moloch

JOURNEY'S END

NO ONE today writes of war with elation, except occasionally generals and their ghost writers; and these too are careful to dampen any momentary flash of the "joy of battle" in more insistent feelings of sympathy for the sufferers and devotion to the cause and promise of perpetual peace. A case like General Patton's, whose valor in beating the Fascist armies was equaled by his firmness in upholding the Fascist cult of beauteous, eternal war, has the queer appeal of a single exemplar, at least in the Western world, left over from the once so numerous species of enthusiastic warlords.

More good-naturedly a Fascist general, Badoglio, talking to a picked audience while Addis Ababa, the capital of his conquered Ethiopian empire, burned, predicted the exhilaration with which his guests, war correspondents from the peace-loving democracies of the West and other honored friends, would recall the luminous adventure they witnessed and shared. Feelings of this kind are not altogether absent from more ordinary minds than conquerors and courtiers. The shepherd of the steppe came at last in sight of mountains, perhaps of seas; let alone the wristwatches, the cameras, the females with rouge and scent nearly repeating the call which prompted, if we trust Ortega y Gasset, the youths of the primitive horde to the invention of war "in the service of love." From opposite departures the son of the prairie, if by ill luck he was assigned to an expeditionary force, certainly came in sight of oceans and mountains, probably flew above the clouds; a "souvenir" brightens his mantlepiece; the *Fräulein* whom his good looks and a K-ration charmed into almost unconditional surrender still favors from a distance with unforgotten romance the normalcy of his conjugal happiness.

These, however, are psychological, when not psychopathic,

odds and ends, a retrospective salvage of fragments from an experience which, at the time it was full and present, was anything but relished by the draftee and selectee from the more civilized societies. They do not differ essentially from the complacency with which a voyager remembers and relates episodes from the shipwreck he survived; an adventure which may well be and remain the most colorful of his life but which he would by no means care to duplicate. If there is a difference, the difference is to the disadvantage of the emotional profits drawn from the war. The shipwrecked voyager, the tenant saved from a house afire, need not be inhibited in the use of his lucky memories; the combatant, as things now are in the more civilized societies, is inhibited. His proud, or otherwise pleased, reminiscences are intended for private consumption in small circles of family and friends; publicity is out of the question—not to speak of braggadocio, the thousand-killer *miles gloriosus*, who, amusing as he was in the ancient comedy, would be repulsive to the modern mind. As a rule, almost unexceptionally, the soldier from the West, while he was in the thick of the adventure, disliked it thoroughly; he stood it because he had to, his gallantry being sportsmanship or necessity, or both, only seldom conviction; and it was not anthems and emblems, it was the mail from home and the pin-up girl that quickened his heart; it was not communion in a collective faith and aim that kept his soul unchanged through change but that relentless yearning for hearth and neighborhood which seemed to be shared even by his lifeless remains when they traveled back, in that unprecedented transmigration of the dead, from the conquered continents to a sweeter place of rest where he had belonged.

Hence the enormous popularity of war correspondents like Ernie Pyle or Bill Mauldin, whose trick—not tricky, for they managed to remain in their core "naïve"—was to mix among *hoi polloi*, vicarious and off-and-on (Pyle until his death) actual sharers of their lot, the witnesses and interpreters of the ordinary G.I. in his war pathos: which was pathos, as the unsentimental age can take it, processed in irony, even in reticent despair; with the other fellow, conquered or liberated, Kraut or Frog, gazed at as a stranger surprising in his ways of life and talk much rather than as an enemy or friend; and with all hardships, up to the hardest, mutilation or death, endured as an out-

rage of fate or chance, "fury signifying nothing." That no eligible value of moral or social significance has been spared by the wars of our age, that all creative powers of war as admitted for the past by practically every historian have been destroyed, and destructive powers alone have been created, is certified by the silence of music and the unanimous voice of literature. Indeed fascism, Italian or German, tried hard to hatch a martial art; the artists, however, either flouted the order, or, when they obeyed, their impotence bred grotesques. The Soviets, too, though halfheartedly, drill as best they can their collectivized geniuses in those emotions of patriotic war and *agit-prop* which are deemed essential for national defense and revolutionary world empire; but peace, universal and permanent, is the goal they, unlike the Fascists, propose to all men, a postulate which enfeebles all belligerent mood; and, we are told, weariness and doubt, try the censor as he may, seep up from Russian war diaries and novels whose conformism is thin.

SECESSION OF THE INTELLECT

That we do not know the composer who has conceived a Stalin or Hitler or Mussolini (let alone a Montgomery or Eisenhower) symphony in the spirit of Beethoven's dedication, however recanted later, of the *Eroica* to Napoleon, may be an effect of ignorance, or is that composer Shostakovich? It can be safely stated, however, that no one has whistled to any contemporary captain tunes so jolly as "Malbrou s'en va-t-en guerre"[1] or to a draftee-selectee a Godspeed so hilarious as Figaro's to Cherubino. Or where, in the arts of design, is displayed a twentieth-century battle so gorgeous as those equestrian parades, hardly less gay than carnivals, which illustrated the walls and ceilings of so many public palaces until late last century? Goya of course did not feel about cavalry and trumpets like a Louis David or Géricault; on the grand scale he was, already at the opening of last century, the first denouncer of war; and the painter of our years, if he could say his say, would say it along the line which led from Goya's "Desastres de la Guerra" to Vereshchagin's "Apotheosis of War," that livid pyramid of skulls. He abstains, however; he says nothing—any other subject matter, no matter how trifling or abstract,

1. Though echoes from defunct clarions may vibrate off and on through the near-Caesarian commentaries of Winston Churchill, this chip from the old Malbrouk block.

being more inspiring to him than the main business of his generation—not merely because he does not know to what governmental agency he could sell a product so defeatist, to what private collector an item so revolting, but because he intuitively realizes that the extremeness of the destructive and ugly, unless perhaps it be veiled in techniques so esoteric as Picasso's "Guernica," trespasses on the limits of art, slips into the obscene.

It may be tentatively accurate to fix at the Franco-Prussian duel of 1870–71 the date which saw, much more than precursively, the brilliant colors of battle fade and war stand out naked, as the irreparably horrid. The French who had been eminent both in waging and in extolling war, *gesta Dei per Francos*, had not been inured to rout and mutilation, particularly if rout and mutilation were accompanied—as, in spite of the physical prosperity which paradoxically ensued, they were in 1870—by awareness that a redress of the wrong undergone was unlikely in a second single duel to come, and was attainable only in the shifting fortunes of coalitions where the primacy of their nation would hardly subsist. The distress, now that France was the anvil, found a vent in representations of war, such as Maupassant's short stories, no less gruesome than Goya's etchings from the time when France had been the hammer. More gruesomely, an adolescent poet, whose name was to be Rimbaud, had taken sides with the invader against the invaded motherland out of hatred for any mother-complex and for the murderous imperative of blood and soil. More elusively, yet even more expressively, the genius of the French painters deserted altogether the heroic, sought refuge in the idyll, settled in still-lifes, greenhouses, Sunday afternoons, women's and children's rosy colors, fans, feathers, laces, finally arabesques.

Because France—whose master-voice after all, even before the disaster, had been a one-worlder, Hugo—had grown better, and because war and her lot in it had grown worse, war stood unequivocally condemned; even such reflexes from Stendhal's "joy of battle" as had still gleamed in Tolstoi's *War and Peace* vanished from, say, Zola's *Débâcle*. That disposition overstepped the frontiers, conquered, with the unextinguished authority of French culture, France's conqueror of the day before—and of the day after; and nothing is more stirring than the strain of

melancholy and disaffection running—if you except expectorations on order like Lissauer's Curse on England—through all the German war lyric of 1914. The literature of the first armistice, no matter what the language, no matter what the genus, poem or play, story or diary, is one moan and one indictment, from *All Quiet on the Western Front* and earlier to the second war and second armistice, whose repercussions in the mind are consigned to an endless repetition of the same disgust and horror, up to *Stalingrad* and later; books which, though they may be best sellers at this hour, should seem all but illegible to posterity, so appalling is the monotony of their vehemence, so dreary is the uniformity of their colors which, translated into painting, would be those of a slaughterhouse or morgue.

The reaction of the intellect, as registered by its more visible exponents, is mirrored in the war behavior of the intellectuals as a class. Still in World War I they deemed it honorable, perhaps mandatory, to share the common odds, to fight and bleed; they envied the braver colleague who fell; they did not sit with quiet souls in well-ensconced offices or, as the word goes, at the home front. The second World War found them, or their successors, changed. They did not find much fault in self-preservation; as a rule, and allowance made for single cases, they honestly preferred the click of the typewriter to that of the machine gun; their statistical contribution as a class to the mass immolation was not important.

Obviously the response from the deep mass could not be warmer than from the upper, standard-bearing layers. Even the financial security which military service offers to the enlisted, let alone the promises of gamble, the rewards of adventure, had lost most of its appeal; and, true though it is that the percentage of eligibles rejected by the draft boards in the West on account of neurosis is amazingly high, it would be overhasty to construe it as an evidence of national ill-health rather than as a sullen manifestation of popular unwillingness abetted by the scruples and leniency of the medical examiners. General Patton might have thought the latter way.

TECHNOLOGY AS THE EMBODIMENT OF THE SPIRITUAL

Some of the basic changes to which is due the deterioration of the spirit of battle have already been pointed out. The belief in

the nation, and consequently in the national army as the ultimate instance in the relations between individual life and collective causes, has been more or less repealed in the age of transition which sees the age of nations end. As a matter of fact, the national incentive did not seem sufficient in World War I. That was the war to make the world, not one's own country, safe for democracy. It was also and concurrently the war to end all wars. Supranational alike was the second World War, another war, theoretically, to end all wars; also and concurrently a war to make democracy (capitalist or Communist) safe for the world. The promise, however, had become less confident; its fruition was projected against a more and more indeterminate future. But, then, to whom the sacrifice? For whom the hardships? The generations to come have no convincing presence in the eyes of the sufferer or moribund. Faith in afterlife, which made the encounter with death incomparably more acceptable, has been dimmed or spent. Nor do bodily pain and mental anguish carry authority any longer as saving graces in an age which counts as two of its master-strokes anesthesia for the flesh and psychoanalysis for the soul and stints to the God of Genesis the due he claimed from toil and childbirth.

That the ethical values of war, its affirmative substance, have been annulled in the technology of our time is the ordinary statement; which is correct provided the sequence once more is righted, with precedence given to the spiritual over the material, to the machine-making man over the man-made machine.

> The war of 1914–18 was, I submit, different in all fundamentals from all historical wars of constructive conquest. In its technique, in its influence on national life, and also in its reference to the international situation it became a *total* war. Modern war makes it impossible to distinguish between military personnel of an army and the civilians; between military objectives and the cultural portion of national wealth. . . . This development is not only due to the barbarism of a nation or of a dictator. It is inevitable, for it is dictated by the modern technique of violence.[2]

Thus Malinowski on World War I, a mere rehearsal, in this respect, of the second.

But it is the modern technique of violence that was dictated by the total, and ultimately totalitarian, setup of the modern collectivity in war, much rather than the other way around. At an incomparably inferior level of technology ancient collectivi-

2. "An Anthropological Analysis of War," in *Magic, Science and Religion and Other Essays* by Bronislaw Malinowski (Glencoe, Ill.: Free Press, 1948), pp. 303–4.

ties knew, and more than occasionally practiced, total war; they involved in guilt or (why bother about guilt?) in punishment the vanquished enemy, even though his eradication—the city burned, its ruins overlaid with salt, the males passed through the sword, the women and children sold into slavery, the fugitive captain or prince pursued through all hiding places to the bitter end—was subsequent to the battle and siege, an epilogue, rather than simultaneous with them. The novelty in our wars was that the wholesale extermination has become simultaneous with the pitched battle; or, more exactly speaking, there are no pitched, specialized battles any more; and of necessity so, for the whole nation has become like a walled city, with military assets inherent in everything within it. Even in the centuries of specialized and professional warfare it was of course legitimate to hit and damage the depots, the barrack rooms, the arsenals of the enemy; it was insensate to spare them; logically all demarcation lines were bound to fade since the moment when first the French revolutionary mass conscription and immediately in its wake the Prussian universal training made the whole nation into an army.

TOTAL NATION AND TOTAL WAR

From that moment on the whole city, meaning the whole expanse of the national being through hundreds of square miles and millions of people, became, in the eyes of the adversary, who was threatened with the same lot, a citadel; to be beleaguered, starved, infiltrated, breached, finally, if not yet yielding, stormed. Nothing and nobody able to provide from inside aid and comfort to the combatant on the battlefield could be held exempt of military relevance and immune to military attack. The fortress, the baggage, the ammunition dump, of course were targets; so were the railroads, conveying the reserves to the front, as had always been the merchant ships carrying metals or victuals; why not the factory, whatever its product, since all kinds of products, not steel and explosives only, are in the last analysis military supplies short of which the fighters would fail? If the factory, why not the workingman? Why not his living quarters somewhere in the suburbs of a remote town, the "victory garden" in his back yard, his wife, his youngsters and his oldsters from whose expectation and promise he borrows courage and patience in his hour of trial?

Thus the implements of our technology are nothing else than the instrumental equipment, made to strike as far inland as the mind can propose, of a principle which has been intrinsic to the "democratic" war since the close of the eighteenth century, in the all-embracing fulfilment of the democratic "way of life" (and of death) as the war of all against all, *bellum omnium contra omnes*. The new Leviathan gave birth to an unprecedented Moloch.

The consequences in what regards the moral values of war are self-evident. The elements of deliberation, decision, and choice are wiped off. The event is blind. As usual, man transfers to the instruments he has forged—and which, he laments, now master him, their author—the blame he should inflict on himself or human destiny; but the lamentation, as old as man, is no less void at the height of the technological age than it was at the lowest phases. We may safely guess that our earliest ancestor, a fighter with fist and club, was scandalized by the treasonable flint in the hand of his "technocratic" antagonist; so was the Stone Age combatant by his aggressor's metallurgy and armor which made, so he must have felt, personal valor a derision. Documentarily, we know how the Mexican native felt about Spanish cannon—and worse than cannon, horse—or how the medieval horseman, the pure knight, had felt about gunpowder and prior to that even about the long-distance feat, unchivalric, of the bowman. Yet, long after the hand-to-hand combat had been outdated, except as last resort with saber or bayonet, the degradation of heroism had been either merely apparent or so gradual that new patterns of decision and choice arising from the new techniques could as a rule compensate for it; and long-range artillery itself did not alter decisively the picture until the universality of democratic—or, rather, demographic—enlistment got hold of and perfected more revolutionary technologies for its counterpart in universal massacre.

THE FLYER AND THE CAVEMAN

The decisive instrument of change, expressing and enforcing the obliteration of all discrimination and barrier, the total lawlessness of war, was, as everybody states, the airplane. It was just born, only eleven years old, at the outbreak of World War I and was auxiliary only, like a winged cavalry, commissioned for brief excursions and incursions, in the early de-

velopment of that struggle. The struggle, for other and otherwise ominous reasons, almost immediately developed—with its space shrinking for the last time in width while stretching for the first time in illimited length—as trench warfare, its most descriptive characteristic: a matter-of-fact illustration of the seemingly nonsensical query about what would happen if an irresistible force met an immovable object; for, as a matter of fact, what the initially irresistible push of aggression met was the unbeatable will to life—we have called it "perpetuity"—of the opposite nation. Thus trench warfare fastened for hundreds of miles and tens of months, at least on the western front, the mutual stalemate, signifying the irrationality of the purposes, until a brief and almost sudden overflow ended an unprophesied conduct of war, through which prudence and patience had been asked to be by far the better part of valor, ambush and tunnel had replaced whenever feasible the open encounter, and, subterranean night having been substituted for the horizons of the battlefield, man, modern man, while paying despite all shelters a preposterous toll in blood, had completed successfully his first apprenticeship in the return to the condition of the cave dweller. The civilian meanwhile, as air warfare in the maturer period of World War I grew to greater efficiency, went the same way: off and on, at the alarm, underground.

The flying and bombing implement was notably improved between the wars. It was immeasurably strengthened during the second. Indeed, something uncanny, inexplicable by reason alone, no matter what the military and political rationalization, hovers in the mind when we recall the inception of that war—the "phony war," as were called, by all except the Poles, all those months from September, 1939, through April, 1940—as if mankind hesitated awhile before the plunge. Then, the expectation that World War II would reiterate the feature of World War I, dig in and stay dug, having been outblitzed with a bang, and the sillier monument to the silly expectation, the Maginot Line, having been outflanked with a sneer, it did not take long for the dispute *sub rosa* between the Western advocates of target bombing and those, Western too, of "saturation" to be decided by the latter. The bombsight, advertised as so precise as to hit the strictly military objective like one might say a pin on its head, remained, in so far as its pious purpose was concerned, a pious memory; the Nazi pattern, exemplified in

Warsaw, in Rotterdam, in England, was soon to be outdone from the other side on a scale and momentum dwarfing everything, so that the future historian may wonder why the guilty conscience and the prayerful exorcisms of the West concentrated on the atom exploit as if the "conventional" weapons—thus denominated with an irony the more shocking the more it is unconscious—had operated more selective carnages and arsons in Treviso or The Hague, as if the conventional hell at its climax in Hamburg or Dresden had been paved with better intentions and fitted for blander doom than the revolutionary one at Hiroshima.

Or perhaps the future historian will not wonder at all if he straightens the contradiction—true, simplifying imprudently a fact too complex for one single explanation—by assuming that the Western gadget-maker thought, right or wrong, to own, in his mass skill and assembly line, security enough against any "conventional" assault, while the effect of even one absolute missile alone falling on one of his cities remained for him a subject of immeasurable terror. In other terms, protective isolation, though virtually at its end, still operated actually in the West's favor during World War II through that unique compound of geographic distance, plus the time of preparation allowed between the general war and Western intervention, plus superiority in mass production; while it seemed clear, right or wrong, that in World War III the split of the atom would, so to speak, knit the continents, and the absoluteness of the weapon would equalize any attacker with any attacked. Be that as it may. And let all extenuating circumstances be granted—or even, if one so wishes, the exonerating circumstance of military necessity if one stubbornly assumes that saturation bombing was the conclusive factor of victory, a subject on which opinions, to put it mildly, gravely differ—and let it be granted also that it would be unfair to burden one single nation or group of nations with the duty of being thoroughly un-Fascist in this "century of fascism" (as Mussolini, the precursor, called it), which has made, more or less, savages of us all, and contagion inescapable in a world-wide plague. The purpose of these pages is not to judge, a task reserved in the untranslatable words of Schiller to World History as Last Judgment (*Die Weltgeschichte ist das Weltgericht*) much above and beyond the passing observer

and participant. The purpose is to state what place is left for the heroic and creative values of war in warfare among the nations as we saw it and can foresee it.

DUSK OF THE HEROIC

Of course, there is no condition of man to which no occasion whatsoever for personal heroism, for voluntary or willed self-sacrifice, is appended. That occasions of such quality were plenty, and used as they demanded, in that subsidiary aspect of World War II—a civil war within the international—as fought by guerrillas and conspirators inside Fascist or occupied countries, goes without saying. There the preservation of moral and martial values, in so far as they were preserved, was only incidentally owing to the lack of large-scale mechanized equipment in the hands of the insurgents. The main factor was that the "partisan" or saboteur had deliberately made his choice and taken his risks for personally attainable ends of liberation and revenge, in contrast to the heroic opportunities, whatever their remnants, dwindling to a mere fraction of the general happening in the war among nations where total militarism as the ultimate and therefore self-defeating fulfilment of the democratic principle drowns compulsorily the person, a statistical *quid*, in the mass, Leviathan feeds herds to Moloch. Samples of the situation may be borrowed casually also from military scenes other than air warfare and saturation bombing.

Reviewing the book[3] in which Thomas Merton reported on his escape to the Roman church from what Vigny had called the "grandeur" of military servitude, Ralph Toledano wrote:

> It was not that Thomas Merton was more afraid of death in combat than the rest of his contemporaries. As intellectuals we none of us faced it with equanimity. What struck terror into Merton was the thought of his immersion in the military pool. To him the army's neuterizing touch and the discipline of uniformity without dignity were the final and the extreme brutality. He could not face it and he fled to the order which would bind him most stringently; he became a Trappist.

He had been submerged in the "military pool"; he chose immersion, one might say, in a baptismal font. Many are the fugitives of this category. The direction of their flight may be variously appraised; the heinousness of what they flee is beyond question.

Nowhere, however, was the reduction of the individual to a

3. *The Seven-Storey Mountain*, reviewed in the *New Leader*, December 11, 1948.

statistical *quid* more impressively visualized than in Marshal Zhukov's "matter-of-fact statement" to General Eisenhower of how the Russian army dealt with mine fields. There are, he said, two kinds of mines: the personnel mine and the vehicular one.

> When we come to a mine field our infantry attacks exactly as if it were not there. The losses we get from personnel mines we consider only equal to those we have gotten from machine guns and artillery if the Germans had chosen to defend that particular area with strong bodies of troops instead of with mine fields.

The vehicular mines were treated, logically, with a different method. The attacking infantry does not set them off; so after the surviving personnel has formed a bridgehead, "the engineers come up and dig out channels through which our vehicles can go." The difference is tersely justified once one realizes that at a given phase of birth rate and industrialization in a People's Democracy the pounds of flesh which constitute a person of the personnel (or people) may well be less relevant than the same weight in rubber or steel.

Eisenhower was horrified. But was the missile from the Western flyer more of a chooser than the Eastern mine? Less statistical? He, Eisenhower, had "a vivid picture" of how intolerable it would be if an American or British commander pursued such tactics. "Americans," he summed up, "assessed the cost of war in terms of human lives, the Russians in the over-all drain on the nation." But the contrast is lopsided. For while it is true that we in the West practiced economy in the expenditure of human lives (our own), it is true also that—whether or not and to what extent successfully is beside the point—we tried to obtain that economy by a boundless expenditure of life across the line, an "over-all drain on the opposite nation." This was the meaning and purpose, first screened behind specific motives or pretexts, then honestly avowed, of saturation bombing. In this respect—whether technological inferiority or political considerations were paramount is beside the point—the Russian tactics, while incomparably more cruel to the Russian soldier than our tactics to ours, were less uninhibited than ours toward the enemy. As a consequence, or by-product of consequences, in what regards the opportunities for "heroism," the Russian soldier, even in the ferocity of Zhukov's mine field, may have met a however instantaneous flash of choice: even assum-

ing the choice was a gamble between the probability of a mine going off under his step if he advanced and the certitude of the firing squad if he quit; but in the air raid the margin of heroic choice for the attacker narrowed in proportion to the growth of his superiority over the defense, and disappeared altogether, except perhaps a split second of curse or prayer, for the innocent and peaceful whom a hit-and-run flyer aroused from his last sleep in the pyre of his kin.

Feelings of this kind, conscience-bites, found their way into the mind of the attacker, expressed and tentatively compensated themselves, e.g., in the twisted humor with which units of bombing flyers, messengers, "angels" from the countries of ripest civilization, chose to call themselves "Marauders," "Night Murderers," or however else may have loomed in their spirits the confusing mixture of glare and darkness, valor and crime. For such sophistications or half-evasions there was soon no room left on the other side of the battle, below the sky. The war in its most sweeping characteristic became the fight, if that is the word, between the armed and the helpless, the steel- and flame-clad and the naked; the contrast being no more between victors and vanquished but between victors and victims.[4] Terror itself, blunted by the insistence, habit-making, of a brutal peril, had been superseded in the long run by an even less human numbness, dubbed fatalism, until the last hour struck when the civilians who had lived like rats died like rats, or what survivors there were drew immunity, as desperate as it was gratuitous, from the blindness of chance. The Korean war, as the supreme example of total, two-faced obliteration of a country, is familiar to all.

This is in the immediate past; and one should not overemphasize the "progress" in this direction as promised by the technological genius of the age, unless one means that such accomplishments as the supersonic atomic missile with a five-thousand-mile range envisioned by General Spaatz will make global what was already wholesale, and that torture, by ray,

4. The writer was naïve (G. A. B., *Goliath* [1937], pp. 432–33) who soon after the Ethiopian war denounced to Western indignation the young Fascist conqueror exulting publicly over the five thousand helpless natives whom he, from his invulnerable airplane, scrambled to death "in flames," thus, that hero and poet reported, "supplying with an additional glow the incipient sunset." The writer was not farsighted enough to realize that the young hero, Vittorio Mussolini, like his father and their imperfect missiles, was but a slight forerunner of things, willed or fated, much bigger than they.

virus, poison, will enforce on the millions the will of the ancient tyrant who sent his one captive to "Cruel death. And long." True, while World War I had stuck long to the relative stability of the trench and World War II leaped from its "phony" preface to the fluidity of the fronts, World War III would be, most probably, one front, one gulf, simultaneous from pole to pole and from underground to stratosphere. It might link, through rays and genes, the living to those to come. But the impact which ravished into nothingness, or into their opposites, those values that had been recorded as the creative values of war until last century, was efficient enough through the first world wars and has been completing its work in the ceaseless no-peace that followed the latest cease-fire.

BREAKDOWN OF THE "INSTITUTIONAL"

For along with valor as voluntary choice, all other standards of conduct which had lifted conventional war to a human level —even occasionally to the "something sublime" recognized by Kant—went down the drain. Japan, in 1904 when she sank two Russian not-yet-enemy ships without warning, had been, perhaps, the first to do away with the law which had made it mandatory to declare war before waging it. She was to duplicate the feat, enlarged, in Pearl Harbor; but the example had not remained, nor did it remain after Pearl Harbor, without imitations, even though the imitations, in a number of cases, were camouflaged in a deceitful timing which made the blow practically simultaneous with the warning, the thunder with the lightning. That law, like any other law restrictive of the conduct of war, had been the more venerable in that its observance had been exacted by the authority of civilized consensus, not by the presence of a superior force and the threat of punishment. Yet, as long as wars had been contained between two nations or few more, as long as there had been a majority or a powerful quorum of nations not involved in this or that fight, there had remained some kind of a tribunal above the parties; however unorganized and fluctuating, a supranational sovereignty had exercised some kind of control over the national sovereignties; public opinion, favor or disfavor from the neutrals, balance of power, concerts of powers, mediations, arbitrations, the Roman Pope or the American President, Vienna, or why not, even Geneva or The Hague had held at their disposal some measure

of reward or punishment for the law-abider or the transgressor. With war overriding all boundaries, international war growing to world war, also the external brakes together with the moral imperatives inside defaulted; virtually everybody being in the battle, a free-for-all, practically no one was left with prestige or power enough to judge or limit that freedom. The most ambitious level at which man can fight against man had been touched in the late Middle Ages with the codification of chivalry. There was nothing to stop the wars of our age at the close of the process from reaching, rung after rung, the lowest levels, as lawless as razzia or brigandage. The word was "blitz."

As Japan may claim priority in having omitted as early as 1904 the declaration of war, a cumbersome convention whose restoration nobody in his senses would expect from World War III, so is the Germany of 1914 and of the march over Belgium clearly on record for the first uncompromising upheaval against the treaties of neutrality, scraps of paper, with no quest for pretexts or cavils, and the honest assertion that might is right and necessity knows no law. But that example too had its repercussions, muffled as they may have been in less sudden procedures or even in self-styled mutual assistance; and those themselves, like most visibly Sweden or Switzerland, whose neutrality was not raped or altogether debauched, owed the privilege much rather to strategic weights and counterweights than to the validity of juridical pledges. Italian fascism in turn had pioneered in total war as intended not for the destruction of the enemy's army according to the tenet of traditional military art but for the obliteration of the enemy himself, the Ethiopian state: a doctrine which world opinion, East and West, reproved, which Stalin himself as late as November, 1942, rejected in regard to the future of the German nation-state, but whose echo was to be soon after heard in the "unconditional surrender" and whose effect became patent in the years after the war when power was made impotent by its own overuse, and peace, which is a contract, was made impossible by the absence of the other contracting party.

Innovations or totalizations in analogous trends, repealing whatever a hundred generations had held holy, are no less familiar. Such was of course genocide in Germany, the extirpation of a race by scientific ingenuities, bringing to full fruition a perversion of progress timidly anticipated in our own electric

chairs and criminal gas chambers; but such were also, genocides in their own right though perpetrated through slower and less visibly infamous accumulations of misery and pain, the concentration and slave-labor camps, the lazarets of displaced persons, the eradications of whole populaces from the ancestral home and grounds where they had unforgivably spoken a language different from their domestic overlords—those plunges into a monstrous unknown.

Another trait in the international field cropped up from an atavic past, half-forgotten. Still in World War I the veteran seldom had picked up for himself much more than the grenade splinter which missed him or an enemy rifle usually with no cartridges, souvenirs in the proper sense of mementos. Loot was condoned in World War II and widely practiced; it was occasionally favored for reasons of "morale" and made more immoral by a cold amateurism, a kind of disinterestedness, added to an injury not necessitated by want, since as a rule the grab, while stripping the victim, did not clothe the victor. Finally came, from Manila or Milan, from Paris or Oslo, then from Nuremberg all the way around to Tokyo, the "victors' trials": a business[5] of years, finished (but it was not finished) on Christmas Eve, 1948. The scattering of the ashes, avowedly in order to prevent enshrinement and glorification, testified to the shaky conscience of the punishers. The Argus-eyed surveillance that had been exercised on the prisoners lest they commit suicide "cheating the rope"—i.e., frustrating the sadism of ritualistic revenge—ennobled the Sultans and Neros who had favored self-doom by the doomed and even procured occasionally smooth means thereto. The refusal of the body to the widow of Tojo, read against the last canto of the *Iliad* where the body of the slain son is conceded by the slayer to the imploration of the father, telescopes the road which civilization has covered from the time of barbarity when Achilles and Priam wept together.

RETROGRESSION TO NATURE

Yet no description of the evils of war as we know it could aspire, more or less unsuccessfully, to any effect but emotional—and therefore, worse than supererogatory, self-defeating in a generation which the excess of suffering has made adamant to

5. The plain word is borrowed from *Facts on File* (1948), p. 361: "Major unfinished business from World II completed this week."

sentiment—if the enumeration of things so familiar did not include a less familiar conceptual conclusion. The concept, present through all the above, points to the condemnation, factual and logical alike, of the error in the common discourse of this age burdening the total destructiveness of war as we see, or rather foresee it, on the atomic and such other technological inventions as may follow or already have secretly followed the inaugural of Hiroshima. The implication of the error has been, still is, the chase of such wild geese as atomic control and superatomic moratoriums or prohibitions, as if war restored to conventional (i.e., pre-atomic) weapons, could be restored to the creative or at least not totally destructive values which anthropology and history acknowledged in previous phases. The implication of the implication is fatalism. For a number of people are not quite sure that another war would of necessity and in any case, short of atomic and superatomic control, consummate to its maximum the threat of the unconventional weapons. It might well be, who knows, that circumstances not codified, not covenanted, as unpredictable as those which eliminated from World War II the use of poison gases, prove equally operative against more recent devilries in World War III. The decision is in the laps of the gods. Then let events take their course. As a matter of fact, the apostleship and mass indoctrination for world peace and world government, in so far as it was based on atomic fear and control utopia, lost ground fast in the third and fourth and further years of its insistence; since their hell-fire menace, unsupported either by suprarational revelation or unobjectionable logic, was bound to prove in the long run, it too, habit-making, as happens to any kind of fear when its first incidence, unheralded and acute, is superseded by chronic stages; and after all, as the temperatures of the cold war rose and fell in rhythm-making vicissitude, as doomsday was alternately tomorrow and twenty years hence, the common man found some sense in minding his daily business while leaving the atomic nightmare to the atomic scientists and the world government dream to the do-gooders.

But war as it was before that August dawn and would be two or twenty years hence, even if by the miracle of a covenanted or tacit abstention it were to be restricted to conventional implements (as moderate as, say, block-busters and guided missiles with, God forbid, no atomic heads), war among the nations as

it has been and must be since 1914 is no longer in the laps of the gods. It is an accomplished fact. For it is the final expression and of course, because of necessity, perversion of national totality in total militarism. This affects almost equally the Fascist and the democratic state, the Communist and the capitalist society. As everywhere everything became a weapon and a target, everybody a soldier and a foe, as science was hired or drafted to wreck irreparably any demarcation line between the battle and the people, the corollary of the corollary, if the creative values of war were to be preserved, was that the millions and hundreds of millions should build a compact conglomeration of martyrs and heroes, with everybody everywhere rising to war as a self-willed immolation to freely acknowledged imperatives or to the sheer sublimity of peril.[6]

With redeemable fear grown to panic, severity to atrocity, the tragedy of our time has forfeited with no residue one of the two components, terror and pity, whose joint presence, according to the time-honored definition, is indispensable in any acceptable tragedy; and no rationalization is left except in the irrational, as if mankind, a two-billion horde, had been stricken with an urge for collective suicide, a death rush as observed at times in circumscribed events on lower strata of the animal world.

This seals the circle of retrogression from man to nature. The process of history had been described as a progressive humanization of nature by man. That was the meaning of marriage, disciplining sex, of burial, sanctifying death. That was also the meaning of conventional war as, in the language of the anthropologist, it institutionalized violence and harnessed it to culture. Harnessing culture to violence and repealing all institutions and limitations of war, we have sunk the use of force among men to the level of those catastrophes of nature which the helplessness

6. "There have been more heroic deaths," said the arch-Christian Pascal of the death of Christ, meaning that intrepidity alone, with no awareness of a service to an ultimate cause, is not enough for martyrdom. In fact, the evangelist reports that one of the two malefactors on the same Golgotha, the unrepentant thief on the third cross, died the staunchest. In this respect the conditions of war and society we have created leave a wide edge of competitive "heroism" to the archcriminal as against the warrior and his victim. Hardly anyone in our Armageddons has opportunity for "bravery" to match, e.g., the exemplary rascal who "made his date with death a jaunty affair Friday night in Colorado's lethal gas chamber" (Associated Press, January 8, 1949). He ate six chops and six eggs for his final meal, he laughed, he refused to see his wife. "I'll take it alone and like a man—the way I've lived my life."

of man called acts of God. "The city," cabled a reporter from the scene of an earthquake in Japan long after Hiroshima, "looked as if it had been hit by an atom bomb." With a casual transposition of the usual terms of comparison, he depicted in one single area of nature this whole phase of human history. Atom or no atom, he might have flashed the same words from many another date and place. With the very same words he might have depicted Korea. Our destructiveness has equaled, and aspires to surpass, the fatility of nature. We have become, so to speak, a model to the elements.

To prove with finality, beyond the generalities of abstract pacifism and the variations of philosophical schools and of political alignments, that the circle of retrogression is unbreakable in the present frame of society, that it is inherent in the very essence of the nation-state, that no chance is left for arguing on account of creative values "The Case for War," has been the purpose of this survey of causes and consequences whose conclusive burden must be that extreme remedies only can avail against evils grown extreme. If war as we know it is unmixed evil, total iniquity both in the sense of injustice visiting indiscriminately on the individual and of injury inflicted on the dignity and destination of mankind as a whole, if "iniquity and war spring inseparably from the competitive anarchy of the national states," total supranational peace only, enforced by the World State, sovereign and one, can be opposed to an international warfare which can no longer be less than total. Palliatives like "strengthening" the United Nations in its frame of national sovereignties or manipulating some new balance of power are feeble utopias. Lulls negotiated in the give-and-take, horse-trading among national states, hot truces alternating with cold wars, appeasements with containments, will achieve the effect of raising in proportion to the length of the interval the amount of combustible and flesh expendable when the day of Moloch comes.

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V

Four Objections

OBJECTIONS ONE AND TWO: "PEACE IS CORRUPTIVENESS," "PACIFISM IS SIN"

One usual objection to world government as the establisher and custodian of world peace, the objection based on the corruptiveness of peace and the creative values of war, is voided by the evidence, familiar to our age, that no such values, whatever their presence in the past, have survived total war as we have known it since 1914.

A second objection in a contiguous though enlarged context, holding that conflict is inherent in the universe as we know it and that its total cessation would be as detrimental to man as it is inconceivable in the texture of human history, is made politically pointless—whatever its merits in metaphysics or science—by our dissociation of peace among nations, which is a specific purpose, from absolute pacifism, which is a mystical yearning. World government, as we propose it, strives for the former, cannot possibly satisfy the latter.

We would feel happier, and we shall insist on this feeling in a later section of this book, if we felt, as the anarchist does, that man is by nature good and that therefore any government is evil. He, the intellectual anarchist, has carried to its logical, therefore intellectually respectable, conclusion the eighteenth-century doctrine postulating the inborn innocence of man and summing up the course of political progress in the growing revolt of man's self-redeeming nature against the perverseness of his own artifact, the state.

One oddity in this mental trend is that doctrinal liberalism, particularly in its economic aspect of free enterprise, or demand and supply, or "the market place as the birthplace of civilization," only too seldom is aware of its close kinship to anarchism, only too often brands it as subversion and crime. If the Jeffersonian tenet is correct, that the government is best which gov-

erns least, the corollary is inescapable that the best of the best is no government at all.

Easier to realize is the affinity between libertarianism, whether of the anarchist or of the "economic royalist" variety, and Marxist communism. For the difference is in the means (which the latter seeks in the ruthless while allegedly transitory power of the dictatorial state), not in the end: which, no less definitely for the commissar in his Kremlin than for the anarchist in his jail, or the robber baron in his barony, is the pure flowering of liberty from the withering-away of the state.

But, again, less apparent to the common mind is the common origin of all such directions, left or right. The immediate antecedent is, of course, the eighteenth-century Enlightenment, its proclamation of the sublimity of man. One step back in the past, not quite so obviously, is the religious fountainhead of the allegedly rationalist philosophies of progress; that fountainhead being the Christian proclamation of the abjectness of man. Were man freed of the original sin, no state, no government, would be required. Thus, ultimately, the state stood condemned; but its withering-away was inconceivable to the medieval doctor except in the heavenly city where those whom Adam begot to sin can sin no more. The operation of Enlightenment consisted merely in canceling the indebtedness of Adam and hauling down the City of God to the City of Man. Hence its concordant aversion to the state, its revulsion, whether gradual or sudden, qualified or ultimate, against the bondage of government, whereby it so happens that all three main exponents of this direction, the "economic royalist," the Communist, and the anarchist, travel in the same boat, though rocking it and calling one another names.[1]

If we agreed with the anarchist, as the most consistent of the three, and most direct heir—writhe as he may under the unwanted fatherhood—to the dogma of the church, if we held as a self-evident truth, fulfilling in the temporal what that dogma projected into the eternal, that all men are born good, the framing

1. A poet, D'Annunzio, into whose receptacle-like mind the ideological streams of the time flowed together expressing in one combine their cognate odors, presented America in the 1890's with a near-Walt Whitmanian hymn where the land of the free was celebrated as the one in which "everybody is a law unto himself." Thus pioneer capitalism and anarchism were depicted as birds of the same feather. A few years later he produced, by no means incoherently, a hymn for the Marxist May Day. He subsequently turned up as a warrior and Fascist, no less coherently, for total war and total power are the upshot of total liberty.

of a world constitution would have been a succinct affair, for no law is needed in Arcadia or heaven. A position, however, different from each and all the three schools of extremist optimism which grew from Enlightenment and Freemasonry, is possible and necessary, even though it lacks the rhetorical appeal which accrues to extremisms.

This position leans partly toward the concept of ancient political science, according to which government was not to be considered as the prison but as the school of mankind, an educational agency sapient enough to impress on the citizenry the good, while strong enough to repress when need be the evil. But neither is such a position irreparably in conflict with the medieval doctrine of the commonwealth; for, although those doctors distinguished sharply the City of Man from the City of God, they did not teach as a rule that the former is the diametric opposite of the latter, nor did they exult in the degradation of mankind. Rather, they considered the perfection of heaven, the communion of the saints, like a vision which the community of man, seeing it through a crystal as transparent as it is unbreakable, cannot possibly embrace but can and must, however defectively, imitate; or, in a classic simile, like the gleams cast by Plato's supernatural world into the den of nature where man is shackled, a serf of his obscurity and limitations, unable to converse with the eternal ideas face to face, yet forced and glad to accept the guidance which their indirect message relays to his will from the wall of his serfdom.

Accordingly the medieval church treated warily, or sternly, the dangerous promise of perfection, the millennium, on earth; but it did not expunge from the Bible the Book of Revelation, where that promise is sealed; and, after all, any church, medieval Christianity most definitely of all, is in its own right (and duty) a political and economic institution, a state within the state or above the states; in other terms, a commonwealth of this world trying to steer the City of Man in the direction prescribed, as from a polar star, by the City of God.

Hence—whether in the frame of reference provided by Christianity or against the background of any other dogmatic or experimental tradition—our equidistance from the futility of perfectionism and from the capuchinades[2] of pessimism. Surely, in

2. No Webster-registered vocable. Occasionally used in German (*Kapuzinade*) as an allusion to the hell-fire oratory of the Capuchin monk in Schiller's *Camp of Wallen-*

favor of perseverant hope though not of frivolous optimism stand such witnesses of man as Ruskin or Mazzini or Fichte or Kropotkin, with quite a throng of others through the ages, whose burden has been that man, a child of nature, must outgrow nature or, in evolutionary language, that he should heed nature rather as a counselor of "mutual aid" for the welfare and advancement of the race than as a spur to struggle for the survival of the fittest. But, no matter how insistent and industrious the sowers, the harvest is not yet. The time is not yet, if it is ever to be, for a world constitution stating in Article First and Last, "Everybody everywhere do as he pleases."

This is why, if the charge against us is that our "proposal to history" is pacifism, absolute, a negation of struggle, earthly or cosmic, we may safely plead not guilty. The wisdom of our world state, we may safely allegorize, is like Athena's, the builder of the city and the patroness of its olive tree, which had leaves for her peace and timber for the shaft of her spear. In another familiar parable, the world state as we conceive it, namely, as the administrator of justice, is Justice as symbolized in the traditional image: holding in one hand the scales, in the other the sword.

Yes, we may even admit, thus reconciling at an upper level the "Case for Peace" with the "Case for War," that our will to peace is inherently an acceptance of war, if the world state is to be founded as it cannot but be on a world law; for any law, global or local, is inherently a declaration of war; it discriminates between good and evil, law-abider and lawbreaker, it shields the former, hits the latter. Unblushingly we may plead guilty if the charge, as we have occasionally heard, is that our world state is founded on "violence,"[3] provided the objector pleads guilty to misuse of words; for what we intend is force—whence "enforcement"—without which, as Pascal himself, the

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stein. The mental deviation, however, gloating in a most un-Christian way over the fall of man and taskmastering him to stay deep-fallen—or else, should he toy with inordinate betterment, to be arraigned for "usurpation" of the power of God (or History or Reality or Nature according to terminologies which sound diverse but mean the same, i.e., nothing)—cannot be ascribed in proper to any one order or sect, cleric or lay, creedal or "rational." It is a run-of-the-mill after-product of the romantic school of "Woe! Woe!" E.g., Dr. Niebuhr is a Protestant Doctor, Dr. Gurian a Catholic; but their capuchinades against world government are interchangeable.

3. See Milton Mayer, "The Better Part," *The Progressive*, July, 1948.

arch-Christian, put it, justice is powerless, while force in turn without justice is tyranny (i.e., "violence").

OBJECTION THREE: "THERE WILL BE CIVIL WARS JUST THE SAME"

The third objection contends that the World Republic, while abolishing by definition international war, will be exposed to civil war, which is war just the same.

The error is in the final clause. Civil war is not war just the same.

The modifier, "civil," obviously does not point to civilization or civility. Its meaning is of condemnation. External war may have been justified and held legitimate. Civil war, i.e., organized violence within the citizenry of the same community, was always branded as a criminal transgression, collective fratricide.

Hence the aversion still lingering in the American South to the denomination of Civil War given by the victors and common usage to the struggle of 1861–65. The term favored in the South, "War between the States," is by no means a synonym. It wipes off the stain of secession and rebellion; it equalizes the sovereign rights of the two fighting parties; it lifts to the dignity of military misfortune what otherwise would bear the humbling marks of punishment and guilt.

Because civil war is worse, it is better in so far as it defies but does not negate the law. International war, violence among the separate sovereignties, is inherently above any law, beyond right and wrong ("my country, right or wrong"), unless it be the law of the jungle, identifying right with might.

Civil war instead, internecine bloodshed within the body of one *de facto* and *de jure* established community, begins and unfolds from the mutual acknowledgment of an extant juridical order, which the party in power is resolved to enforce while the rebel force strives to subvert it and to replace the present law, *jus conditum*, with a *jus condendum*, a more desirable law. Thus civil war belongs by definition, on the grand scale, in the same field of behavior which in minimal or minor sizes is marked by crime; crime being either the upheaval of one individual's self-determination against the societal order or the bid of a minor group—gang, maffia, klan, well ordered within its own ranks toward the attainment of its own ends—to cut loose from or prevail upon the law of the major community.

Of this theoretical kinship between political sedition and ordinary crime the powers that be were constantly aware. As long as they could they branded the rebels as traitors and bandits. Whenever they could they treated them as such, depriving the "lawbreakers" even of the however flexible immunities which a however loopholed "international law" granted to the lawful, i.e., foreign, combatant. The rebels repaid in kind, accused those in power, the "tyrants," of ordinary crimes, assassination and robbery. Whenever they could they executed them.[4]

To discuss world government as a condition of man wherefrom all occasion and possibility of civil war—ultimately of ordinary crime—should be banned is left for those whose vision is a new earth where the lion plays with the lamb and everybody sits under his fig tree. *We are peacemakers, not pacifists.* Against our conception of world government the argument from civil war is as inept as would be against municipal or national law the statement that, try the law as it may, riot, burglary, murder, will try again—sometimes victorious or as the word goes "unsolved"—and traffic regulations will be beaten by the drunken driver.[5]

The dialogue between Worldist and Objector, particularly

4. This also explains the criterion of difference between revolutionary (or kangaroo) "justice," such as, e.g., the execution of Mussolini, and such procedures as practiced in Nuremberg and Tokyo. Revolutionary justice is worse in that it overtly scraps the extant juridical order which instead receives, if nothing more, the recognition of lip service in the other case. By the same token it is better (and therefore preferable as is the avowed civil war of which it is one aspect) in that it frankly recognizes its character of violence and abstains from cloaking it in fraud. In this frame of differences a striking illustration is provided by the contrast between the America of 1865 and the America, with her allies, of 1945. At the end of the Civil War the victor party conferred on the vanquished all the immunities and privileges which international law and custom reserved to the alien combatant. It transmuted the civil war into an international ("between the States") war. The victors of 1945, materially and politically stronger in relation to the vanquished while morally weaker within themselves than had been the America of Lincoln, did their best in the opposite way. The gist of their "trials" was an attempt at transmuting the international war just ended into a civil war so that the succumbent party could be "legally" handled as ordinary criminals.

5. "World government," said the Yale professor of international relations, Dr. Wolfers, to a world-government-infected audience at the University of Chicago (February 1, 1949), "even if it were practical, is not a panacea against enmity and its evil consequences, as widespread civil wars and tyranny within states only too clearly demonstrate." Otherwise stated: "Penicillin, even if it were practical, is not a panacea against disease and its evil consequences, as widespread heart trouble and rheumatism in homes and hospitals only too clearly demonstrate." Only too clearly, the sensible choice is between panacea or nothing. Short of a cure-all, let nature have its course and death be proud.

American, on the topic of "civil war just the same," runs inexhaustibly as follows:

Objector: American history itself is against you. We built in 1787 this "more perfect" union. The upshot around seventy years later was a civil war more devastating than any foreign war.

Worldist: Sad. But suppose you had been at Annapolis in 1786 or at Philadelphia in 1787 and clairvoyant enough—there were a few—to anticipate civil war. What would you have done? You would have tried to prevent civil war by standing for a much "more perfect union" and a constitution spelling out the Declaration of Independence with "all men born equal," the "inalienable rights," etc.

Objector: You mean that abolition and emancipation, Amendments XIII–XV, should have been incorporated seventy or eighty years ahead of time in the 1787 constitution?

Worldist: Suppose I mean this? I mean this and more.

Objector: But then no union and no constitution would have been possible at all. You do not mean that a constitution of that kind could have been ratified in the Carolinas or Georgia. That would have been sheer utopia, nonsense.

Worldist: Suppose you are right. Then what would you have done in Annapolis or Philadelphia? You anticipated civil war and loathed it; you despised utopias. Was there any alternative left except moving that the Declaration be scrapped, the Union dissolved, and the thirteen states returned to the status of colonies under the British crown? Was that the counsel of wisdom or, as the word goes, "realism"? Between Washington and Arnold you would have picked Arnold?

Objector (even if he hails from the die-hardest South):[6] I should not like to say so. Nice people in my country do not like to say so. But things were different.

6. The opinion that everybody would be happier if the thirteen colonies had chosen to stay in the same household with Mother England is as tenable, and harmless, in the vast though unproductive field of Might-Have-Been-History as is, e.g., the opinion that it would have been better if the Roman Empire had not dissolved, or if the kings of England, having taken care of Joan of Arc, had fulfilled five centuries earlier Mr. Churchill's 1940 pious wish for a British-French union. Yet opinions of that kind are scandal in this country when this country is concerned; and a couple or so of youngish British visitors who tried their hand of late at that innocent game could not secure any better reception than some scattered, if outraged, heckling as peddlers of British imperialism, in the northern press. The rest, as far as we know, even among southern "nullifiers," was silence.

Worldist: All things are different. But a statement so loose beats around the bush, does not beat the argument. On the one hand, you concede that in the 1770's and 1780's you would have favored the American union, regardless of imperfection and peril. The forecast of civil war would not have been a deterrent to you. You would have taken it as a calculated risk. On the other hand, the knowledge—or guess—that world union may entail civil war is a deterrent to you. You are against. Why?

The answer is still unknown.

As a matter of fact, America—leaving aside such puny freaks as the Toledo War or the mobilization of the militia of Pennsylvania against the United States, of Oklahoma against Texas—went through two major civil wars, to which the federal Republic owed its birth and growth. For, obviously, the Revolutionary War too, no less than the War between the States two generations later, was a civil war, intra-British, fought among men of the same kin, language, allegiance, creed.

There are two sorts of civil wars: when the rebel party succumbs and when it prevails. The realist—or Machiavellian—may explain that the former sort retains the name of civil wars, i.e., seditions; the latter are called revolutions. There is no difference in principle between the two kinds, whether they aim at separation, as did the first American civil war no less than the second, or at radical change within the whole; for both are mass upheavals against the law of the land, and the different names are assigned by success or failure. The courtier was a competent vocabularist because he was an able forecaster of things to come who said to the king of France since the earliest riot: "Sire, it is not a revolt; it is a revolution."

But the so-called idealist—or true historian, for whom the real and the ideal are two faces of the same coin—interferes. It is not enough, he contends, that an insurrection exceed the size and ephemeral fortunes of a riot or mutiny, that it assert itself as the new law of the land, for a revolt or civil war to be named a revolution. Common usage, when unambiguous, reserves this name to such upheavals as not only achieve success but achieve it on the evolutionary line which the generations seem to prescribe to the human race or to a single nation as a spearhead of the race. A revolution, then, is a successful insurrection through which a stage of historical evolution is reached by a short cut,

with progress emerging as a sudden mutation rather than as a gradual accumulation. The name, therefore, is applied without hesitation to both English mutations—the violent and "glorious"—of the seventeenth century, as well as to the American and French of the eighteenth; and a near-consensus, however reluctant in some of its component sectors, grants the name of revolution with its full meaning to the Russian subversion of 1917 in so far as it added (though soon appallingly to oppose) the motive of economic justice to the motives of civil rights that had been proclaimed by the Western upheavals and in so far as it resumed, so to speak, the course of the French Revolution where the execution of Babeuf, the "Tribune of the People," had left it in 1796.

But not without hesitation and restrictive or negative connotations is the word "revolution" applied by cursory usage to Thermidor or Bonaparte, fascism or Stalinism, Hitler or Franco; though leaders and misleaders of this category are particularly keen on featuring their deeds as revolutions, with an oratorical insistence which bares the unsteadiness of their conscience; nor would the world at large have called the "Revolutionary War" or "War of Independence" the struggle of the American 1860's if the southern states had won. For movements in such directions—counterclockwise, so to speak, on the clock of history—common usage, if they originate in a divisive section of the body politic pre-extant, prefers "secession" to "independence." If they aim at the whole, yet in the localized circumstances of a single country, their prompt success is a "coup," their prompt failure a "putsch." A victorious regressive sedition of more complex developments and on a larger scale, affecting or purposing to affect more than one national destiny, is—whatever the survivals or undercurrents of the previous revolutions within its stream—a "counterrevolution." If the regressive movement is comparatively temperate and bent to some extent on conciliation, the word for it, more neutral, is "restoration."

This indicates the place of civil war and revolution, two terms overlapping when they are not interchangeable, in the perspective of a World Republic.

The World State and its constitution prohibit secession and treat civil war as criminal transgression.

The extension of the concept of civil war as guilt and crime—from inside the clan or city to the universality of man—has gone

through three stages. Ours is the third. The two first are exemplified by Plato and Erasmus.

Plato condemned as civil war any war waged among (not only inside) Hellenic cities. Legitimate was war against barbarians or of barbarians among themselves. Christianity broke that fence. Intra-Christian war, though no less frequently and fiercely fought than intra-Greek had been, was fratricide, "for," wrote Erasmus, "the Christian is bound to the Christian more closely than citizen to citizen, brother to brother."[7] Legitimate, if at all, was war against the infidel or of infidels among themselves.

Philosophy and interreligion—far wider and deeper than United States Interfaith, a pact of nonaggression transacted among otherwise intransigent confessions—have done away with that second fence. Humanity has been for a long time one community of law.[8] Thus intrahuman war, which was already intrinsically civil war since 1914, becomes statutorily so upon the foundation of the World State, a breach of law subject to repression and punishment under law.

But the power to punish cannot endure without the authority to judge, in the same way as authority without power cannot subsist. Our Preliminary Draft of a World Constitution projects a state of things equipping the World Republic with both requisites.

If the World Republic is defective in power, it will disintegrate as did the Roman unity when it grew weak. Or it will be an empty name from the beginning, as were, more or less, the Christian Empire in the Middle Ages and the League or United Nations in our years.

Against this danger the World Republic as we see it claims the monopoly of weapons, wields all the sanctions and forces that are needed to repress insurrection and separation.

If the World Republic is rich in might and poor in right, with

7. Ep. 860, as quoted in Giuseppe Toffanin, *La Fine del logos* (Bologna, 1948), p. 61.

8. The fourth stage in the extension of the concept of civil war would postulate, so to speak, that the "redemption of nature"—which Paul set at the end of time—should happen, so to speak, overnight and the animal kingdom be incorporated in the republic of man. Thus G. B. Shaw, that leonine vegetarian, remembering his remote youth when he still ate steaks, frowns on his previous self as a "cannibal," and the Jainite monk, worshiper of everything that lives, spares the vermin and builds hospitals, if not for men, for rats. They shoot beyond the mark if, evangelically speaking, sufficient unto the day is the evil thereof, and the evils of the human race within itself are sufficient unto this day and some to come.

all bombs and no laws (except one prohibiting, e.g., under penalty of supranational bombing, the national or conspirational manufacture of bombs), the name will hardly camouflage the substance. The substance of the World Republic will be a world tyranny if it is either in the one fist of a Caesar or czar or in the joint hands of an allegedly "limited World Government" ("with powers adequate for the prevention of war") paradoxically dubbed "minimalist," whereas in reality it is illimited and maximal as exercising power with no counterpart in responsibility. To world tyranny, whether of the Eastern or of the Western type, Soviet suppressive autocracy or capitalist repressive status quo, the response would be world violence.

Against this danger the World Republic as we see it, while exercising the right of physical power, fulfils the moral duty of administering justice. It meets needs, it weighs complaints, it contains in legal channels, diked by lawful force, conflicts which otherwise would swell to civil war.

If then the World Republic is a state of might with right, the predictability—which is a reasonable guess though no more than a guess—of civil war "just the same," resilient against the universal law, is no more of an argument against the world state than the statistical persistence of crime would be against the city or nation-state. For in that case civil war is in the macrocosmos of the global society what ordinary crime—or riot, or vendetta, or "taking justice into one's own hands"—is in the microcosms of the local communities. That a hard core of evil is, as far as we know, ineradicable from man's heart[9] is and was at all times an incentive, not an inhibitive, to the foundation and, as far as possible, enforcement of a regulatory law.

If instead the World Republic were to be world despotism, then civil war, besides and above being probably inevitable, would certainly be desirable. For no disorder is as monstrous as the order of the police state making the lawlessness of the few into a law upon the many. If this is the case, civil war in the

9. A truism for any sensible cleric or layman, and rather supererogatory even when not decked up with such ministerial ornaments as Professor Niebuhr's "ills to which our flesh is heir," etc. (see, e.g., his latest though, we hope, not last anti-world-government woe! woe! in *Foreign Affairs*, April, 1949). He has developed a remarkable anxiety lest "perfectionists" and worldists try to cheat the Lord of his dues as the wages of original sin: a superadded mischief against which Professor Niebuhr sits at the gate of heaven brandishing an irascible fountain pen in his near-cherubic capacity as Collector of Eternal Revenue.

world state will be redress of wrong; its victory, just revolution.

Thus, from whichever angle it may be tested, the argument from civil war is pointless.

OBJECTION FOUR: "ONE GOVERNMENT IS TOO MUCH GOVERNMENT"

The fourth objection, in several respects complementary to the third, contends that one government is too much government. Its argument may be condensed in the phrase, "No place to hide."

As long—the argument explains—as the governments were plural, the sovereignties independent and competitive, there was, there is, for the dissenter and persecuted, the possibility of fleeing one country and finding sanctuary in another. There will be no escape when the world is one.

Objectors of this class seem unaware of what has happened to the principle and practice of political asylum in this century. The greater the need, the smaller the opportunity. As the earth, pressed by speed, shrank, the contraction of the distances was overcompensated by a more than proportionate reduction of the freedom of movement. All frontiers one after the other became iron curtains, while the police on the opposite sides, equally alarmed, though for different motives, at any stir of change or, as it was called, subversion, often lent each other a colleague's hand to keep the black sheep in the fold. The fugitive, if he had been clever enough to secure a passport, or hardy enough to outflank a patrol, was received with mixed feelings; for nonconformism was not half so fashionable now as it had been in the romantic era, and the guest was held likely to prove a meddler in the foreign policy of his host country and a lecturer on unpalatable topics at dinner tables. The paths of livelihood were systematically blocked to the alien in a number of countries, including famous France, where the *émigré* had taught at the Sorbonne; including famous England, where the exile had been made baronet. His freedom of speech was protectively hushed (of course, for the protection of his and his host's freedom) in many a shrine of democratic freedom, including famous Switzerland.

Handicaps of this kind were still far less forbidding in America than anywhere else; or, in a fairer wording, the hospitality of this country still stood out incomparably more generous than

any other's. Yet the coalition of the powers that be, even when they are warring with each other, had its heyday also in this country when, at the outbreak in 1941 of the "anti-Fascist" war which anti-Fascist exiles had forecast as the only way to liberation of their native countries, those among them who had not had time for promotion to citizenship were demoted to enemy aliens. Yet official suspicion still casts a long shadow on the Spanish republican. Yet restrictions and discriminations, written or unwritten, in regard to resident alien or naturalized citizen—a second-class citizenship subject to probation, exposed to repeal, deadlined by statutory limitations of physical absences —while not so heavy as to shackle the former or present refugee, are embroiling enough to perplex his step off and on. The gesture of invitation by the Statue of Liberty at the entrance of New York harbor is underlined much more visibly than it was ever before by the shadow of Ellis Island, which is a prison. Distinction in the accomplishments of the mind does not confer any privilege on the traveler. It singles him out, an abler smuggler of "propaganda," for quicker handling. There all police agree. In the same season of 1949, as a fog of neo-barbarity grew thicker over the earth, Miss Strong, the Western writer squeezed out by peace-loving Russia, met, so to speak, midair Gieseking and Shostakovich packed away by music-loving America in a gesture of hate and fear—both servitudes—hardly loyal to the land of the free, home of the brave. What happened after that date is known to everybody. McCarran and McCarthy are world-famous names.

If we suppose that a constitution similar to the one we propose is adopted by the World Republic, there is no doubt that the protection provided for the nonconformist, both in his own land and in the federal union, is incomparably more effective than whatever safeguard is still more or less reluctantly conceded to the foreign fugitive in the present convulsive dusk of the competitive nations. Freedom of travel—though not unrestricted freedom of stable immigration—is universally given. Federal passports are issued. Besides all other rights and liberties constitutionally valid for everybody everywhere, the persecuted dissenter, should persecution arise anywhere against the letter and the spirit of the world law, should the federal judiciary be remiss in its duty, is constitutionally the client and ward of the world intercessor, the Tribune of the People.

If we suppose that no constitution avails, that franchises are nominal or none and the dissenter, held to one earth-encompassing rule of force, forfeits also, unless he jump to the moon, the alternative of self-exile which the age of nations still spared to him, objectors to world government on this account should still be asked whether they do not overrate the size and function of horizontal exile—the exodus of dissenters from their country to another—in our years.

That exodus was, and always had been, small. A handful or so left the totalitarianisms of Europe, made their voice heard, their action (within limits) felt. But immeasurably greater was the number of the anti-Fascists who stayed in Italy, anti-Nazis in Germany, anti-Vichyites in Vichy France (as by all odds is immeasurably greater the number of republicans in Spain, of anti-Stalinists in Russia than of their deputations this side of the Pyrenees and the Curtain). Their name was nonresistance or resistance or underground—also, with contrasting meanings, fifth column—or there was no name at all. Yet, even while nameless, their inaction—made of disaffection and silence, a chronic treason—then their action when and where the hour struck, were more effective, and spiritually in many cases no less free, than what the exiles could say or do. Theirs was exile: vertical, not horizontal; in mass and depth rather than in scattering and width. By no stretch of imagination can one visualize a oneness of one evil world so absolute as to cross out from the map not only any place to flee but any place to hide.

Since nothing is new beneath the sun, a situation, similar for all purposes to that anticipated by the pessimist in the one world to be, obtained already in the one world that was. The citizen or subject of Rome knew of lands and seas beyond the Empire within which his world was one. Yet self-exile—into the wilderness or a barbarity more mute to him than death—was, minus exceptions, out of the picture: nearly as impractical as the jump to the moon from our one world. Vertical exile, however, was operative. It sapped the palace, it split the legion, it lamed the law. The mightiest, and finally victorious, of all its conspiracies, Christianity, had among others many a place to hide, literally vertical, whose name—an exact counterpart of our "underworld" for the ruffian or "underground" for the rebel—was catacombs. Later on, vertically again, it built citadels of separation, its convents and towers, on heights above this dark-

ening world, nearer to its "other world." They, catacombs or castles, would be no hiding places for the weapons and passions of our age; but new challenges stir new responses; and it is idle fantasy to preconceive a political oneness—a world Caesarism or czarism, so to speak, with no Brutus or nihilism—under which, horizontal exile having been (allegedly) disposed of, all other forms of protest and plot would be kneaded into one passivity.

More generally, the assumption that one government is too much government is based on the assumption that power shared among the governing redounds in liberty for the governed. This is true if the sharing is the harmonious distribution of power among organs and persons as striven for by republican democracy. It is not true if the sharing instead is a wrangling and wrenching. Nobody would maintain that the child is freer, in the proper sense of freedom, whose parents systematically quarrel, or that the citizen is better off whose city is disputed between two or more sovereign factions or gangs. It has been self-evidently said that freedom is in the well-regulated community, not in the free-for-all of the jungle; and carefree are the drivers who care for lanes and lights, not the mixers of jams.

Looking backward we see a few moments when the unregulated coexistence of sovereign states resulted in peace and hence (in so far as peace is one of the prerequisites of freedom) in a certain amount of freedom for their citizens. One such oasis of time contained, very briefly, the city-states of Greece; another, somewhat larger, the "great" powers in Renaissance Italy; another, the most familiar and impressive, was the balance of power last century. All of them were circumscribed and precarious. All owed their being to the presence of conditions whose simultaneity is not revocable at will.

One of these conditions seems to be the pluralism of the leading sovereign powers. No mechanical formula—in a field which is not of mechanical forces alone—can determine the optimum figure of those powers: whether they ought to be, one might whimsically surmise, exactly five, as they were both in Medici Italy and in post-Bonaparte Europe, or more, as they were at the turn of this century, or maybe even fewer, though cases of success in this size may be less convincing. But a plurality in any case it must be, for a sufficient interplay of concurrent and contrasting drives to maintain, as it were, a gyroscopic equilib-

rium within which, from the interdependence of the several sovereign powers, independence accrues to each.

Duality in no case will do. In the interrelation of powers duality is duel—as it was of Athens and Sparta, Carthage and Rome, empire and papacy.[10] Even when it is not—not yet—war, the assumption that the presence of one outward power, and only one, will foster or preserve the relative independence of either and protect both citizenries from "too much government," is chimera. The case of America and Russia is exemplary. One may say if one so wishes that America is a sovereign republic self-governed from Washington. But it is a phrase. For America is governed from Moscow hardly less than from Washington. One may say if one so wishes that Russia is a sovereign autocracy self-governed from Moscow. But Russia is under the rulership of Pennsylvania Avenue hardly less than of the Red Square. It is not only that, as cartooned by a columnist,[11] "Russia can't scratch a flea without affecting the stock market in New York, and a New York hospital can't administer a sedative to a schoolteacher without causing palpitations in the Kremlin." In every respect "we're in each other's hair." Any collective or individual expectations from life—and death—in either country, employment and conscription, earnings and prices, taxes and rations, "want and fear," are dictated by the weight and will of the other. The Russian eats as much butter as the American guns allow his "national" economy to spare from counter-guns; the American enjoys as much of civil liberties as the Russian peril permits. Thus either exerts duress on either through a mutually vicarious authority—if this be a balance[12]—necessi-

10. Self-evidently the picture does not apply to the duality, which is not necessarily dualism and duel, of father-mother in the family; nor to the two-party system in one integrated community, where a temporary minority watches a temporary majority, while opposition is co-operative, and "the rival platforms, to a foreign observer, seem to have been framed by Tweedledum and Tweedledee" (Albert Guérard, *Common Cause*, April, 1949).

11. K. M. Landis, "No Divorce Possible," *Chicago Sun-Times*, August 28, 1948.

12. Very dear to Halford Mackinder, the late founder of British geopolitics. He grew lyrical when highlighting at the close of his world-historical excursuses the wonders of individual reciprocal liberties, levitating, so to speak, from the composite gravitations of the balance. He knew, of course, that a plurality of powers in such shapes and sizes as to counterweigh one another is a must for a system of that kind to subsist. Hence his worry, overarching two world wars, lest the Eurasian "Heartland" in the hand of one excessive power should disbalance the world. *If*—he suggested—the Russian empire could be kept broken or could break again into a plausible number of ex-component parts, then we would have the beloved balance and all the glory of it. If!

tated inside by the force outside; and no balance has been conceivable between the two except mutual or one-sided appeasement carving the globe into two empires and bullying the "neutrals" into whichever orbit the joint exorbitance decides, so that the two colossi, unhindered by buffer spaces, may stand to each other at immediate fist's reach. Such is in fact the supposed maintenance or accretion of self-determination when, all combines of pluralistic interests having been crossed out, two remain face to face; as if somebody would unevangelically say that the servant of two masters—the Russian or the American citizen, both groaning under a double load—is freer, or that the vehicle is in favorable conditions of preservation and motion when two opposite horses pull in contrary directions.

If the optimum figure of powers in the constellations which are (were) called balance is an incognito or variable, and if the worst and utterly unbalanceable is evidently two, it may seem at first a mathematical quip, a play on numbers, to suggest that the very best should be one; one being closest to none, and one world government being therefore the aptest to provide its nations and persons with the maximum probabilities for a government which is the best in that it "governs least" (and tendentially does not govern at all).

Yet the wisecrack has a claim on wisdom. We are not talking, needless to say, of that oneness under paternalism or "illumined" despotism which, unburdening the citizen of his responsibility in government—freeing him of the liabilities of freedom—assures him of the peace of mind, or freedom from trouble, which comes from one's "knowing his place." But in a world order of popular sovereignty as outlined in our preview or as may be proposed by better designs—within which order, not out of which, the multiple power of nations, cultures, interests is constitutionally, not aggressively and counteraggressively, balanced—the energies of national and personal liberty are released. As dissent and jealousy abate, expectancy of civil war dwindles, judicial authority grows, there will be not much more of international (formerly foreign) policy left than there is between Pennsylvania and New York, Geneva and Berne; nor should there be more military servitude than there was in this country when the law inside and the oceans outside were its fortress and shield. Government—when it is of the people of the world by that people for that people, not of the peoples against

one another; when the House of Man is no longer under the incessant alarm of fire[13]—is bound to be the servant, not the enslaver, of man: "administration," as it was modestly called[14] in the United States, "too proud," i.e., too secure, "to fight," while the happy days of security lasted.

Thus spelled out, the arithmetic quip is a common-sense proposition. World Government is not the menace of "too much government." It is inherently much less government than ever before. Under any possible circumstance it is the only road to "as little government as possible."

13. When *hostis*, the stranger, is *host*, the neighborly entertainer (or guest, *hospes*) or provider of *hospital*, *hospice*, for the sick and needy; not *hostile*, the alien warrior in the enemy *host*.

14. And is still currently called, not appropriately any more; words outlive what they meant.

Part II

The Concept of Justice

VI

Justice the Elusive

WAR, then, as it grew to be in the age of nations, is total evil. Universal peace, that is, the total abolition of war among the nations, is the prerequisite for the spiritual and physical advancement of man. "Justice in turn is the prerequisite of peace, and peace and justice stand or fall together."

"Every one that is of the truth," said Jesus, "heareth my voice."

"Pilate saith unto him, What is truth?"

What is justice?

THE CASE AGAINST JUSTICE

As the case for war was worth hearing, so is the case against Justice.

The warning is known to the reader that no danger is graver to our civilization than the looseness of usage to which have been degraded such words as Justice, Freedom, Equality, Democracy, Brotherhood. He is on the side of the angels, we wrote, who refrains from giving aid and comfort to the devil by repeating those words without first making sure that they make sense, and what sense they make.

Two senses are usually ascribed to Justice. They are at variance with each other.

In one sense Justice is distributive, a criterion of discrimination assigning to each one what is due to each one, *unicuique suum*. In another sense Justice is equalizing, a rule of indiscrimination giving to everybody the same. The emblem of the first is the scale. The emblem of the second might be the cornucopia.

The case against justice in the sense of equality was argued long since in the Aesopian fables, that primal syllabus of political and social science. The lion gets the lion's share not because "his name is lion" but because he is a lion. His sheer survival, let alone his enjoyment of life, demands more calories than does the rabbit's. Nothing could be more "just."

The Aesopian laughter has mirth in it, as a particular instance of laughter as "superior adjustment." Maladjusted and bitter, on the contrary, and inspired by angry aversion to the sentimentalities which even in Homer had been sapping the foundations of Justice as discrimination and power, is the argument of Thrasymachus in the *Republic* of Plato against egalitarian Justice, the "welfare state" of the weak.

"Listen then, he said; I proclaim that justice is nothing else than the interest of the stronger."

The famous statement survived the scolding of its antagonist, Socrates. Qualified or not, it underlies all serious political speculation that ensued, not Machiavellism and Marxism only.

A crucial point of the debate was reached in a quick exchange of questions and answers between teacher and rebel.

Socrates: You say that perfect injustice is more gainful than perfect justice?

Thrasymachus: Yes, that is what I say.

Socrates: And would you call one of them virtue and the other vice?

Thrasymachus: Certainly.

Socrates: I suppose that you would call justice virtue and injustice vice?

Thrasymachus: What a charming notion!

Socrates: What else then would you say?

Thrasymachus: The opposite.

Socrates: And would you call justice vice?

Thrasymachus: No, I would rather say sublime simplicity.

Socrates: Then would you call injustice malignity?

Thrasymachus: No, I would rather say discretion.

The listener stops, and in the pause may feel that both contenders are right—with an edge for the realist. Discretion is another word for discrimination.

Christianity itself, when emphasizing predestination, assumes heavenly justice as the interest of the stronger—him whom God willed to call. You must be right, wrote a poet in a similar vein, *from birthright.*

Socialism, as long as it apportions rewards in proportion to service, may well suppose that its measure is of earned merits, not of gratuitous grace. Its justice on earth is the interest of the better, not of the stronger. But who can be better if he is not stronger?

Ultimate communism, taking from each according to his ability and giving to each according to his needs, restores Justice to the discretionary power which Thrasymachus knew, for needs are variables arising from conditions and destinies which no regulation can level. In communism's perfect society there will be, as there is indeed in its Russian preview, many a lion's share.

JUSTICE AS THE INTEREST OF THE STRONGER

Simplicity alone, by no means as sublime as Thrasymachus all too courteously concedes, can blind itself to the presence of predestination and privilege in any conceivable administration of justice. To none of us, day in day out, passively and actively, in law-abiding or law-giving as well, in the cell of the family and in the expanse of the race, is social experience intelligible without a substantial admission of justice as the interest of the stronger.

Yet, even more telling than the critique in behalf of the stronger is the objection to egalitarian justice raised in behalf of the weaker. The point of view of the lamb, one might say, is even more revealing than the lion's.

"Listen then," others than Thrasymachus might have said, "I proclaim that justice is nothing else than the interest of the weaker."

Literally, the lamb and his mother sheep in care of the shepherd were adopted as the image of the good and just society by the pastoral tradition of both Greece and Israel: in the Arcadian fantasies of Hellenic poetry and in the revolutionary call of Hebrew prophecy as well.

Nursed in the Greek tradition of poetry, Socrates too, in an introductory approach to his own Republic, contrasts the republic of the lamb with the republic of the lion. The justice of the shepherd, he suggests, is the interest of the weak—even though with an eye, the listener cannot forget, to dividends in milk and meat.

The utilitarian implication is as good as forgotten by the Christian Good Shepherd, to whom one lost sheep is more precious than the flock. His counterpart in husbandry, the master of the vineyard, applies the subversive economy by paying to the laborer who came at the end of the day the same wages as were promised to those who labored since dawn.

Ruskin in *Unto This Last* has a passage, perhaps of sublime simplicity, on the "struggle for life." There is no struggle, he says, between mother and child when all that is left is the last crust of bread. Alternately or concurrently, and unmistakably alike in extraordinary events and in the ordinary run of life, the interest of the stronger and the interest of the weaker warn against "even-handed justice." The justice of the doctor is the interest of the patient; the justice of the parents is the interest of the child. Uneven-handed justice offers to the useless old woman the seat in the trolley where the valid workman sat, hauls first the cripple from the house afire, prescribes precedence for little ones, women, aged, in the lifeboats of the shipwreck, reserving the last chances if any to the interest of the stronger, the crew, and the last of the last to the captain, the strongest.

"Impossible," said somebody, "always seems the rose, incomprehensible the nightingale." This may be true also of ideas. Impossible is equality, incomprehensible is justice.

JUSTICE AS ADJUSTMENT

Yet the rose, after all, is possible. So may well be the idea a fact if further inspection reconciles its contradictions, however astonishing to the verge of absurdity they may look at first sight.

It must be sought, away from symbols and sermons, whether there is a sphere of reason where the interest of the stronger meets the interest of the weaker and the word "justice" makes a sense other and better than would be the statistical average and mutual compensation between the deviations of equality in two opposite directions.

Words, particularly those most relevant to human behavior, are containers of subconscious knowledge which analysis spells out. The word "justice" contains and remembers the ambiguity of the concept. We did not use absent-mindedly at the beginning of these pages expressions as "superior adjustment" or "maladjusted." With the twofold meaning of "just"—which means "righteous," but also "fitting," "exact," or "convenient," "purposive"—everybody is familiar. Aristides was "the just" among the Athenians, so was Ripheus "the most just" among the Trojans. But this desk is the *just* size for this room, that letter came *just* yesterday, and the victrola was *adjusted* to

the micro-groove records by the radioman *just* around the corner.

Also in the synonyms based on "right" instead of "justice" the allusion, from a spiritual sphere to things of matter and space, from quality to quantities, points to exactness and aptness, to some kind of functional economy. Right is righteousness, as contrasted with wrong. It is equity, some kind of equilibrium and balance, another word for even-handedness, as contrasted with iniquity, which is lopsidedness, tilt. Right is also the objectively correct, the statement, morally neutral, which is intellectually adequate, i.e., equated with, equal to, reason and fact. For example, the murderer may be right, though not righteous, in anticipating that the scream of the victim will be choked in the gag. Right is, more comprehensively, much besides and beyond what satisfies justice or truth, whatever satisfies "justness," by fulfilling a need, by serving an intent. This is the *right* place to live, noon is the *right* time for luncheon, the awl is the *right* tool for pricking, the common ground for all possible acceptations of the term lying in the geometric convention which, in spite of the metageometric inventions of our day, singles out the right line, the straight, not the curved or slant, as the shortest cut, i.e., the economical or functional, from one point to another on the same plane.

A derivate from the right line is the meaning given to "square." That justice is just which deals a square deal. The squareness, or appropriateness of the part to the whole, of give-and-take between the citizen and his society, results thereby in the fairness of a "fair deal," so designated with overtones from equity and from aesthetic beauty alike, as brightness and candor opposed to darkness and cheat. Fair, however, originally means simply "fitting, adequate"—even to the minimum standard of sufficiency reluctantly admitted later in the degraded use of fair as mediocre, passable—and the connotation of ethical justice, let alone the appeal to aesthetic assent, came as a by-product of justness in the sense of adjustment. In this area of semantics it should seem that that justice is just which is applied impartially, i.e., straightly, with no interference from bias, bias being an adventitious directrix cutting through the right line.

This kind of Justice, in the allegorical figure which holds the scales, is blindfolded; for her inner vision, absorbed in the case, must remain untroubled by outward sight, with no eye to the

person, whatever its power or bribe. This, all know, is the exigency implied in the prescription of "fair trial," meaning a process securing to the defendant the opportunities for defense no less than to the state the instruments for conviction. This is the reproval signified in the proscription of ex-post-facto laws, meaning that no one can be justly condemned on account of a law which was not there when the act was committed. Clearly, the demand of Justice in this sphere is that the community shall be as irreprehensible in the enforcement of the law as it wants the individual to be in its observance. Thus operating, Justice sees to it that all citizens be equal before the law of the city, each one, *unusquisque*, receiving *suum*, his due, or rather, more unmistakably, that each omission or commission, regardless of omitter or committer, meet the immunity or punishment that is its due. Procedure, the form of the law, is the decisive factor, not its substance. *Dura lex*, said the Roman, *sed lex;* cruel indeed is this law, yet that's the law.

Yet conscience demands that the law too, nay, first, the law be just, not its application alone. A law, such as was prohibition in this country, can be at the same time unjust and unjustly (i.e., inequitably) enforced. But there are other laws such as segregation in the South, which their procedural or distributive justice, i.e., evenness and constancy in enforcement, fails to recommend as intrinsically just to the helot in Dixieland and his friend outside. At the terminal of this road we find ourselves again in the Aesopian republic where justice is the interest of the stronger. There, in the jungle, the law of the jungle is more than a phrase, for it is, with all respects to the jurists and moralists of the Natural Law, a law of nature. When the lion, empowered by that Law, sets out for his collection of calories, he is no less blindfolded than was the ancient goddess. Between lamb and kid, ass and zebra, he does not discriminate.

What, then, in human society is a just law?

Quid est Justitia?

THE DISPUTE WITH THRASYMACHUS

Socrates and his disciples, having shut up Thrasymachus and sailed on a complex and long-winded dialectical voyage, try to alight in a region of reason where adjustment and justice agree, fit is fair and fair is fit.

The connecting link is more insistently proposed in some passages of Books III and IV of the *Republic.*

In our State, says one disciple, Adeimantus, "human nature is not twofold or manifold, for one man plays one part only." "And this is the reason why in our State . . . we shall find a shoemaker to be a shoemaker and not a pilot also, and a husbandman to be a husbandman and not a dicast also, and a soldier a soldier and not a trader also, and the same throughout."

True, said Socrates. "Citizens, we shall say to them in our tale, you are brothers, yet God has framed you differently. Some of you have the power of command, and in the composition of these he has mingled gold, wherefore also they have the greatest honor; others he has made of silver, to be auxiliaries; others again who are to be husbandmen and craftsmen he has composed of brass and iron; and the species will generally be preserved in the children . . . and God proclaims as a first principle to the rulers, and above all else, that there is nothing which they should so anxiously guard, or of which they are to be such good guardians, as of the purity of the race." Hence "the duty of degrading the offspring of the rulers when inferior, and of elevating into the rank of rulers the offspring of the lower classes, when naturally superior." "The intention was, that, in the case of the citizens generally, each individual should be put to the use for which nature intended him, one to one work, and then every man would do his own business, and be one and not many; and so the whole city would be one and not many."

This is the State of Justice in the Republic of Socrates; which is a state of adjustment of the parts to the whole, an articulated consistency of the single within the social body, a functionalism wherein each one "knows his place" or, should he forget, is coerced to know—for the pursuit and attainment of a collective purpose, which is the security and happiness—whatever collective happiness may mean—of the city. "When the trader, the auxiliary, and the guardian each do their own business, that is just, and will make the city just." When, on the other hand, the three classes that should remain distinct meddle with one another or one of them changes into the other, that is the greatest harm to the State, which may be "justly termed evil-doing"; and the greatest degree of evil-doing should be termed injustice.

"Certainly."

"This then is injustice."

It has become current in the light of our years to single out that ancient text as the first theoretical "justification" in the West of a caste system—minus sternly controlled instances of interchange motivated by perturbations in the transmission of hereditary characteristics—as rigid as India's. Worse than that, Plato's State of Justice has been contemplated as the primal pattern of the state of ultimate injustice whose "wholism" we call totalitarianism. The warrior is supreme; sex and motherhood are submerged, as no despot brown or red has dared so far, in a coldly ordained bacchanal, where eugenics is as deaf to the human heart as the cattle-breeder would be to individual inclinations in the oestrum of a cow; most of poetry is banished; what remains of the arts is surrendered to a censorship than which no dogmatic church or police state ever knew the stricter. Music, more particularly, is strait-jacketed in a kind of invariable ritual or fixed "exercise," making it the gymnastics of the souls as gymnastics is the music of the bodies; and there should be some distress among such among our liberals and protectors of the freedom of the arts as wish to think that the behavior of the Commissar-in-Chief toward his straying composers is nothing else than asininity grown ferocious, when they find that he finds support in the greatest of philosophers. "For," says Socrates to his Shostakovichs and Prokofievs, as many a pope has said to modernizers or overthrowers of liturgies, "any musical innovation is full of danger to the whole state, and ought to be prohibited." "When modes of music change, the fundamental laws of the State always change with them"; the rulers, therefore, "must lay the foundations of their fortress in music."

Yet the totalitarian-communistic oligarchy of the Platonic Republic is not intended—but was any despotic or caste rule ever wilfully intended?—for the suppression of the subjects. Its justice in the sense of adjustment, the permanence of its musical mode, is not intended as soulless technocracy fitting the spoke to the wheel, the oar to the oarlock. Indeed, the happiness of the city is not the addition of the self-seeking happiness of the citizens; the State is not their servant. Persons, nevertheless, they are, not robots; and the legislator is prudent enough not to feel sure, "overpositive," as he puts it, of the City as justice until he has tested it on the citizen. "If," and only if, "on trial, this conception of justice be verified in the individual as well as in the

State, there will be no longer any room for doubt; if it be not verified, we must have a fresh enquiry."

This is where the listener expects the coincidence between justness and justice, between functional adequacy and absolute value. What he finds, however, is not that coincidence. It is a symmetry or parallel between the harmonized operations of the classes in the collectivity, on one hand, and the co-operation of the faculties of the character in the individual, on the other. The score that was proposed to the orchestra is now transcribed for the solo.

As there are in the city three classes of men, and when the three of them, the trader, the auxiliary, and the guardian, each do their business, that makes the city just, so there are in the soul three principles, which are desire or the appetitive (the counterpart of the trader), reason, holding the middle place of the auxiliary, and above both "passion" whereby is meant "the spirit"; and when the three co-operate in harmony under the leadership of the third, which is the ruling guardianship, that makes the person just.

Thus, however, it is clear that, music as harmony and mutual conditioning of the parts being the fortress of the just man not otherwise than of the just city, a certain analogical and even metaphorical quality still clings to the discourse, the myth has not yet been wholly reduced to logos. Nor do we see for the time being, beyond that veil of approximation, a definition of justice per se, as a value sufficient unto itself.

We seem thereby to have moved in circle, back whence we started, and the expectation of the region of reason where the ambiguity between justness and justice is solved, the interest of the stronger meets the interest of the weaker, has not come true; for the accent still lies on justice as justness and order, which may well turn to be the hierarchy of power, i.e., hardly in disguise, the interest of the stronger.

In the particular case of the philosopher himself, what is and how imperative is the criterion on whose authority we judge that his indictment and conviction was unjust, the cup of hemlock a criminal transgression of the stronger, the state, against the best of its citizens? The state could well contend, as it did, that the defendant was a "subverter of liturgies," an inventor of new modes which were "full of danger to the whole State" and must be prohibited. Hence the justice of the state, which

was adjusting and adjusted. The dissonant note was stricken out of the social score.

If, on the other hand, one argues that the inviolable music to which Socrates had been referring is of the perfect Republic *in fieri*, an ought-to-be, not of any republic or tyranny as ephemerally it is in fact, here and now, one wonders then what is the criterion which marked with sanctity the unresisting submission of the prisoner to the "laws of the city" such as they were in the passing day, either unjust in substance or iniquitous in application. Opportunities of escape were at hand. He spurned them. Yet not all flights are vile. There are hegiras.

The congruence above the contradiction may be sought as an ultimate instance of Socratic "irony" whereby the unconditional surrender of the victim conditions, and transcends in permanence beyond death, the moment of the murderer. By allowing, nay, even seducing, the state of fact into being as unjust as it could be, he evokes from the opposite absoluteness the justice which judges the judges, the law which scraps the laws. His conformism, more revolutionary than any revolt, rocked the ages.

A half-wit, or allegedly so, in my native township—a solitary reader at random of books whose novelty to him had not been pre-empted by any schooling—who having chanced for the first time when gray already on the twenty-three-hundred-year-old story, ran hatless, breathless, the whole length of Main Street to its end in sight of mountains, screamed horrified to passers-by, doorways, the sky: "Socrates died! Socrates died!"

This is the feeling, in the last analysis, from which Christianity—with resurrection—rose. Christian humanists, Ficino at their head, insisted on the assimilation of Socrates with Christ.

If Pilate was uncertain about "What is truth?" the judges were sure of "What is justice?" in the meaning of justness. The criterion is worded by the high priest and chief justice, Caiaphas, in a sentence whose gravity in the Vulgate is unmatched by other translations: *Expedit unum hominem mori pro populo* ("It is fit that one man should die for the nation"). The Platonic concordance between the classes in the people and the faculties, givers of life and health in the individual person, is no music that can be played beneath the cross or for that matter in front of that other "cup" which did not "pass away" from that other One.

The dissonance may be sensed implicitly in the Roman norm

that *salus reipublicae suprema lex esto*, "the preservation of the state shall be the supreme law." For that covenant, between the community and its members, carried to its final corollaries, "justifies" decimation, a tithe in blood, when the mutinous or cowardly regiment is the culpable "unit," and, the "ones" who offended being too numerous or not identifiable, the blood of all is pooled in one collective reservoir for protective expiation. That supremacy of the state on the person, uncompromisingly spelled out, has its say to say, not only for battle in general, with its statistical toll, but, when need be, for such specific acts of war as famine-making blockades and impartial Hiroshimas; more comprehensively, for the treatment served by the oneness of the state indiscriminately to the expendable ones in Spartan, or Fascist, or Soviet discipline; also, under given circumstances, for mass deportations, slave-labor camps, gas chambers; even under a certain angle of socioeconomic investigation, to stabilized slavery from right of war or bond of birth as a useful, therefore just, institution for the common good. Minor illustrations in this frame are supplied by judicial error, either involuntary but maintained against doubt or subsequent evidence so that society may save face; or wilful, picking a guiltless one, say, a Captain Dreyfus, for the interests of the totem, in like intent as the human sacrifice is spent at the altar for the atonement, which in Platonic idiom would be attunement, of the city with the deity.

One comprehensive norm among the possible corollaries from the principle stating the sovereignty of the "public interest" was to be formulated by the horrified Christian poet who ascribed it to a Moslem ruler (though he might as well have been a "Christian" warlord or king):

> That the culprit be not spared, the just shall perish
> and the innocent.

This should be, in its irreversible "adjustment" of the single to the whole, Justice as the savior of the city, *salus reipublicae*.

But Latin, that master-language of all legislation, local or global, has the reverse too, of cosmic scope. *Fiat justitia et pereat mundus* ("Justice be done, even if the world should perish").

The tenet was heard with awe, though not possibly obeyed. For how could be obeyed, in what sphere of actual happening, a Justice whose sheriff is universal perdition? Who would be left

to probe and seal its victory, and for what use, if the price of Justice on behalf of one were the waste of all, including, one should think, that one?

This is quibbling; and the God of Genesis, who engineered Noah's ark, knew better. Obviously, the form of the tenet is of a lyrical or, if you wish, eschatological style. It contains nonetheless a positive commandment to which the spontaneous mind reacts more approvingly than to decimation, or reprisals on hostages, or, say, the collectivized justice of that Moslem ruler.

That commandment, once again after one more detour, subjugates the interest of the stronger, which is the community, to the interest, if it is a just interest, of the weaker, which is the single. This is by no means the concordance between absolute justice and functional justness as we heard them attuned in the music of Plato.

But once again, in one more variation, the same query still demands the answer.

Whose interest, whether stronger or weaker, is just? What is this justice whose value is so precious, whose atomic weight, one might say, is so heavy that its decision administered to "the least of these" would outweigh on the other scale "all the kingdoms" (and Republics) "of the world, and the glory of them"—and were its price the deluge?

Quid est Justitia?

THE STATE AND THE STATUE

We may still insist on the Platonic proposition as the primal testing ground for all speculation that followed.

Two characteristics are essential for the understanding of the Republic of Socrates.

One is its limitation in space.

This State, "while the wise order which has now been prescribed continues to prevail in her, will be the greatest of States . . . though she number not more than a thousand defenders. A single State which is her equal you will hardly find, either among Hellenes or Barbarians, though many appear to be as great and many times greater.

"And what will be the best limit for our rulers to fix when they are considering the size of the State and the amount of ter-

ritory which they are to include, and beyond which they will not go?

"I would allow the State to increase so far as is consistent with unity; that, I think, is the proper limit."

This then is an order which will have to be conveyed to the guardians: "Let our city be accounted neither large nor small, but one and self-sufficing."

There, as well as in more directions than are taken for granted, the idealism of Plato and the realism of Aristotle dovetail. For both of them, the best community, schemed or historically on record, is "neither large nor small," which is on our standards very small: the ancient city-state. Its contour is modeled on the principle of sufficient—and not more than sufficient—individuation, whereon the sculptors, fellow-citizens of the philosopher statesmen, built the shape of the perfect human body, a law of nature expunging the colossal and monstrous. Polyclitus fixed the size and co-related proportions. They were called "canon," a measure. Lysippus in his wake, as Aristotle in Plato's, did not find much to change.

State and statue therefore are consonant. The state is for men what the statue is for man.

The other characteristic of the Republic of Socrates, symmetric to its finitude in space, is its finality in time. In this respect it would seem at first that the variance between Platonic idealism and Aristotelian realism is radical, for the perfect Republic of the former is in a "somewhen," if any, which may even be the "Greek calends," whereas the best possible State of the latter is a historical concreteness whose constitutional means and ethical ends have stood already the test of the past.

Yet on closer inspection one sees that this variance too is negotiable. For the Platonic Republic is a "somewhere, somewhen," it is not a utopia in the sense of a "nowhere, never," an ever receding tease of imagination. Its attainment may be forbidden, today, tomorrow, by the presence of adverse power and by the absence of adequate virtue. "Between the wheat and this hand what fence is set?"; but the fence may, must, fall. When that day comes, the ideal is real, and the perfection of the State in its limits of space destines it to permanence in time.

It is the joint effect of these two characteristics that accounts for the morphology and physiology of the *Republic*, for its or-

gans and functions. Because the perfect State is limited in quantity, it must needs be a military, even militaristic, organization —always ready to repel and pursue the enemy, then to retire into the conditional security of its "just" size—so much so that the descriptive yardstick chosen by the legislator for its self-sufficiency is the minimum figure of its armed forces, "a thousand defenders," hinting, incidentally, at a number not above ten thousand as a working minimum for the whole of the citizenry. The parallel between statecraft and sculpture, more convincing to us than the Socratic assimilation of politics and music, can be continued to show that, as the typical statue of the Greek was an athlete, so was his model state a warrior.

Because, on the other hand, the perfect state, the "good society," is aimed at self-preservation, not at progress in the risk of change, it follows that the proportions and stabilized mutuality of its parts are once for all the foundations on which the Republic rests. Its justice therefore is paramountly adjustment.

THE CITY OF TEN THOUSAND AND THE CITY OF TWO BILLION

But let us suppose that from the disappointing arrival we go further, yet using the same compass which promised the land of reason the *topos* where adjustment is justice and the stronger meets the weaker.

We see immediately that what is irremediably utopian in that kind of State is "self-sufficiency," autarky. Since the opening of the earliest market place there was never such a thing as a closed economy.

A stop-over, so to speak a hitching post on the road from clan to empire, the city-state passed into larger and larger societies. What we seem to have today is two empires—Atlantic Community and Eurasian Communism—but both claim the earth.

First, then, one wonders how the "chamber music" of the city-state should sound when transferred to the orchestra of the race. Out of analogies, the dry query is: To what and for what should the single be "adjusted" in an ecumenic society?

The criterion is not an extrapolation into the day, whether prophecy or fantasy, when all men are citizens in one world republic—or subjects in one world empire. It is held valid already in the present phase, when either rival proclaims that his purpose is the weal of the whole, so that the Westerner pledges aid

to the Easterner against his despot while the Easterner lends a hand to the Westerner against his exploiter. To the primal, and basic, phase of sociological inquiry, Platonic and Aristotelian as well, it was inconceivable that the same standards should be applied to the Athenian or Spartan as to the Persian or Ethiop. The maximum expanse of which they could think was Hellas—the free and slaveowners in it, the slaves omitted—a community amphictyonic at most, not ecumenic. For us, at this unfolding of the vista which was first sighted by the Stoics, it has become inconceivable that standards—the weights and measures of the scales of Justice—should differ according to places. The ecumene of the space, which is spanned by the community of communication, is being filled simultaneously with the ecumene of the spirit. Lenin and Wilson, Pius and Gandhi, claim spokesmanship for all.

It is assumed thereby that a common purpose is prescribed to the species. Justice, it follows, in so far as it is justness, is the adjustment of the single contribution toward the one goal, of the partial to the total.

Total, in turn, is meant as the true whole of mankind, not as the usurpatory identification of the part with the whole, which is the meaning of totalitarian.

The difficulty of defining a common purpose of the race, the "goal of mankind," was essential already in the field of Peace and War. It is equally essential in the field of Justice. No decision can be made on any adjustment of the individual behavior to the total purpose, unless we know, or think we know, what that purpose wills. This is the vexing problem of finalism, "teleology," in history. Conceit, the self-reliance of progressive illuminism, and defeat, the reaction of romantic obscurantism, failed alike this Sphinx.

The Sphinx stands. In this respect too the change from antiquity to the later ages was profound. As the Platonic-Aristotelian city of ten thousand, a shell, burst into this world of two billion and more, so did its circle of accomplishment spiral up and beyond. The purpose of the city was no longer its own preservation in its perfected shape, for perfection—the *perfectum* or fully done, the finished and definitive—was spirited away from man.

Allusions to the unfinishing, glimpses of the open process, did not lack even in the Platonic-Aristotelian phase of Greek cos-

mology; most impressive the appearance of Eros, as the incessant generator of forms, at the close of Plato's Symposium. That was, however, "music of the future," not instrumentable yet.

First the Christians transplanted that city of a few into the City of God and of his unnumbered saints, beyond space and time. The laymen, humanists and illuminists, who came after took the City down to earth again, yet remembering—distinctly or dimly—where they took it from.

What had been transcendent descended, but did not fade out, into the immanence of nature and history; the fixed eternity opened into the uncounted sequence of years and aeons. This is "creative evolution," the half-mystical, half-scientific name which has been given to what, in frankly poetized terms, was Plato's Eros.

The term "evolution" by itself, even with no modifier, is a word whose sound is as familiar as the meaning is doubtful. For if "to evolve" means "to unfold," the unfolding posits an enfolding; the futuristic assumption is a presumption, positing at the root of nature and life a seed, a gene, wherein is contained in its virtuality everything that is to grow actual, a Genesis or primal creation to which nature and life are demiurgic. This premise we might condense in the image of the fan, of which the aeons are ribs. One of such fans, the peacock's tail, fanning out in its pre-extant feathers, was one emblem of eternity.

Here, however, is not the context where this issue—one more instance of Jacob's fight with the angel, of Job's dispute with his God—can be analytically argued. What the present context allows to state is: that the mind of our age, if it is polled in the wisest (or least unwise) of its exponents, shrinks equidistantly from the arrogant assertion of progressive Enlightenment and from the mortifying denial of romantic pessimism. In its typical attitude the mind of our age is dogmatic and agnostic at once: dogmatic in as far as it believes that there is a direction in nature and history, agnostic in as far as it confesses that the beginnings and ends of that direction, the alpha and omega of evolution, are unknown to man.

Hence the median position between man's will and man's fate as designed in two lines by the most authorative witness of modern man.

What should be wished, feel you below.
What shall be granted, those above know.[1]

Man's arrow flies, but the goal flies too.

Otherwise—in a figure as plain as the two railroad trains whose interrelation in motion or halt unveils somehow to common sense Einstein's relativity—the earth, in which we symbolize man's will or wish, revolves around the sun, its guidance and ideal; but the sun itself undergoes its inner revolutions and moves toward other stars on a path indefinite enough for man to call it infinite.

THE TALE OF QUEERCHIMP

Here is where we insert a tale or myth in the Platonic vein.

As its background we set the assumption, more popular two generations ago than it is nowadays, that Darwinism could be correctly meant as ascribing the parentage of man directly to superior apes.

Fabulously, in a sense of "fable" which is Platonic and Aesopian as well, we visit in a tribe or pack of advanced primates, a million years ago or more. They may be orangutans, more manlike in their looks, or rather chimpanzees, more clever in their brains.

They rarely stand erect and habitually use their arms in walking, resting on the knuckles. Every visitor in a zoölogical garden is familiar with their squeaks.

Now it so came to pass that in one family of that tribe one baby ape grew whose behavior was strikingly new.

For no sooner was he weaned than he began to stand and walk all the time erect, and under no circumstances would he consent to walk on all fours as every regular fellow did. Neither example and persuasion nor shouting or beating availed.

All his brothers and sisters, uncles and cousins, were normal. He was not normal.

Moreover, with those arms which were intended as forelegs but he put them to no use, he did strange things. He would pluck young branches from the trees, choose one in his hand, sharpen it with tooth and nail, or even with the edge of a flint, making for himself strange things that had never been seen.

1. "Was zu wüschen sei, ihr drunten fühlt es; Was zu geben sei, die wissens droben" (Goethe, *Pandora*).

Also, when those forelegs hung dangling and he did not know what to do with them, young Chimp would suddenly lift them, alternately or jointly, lower them, swirl one or the other in the air, gesticulating, we would say, like a windmill and even accompanying at the peak of the excitement the gestures with sounds from his mouth that had never been heard, too weird for words.

Only for a short while had parents and kin borne up with the antics and even found some fun in them. Then they felt worry. Then they felt shame. Then they felt horror.

So they took the Queerling in their midst, a hirsute crowd, and trekked for consultation and trial, he striding upright, they trotting in the shadow of their croups, to the medicine ape or wizard of the clan, who was the oldest of all and spent most of his time in a privy den, sipping from coconuts.

And the medicine ape first palped the chest of the patient, then knocked at his skull, then shook him and breathed into his nostrils, adding what other operations of magic the rule of the race would afford. At last, having spat into his own beard and shaken his would-be chin, he uttered what in our language would be: Junior is abnormal. He must die.

This should not be surprising. On the same account many centuries of centuries afterward, the Spartans did away at his very birth with the born cripple; the Nazis—watchmen in their own way of what even in Socratic language had been called the "purity of the race"—pruned the Jewish excrescences from the Aryan tree; the eugenist advocates sterilization; the normal parent mercy-kills his mongoloid progeny. On the same account we take hold of the irreparably unassimilable, heretic or criminal, quiet him down after a brief gasp on a pyre, after a brief shock in the electric chair.

Likewise the normal Chimp people, including the next of kin, huddled around the doomed deviationist and pushed all together, as compact as a ball, toward the Stone of Strangle. Queerchimp, at long last though too late a conformist, was doing in Chimpland as Chimps do. He was walking and trotting on all fours, so that he could be felt and smelled in the throng but did not stand out above it as a banner of scandal.

Then the unpredictable happened. It happened, namely, that at a bend of the woodland on the rim of the canyon, which bend

happened to coincide with the bend of the daylight into dusk, the culprit slipped out of the throng. Into a creek he rolled, from the creek into a ravine he dived. Bleeding but breathing, he stood again for a split instant, then crept and lay beneath leafage and thorns and was felt and smelled never more.

He wandered with the new sun into a desert land where he eked out a meager living, in loneliness for a year or more, until another chimp, a female, joined him, perhaps another fugitive from justice.

They mated.

Vile tongues in the Snake Kingdom near by hissed that she was his carnal sister.

Be it as it may, he begat through her a superchimp whose name was *Pithecanthropus perfectibilis*. This in turn, through more vagabond love, generated a further middle being who went down in history as *Anthropoides articulatus*. Anthropoides, no sooner had he come of age than fathered this thing we know, Anthropos or Man, the Adam-sire of us all, who called himself and rightly so *Homo artifex*, Man-Artisan, for he is the maker of tools, and less convincingly went far enough in wishful moments to call himself *Homo sapiens*, the Knower and Wise. Sapient in what? And how much more does he know than did that witness of the race, Socrates, who said that all he knew was he knew nothing?

Here anyway he is, for good or evil, Man, for good and evil.

And as long as time did not dim the memory it was common lore in the communities of chimpanzees and among their neighbors that it was the transgression of Queerchimp that roused from the bosom of Nature this Queerthing, Man. Had he been lawfully punished, had he been laid down on the Stone of Strangle, the race of Man—so they guessed—would have been crossed out forever from the realm of the Possible.

Thus, Justice, in so far as it is adjustment to the society in being, required the extinction of Queerchimp.

But in so far as Justice is adjustment to creative evolution, to a world *in fieri*, Justice demanded his survival and growth.

Which is which?

The question mark is the burden of the myth, the moral of the fable.

CONSIDERATIONS ON THE SHEPHERD

Hence there is in Plato the orthodoxy of the *Republic* and there is the heresy of the *Symposium:* the closed world and the open one.

By the same token there is in the Scriptures the Law. *But* there also are the Prophets.

The ultimate of those prophets said that he wanted the Law fulfilled, the last tittle of it. In fact, he overthrew it, tittles and all.

The shepherd of the Gospel parable goes in quest of the one stray sheep—Queersheep?—abandoning the flock. His justice, it seems, should be embodied in the norm: "The one shall live, and the community may perish."

But it is improbable that the single is saved when the whole is doomed. Evidently, the saving expedition was undertaken under the assumption that the lost sheep was, ultimately, herdable. When found again, she returns actually in the society whereof virtually she ever was.

Thus the injustice which adjusted (maladjusted) the interest of *hoi polloi* to the interest of one is underlain by an idea of justice which embraces both. Indeed, the Shepherd left the flock unguarded, grazing at its own will. He gambled. But he did so under the assumption that they would not jump into the abyss like those famous devil's pigs. For reasons of the heart which reason knows not, he felt while apparently gambling that the flock was safe. He also felt that the flock was sorry on account of the missing one. All will rejoice when the stray sister is back.

This integration is observable in the behavior of any superior church toward the one and the many, the person and the community—which is called congregation, from *grex*, "the herd," but is by no means the same as any aggregation. To that particular herd, which is the one that Shepherd had in mind, neither the single nor the group is expendable, either is in function of either. The "common prayer" is woven of the personal ones; polyphony is the discipline of the distinct voices. If one voice errs, the whole music fails. If one soul falls out, the whole church is in jeopardy. Should the congregation dissolve, none of its former members might be able to strike out on his own. Likewise the "state" is the servant of the single, but the single has no life outside the state, "in which he serves."

The paradox can be rationalized only in a sphere of thought where, as the word goes, angels fear to tread. The assumption, however tacit in most cases, of traditional cosmology is that the substance of the universe, usually called God, must needs be interested in us, the creatures, no less than we must be in him, the creator. Clad in the pride and fear which is inflicted on us by our solitariness in the universe, by our lack of communication with any peer or upper intellectual being, we assume that mankind is the highest stake in God's cosmic game. If that stake is lost, the game is lost. If all men stood condemned, He would stand condemned. The Evil One has won. Creation has been miscarriage. Hence the unexpendable "dignity of the human person," the irreplaceable worth of the one stray sheep. For, if she is left to stray, that might tempt others in the flock; or might it not? A chain reaction might set in. All of them together, an avalanche of perdition, might finally precipitate down the abyss, like those famous pigs. When that has occurred, "God's" (maybe) "in His heaven"; but for what and whom? "All's wrong with the world."

Well, then, the lost sheep is found, rejoins the group. All together, "in a body," move from the grazing ground, where the unanimity minus one had waited, to other pastures. Which? And are they greener?

The common motion postulates a common cause; which they know not. None but the shepherd knows what is the justice which adjusts the one to the congregation of all.

VII

The Goal of Mankind

OF EVOLUTION AS PROGRESS

As DECISIVE as was in the field of action the invention of fire was in the realm of consciousness the discovery of time, the establishment of collective memory and anticipation. From the past to the future men drew dotted lines. It was assumed that a corporate directive regulated the steps of the generations. Regressive and progressive courses were alternately or overlappingly proposed. There were legends of decay from a primitive innocence and felicity. There were visions of happiness (or bliss) and perfection pursued and at last won.

That the collective history of the race, like the personal story of one lost soul, amounts at last to a tale of sound and fury meaning nothing could well be written but not believed. Adamantly, clad in his pride and fear, man has insisted in thinking, or feeling at least, that his corporate tale makes sense—as does indeed the personal tale of Macbeth, belying his curse. Man's drama too has its fifth act.

Since, however, that act has not yet been staged, various scripts are available. One, of oriental authorship, wastes the race into the All-Soul. The Westerner, eager for keeps and gains, transvalued it into the exclusive society, after the consummation of time, of the eternally Blessed. Nietzsche, steeped in creative evolution, said that Man is a bridge—which must be crossed. The fifth act is beyond—not *in the* beyond. Illuminism had shed across that passage a shapeless light, Progress, whose description was mainly in the illimitation of its growth. Marxism, the Westernmost sect of the Western religions—now seated in the East—subjugates generations and genes, forges—or wants to forge—out of the perishable a new race of Man, who will be more than man, *Homo perfectus*, self-destined finally to master even death, "the last of terrors."

In a less sharp, and less conceited, speculation on odds it is suggested that as the race of man—climbing above its putative sire, the primate—capped the ladder of evolution, so may well, so should well, another species, after man, rise to a higher rung.

Thus the Pollyanna-ism of illuminist progress and the Cassandra-ism of final doom merge in a composite vision with something bigger—but also better, more akin to the angel than to Nietzsche's "blonde beast"—to be born of our ashes. That we, the race of man, shall perish, is not only because whatever had a beginning is earmarked for an ending; we ourselves are zealously conniving with the will to destruction which runs through the universe, and lend our hand, the maker of tools, in hurrying upon ourselves the otherwise slow though at length unfailing hour.

Inextricably (inexplicably?) interlinked are creation and annihilation in the dialectics of the universe: Janus-faced. The face of life it was which showed to Noah the design of the ark; which paved to Lot the road to Zoar. The face of death it is, or so it seems for the time being, which delivered to us the key to the nucleus—which is a key to Hades. Our deluges and Sodoms are man-contrived. " 'Tis [this universe of man is] an unweeded garden—that grows to seed." Why not advance the clock, if the hour is due, and make an end of it all?

> 'Tis a consummation
> Devoutly to be wish'd.

The aftermath, however, is not mere nothingness. In a humorous mood, Toynbee sketched a futuristic myth purporting that it is not the Westerner, it is not the Russian, who will inherit the earth when the decision of civilization's self-slaughter is made; nor will it be the Eskimo, for he dwells on the transpolar path of Western-Eastern consummation; it is the Pygmy of Central Africa, said Toynbee between two grins, who will be intrusted with the continuation of the race and its new start from scratch. One step further, and with no smile, less sociable prophets—Einstein among them the one whose voice carries farthest—have heralded the end of all life, human and other, on earth if the hydrogen comes into its own. But this does not mean that nothing else, no fire- and radiation-proof neo-thing, can rise from the debris of the earth-life that was; and there are, are there not? other earths. God—or call him Evolution—

and his handmaid, Nature, may have failed in this one experiment, but their laboratory is ample.

Maybe the way through the mammal was wrong; the way through the insect was right, but ended in a dead end; perhaps a way may prove better through some family of birds, this still untried spearhead of open changes. It is conceivable that man, the unsuccessful product, is to lie buried in the past, as did the brontosaur: and it is even conceivable, since it happened already, that the previous being will be preserved, a living fossil, as were the gibbon and the chimpanzee when man appeared to make all previous being subaltern. Inconceivable is the extinction of all, except in the fulfilment of the all. From this lookout the evolutionist and the believer—Brahman or Zoroastrian or Christian—see the same vision; physics, with its entropy and the second law of thermodynamics, offers the rationale for the apocalyptic; for what else is revealed in the Apocalypse, the Book of Revelation, than the transfiguration of the death of all temporal into the eternal, which is another way of figuring the consummation of life into light?

Metaphors and loans from fable and faiths have been incorporated in the foregoing paragraphs. This, however, did not happen out of roaming fancy. It happened out of the deliberate desire to bring home once more that the "age of reason" is no less involved in the mythical and hypothetical than were the ages of fable and faiths. Science and her handmaid, technology, wield hardly more rational authority in prospecting "the goal of mankind" and the meanings of chaos and cosmos than did the designs handed out to man from irrational revelations. Both, moreover, faith and science, in designing the "goal" are hopelessly anthropomorphic. Both ascribe to the substance of the Universe a manlike character, as if God or Nature were a He or She self-ruled by will and plan; and could we do otherwise? Try as we may, we are irreparably captives within the relativity of our thought; so that nothing ultimate can be worded or even sighted in silence except as an ultimation of the human.

One common dogma, or axiom, gathers together all those visions, whether eschatologies of the faiths or the metaphysics of the natural sciences. The dogma or axiom states that mankind is not here to stay as it is; it is in transit; it moves toward a

goal. More moderately, while no less imperatively: it moves toward something.

The collectivism of the motion is asserted equally by the primitive totem—at a much higher level by the universal "mana"—and by the Atman of Pantheism; at a lower level again, by any doctrine of chosen peoples or nations; again at an upper level, by both sects, Eastern and Western, of Christendom.

The Western church has it that *ex ecclesia nulla salus*, "no individual salvation is available out of the congregation." Secularized in temporal democracy, the same summons sounds in the norm that there is no good life out of the "good society." The Eastern church, called communism at the present hour, excepts no one from its congregation or aggregation, which is the Soviet and the federation of Soviets. The difference between the two—in that the Western mind at the present hour thinks, more or less compassionately, of the one lost sheep, sees society as a pluranimity, while the Eastern at the present hour purges the ones remorselessly, plans the community as unanimity—does not affect their concordance in assigning some collective aim to the collective drive.

There is concordance among all in subsuming a dynamics of the race, a motor, inside, whatever shape its status—or church, or state—may assume at given times. It may even be surmised at first that there is general concordance as to the general intention of the march. Everybody has become familiar of late with a tripartite description of the universal progress in which matter is first, life comes second, and the Spirit is to be the emergent accomplishment of both. Though the wording of this dogma is outrageous for Eastern-Communist ears, to which its connection with and derivation from Trimurtis and Trinities is intolerably obvious, there might be some Socratic expedient of optional terminology for bringing even the self-styled "materialist" to agree. For, after all, the classless society of the stateless free he is after is little else than one more wording for the communion of the living saints, the kingdom of the liberating liberated Spirit.

Yet no sooner the dogmatic concordance has been stipulated than doubts arise.

True, geology and biology lend a hand to the doctrine of

Progress. Their timetables, setting matter first, arousing organic life from the inorganic, raising man as the latest comer and provisionally topmost on the pedigree of the being, point further and higher on the same ascent whose credibility is attested by the tale-telling stretches already covered. Yet there is no peremptory reason for believing that what came later is doubtless better. It may well be that the tale begs the question. It might well be that man—more comprehensively, the feeling and subconscious grown later to intelligence and consciousness —is a repentance and revulsion against itself of what was better and more fit to be when man was not yet there: a doomed perfectibility against what was much more nearly perfect in the supposed night which preceded man's dawn and subsists while he passes.

As one case in point, severe entomologists and poetizing philosophers, equally prodded by the social perplexities of our age, have been exploring and popularizing the institutions and ways of life of ants, termites, bees. The aeon-old perfection of these Platonic republics has been hovering, an enviable model, over the perfectionist minds of Fascists and Communists; but all thinking men, Aristotle's rational animals, have been increasingly impressed by the accomplishments of those irrational animals—a word anyway which is from *anima*, "soul." As we anthropomorphize the substance of the universe, the maximal, mold out of it "God" with manlike plan and will, so can we well anthropomorphize at the other end the minimal, the societies of the ant. We wonder what their Weltanschauung, their philosophy of history and nature, would be if they cared for one. Their expansion in space all around the planet is as proximate as possible to illimitedness; their duration, spanning uncounted millions of years, emulates eternity. The appearance of man only yesterday, on this thin crust, the biosphere of soil and air whereon they and we walk, is a mere incident, hardly memorable, in the steadiness of their record. That here and there, time and again, one of them is crushed beneath a heel, a settlement is overthrown by a hoe, a trunk is felled in whose cavity one of their polities thrived and sends all its citizenry scurrying into a diaspora, has no more relevance for them than has for our general destiny the volcanic eruption erasing a village or the tiger fetching one of us from a bungalow. Nature, also in the animal

kingdom, has greater terrors for them than this upstart super-animal: the Myrmedocabius, that low mammal known in ordinary language as "anteater," being to them an incomparably more pernicious neighbor than *Homo sapiens.* They, those Platonic republics black or red, federated or interwarring, take all odds in the incessancy of their stride; exemplary to all animate creation in the administration of that justice which is the articulation of the ephemeral in the permanent, the adjustment of the one to the interest of the whole.

OF STONES AND BIRDS

If "man is the measure," then there is no case either for man or against. If it is assumed that other dimensions are possible, then there is a case for upside-down hierarchies of values telescoping the march of evolution in a way inverse to the self-assertiveness of man.

The alternatives grow more striking the deeper we dig beneath the strata of would-be spirit and organic life into inanimate matter.

It was said: Consider the lily. It might be said: Consider the diamond.

There is no reason why from the point of view of "God" or "Nature" the firm stone should be less valuable than all this groping and fumbling of life, the accomplished crystal a cheaper thing than this tumor of mucilage, man's muddled brain.

A queen of men, crowned in power or wealth, knows the challenge. Wearing her crown of diamonds, she means that her flesh, born to rot, may perhaps for the fleeting instant vie with the splendor of the deathless stone.

One may well wonder what could be more "spiritual," "holier," than the geometry of the crystal to which the light that is the substance of the universe rushes as to its own tabernacle therefrom to beam out in the multible oneness of the prism.

Yet here we are, you and I, and from here we move toward a something somewhere; which is not the stereotype-absolute of the social insect or the closed architecture of the crystal; which something somewhere imagination indelibly though incomprehensibly depicts as the ever unfinished expansion of spirit and liberty; or else—meaning by "or else" that it is as human to

contemplate the possibility and even likelihood of disaster as it is to envision fruitions of the promise. Inhuman it is to admit other optional courses.

On the whole the mind of mankind has learned to feel *as if* we knew that we are a detail or commando in the cosmic adventure: certainly a trifle, a quantum, in the universe of quantities, of sizes; perhaps a decisive exponent in the universe of qualities; serfs in space, lords in time; perhaps not; the crew of a caravel headed for another world, or the rank and file manning some desperate Thermopylae of Evolution-Involution. This is incidental. What is essential is the feeling and certitude of the drive: whether it be a significant enterprise to which we are summoned, for success or sacrifice, under sealed orders, or even so blind an urge as the plunge en masse into self-obliteration of the rats and antelope to which we referred when discussing the elemental impulse to collective annihilation as one possible motive in the historical career of man the warrior.

The difference, it must be conceded, even in this last and most miserable of cases, is in the relentless watchfulness of man's intellect on a however unintelligible process. Even in contemplating the most desperate or the most miserable of cases, man's thirst for a cosmic future—within which his fate is justified, to which his extinction is adjusted somehow—does not relax. Peace of mind the human mind seeks only where there is no peace, in the presumed resumption of a corporate advance of things and beings beyond the grave of our race.

"As I grow older," wrote Justice Holmes, "I grow calm. . . . I do not pin my dreams for the future to my country or even to my race. . . . I think it not improbable that man, like the grub that prepares a chamber for the winged thing it never has seen but is to be—that man may have cosmic destinies that he does not understand. And so beyond the vision of battling races and an impoverished earth I catch a dreaming glimpse of peace." The man who wrote these words, the "Yankee from Olympus," lived and died before the age of plutonium and hydrogen. He would write them now.

Of course, the standard image of Destructive-Creative Evolution, the twofold unfolding of the caterpillar into the winged thing, is a bequest to this age of science from ancient mythology teeming with metamorphoses, and Christian symbolism. A novel

stress, however, has been laid on the nearly hackneyed image by the age of science, which is the age of flight.

Under the same inspiration the conventional simile representing the human society in the congregation of sheep has become less appropriate than a fresher symbol: the association of migratory birds. Pastoral society and patriarchal monotheism jointly suggested—long before the parable of Christ—to Plato and to the Psalmist as well, the herd of sheep and the shepherd. The flock of which we think has wings and has no guide.

The guidance is inside. Immanence has replaced the transcendence of the shepherd. The motor is within the movable.

We call it instinct. But the demarcation line, once so sharp, between instinct and intelligence has been more and more blurred by more and more pervasive inquiries into animal behavior at lower levels and at our own alike. A stupendous accumulation of trial and error, of satisfactory and defeated experiences of singles and groups, must be below and behind the secure automatism of the traveling bird. His map and calendar were not sunk in a package into his viscera by a primal fiat.

Conversely, the *dynamis*, the directrix of motion, which we feel to be in and behind the conscious effort of man's history, does not claim authority from a sufficient array of facts on record, verifiable by the intellect. Our guess of it was sunk into our collective attitudes by immemorial wishes and fears whose combine became inheritable in the memory of what we broadly call "culture." Its seat is subconscious.

If reason intervenes too consciously in the process, if the intellect declares too loudly the goal, it is not certain that the intervention is profitable.

It is well known that one should not wake up the sleep-walker balancing himself on a thin roof edge. Somehow, we are sleep-walkers.

A republic of birds is piercing in angular formation the wind of March. They are sleep-flyers. The directrix of the flight, the guidance, is nearly as intrinsic in them as is the beat of their hearts. Each for all and all for each, they are steering—probably—toward promised springs, possibly toward collapse and communal death in frost and famine. Maybe, in a vortex of wind or away from the gleam of rifles, they have swerved some-

what from the instinct's beam; maybe they are driving right, or they will soon redress the course.

You fancy that in that moment of crisis intelligence all of a sudden flares up from their midst. One of them, as competent and articulate as Siegfried's bird or many another in many another fable, dashes to the peak of the flight, flaps and voices a warning, prescribes the route, proclaims the goal. A deep perturbation may ensue in the ranks. Self-consciousness, risen explosively from what had been unconscious, cripples the self-assurance of the automatic ride. Confused and fearful, the whole congregation may fall prey to the enmity of nature or to the lust of the hunting party.

This is why fortunetellers and diviners were liable to excommunication and hell. This is why precursors are scorned, prophets are stoned.

For it is not true that the greater the light the clearer the sight. Limits are set.

This is also why a suspicion, or more, of prevarication hovers over the dogmatic creeds and the explain-all philosophies. For they want to crystallize the meaning and destiny of man, who was not destined to the status of the crystal. Those *Summae*, theological or dialectic, those Aquinases and Hegels and Marxes, on closer inspection look literally like skyscrapers, towers of Babel.

Gnosis was the term for supreme knowledge. But there is no gnosis except with a very substantial component of agnosticism. Without it knowledge becomes a "notion."

PURPOSIVENESS WITHOUT A PURPOSE

Whatever may have been said to the contrary, the knowledge that there is "teleology," finalism, in the destiny of man is as deep-seated in man as an instinct, more commanding than any law of thought or priestly dogma. But the knowledge of the destination is withheld, and the stretch on which we are walking this day, this century, is nothing more than the projection on a brief plane from a curve whose graphs are out of reach.

Kant said that aesthetic beauty is a "purposiveness without a purpose," *Zweckmässigkeit ohne Zweck*. In the work of art the parts are adjusted to a whole whose consistency consists in the lack of any instrumental use; the means are harnessed, so to

speak, to the absence of an end. The paradox, with a cautious insertion in brackets, is applicable to the whole activity of man in nature and history: a "purposiveness without a [cognizable] purpose." As soon as the intellect is confronted with the unintelligible, the language of rational speculation rises—or, if you wish, relapses—to allegory and poetry again.

The common mind of man is not yet habituated to the implications of what the human mind has achieved—or, if you wish, perpetrated—in our time.

Indeed, any high-school pupil knows that already some time ago the human mind, most outstandingly embodied in one man, Galileo, had sprung—exploded—the nice little cosmos of Aristotle and Ptolemy. A few, perhaps, realize that the most subversive revolution in the nineteenth century, so rich in revolutions, was the philosophy of contingency, *philosophie de la contingence*, which introduced the concept of exception, of what happens only once, into the laws of nature which had been held inviolable, and gave thereby to the well-ordered world of Newton and Descartes an opening toward the undetermined. Fewer, if any, surmise that the scientific revolution of our century broke out in the wake of that philosophic revolution. Everybody, nevertheless, including the crudest layman, is aware that such words as "space" and "time," "matter" and "energy," "gravitation" and "magnetism," "corpuscle" and "wave," "finite" and "infinite," can no longer be pronounced as if they stood for a twofold set of distinct entities and functions.

What has not yet reached the collective awareness of man, beneath the crust of a formal acknowledgment that such a revolution has taken place, is the identity of its drive with the no less radical one which is acting on the theoretical patterns that control, or ought to control, the conduct of man. Instinct and intellect—in a current phraseology, id and ego—collectivity and person, body and soul, fate and freedom, and any such other parallel and contrast which the living languages inherited from deceased ideologies, are no longer a twofold set of terms standing for a twofold set of entities and functions.

The more we know, the less—for the time being—we comprehend. Science, for the time being, has forfeited sapience.

All ancient symmetries having been dismantled, all commandments having been found wanting, we need new co-

ordinates of reference in this confusing—though not, we guess, confused—continuum which the default of the traditional measurements has made chartless.

The plausible human behavior in this ordeal is not despair. Nor is it thrill. It is the attitude which the prerational and suprarational idiom of poetry and religion calls "awe."

Goethe, a most sensitive precursor, called it reverence, "piety."

Piety, then, the one *religio* which underlies and excels alike all the separate religions, "awe" which is resignation and reverence, fear and faith, seems to appear as the one level, long sought, at which the inner conflicts of the concept of justice can be negotiated. There, or nowhere else, seems to be the ground where justice as moral righteousness can meet justice as functional adjustment, the interest of the stronger joins the interest of the weaker, the privilege of one sheep is at one with the weal of the herd.

Short of an intuitional projection encompassing the rational opposites, all attempts at lending a sense to the word "justice" must default. In a sheerly historico-sociological analysis of the concept, the conflicts are hopeless.

It is not an amateur political "scientist," nor is it a remorseless abettor of violence, but a leading jurist and a kind soul, Hans Kelsen, who wrote to the framers of a world constitution in which Justice is the foundation of Peace, *Justitiae Opus Pax:*

"The term 'justice' has so many and so different meanings that it should not be used in a legal instrument without being precisely defined. If this is not possible or not advisable, the term is better avoided, even if it is assumed that it has a certain value for propaganda purposes."

The warning is serious. It is the same we have been heeding from within ourselves since the beginning of these pages. And "propaganda," with the connotations which modern usage has inextricably appended to the word, is an ugly sound.

Yet you cannot delete in a legal instrument the term "justice," leaving at its place a blank. If you leave a blank, you cannot help reading into it another term, which is "power." Power manifests itself in force. Force culminates in violence. If we accept the latter alternative of Kelsen, Thrasymachus comes out the victor from the Platonic dispute.

Yet Kelsen's demand for precision cannot be evaded. The demand, on the other hand, cannot be met if it is taken for granted that the definition of justice must be contrived within a frame out of which there is no exit, beyond which there is no further.

A familiar illustration from the world of sizes can explain the caveat.

We know that we cannot square the circle. This means that we cannot define the circle in terms of the square; we cannot subject it to the standards of measurement to which we can subject the square. It does not mean that there is no such a thing as the circle or that the term "is better avoided" in a text of geometry.

Assuming that justice is undefinable within the definitional frame which we have been used to adopt for it, it may well be that what is wrong is the definitional frame. A correct definition is impossible in that it begs the question, the measurer claiming himself to be the measure. His self-defeating operation consists in tying down the concept on a Procrustean bed, with the full demonstration that the captive laid thereon does not fit the frame. Let the captive then be maimed, or even beheaded if need be. Precision will be attained at the price of excision.

It seems that, before giving up, some other dimension should be tried across the impasse within which the classical concept of Justice is caught.

JUSTICE AS THE LOGIC OF THE HEART

There is temptation in a proposition stating that

> Justice is the logic of the heart as
> Logic is the justice of the mind.

The temptation must be withstood. For it is susceptible of a sentimental appeal, a rhetoric of "propaganda"—which is a violence whose weapon is words.

The suspectible word "heart" rules the sentence of Pascal which repetition has made incantatory: "The heart has its reasons which reason knows not."

What did he mean? Quotation and misquotation, tirelessly repeated, have loaded the meaning, as if the reasons of the heart —the truths revealed to an inner sense which cannot test them in a crucible or on squared paper—belonged in a category opposite to that of the truths which can be confirmed by experiment

or demonstrated geometrically. But the man who wrote that sentence was a subtle logician and a refined geometrician. What he had in mind was not the irrational and antirational, the unreasonable; it was a suprarational quid, inclusive, not exclusive, of what a more restrictive language calls specifically reason.

An even more typical instance of misconstruction than the sentence of Pascal, so unduly tainted in popular usage with sentimentalism, is the older tenet, Tertullian's *credo quia absurdum*, literally: "I believe this, *because* it is absurd." The literal sense has been popularly twisted, though not without incentive from the author himself, to mean that we believe a certain statement on the merit of its unbelievability. Obviously the sense is that, *since* a certain statement is necessary, and *since* that statement, measured on deductive standards, is immeasurable (absurd), a statement of belief is required. Its self-styled absurdity, a vocable of emphasis, is not its merit; it is its condition. That "absurdity" is not antirational. It is the supremely rational as the mother-reason of all reasons, short of which no other statement is intelligible.

The meaning is clearer in another wording of the same tenet, *Credo ut intelligam*, "I believe in order that I may understand." So worded, the demand of the mystic is identical with that of the logician, whose *aprioris*, the laws and limits of thought, build the dogmatic premise for any rational proposition to be rational. In either case a creed is the bedrock on which any credibility is founded.

We no longer believe in the pagan mythologies and cosmologies of old. Also the cosmogonies and eschatalogies of our Testaments, Old and New, are not credited by the great majority of mankind today with more credibility than is given to allegories or, as the New Testament itself suggests, "parables."

Yet we do *believe*.

WHAT WE BELIEVE

What we believe is that the human race is engaged in a course within whose collective value and meaning is determined the value and meaning of each single act and person. The authority of this belief, which is a dogma, is drawn from a revelation, or the "heart," more akin to instinct than to intellect. It is of a sentimental, not experimental, order, more descriptively in the sense which "sentiment" assumes in the word "presentiment."

We do not like any more as fondly as did our recent ancestors to call that corporate course "progress." A "process" it is, in a continuum. Also the emphases we lay on the term "evolution" have grown more temperate.

While we believe in the corporate value of the course of mankind as the criterion which determines the values of our single lives, we have learned to admit that we cannot describe in cosmic terms the meaning of that course. The determinant is the undeterminable; the measure is the unmeasured.

We feel—which is a more certain way of knowing—that we are in a universal motion, perhaps a battle. Of its scope, however, we know collectively as much as, or even less than, one private knows of the design and deployments of the battle in which he breathes and moves and lives (or dies). Analogies with the warring career of historical man have taught us to feel and think, if we want to be at peace with ourselves in all this war, that the behavior of mankind, like that private's, should not be conditioned by the expectation of victory or defeat, advancement or extinction. Also in evolution there might be Thermopylae.

As the frame of reference proposed in the miniature city-state of Plato and Aristotle, a shell, opened up into cosmic dimensions, the dialectics of justice as the adjustment of the individual to the collective flew into the irrational.

To capture it again into the purview of reason, another implement of thought, besides the concepts of righteousness and adjustment, is requisite.

The mediator between justice as unconditioned righteousness and justice as functional adjustment, the superior agent teaming dialectically and driving to a dynamic syntax the static contrast of the two, cannot be called by a less sentimental name than charity. It is more than brotherhood, more than mercy.

Charity is Eros, which is Love.

Eros, said Zeno the Stoic, is the deity of the city.

But the connotations of Eros became remote, those of Love cheapened. Both bear the mark of their descent from sex.

Charity, not quite degraded into its lower meaning as alms, still bears the sanctity which was conferred on it by early Christendom, in whose language its pure name is "Agape."

The syntax of the virtues, as standardized in the Middle Ages, showed a quadrangle of four—the classical or "cardinal" vir-

tues: Prudence, Temperance, Fortitude, Justice—surmounted by a cusp of three, the "theological" ones: Faith, Hope, and Charity. Even to the untheological, or at least unconfessional, observer the quadrangle appears truncated if its parallel symmetries are not capped by the convergences of the cusp.

The architectural figure illustrates the impossibility of deciding on the so-called rational virtues unless they are tested on a so-called suprarational criterion. There is prudence, i.e., knowledge, ken, in the surgeon and healer as well as in the successful assassin, organizer of the perfect crime; there is fortitude in the hero and in the unrepentant evildoer who climbs defiantly to the gallows; there is temperance in the hermit and in the showgirl practicing a reducing diet. The yardstick of discrimination is above, in the cusp. We approve or disapprove those virtues—and so did, more or less consciously, the rational ancients; so do the rationalist and the materialist in our day—according to whether they are co-ordinated in and subordinated to a purpose which the conscience of mankind *must* countenance, and to the expectation that that purpose *may* be achieved. That purpose and that expectation cannot be expressed in more rational terms than Faith and Hope.

Charity then is the potency which lifts justice, rationally unintelligible or, as Kelsen puts it, undefinable, to the suprarational which makes it intelligible.

Paul, in that apical chapter of First Corinthians, lifts charity, without which "I am nothing," above all the virtues, ancient and new, at the very peak of the cusp. "And now abideth faith, hope, charity, these three; but the greatest of these is charity." Charity is the measure.

The accent which he lays on that word is safe from decay into the complacent or the glib which blurs the sound of "love." Its sanctity is not sanctimonious. It is also beyond the learned luster in which Eros cooled.

That charity is not alms. For I can "bestow all my goods to feed the poor" and yet "have not charity." It is justice, as subsumed in the negative proposition that charity "rejoiceth not in iniquity." It rejoiceth then in equity, justice, as it does "in truth." But what kind is the justice which transcends Aristotle and Plato, the justice whose measure is charity, was not said in a positive tenet.

At first sight the passage is as mysterious as it is famous.

: the rational tenet on which the lyrical poem is founded com-
ıds the assent of the evolutionary scientist no less than the
stic Christian's. "For," he says, "now we see through a
ıs, darkly"; "whether there be prophecies, they shall fail";
ıether there be knowledge, it shall vanish away." "For,"
ıays in the pivotal sentence which is unobjectionable to the
rchman and to the scientist alike, "*we know in part, and we*
phesy in part."

The part we know—by faith, or, which amounts to the same,
intuitive extension of our microcosmic experience in the tribe
ıation to the macrocosm of the Being—is that justice, what-
r the frame of reference, is justness, adjustment. But, as for
macrocosm and its intent or meaning, we can only "pro-
sy," and the prophecies "shall fail."

As the walls of the city fell, as empires grew transcontinental
l their one container, the earth, becomes aware under our
y eyes of its one orbit and of the exorbitances within which
t orbit floats, as the "flying saucers" themselves "prophesy"
n man's inside, in flashes of interplanetary hallucination, the
sibility—which, in its theoretical reflexes, is tantamount to
tainty—that human or more-than-human life is lodged also
side of man's home, the sphere of speculation grew more and
re remote where the jural could be identified with the just,
codes with the Law. Adjustment was more and more in-
tably understood as of a closed series of actions to an open
es of motives and purposes, of a finite to an infinite, of the
ermined to the undeterminable.

An adjustment of this kind looks at first as absurd as the
ing of rungs of steel to a ladder of air. It is, however, no more
urd than such strict mathematical propositions as, e.g., in
opposite direction from infinite to finite, that relation of
ıntities which is called "the convergence of an infinite series
ı limiting value."

THE LAWFUL AND THE EXPEDIENT

The reader therefore may be requested now to acquit from
charge of sentimental elusiveness the tenet we ventured,
t "Justice is the logic of the heart."

The tenet becomes rigorous, in the one way tenets of such
pe can become so, as soon as it is understood that what was
ant by heart was charity, which "beareth all things, believeth

all things, hopeth all things, endureth all things." This is the apostle's description of the virtue which the poet, less fervently but no less firmly, was to call reverence, which is the compound of love and awe.

The reader nevertheless is entitled to ask how the all-embracing commandment of charity can be obeyed in the operation of the social and juridical law, which is not all-embracing, which cannot bear all things, believe all things, hope all things, endure all things, which approves and rejects, rewards and punishes, and is discriminatory or is not at all. The reader is entitled to wonder how that infinite series of motives and purposes can converge to the limiting value of a positive law.

He has not yet reached a codifiable conclusion (we call it constitutional) when he has been told that justice is the enactment in the world of action of what in the world of contemplation is reverence; nor when he has found out that this secular language rhymes after all with the ritual as the latter stated that the will of God is done "in Heaven" and prayed that it be done also in the world he knows, subject itself to the Law of the unknown.

For Paul himself, when it came to define the positive laws which should be drawn from the infinite one, did not have much to tell. In the very same epistle which sings of charity, he had proclaimed that "all things are lawful unto me, but not all are expedient"; a terrifying distinction entailing the *coup d'état* of suppressive authoritarianism after a revolution for creative liberty, and putting the sword, not a deductive link, between the universally lawful, which is the justice of charity, and the specifically legal, the expedient, which is the state or church, the code or catechism.

What is "expedient"?

VIII

Justice the Unequal

THE GOD OF LEONARDO

"OH JUSTICE of God!" exclaimed Leonardo, ravished in the contemplation of the ray of light as it pierces a liquid surface and returns refracted to the air whence it came. The angle of incidence is equal to the angle of refraction. This is what Leonardo adored as the justice of God.

That God was no longer the Christian's. He heralded Spinoza's. He was the measurer of angles, the accountant of sizes, the Arch-Engineer in whom the coming machine age was to celebrate its own engine-making genius, technological genius.

Now Einstein and his kin, in the world of physics, with particular regard to incidence and refractions of a ray of light, have many difficult things to say on waves and particles, quanta and curvatures, which Leonardo would be ready to understand but was not ready to anticipate. The equation of the angle of incidence with the angle of refraction, which struck him with adoring astonishment at the "Justice of God," is not so simple as he saw it. Were it so simple, he would nevertheless have overlooked a capital difference: that the angle downward is closed, the upward is open. In the world of man: the single act is terminated in itself, its consequences spring interminably.

The one type of justice among men which can be designed on the model of Justice of God as Leonardo saw it is the law of the talion, angle for angle, refraction for incidence; this means eye for eye, tooth for tooth, tit for tat.

This justice, however, is unjust even in the closed give-and-take between the judged and the judge. The man who climbs today the scaffold is not the same who committed a year ago the murder. He may have repented; were he freed, he might be not likely to repeat the deed. The poet who receives today the award is not the same who wrote the poem. He would not know how to do it again. No one, we have been taught, bathes twice

in the same stream. The justice which gives to each his due, *unicuique suum*, which distributes the punishment and the immunity or prize according to merit, misses nothing less than that "each," that *unusquisque*. He was (perhaps); he is no more. That justice is vendetta or commemoration. Its adjustment—exemplified at its extreme by the old God of revenge visiting the sin on the generations—is of the present to the irrevocable. The screw, so to speak, seeks its nut in the flux.

The relation is other when the adjustment is sought in the future, not in the past. There, in the future, Ananke—which is necessity, Fate, the irretrievably accomplished, irrevocable—is shot through (the atomic scientist would say "bombarded") by Tyche—which is chance, and change. To insist on Leonardo, the angle of incidence into the past rebounces from the surface, which is the present, into the illimited open.

Reverence is *not* to the past, except as a memorial and warning, as a pointer toward what we should do or not do in the future.

Otherwise, the man of the world says: Let bygones be bygones. The Christian says: Let the dead bury their dead.

Reverence is to the future, whether as submission to the inscrutable in the will of God or as preparedness to the unheralded, and unheraldable, emergences of evolution.

This way lies the rationality underlying the irrationality of gambling. Man the gambler stages a dramatic stunt, or a laboratory test, of the universal process wherethrough Tyche, Fortune, the variable, emerges from Fate, the statistical constant. The winner "takes all," beyond and against any distributive justice assigning equal shares or apportioning wages to services. Some gambles, typical of them roulette, are ruthless celebrations of Fortune only, Hazard.[1] Other games of cards or pawns, bridge or chess, display more representatively in varying symbols the interplay of past and future, of irreversible premises and new beginnings, within which man's life is enigmatically caught and free.

This way also lies the one comprehensive interpretation of crime. Often the criminal has even a clear consciousness of acting as a rebel against the present order, of replacing its oppressiveness and falsehood with a juster justice, which is in most

1. With all mysteries, sequences, and symmetries, unaccountable (cf. Dostoevski, *The Gambler*, chap. iv).

cases the interest of the stronger (or of the would-be-such). His error—and, when it comes, his doom—consists in having mistaken the yesterday for the morrow, the law that was, or was supposed to be, of the jungle, for the law that is to be, of the true city. In other cases his protest is not against the norms that govern, or ought to govern, the society of his day. His protest is against "the law's delay" or against the lack of this or that codified law embodying enforceably those norms. "There ought to be a law." His employer exploits him; he redresses the wrong, he enforces social justice by taking a fairer share from the employer's cash register. His rival has debauched his wife, has wrecked the family, this cornerstone of the city. He executes him. He has "taken justice into his hands."

Thereby he has separated himself from his society and its law: in exemplary cases a bandit (banished), outlaw.

But the edge is thin which divides the outlaw from the new lawmaker, the regressive revolt from the progressive insurgence. Through all recorded history—and, evidently, through all the fossil layers beneath the conscious surface—the effort of any tribal tradition, orthodox congregation, static state, has been to shuffle together the two, the subversive revolt with the dynamic insurgence, treating the latter as if it were one and the same as the former. Excommunication damns the founder of a larger communion, prison claims the liberator. The plastic of growth, diagnosed at random, undergoes whenever feasible the same extirpatory operation that is prescribed to crime, a neoplasma of cancer.

As the civilization of the West matured and the ambiguities between regression and progress, crime and revolution, became more frequently apparent, anxiety waxed about the administration of justice as an exact give-and-take.

Judicial errors, more and more insistently exposed from less imposing cases to their maximation in the "affaire Dreyfus," added from another source to the perplexity of the judge.

Death penalty is a miscarriage of justice in every case, even when no technical judicial error, which the extinction of the victim makes irreparable, has occurred. It blocks the road of the transgressor toward conversion and expiatory reform; it debases society to rivalry with the killer, whose feat it repeats the more cowardly the less its armed law is resistible by the vanquished outlaw; it amounts to nothing else than an atavic sur-

vival, a feast of vendetta, with no deterrence at all, as statistically proved, for other criminals to whom instead it proposes the glamour of heroic risk. Capital punishment therefore, in the age of reason, was deleted from a number of codes, aroused in all sensitive minds a disapproval which the barbarity itself of our century has not yet quite reversed.[2]

An odd type of "crime" found a more and more definite place in the roster of law-breaks: the "political crime," a phrase in which the adjective enfeebles, and finally numbs, the noun; a crime which is, and is not, a crime; prosecuted as such by the law of the land, protected under the laws of lands abroad from punishment and, more conclusively, from extradition; on the however tacit assumption that there is one superior law, substantial and perfect, of which the diverse codes of law are accidental and defective embodiments; so that what is a prevarication here may well be a precursion there, or anyhow what was clear and present danger in one place may invite in others the tolerance which is due to theoretical speculation or sentimental attachments.

Thus Lenin, the founder of communism, before being taken safely to his frontier by an imperial German train, had long been safe in the hospitality of capitalist Switzerland; thus ejected kings and pretenders, with their retinues of presumably hopeless conspirators, were (occasionally still are) entertained and lionized in republican commonwealths; with a usually unwritten law of universal import instituting sanctuaries for the heretic in more and more countries outside the country of his heresy.

But this behavior outside was not without counterpart inside the country of the dissenter. There too it was more and more agreed, as a matter of course, that the political criminal was entitled to a different treatment from that reserved to the "ordinary" one. Felony, or any such equivalent stigma, fit for cutthroats and burglars, was out of the question for offenses against the state, even when the offense—except in time of

2. An exemplary illustration of the justice, both poetic and social, retributive and protective, which stands for the institution of capital punishment, was provided, while this page was being written, by Dolly, the elephant who crushed on March 20, 1950, to death a little boy and was thereupon regularly sentenced to death and executed by the circus management in Sarasota, Florida: evidently a "pay-off" serving well and summoning to contrition that first-degree murderer; evidently also a warning and deterrent to other elephants.

actual international warfare—was undistinguishable from treason. Imprisonment faded down to a really "protective" custody, with privileges of comfort; telltale hiding places were blinked at; voluntary exile was favored and not seldom rubber-stamped on regular passports. The gist of this odd relationship was, in regard to dynastic or other backward plots, the admission that what had been in the past had some justification in history, hence its bequest of nostalgias deserved some leniency in the eye of the present and future; in regard to revolutionary assaults, the feeling was that the impatience of the rebel might help to descry lands of promise which the patience of the ages might wish to attain.

This progress of the concept of justice—still visible in the higher spheres of thought and behavior though involved elsewhere at this passing hour in a process of apostatic reversal—should not be outlined as if it belonged to the civilization of the West, or "Western Christendom," and to it alone. The Homeric Greeks did not borrow from us their reverence to the fugitives. Gandhi did not learn everything in Christian London—or Capetown! The Russian epic literature of the nineteenth century, with its Gogols and Dostoevskis—which did for justice as charity and against justice as talion no less than any other prophecy at any time—was Christian in its own, not Western, way; while only inert anathemas dropped at the close of that age around the fastness where the Tolstoian heresy stood safe, witnessing to the interaction between revolution and power which made the czar himself, the guardian of the state as he knew it, receptive increasingly to tolerance, which is reverence to the unknown.

LEONARDO AND HIS SHADOW

Not of one particular region or creed, whatever the greater or lesser role of each, but of mankind cohesively has been the process which has been sublimating justice into charity, certitude into hope. Once more Leonardo comes to our help with a descriptive approximation in a direction opposite to the geometric equation he lent us before. For he too, like many another genius, or for that matter any receptive mind, straddled two or more epochs and philosophies. On the one hand, in the physico-theological theorem identifying the two angles, interpreting Justice as the giver and taker, he stands for the fixed

and clear cut, for the ineluctably measurable. On the other hand, when theorizing about his own main field, the art of painting, he was the revolutionist who, no less rapturously than he could adore the Justice of God in the equivalence of the angles, proclaimed that "the glory of painting is in the shadow." And maybe the ancient precision, the clear-cut contour, was as beautiful, or better. This is not the issue. We know that, as a thing of finite perfection, a crystal may well be a more final accomplishment than a brain. There is even less reason for contesting that a potter of the age of geometric decoration, a weaver of rugs, a mosaicist, also a paleolithic stylizer of animals on the walls of his cave, made things more securely perfect than Leonardo's "Baptist" or Rembrandt's "Emmaus" in the tantalizing endlessness of their chiaroscuro. But the "Baptist" and "Emmaus" see more, know more; they do more to the world of the real forms which they invade and transform; are more. At any rate they *are* and cannot help being. Theirs, and of their kindred visions whose glory is in the shadow, is the way of seeing and acting which we call ours.

Likewise it may well be that geometric justice, adjustment in retaliation or wages, was, and would be, more perfect than the light and shadow in which its once statuary form has been, so to speak, deformed. We mean that that kind of justice would be more promptly amenable to a frame of rigid definition, as wished by Kelsen. But that kind is no longer ours. Supervenient substances eroded, so to speak, its contour, infiltrated its firmness; best known among them, as long as the process went on spontaneously, "clemency," an insistent precursor for ages of what had not yet received the baptism of "charity."

IX

Pardon and Power

THE CONCEPT OF CLEMENCY

CLEMENCY, this superjustice which is a holiday of justice under the guidance of temperance, this abdication of revenge, is the *lité*, the prayer running under the breath through all that is truly Homeric in Homer, sheltering the suppliant and fugitive, rising, a hope against hope, from the chorus of the Greek tragedy when Fate has had its course. The Romans, more obedient in actual performance than were the Greeks to this inspiration from the unknown, and more civilized in several respects than many a nominally Christian while factually recreant community to come, already in the age of their patrician republic had been reluctant to capital punishment, which was described with atrocious technicalities in their primitive written law but was under ordinary circumstances repealed by the unwritten amendment opening to the culprit the exit of self-banishment.

Then clemency, this "shadow" of justice, becomes the "glory" of justice in the early Empire outweighing in the memory of man the atrocity of the bad emperors, of Nero himself: when Caesar turns an abhorrent eye from the blood of the fallen foe, falls finally in his own blood with that mild word, we are told, *Et tu Brute;* when Augustus absolves Cinna, Titus spares Domitian; when Trajanus, this gentile counterpart of David's zeal, of Solomon's "largeness of heart," allows "pity" much more than justice to arrest his cavalcade so that the little widow may lift to him her grief and her petition—all such abstentions and actions being motivated much rather by a suavity of the mind than by any precalculation of popular applause. Those "good emperors," those benign adjusters of justice, were, broadly speaking, Stoics; yet with a more humane melancholy, Virgilian, than we sense in the Stoic founders. They were naturally, *naturaliter*, Christian souls, *animae christianae;*

even though they did not know of Christianity or what they came to know was as blasphemous to them as is to "Western Christendom" the godless Marxist revolt.

There is no difference in this respect between believing that "God made man in His likeness" and assuming instead that man made gods and God in his own likeness. If the former is true, a successive process of revelation lifted the curtain which separated the creature from the Creator, introduced man to a better knowledge of the immutable Being. If the latter is true, it is man himself who extrapolated his own inner process, the autobiography of the race, into the progress of fictitious beings or of the One supernatural Being to Whom he lent, somewhere in the stars, the itinerary he was covering on his ground. In any case God, apprehended as extant or of the stuff dreams are made on underwent a deep change from the jealous and avengeful one to the long-enduring, giver of new chances, the God who has not ceased to be "Sabaoth," Lord of Armies and ire, yet wants to be (or wants man to know at last that He intrinsically always was) the God of patience, *Deus patientiae*, ultimately, as Ibsen's Brand finally understands, *Deus caritatis*.

EZEKIEL, CHAPTER 18: "UNTO THIS LAST"

Already in that capital scene of Ezekiel, chapter 18—whether a proclamation of the man-made God's man-made reform, or a message from God to man on His own true being—there is a grave infringement on justice as adjustment. For the gist of the whole allocution from the Lord to the prophet is that the ancient law is repealed which visited the sins of the fathers—or rewarded their merits—in the generations. "What mean ye, that ye use this proverb concerning the land of Israel, saying, The fathers have eaten sour grapes, and the children's teeth are set on edge?" "As I live, saith the Lord, ye shall not have occasion *any more* to use this proverb in Israel." Like an English king's Magna Charta or a former autocrat's "octroyed" constitution, a new covenant is substituted for the old. Justice is detribalized and individualized. It applies to the person, not to the stock. "If a man be just, and do that which is lawful and right . . . *he* is just, *he* shall surely live"; but "if he beget a son that is a robber, a shedder of blood . . . hath oppressed the poor and needy . . . hath lifted up his eyes to the idols, hath committed abomination . . . , shall he then live? he shall not live:

he hath done all these abominations; he shall surely die." Likewise, if a sinful father beget a righteous son, he shall surely die, the son shall live. "The soul that sinneth, it shall die. The son shall not bear the iniquity of the father, neither shall the father bear the iniquity of the son; the righteousness of the righteous shall be upon him, and the wickedness of the wicked shall be upon him." "Therefore I will judge you, O house of Israel, every one according to his merits, saith the Lord God."

This sounds—as the writers of the American Declaration of Independence would say—"self-evident" to us, yet it is not so. At first sight the justice now promulgated seems to be a better adjuster than was the old law, in that it fetches "every one," exactly the one, doer of evil or good, from surrounding and heritage, giving to every one his due, *unicuique suum*. On closer inspection the new adjustment is not by all tokens the better, if by better we mean more adequate to the facts of life. In the facts of life "guilt [or merit] by association" is the rule; isolated personal responsibility is, if it is anything, the exception. "What's in a name?" asks Juliet. What is in a family or race? Very much is in it, as Juliet herself was to realize unmistakably at the end of the tragedy, and "every one" is born with a jackpot or a box of Pandora, not his own, at his crib; beauty or deformity, strength or disease, privilege or low status; so that the ancient law which collected from the offspring the clues of the progenitor or paid to it his dividends had more justness, fitted more adherently the world of the real, than does a revolutionary statute uprooted from conditions biologically and socially self-evident.

Of his revolutionary pull Ezekiel was aware, as indicated by the impact of his speech. He must have known that the God of whom he spoke was not the same who had spoken to Moses from the burning bush. He certainly knew that his message would meet incredulous ears. God speaks through him, announces the emancipation of the person from heredity and group; then stops, as if a murmur from the audience had reached him; polemizes with the audience. "Yet say ye," he says, "Why? doth not the son bear the iniquity of the father?" or, they might say, if they knew our language, is there any truth in the tale that "all men are born equal," that "every child is born good"? Is there but falsehood in the fact that the child of the alcoholic, even though he be a teetotaler, pays for

the revels of the father, has his teeth set on edge because his father had too much of those grapes? God, Ezekiel's god, insists. The audience is not yet quite convinced. "Yet ye say," God says over and over again, impatient-friendly, eager to persuade, "Yet ye say, The way of the Lord is not equal. Hear now, O house of Israel; is not my way equal? are not your ways unequal?" The Vulgate has *aequa, prava;* the American Version has plainly *fair, unfair.*

Fair to whom? To the individual person, abstracted from its natural and social bonds, no doubt; unfair no doubt, unequal, to the real thing which is the unbreakable continuity of guilt and punishment, of merit (or luck) and reward (or more luck) through the nations and generations. In this sense the justice of Ezekiel is disadjustment. It is "unequal" too, inequity which the audience may reject as iniquity, in that it equalizes the merits of the convert, however brief, to the whole life of a saint (as it, symmetrically, equalizes the perversion, however late, of a saint to the whole life of a villain), thus virtually dumping all the exactitudes, fair prices, of retaliation. "If the wicked will turn from all his sins . . . all the transgressions that he has committed, they shall not be mentioned unto him; in his righteousness that he hath done he shall live." This leads in due course to the doctrine of repentance, consummating one entire life in one single instant; and were it the last, at the sinner's death agony, when no occasion is conceivable any more for any righteousness to be "done," yet a "little tear," a silent prayer, sends away empty-handed the devil.

This, Ezekiel's promise, and not Ezekiel's alone among the prophets, is the kernel of what was to be the parable of the vineyard: where the last-come of the laborers at the end of the day receives the same wages as those who toiled since dawn, though these protest (and the audience, we guess, also wonders). For the road was ideologically short, and factually no longer than five short centuries for man's conscious mind altogether to cover, which led from the amazing time when God, the new God of clemency, was conversant almost simultaneously in different languages with Zoroastrism and Israel, with Buddha and the Greek tragedians, to the Christian revolution when God definitely has "no pleasure in the death of him that dieth," is punisher by necessity or Fate—so to speak, ex officio—and savior by will, prides more in the salvation of Noah and Lot

than in all the deluge and fire, is, finally, as the Christian God was quintessenced by Harnack, "the Father who pardons the sins."

Transmitted by heaven to the heart of man or projected by man into a hallucinatory heaven, the expectation of pardon softened more and more the sternness of the law, unnerved revenge. This happened conspicuously in balmy moments of history such as the Rome of the good emperors or our nineteenth century, but even in times of ferocity the desire was not given up, and clemency, practiced or not, was praised above rigor.

Perhaps the earliest and certainly the most impressive dramatization of the process is in the fact or fiction told by Herodotus about Cyrus the Persian in Sardis, the stormed capital of Lydia, when Croesus, the vanquished king, hoisted already on the pyre where he was to burn, is hauled down at the sudden command of the victor and given a place of honor among his friends. A casual reference to the wisdom of Solon, the Greek sage who had warned Croesus (and now, sight unseen, warns Cyrus) of the inconstancy of luck and power, was the nudge which turned the executioner's mind—this is what Herodotus says—a breath of warmth, we might comment, from Hellenic piety reaching Asia Minor, that borderland between barbarity and culture, and melting the barbarous heart. That heart, we may surmise, was not unprepared, if Cyrus had already received some echo from the Hebrew message, if he had been brought up in the metaphysics of Zoroaster, that Persian among the other confidants of a new God in that amazing time, and made thereby receptive to further revelations. In Sardis, beneath the pyre of Croesus, where, fact or myth, he celebrates the first encounter of Orient and Occident, Cyrus graduates as a fully civilized ruler and judge, an image of God the Father: twice a king, through the victory of force and through the renouncement of force, by power and pardon.

For justice—or in that particular case the fire of revenge which should seal the justice of the battle—is social, pardon is royal. Justice, as retribution according to law, is intrusted to magistrates *ad hoc* and enforced by their sheriffs; but the power of pardon is by tradition reserved to the king, is the crown—even when the king is uncrowned as is the American President—which marks the highest; and we too, preliminary drafters of a

constitution for a world state to be, set apart that crown for our world president, a king uncrowned, with a six-year tenure only, enjoined from any further term, and checked and balanced in the exercise of any other power by a close-knit system of republican precautions.

Pardon, we implied, is higher than power. Higher than the giving (and taking) of justice, a power of distribution, is the faculty, an unrestrictive attribution, of forgiving. Even more than forgiving, unconditional giving, which is more than giving, is pardon, if its full meaning, beyond such halfway measures as parole or suspended sentence, is encompassed in the phrase "forgive and forget," where the relinquishment of the penalty is accompanied by oblivion of the offense, as there is no full forgiveness if memory still condemns. "Amnesty" is the word for the fulness of pardon—which is the same as amnesia, though a voluntary one, a repudiation of memory. The culprit—or this is the intention of the pardoner—has been immersed in a river of Lethe, social fogetfulness. He emerges other, as if he had never sinned. "He shall live."

First, then, the individual, Ezekiel's person, is abstracted from his co-responsibility with the group, from heredity and environment as well. He has neither alibi nor destiny. He is supposed—unrealistically—to be the "captain of his soul," arbiter of shipwreck or landing. Carried to its extreme, this first communal amnesty, which emancipates the person from bondage to the race, should lead to the abrogation of the original sin: the realistic myth which poetized, earlier than Kafka's *Trial*, the punishment that befalls each on account of the deed or of the destiny of all.

Second, the individual, so liberated from the continuities which made him liable for associate guilt (or, conversely, eligible for share holding in associate merits), is made eligible also for liberation from himself. Mercy, pardon, unplugs his record, turns off his past. *Ses faits ne le suivent pas.* His deeds (the culpable ones) do not follow him. His morrow is new.

The consequences of lawgiving and law enforcement are twofold. First, from justice thus understood all feelings and implications of revenge and talion are wiped out.

> In diesen heiligen Hallen
> Kennt man die Rache nicht
> und ist ein Mensch gefallen
> führt Liebe ihn zurück.

In these holy halls revenge is unknown; if a man has fallen, Love leads him back. Thus sings Justice in Mozart's *Magic Flute.*

But, second, the pardon granted to the fallen, feeding on its own fervor, overshooting its mark, would tend—if society let it free course—toward a preferential treatment for the fallen one, to enthusiasm lavished from on high as soon as he answers, however late, the call, in contrast with the cold wages paid every week to the everyday abider by the law. It is not only that God's rain descends on the field of the wicked as it does on the field of the righteous. It may well be that the field of the wicked is fruited thereby at its season more richly than the field of the righteous—that Paul, who abetted, "was consenting" to the lynching of Stephen, stands higher than Stephen in the presence of the Highest.

The inference, though not quite Luther's "sin strongly," might well be some kind of "sin long"; for the feast of pardon is grander the longer has been the sinning; amnesty, this enfranchisement of memory, has more exultation the steadier and heavier has been the thraldom. Were it not that death may break in as a thief at night, that the minute of reckoning may strike unheralded, he would be the best investor who spends all the days of his life in doing as he pleases, banking on that minute of atonement, without expiation if there is no time therefor. The hoard of his guilt is consumed in one explosion of grace, and the joy of the Lord is a triumph. As long as death withholds his *rien ne va plus,* as long as the gambling goes, the later the laborer comes to the vineyard the better (for him and for the pleasure of the Lord), and no inquiry is made on how he, the leisurely arrival in the cooling afternoon, had spent the canicular hours when the others were earning their bread by the sweat of their brows. It is for the prodigal son, not for the impeccable one, who "these many years" had served the father, who had never transgressed his law, that the fatted calf is killed. The other had never got the gift of as much as a kid. "The Lord is not equal."

JUSTICE THE SUBVERSIVE

That this economy of pardon—which, incidentally, omits to show how the vineyard would fruit, how the estate would prosper, if all the laborers came to labor when and if they please, if all the sons devoured the father's living with harlots—

that this unequal justice, a disadjustment resulting within the economy of this world in maladjustment, was intended as the law of a kingdom that is not of this world, is a story that does not tell the Gospel story. Whatever the industry of the organized churches in severing the otherworldly from the this-worldly, whatever the support they may find in one sentence of the doomed Messiah, the city of man and the City of God are in the Gospel one; the good news, Evangel, is for both; Christ is Messiah, King there and here, whose will "be done in earth as it is in heaven." Here in earth, in the walks of our and his life, teems that unique society of vagrants, cripples, illiterates, destitute, prostitutes, to whom the parables are paradigms of prompt promise, not transcendencies only. They are not after salvation alone, but *salus*—health of life and limb—with banquets and beauty, with abundance and joy.

Explicit in the verses of Luke known as the "Magnificat," "My soul doth magnify the Lord," the upheaval goes much beyond the equalization of those at the bottom with those at the top of the social ladder. It overturns the ladder. The Virgin, soon to be the Mother, doth magnify the Lord because "he hath regarded the low estate of his handmaiden"; "he hath shewed strength with his arms; he hath scattered the proud in the imagination of their hearts; he hath put down the mighty from their seats; and exalted them of low degree; he hath filled the hungry with good things, and the rich he hath sent empty away." This is a song for a Spartacus or Lenin. It struck with wonderment and fear Charles Maurras, the stony advocate of the *ancien régime*, indicter of revolutions, would-be restorer of Bourbons, finally actual collaborator of Nazis. He wondered how the social order could be maintained if the God of the "Magnificat" were its God. He did not deflect from his belief that the throne and the altar, the monarchy of France and the Church of Rome, should stand and rise together, but contemplated with thankful awe the sapience of the Christian churches which succeeded in sterilizing the revolutionary ferments of Christianity, thus making it usable for the power that be. The anthem of Mary, we might say in line with Maurras's feeling, sank, literally, into the millions as does a foreign song of which we catch the tune but miss the meaning.

ON THAT HILL, IN "THAT FEAST"

On that hill, in "that feast," when the son of Mary died, the subversion of the values of justice happened twice. On the one hand, Barabbas had been loosed, Jesus was nailed. This, in the light of the ruling values, was all right, if Barabbas was guilty of a minor sedition and an occasional murder, while Jesus, the self-styled Christ, a major demagogue, had assailed the very foundations of the Republic, its religion and law. It was instead the extremeness of wrong, unprecedented in history or myth, if Jesus was, as the disciples believed, the son of God and God himself; for, if that was so, the basic tenet of justice as applicable to Barabbas and Christ should read: "The sinner shall live and the god shall die." A mistrial and miscarriage so matchless, a maladjustment so supreme, doomed Justice as understood in the conservative order. To its perversion, on the other hand, the disciples opposed the contrary subversion, sought atonement to its maladjustment in the extremeness of a reverse disadjustment. Barabbas disappeared in the mass whose surface his name for a split instant had rippled, an elusive embodiment of an eternal "either or"; but the blood that was shed did not rot; it welled up inexhaustibly as the fountainhead of all revolutions to come.

One, if we speak more exactly, has been and is, not many, the revolution of justice. It had undermined, and off and on cracked, the terrain of history since the dialogues of Achilles with Phoenix, of Achilles with Priam, since the promise of Amos—earlier, since the pause of God the judge above Sodom, who would have spared the city if he had found "ten righteous" in it—earlier still if Montesquieu is right that justice is aboriginal to the human heart, antedating all laws, therefore enfolding all its being and becoming. It burst forth, an open "tumult," in that apical scene, on the Golgotha, at that Passover: whether a factual happening as the Christian believes and lay history, however undocumentably, on the whole confirms; or even, as contend such as contest the very existence of Jesus, a myth, a happening in the mind, unrelated to fact; for even in the latter case the myth would be hardly less valid for the universality of man than would be the indisputably verified fact. From that summit the one revolution streamed into the po-

litical and social history of these twenty centuries, straining and at closer and closer intervals overflowing the dams inside which conservative justice strove to hold or to resume its regular course—with a growing manifestation of the original nature of Christianity, hardly disguised in such unbaptized complexes as socialism or Gandhism, even should we balk at Goethe's overbold statement that Christianity was a political revolution which, having failed, turned ethical.

An overriding trait, then, of revolutionized or revolutionary justice is the dissociation of retribution from merit, of tit from tat: in Leonardesque terms, the rupture between the angle of incidence and the angle of refraction, the independence of the effect from the cause.

In heavenly justice there is no guaranty that a capital of lifelong good works will yield a dividend of eternity. Nor is there any certitude that a career of sin may not wind up in bliss. The tenet "no cross, no crown" is basically un-Christian, for the Christian assumption is that One Cross paid for all crowns to come. Many there are in heaven who laugh, if there is a heavenly laughter as Dante dreamed, remembering the ancient fable of the cicada and the ant, the profligate lady of the singing summer calling on the thrifty neighbor in the sad season for a loan of victuals and being rejected on account of "no drudge, no crumb"; for many a cicada, who spent her life in songs (not necessarily edificatory) rose to a choir of glory, when many an ant lay black in her trampled silo. Thais, the courtesan, is sainted; Paphnuce, the unrelenting exercitant of sainthood, is found wanting. Gratuitous grace, predestination, takes over in the grand style of the relations between the Christian God and man the role of the inscrutable and unaccountable which paganism had reserved to what it called dryly Tyche, Fortune, that handmaiden of Fate.

That no investment in meritorious works can collect salvation, that the deficit between our assets and pardon is unbridgeable ever, is the burden of the Psalm "Out of the depths," which the churches recite in their funeral rites. "Si iniquitates observaveris, Domine: Domine, quis sustinebit?" ("If thou, Lord, shouldest mark iniquities, O Lord, who shall stand?") There is no justice but mercy.

Transcribed into worldly, nay, mundane language, the con-

cept has an arresting ring in Hamlet's teaching to Polonius on how to deal with the traveling players.

POLONIUS: My lord, I will use them according to their desert.

HAMLET: God's bodykins, much better: use every man after his desert, and who should 'scape whipping?

Quis sustinebit?

Use them after your honour and dignity: the less they deserve, the more merit is in your bounty. Take them in.

The trifling subject is vested with Augustinian magnitude and the gates through which the players are "taken in" are the similitude of those which the supreme host opens to the pardoned soul, beyond merit and guilt.[1]

Through a number of humanistic channels, often hidden, the theologico-political revolution was to become totally apparent in the proclamation of socialism. Nothing could be more secular than "scientific," even atheistic, socialism. Yet nothing could be more millennially in line with the ancient genealogy and the Christian emergence of subversive justice than the basic proclamation of socialist justice—equalitarian, *therefore* unequal: "from every one according to his ability, to every one according to his needs" (however much the demands of his needs may exceed the deserts of his ability in service). The norm avows, however unknowingly, the parentage of "godless" socialism from the *deus caritatis*.

THE MERCHANT OF VENICE AND THE DOCTOR OF ROME

Latin, the language of historical Christianity, is also the language of the Law—also in a number of terms and phrases of the Anglo-American common law, however adventitious the adoption and past recognition the sound which Saxon usage forced on the Roman words.

A Roman maxim, which is a tease when read out of context, has it that "summum jus summa iniuria." Translated freely: the maximum of legality is the maximum of iniquity.

A Saxon illustration derived from Latin tales, the *Merchant of Venice*, provides the context. Once assumed as a working hypothesis (an "as if") that the contract of Shylock is formally

1. The opposite idea, Justice with retaliation and scales, had been represented by the same poet in the narrower mood of *Measure for Measure*.

valid, un-vetoed as it is unforeseen by the written law, he is entitled to the pound of flesh. This is the maximum of legal justice. It entails the maximum of iniquity if the whole person, limb and life, is involved in the transaction of the pound, "nearest his heart."

The eminent professor of law who sometime somewhere in our century used to begin his semester by warning the freshmen: "If any there is among you gentlemen who thinks law and justice have anything in common, he may as well leave the room"—might well be Shylock's counsel. Even without him there is consensus in the Venetian court of "justice" among all parties concerned, bench and bar, that justice thus understood as nude legality is the foundation of kingdoms and of the republic of Venice as well. "If you deny me," says the claimant, "fie upon your law! There is no force in the decrees of Venice." "Of a strange nature," notes with regret the "doctor of Rome" who will decide the case,

> is the suit you follow;
> Yet in such rule that the Venetian law
> Cannot impugn you as you do proceed.

That other Roman dictum would come handy: *dura lex sed lex* ("harsh law, yet law").

The harshness is liquidated through the proviso specified by the "doctor" and indorsed by the court for the enforcement of the bond. Technically the proviso—that the pound shall be "a just pound," neither plus nor (more surprisingly) less "but in the estimation of a hair," and "no jot of blood" with it—is a shyster's trick smuggling into the pact an absurd stipulation the like of which would void any bona fide contract. Ethically it is a *summissimum jus*—if the superlative of a superlative were licit—a more than maximal legalism which, while preserving the letter of the law lest its violation "be recorded for a precedent," restores into it the spirit of justice, defeating by a further excess of literalism the iniquity implied in a literal application of the norm.

ON THE JUDGMENT OF SOLOMON

Justice so rendered is of the Solomonic style. The model, another verdict on flesh and soul, is in I Kings, chapter 3.

No evidence was available as to which of the two women was the mother of the living child whom both claimed. Solomon

therefore gave impartial judgment. "Bring me a sword. And they brought a sword before the king. And the king said, Divide the living child in two, and give half to the one, and half to the other."

The *summum jus*, the literal administration of distributive justice, which might be in order if the issue were one of inanimate property, engenders the utmost iniquity when a life, and the most guiltless of all those concerned, is at stake.

But the extremism of Solomon's decision by its very absurdity counterweighs the effect.[2] That decision is the fillip of the royal hand which restores the balance. That hand is motioned by the "heart."

The mother who accepts the judgment, who is ready to accept her fair share of property, those pounds of flesh, cannot be the mother. The other self-evidently it is who waives her claim, ready to leave the living child, the whole of it, to the robber rival.

A remarkable trait in that remarkable chapter is the mutual relation of the two narrative sections, like the two planes of an altar painting representing heaven above, the troubled earth below. The first section, as uplifted as possible, is the colloquy of Solomon and the Lord on our own topic, "What is Justice?" The second in immediate sequence is the trial of the mothers. You see, in the highest, the magnificence of God; at the lowest the misery of the two wretches. Solomon, the king and judge, is in both scenes: there humble, here great.

He does not seem quite satisfied that the answer to the query on "What is Justice?" can be found unerringly in the law of Moses. He dreads error.

> And now, O Lord my God, thou hast made thy servant king instead of David my father: and I am but a little child: I know not how to go out or come in.
>
> And thy servant is in the midst of thy people which thou hast chosen, a great people that cannot be numbered nor counted for multitude.
>
> Give therefore thy servant an understanding heart to judge thy people, that I may discern betweeen good and bad: for who is able to judge this thy so great a people?

The multitude of Israel, a handful for us as compared with "this thy so great a people" of the world community today,

• 2. Cf., far away, the Roman verdict: "And when both had laid claim to the slave, the praetor said: Both claimants quit hold of the slave" ("cum uterque vindicasset, praetor dicebat: Mittite ambo hominem").

impressed nevertheless its king and judge with difficulties unknown to the patriarch or tribal chief who had known first hand the deed and the doer, the merit and the guilt. Norms, or rather directives, unwritten and unwritable, transcending the written law, are requisite for the exercise of so uncharted a power. There is the law and there are the prophets. The new king, once his reign has been firmed on the law of the sword, rises beyond it to his place among the prophets. They, poets of justice, know more about justice than do jurists, as poets do know more about poetry than do grammarians.

The covenant cannot now be clinched face to face between man and God as was Moses'. The colloquy of Solomon, a prayer and a grace, is avowedly a dream. The prayer is granted. Because he has asked for himself "*understanding to discern judgment*" and nothing else, "lo, I have given thee a wise and an understanding heart"—and everything else is added unto him.

From the height of vision the king, awakened now, having offered "peace offerings and made a feast to all his servants," moves that very day to the depths of life. There is no repertory of his verdicts, no *corpus juris*. One case, that of the two women, stands for all. The narrator is careful not to beautify his heroines; they are harlots, even more miserable in that yearning for motherhood whose despondency does not shrink even from larceny. The deeper the depth, the more evident the power of the vision.

In both instances, the original in the Bible and the derivate in Shakespeare, the point is that ordinary justice, the collector of dues, the distributor of goods, when running its full course overruns the mark, falls into iniquity. Then another justice is supervenient, whose foreknowledge looms to Bassanio in Shakespeare's court scene: "To do a great right, do a little wrong"; though he is still unable to grasp its substance. The supposed Balthazar, the "doctor of Rome," knows substance and name. Like Paul or Hamlet, he unhinges reward from merit, justice from adjustment; for like them he knows "that, in the course of justice, none of us—should see salvation." The name is mercy; which is "above the sceptred way," "enthroned in the hearts of kings," "an attribute to God himself."

> And earthly power doth them show likest God's
> When mercy seasons justice.

"SUMMA INIURIA SUMMUM IUS"

The two sets of values, the legal and the subversive, justice as the giver (of something for something, angle for angle) and justice as the forgiver—or pardoner, which is the same, pardon being per-donum, gift absolute—are promulgated in the same breath in that one paragraph of the Sermon on the Mount (Matt. 5:17–20) whose inner contradiction would be glaring if it were not clear that the reporter wanted first to be wise as a serpent, speaking acceptably to a conservative audience, then to soar "candid as a dove" in the immediacy of the revolutionary call.

He did not come, says Jesus according to the reporter, "to destroy the law" (or the prophets). He came to fulfil. "For verily I say unto you, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled."

> Whosoever therefore shall break one of these least commandments, and shall teach men so, he shall be called the least in the kingdom of heaven; but whosoever shall do and teach them, the same shall be called great in the kingdom of heaven.
>
> For I say unto you. . . .

The eye sees *for*. The mind reads *but*.

> *But* I say unto you, That except your righteousness shall exceed the righteousness of the scribes and Pharisees, ye shall in no case enter into the kingdom of heaven.

The most meticulous law-abiding Pharisee, rabbinical jurist, puritan of strictest observance, has no citizenry—let alone greatness- there. He, the Christ, is the fulfiller of the prophets, not of the law, the two sets of values, which the reporter hallowed jointly, being instead at variance with each other and the fulfiller of the prophets having come, as he will say anon, "not to send peace on earth" but conflict, his metaphysical "sword." Ultimately the two conflicting norms are fused in the one rule which is the golden—doing to men what you would that men should do to you—which is charity. *For* "this is the law *and* the prophets." Rightly, in the light (if it is a light) of their own right, the scribes may say "within themselves, This man blasphemeth."

The formal obeisance then to the established law, some kind of salute to the flag, was a stratagem introductory of revolution into the citadel of juridical justice. So was, in a parabled ex-

emplification, the legalist fundamentalism of the "doctor of Rome," assigning to the claimant his pound of flesh—"*just* a pound," *just* of flesh and no blood with it—or the equity of the judge-king cutting in impartial halves the bone (with flesh and blood) of contention between the two mothers. The effect is a self-debasing irony of juridical justice turning with derision against its own doings if their reason is not broken by the intervention of another factor, which is the reason of the heart. The operation, however, by which the utmostly unfair deal entailed by utmost legality is nullified, cannot be successful at a lesser price than the infliction of an unfair deal on standard legality, which both Solomon and the doctor of Rome, both aggressively resolute to overthrow it, force into the impasse of a sophism. The paradox from which we moved can now be read interchangeably the other way. We heard that *summum ius summa iniuria*. We see now convergently that *summa iniuria summum ius:* a maximal violation of statutory adjustment leads in extreme situations to a maximum attainment of ethical justice.

"FIAT JUSTITIA NE PEREAT MUNDUS"

More radical, though similar in method, is the needed inspection into that other Latin paradox, *Fiat justitia et pereat mundus*. For what is the meaning of a justice whose price is the annihilation of the world? Where is the existential area in which that justice, once the universe is extinct, should come into its own? Justice and the world into which it is predicated would die one death. The gist of the tenet therefore, stripped of its rhetorical brunt, seems to be on the contrary *Fiat justitia ne pereat mundus*, Let justice be done or else the world will perish—the assumption underlying the commandment being that justice is the spirit of the universe, its selfhood across change. It antedates—as the rationalist, Montesquieu, put it—all codes of law. It reigns in the absolute real—as the mystic seer sees it—when the buildup of the relative has gone to pieces. Its abjurement entails the revindication of chaos against God's cosmos, which is the world that should not perish.

Of the primeness and ultimacy of justice the fables of the Golden Age and its return were allegorically aware. They climaxed in that mysterious prelude to Virgil's *Fourth Eclogue*, of a mere forty years before the birth of Jesus, into which medieval imagination was irresistibly tempted to read a literal

anticipation of the coming revolution. For there was a childbirth, of transcendent kinship, in that brief song as in the Gospels—and a Virgin, though not Mary but the goddess of justice, who had been the last of all deities to quit reluctantly the earth when it fell prey to sin and was now the promptest in leading a pardoned mankind to a revolution which is a restoration alike. To her the announcer gave no name, for a tradition familiar to all called her Astraea (Astral, "written in the stars"); he simply referred to her as the Virgin—*jam redit Virgo*, "now the Virgin returns"—with an unmistakable assonance to his own name, Virgilius, as the herald and prophet of a consummation joining the primitive with the final and introducing a justice who had shed the paraphernalia of blindfold, scales, and sword and is pure vision and offer, the giver of plenty, the forgiver of debt.

If justice then could be understood under the sign of charity, as the readjuster in the sense of Virgil attuned to the imminent disadjustment of the "Magnificat," the moot saying could be integrated instead of reversed. It would read: *Fiat justitia et pereat mundus ne pereat supramundus;* let justice be done even if the world as it is should perish, so that the world of the "ought-to-be," of the "shall be," which is the world that counts, should not perish.

X

Of Reverence to Life and of Justice as Charity

ON THE SO-CALLED LAW OF NATURE

IN THIS frame, and in this frame alone, can the weary dispute about the so-called Law of Nature be revived and made receptive to a conclusive solution. In the Declaration of Duties and Rights at the beginning of our World Constitution we appealed from the world as it is to "the unwritten law which philosophies and religions alike called the Law of Nature and which the Republic of the World shall strive to see universally written and enforced by positive law."

Kelsen objected. "Reference to the so-called law of nature is highly problematical, since the term has very different and contradictory meanings as interpreted by different philosophers and different religions. A constitution may lay down certain substantive principles to be realized by the positive law of the State. . . . If the constitution does so it is superfluous and dangerous to qualify these principles as 'law of nature.' This again is a theoretical statement, meaning that the principles can be deduced from nature, nature of man or of society. And this statement is at least highly disputed. . . . Who is competent to interpret nature, to determine what other rights than those stipulated in paragraphs 3 and 4 of Section B of the Constitution are established by nature or may be deduced from nature? . . . Such uncertainty in the matter of Rights of Man to which the Constitution attributes such extraordinary importance that it declares the Government of the World to be founded on them, should be avoided. It can be avoided only if the Constitution, instead of referring to highly problematical natural rights on the basis of an outdated doctrine, imposes upon the Government of the Federal Republic as well as of the member states

precisely formulated obligations concerning the treatment of their subjects."

How can, however, those particular obligations be held valid if they are not deduced, explicitly or implicitly, from the authority of a universal norm? How can those directives of positive legislation be called "principles," "substantive principles," as Kelsen does call them, if they are not substantiated by their conformity to one all-co-ordinating principle?

In this respect the objection of Kelsen had been already countered by Charles McIlwain a couple of years before the Kelsen paper from which I have been quoting.[1]

According to Bodin himself—thus McIlwain in his 1946 essay on sovereignty[2]—epoch-making though he was in establishing the French Renaissance doctrine of the national and separate sovereignties, the *République*, the single sovereign state, "though a government, is not any government whatever; it is always *un droit gouvernement* and can be nothing less. It must incorporate in its framework the universal principles of justice for which Plato and Aristotle contended, and thus he avoids the particularism of the Sophists and of some eminent modern philosophers, such, for example, as Hans Kelsen. It is hard to escape Bodin's reasoning, which he borrows from St. Augustine, that such particularism leaves us no way to distinguish between the organization of a robber-band and that of a true *République*. I myself can find none in the brilliant and logical theories of Kelsen, and I cannot believe that any future World Federation can ever succeed if not based on principles which its members accept as universally binding."

But in another respect the objection of Kelsen hits, though it hits beyond the mark. It hits in that he questions correctly the doctrine—"outdated"—holding that the Rights of Man can be deduced from "nature." It hits beyond the mark in that he wrongly assumes that the Constitutional Draft he is criticizing indorses uncritically the doctrine and terminology which he questions. For the writers of that draft did not write: "The unwritten law which we call the Law of Nature." Cautiously they wrote: "The unwritten law which philosophies and religions

1. "Some Remarks on a Preliminary Draft of a World Constitution" (1948), not published in its entirety, as far as I know. For fuller quote see *Common Cause*, April, 1949.

2. Published in *Common Cause*, October, 1947.

alike *called* the Law of Nature,"[3] where the past tense clearly implies the doubt, Kelsen's and ours, on the present validity of the term.

Whether you can or cannot subsume the world law, man-made or by-man-to-be-made, under the Law of Nature, depends on how you feel about nature and her presumed laws. You may be optimists as were the Stoics and in their wake the Aristotelians of the Middle Ages, the Platonists of the Renaissance, and the philosophers and poets of the Enlightenment as well. Or you may be pessimists, *Realpolitiker* about nature as well as about society. The alternatives have been discussed in this book already in relation with "Peace and War" and "The Case for War." You may think that the court where the justice of nature has its due is in the "holy halls" of the *Magic Flute*, or you may be sure that its court is the battlefield, where justice is power, the strong fells, the weak falls. You may sing with Faust in Arcadia that "where Nature reigns in her pure circle all worlds are embraced together," or you may ask what for goodness' sake does the poet mean by the purity of the circle, and listen instead to Leopardi, Goethe's younger but less cheerful contemporary, who holds that Nature is the stepmother, not the mother of mankind and thinks therefore, jointly with another spokesman of those generations, Fichte, that the task of mankind is a relentless fight against her, its enemy. In nature and her ways, otherwise called "evolution," there is Eris, discord, and there is Eros, harmony. But if you follow to its sweet end the better way alone, if you have no use even for the weighty grains of salt which are required by Kropotkin's or Allee's documentation of "mutual aid" in nature, you are up against the whole record of biology and history. Its grief and terror, death and waste, make no sense. An earnest drama fades into a vapid idyll.

So warns Machiavelli with his leer at everything that is not, or he thinks not, in the world of the real. So warns, in the particular theme we are dealing with, the scorn of Treitschke, the realist, at the Law of Nature. The Law of Nature, he wrote, is written, if anywhere, in the stars.

Indeed, it is written in the stars.

"We can now summarize," thus Laurence Stapleton from

3. Later in the same draft, Art. 27, occurs the phrase "natural rights." I proposed, and would have preferred, "human rights."

whose *Justice and World Society*[4] we borrow this summary, "the meaning of the Law of Nature as it emerged from two centuries of political discussion and entered its period of greatest practical effect" at the time of the American and French revolutions. "*The moment of greatest influence for the Law of Nature coincided with the moment of least intellectual growth.* It was powerful because it was generally accepted and understood." It was powerful, we might say, overdoing somewhat the intention of the author, because it had become a commonplace.

If we analyze in Laurence Stapleton's words, "the main elements on which most writers" of the Law of Nature, "were agreed," we find that "first among them was the belief implicit in the theory, whether in the form given it by the Stoics, or the form in which it was received by men of common sense in the eighteenth century, that justice is not merely an ideal of man's devising but is a part of nature, *that is to say*, is a structurally fundamental character of the given, *or* (*from a slightly different point of view*) a possibility in things that are."

The italics, ours, mark the perplexity of the reader. He is not sure that the two points of view are only *slightly* different.

"This," our author goes on, "was sometimes expressed by saying that the Law of Nature is established by God, sometimes by thinking of the Law of Nature as having over other forms of law a logical priority, in the manner of mathematical propositions. The meaning of the word 'nature' has varied in different periods and has been the source of much ambiguity. Later, the shift in meaning from nature as harmony and design to nature as struggle ('nature red in tooth and claw') had much to do with the eclipse of natural law in political theory. It would be desirable to drop the doubtful phraseology and to remember simply that it was an attempt to express faith in justice as an ideal of human relations."

Let then the doubtful phraseology be dropped, except in retrospective reference as in the Chicago Draft ("the unwritten law which philosophies and religions alike *called* the Law of Nature") to an ancient wording which we cannot maintain. That law is not, by any logical or experimental evidence, "a fundamental character of the given," it is not provably or even, if you so wish, as much as probably inherent in the primitive city of man, the cavern, or in its original garden, no Eden it,

4. (Chapel Hill: University of North Carolina Press, 1944), p. 20.

the jungle of nature. It is "a possibility," though at least one possibility—and how could Kelsen himself deny that?—"in things that are," an "ideal," as Laurence Stapleton is forced to choose after a disappointing try at unequal alternatives. The Law of Nature, unwritten here, is "written in the stars"—whether the use we make of Treitschke's fling is or is not to Treitschke's liking.

Truly equal instead are the two alternatives underlying, in any evolutionary doctrine, the assumption that the unwritten law can, therefore must, be taken down from the stars and written in the positive law of man. One alternative is the theistic hypothesis. The other is the atheistic.

If there is a tension—otherwise called *élan*, otherwise called impetus—in nature and history, and if that tension is strung in a direction of progress from lower to higher, from worse to better, if in other terms that tension is an intention, the intention postulates an intending will, a conscious plan. "You can't get rabbits out of this hat unless you first put them in." In loftier language: *Mens agitat molem* ("A mind stirs the mass"). Thus the theist.

If, on the other hand, as the atheist submits, the above absurd proposition must be rejected, and it is the hat itself that made the rabbits, if one of the countless strokes of blind evolution lit from the heap of matter the fire we call superstitiously mind, if what occurred can be pictorialized in the famed image of the monkey who, having had the opportunity of tapping at a typewriter for a billion years produced *also*, from chances allegedly included in statistical probabilities, a Bible—yet here are that fire, that Bible, here are our eyes to see the things of light that were born of blindness. Written in the stars, the law of which we are speaking is written, even though monkey-written, nevertheless. It is, if we reach an agreement on the meaning of "nature," "a part of nature," "a structurally fundamental character of the given" as given now. The myth, originally a fiction, is a factor. The stars are standards.

Or let us suppose, still in the frame of this second alternative, that we refuse their guidance. No star is polar. Those myths, those vocables, that unwritten law, were bubbles from the infinite possibilities of a random flux; they should sink back, we decide, into it. Speaking of stars, Treitschke, in all fairness, did not think of ideas born from eternity. The celestial symbol was

a humorous synonym for cuckoo-cloud-lands, Cockaignes of the imagination.

Yet, why should we snuff out the "stars"? On what ground do we decide to help abort that "possibility" among the countless "in things that are"? The decision is not merely a theoretical one; it is practical, ethical. It implies a freedom of the will, and the responsibility of the choice, even if we choose not to choose. Turning away self-determinedly from the invitation of that light, no matter how it came to be lit, no matter even if it was our imagination alone that gave this spark, we subject all our further choices of action to a feeling of insolvence and remorse.

A similar situation, in the problem of fate and will, of the real and the superreal, was pointed out by Chesterton, the pious jester of theism. Let us suppose, he said, with somewhat different words, that there is nothing real in our relevance to the Being. We are a mere accident or incident in the unpurposive aeons of evolution, here for a little while, late-comers, soon off; our brain a tumor; our thought an itch thereof. Let us suppose all human history is but a puppet show. The strings are motioned either by a combination of inanimate pulls, Nature, or by a god, divine in power, worse than devilish in the unconcern with which he handles us humans, his entertainment, his playthings. What, if we decide to take the play seriously? If we about-face to the string-puller or insert our own pull into the mechanism to which we are geared? Robots have a funny knack at taking over. The scenes we have been acting so far, history, were—let us suppose—dictated, a destiny. Nothing forbids us to improvise from now on, continuing the cue through a plot which changes compelled destiny into voluntary destination. Freedom, whether inborn in the soul of man or lent to his consciousness by a however deceptive jerk of soulless nature, finds its limit and its reality as well in the obligation to choose right, away from which even the refusal to choose is wrong. From that moment on the machine of natural evolution is no longer what it used to be; a strange engineer has begun to tamper. Or otherwise: the unconcerned manager of the puppet show, the olympian god, has trouble from his cast, for they have turned out to be "like gods, knowing good and evil." True, the show may turn to tragedy (which it was anyway but for the manager), for "man," said Kant, "is made of a timber too

crooked for anything quite straight to be built out of it." He also said, however, that ideals, though dreams, must have rulership over the rules. Ideals, he said, are not "Ding oder Unding." They are neither thing nor nothing. They are canons of act.

Both the wise and the wit, Kant and Chesterton, suggest a metaphysical meaning in addition and contrast to Pirandello's *Six Characters in Quest of an Author*, one of those strident symphonies, lame masterpieces, through which our epoch sought, and found only in flashes, an access to the knowledge of self. We are the six (or billions) characters in quest of an author-deity—whom we miss or cannot understand. We might as well, we should, go ahead with the unfinished play which fate or an inscrutable will dropped on our footlights, play God to ourselves, carry the story, if not to a victorious fulfilment, at least to a catastrophe less drab than that on which the curtain of Pirandello falls.

A common fallacy opposes the modern religion, Evolution, to the ancient faiths and myths. But there was evolution, though in a regressive sense, involuntary if that is the word, even in those pessimistic outlines of history which represented mankind as decaying from a primal perfection and purity, Golden Ages, Saturnian Kingdoms, Edens, to sin and grief. There was evolution, in our progressive sense, as soon as a halt was bidden to that downward trend and a restoration of happiness or the pursuit of unprecedented goals, messianic, was proposed to a redeemable race. Evolutionary is the Hindu reincarnation, lifting the person, however unaware of its identity, from shape to shape until it merges in the Blessed Eternal. Evolutionary is the two-floor universe of Christianity and of pre-Christian and after-Christian mysteriosophies as well, Orphic or Islamic, with its ladders from ground to sky, its promotion of the flesh to glory, the consummation of history in millennium, of weight in light, and with miracle, this enfranchisement of nature from its laws. Nowhere, not even in the most daring scientific prophecies of our age, is the partnership of psyche and matter in their joint advance toward the freedom of the spirit expressed more consciously than in that chapter 8 of the Epistle to the Romans where Paul grasps in one astonishing embrace the expectation of man and the throes of nature.

"For I consider that we suffer now not to be compared with the glory that is to burst upon us. For *creation is waiting with eager longing for the sons of God to be disclosed.* For it was not the fault of creation that it was frustrated, but by the will of him who condemned it to that, *and in the hope that creation itself would be set free from its bondage to decay*, and have the glorious freedom of the children of God. *We know that all creation has been groaning in agony together until now.* More than that, we ourselves, though we have in the Spirit a foretaste of the future, groan to ourselves as we wait to be declared God's sons, through the redemption of our bodies. It was in this hope that we were saved. *But a hope that can be seen is not a hope*, for who hopes for what he sees? But when we hope for something that we do not see, we wait persistently for it."

Our italics in the quotation highlight the sentences to which a heretic like Tolstoi, or even a merely scientific prophet like H. G. Wells, would subscribe, dimming those which demand a dogmatic and time-conditioned assent. The assumptions of permanent and universal import contain the doctrine or faith of Evolution, as a "hope for something that we do not see," a march forward toward the better, whatever may have been the starting point and however undetermined may remain the goal.

In this indetermination lies the contrast with the Platonic Republic, whose alleged perfection is stable, whose structure is so self-sure that its architect, the lawgiver of justice as collective adjustment, transfers it in a final rush of enthusiasm to the Blessed Eternal, identifying his City of Man, of a few men, with the City of God. Indeed, writes Plato, that Republic "exists in idea only"; we, its founders, "do not believe that there is such an one anywhere on earth." "In heaven," nevertheless, "there is laid up a pattern of it, methinks, which he who desires may behold, and beholding, may take up his abode there. But whether such an one exists, or ever will exist in fact, is no matter; for he will live after the manner of that city, having nothing to do with any other." Indeed, we must interject, it is impossible to recognize any celestial quality in the pattern of a human community molded by thought control, drilled in militarism, screwed in an immutable caste hierarchy. Its claim on temporal fitness might be discussed; some kind of anthropological legitimacy might be descried in its similarity to the tribal order; but

its appeal to spaceless and timeless validity tempts the surprised reader to a vulgarism submitting that that species of a Platonic heaven would be, indeed, a hell of a heaven.

The argument cannot be clinched except in an attitude like Vaihinger's *als ob*—as if—a wager analogous to Pascal's. Even granting, so runs in paraphrase Pascal's wager, *le pari de Pascal*, that no rational certitude can be attained on the beyond, on fire or bliss, as revealed to the Christian, a possibility persists that the revelation is truthful. Let then man weigh gains and losses if he behaves *as if* the revelation were truthful. What he misses, the self-gratification of doing as he pleases, is self-deceit, as pleasure, ever fugitive, lands in the firm ground of satisfaction. What he gains, if the revelation was imaginary, if death and no beyond is the wages of life, is nevertheless the joy which flows from virtue, the obedience to a moral code whose dignity no disbeliever can deny. This is the minimal gain, if the game was small. The maximal, if the game turned to be big, if the revelation was true, is beatitude—as high above joy as joy is above pleasure—and no end thereof. Either way the bet is safe.

Likewise, in the cosmic continuum, a dilemma, another and more stringent wager, is presented to man by the evolutionary course. Either he believes that nothing can be believed, that the evolutionary course, if any, is irremediably hidden; in which alternative he, man, is adrift; the universe, as far as he is concerned, is chaos. Or he assumes that a certain direction of progress ought to be (even if there is no sufficient evidence that it actually is) the cosmic course; in which alternative he may well or must abstain from priding himself on a specific man-centered revelation against which reason has a strong case; yet will claim his place at the helm, in a function which is of service and of command alike; as if, *als ob*, his, man's, help were needed to keep the course straight and could even prove, under certain circumstances, decisive.

The burden of the above is that the difficulties within which we are engaged when speaking of Natural Law and Natural Rights are solved as soon as we realize that they originated in the ambiguity of the term "Nature." If Nature as we know it is assumed to be the benevolent all-mother, then the Law of Nature is legislated on a fabulosity. If instead we mean by Nature not an *is* but an *ought-to-be*, then the Law of Nature stands, provided it is understood that Nature in this short-cut

ninology stands for a Super-Nature. Then what was wrongly posed to be a heritage is a bid. What was a destiny is a ination—intrusted largely to man's own choice and will. The will be a task, not a gift, with its rights undistinguishable n the duties, as long as all of us—and the creation with us—pe for something that we do not see," yet, and therefore, uit persistently for it."

ransferred into terms of figurative theology, what takes e in this intellectual process is that Pirandello's Charac- in Quest of an Author meet finally, vastly above that au- 's level. On his authorship, whether postulated by faith or ectically necessitated, they base the authority from which Law of Nature, as a More-than-Nature, should be drawn.[5] vould be drawn if Pirandello, like Aeschylus closing with ed reconciliation and redemptory law his trilogy of perdi- , had written a consecutive play integrating our chaos in a nic order. That play was not yet written.

PIRANDELLO'S "CHARACTERS" AND KAFKA'S "TRIAL"

do not know whether Kafka knew Pirandello. Even if he intrinsic features and chronological sequences concur in blishing that the unfolding of his imagination was inde- dant from the latter's. Thus the credibility of either is em- sized by the spontaneity of both. Seen and heard together, build an unparalleled pair of witnesses to the temper of our for no one else could vie with the absoluteness of their tation in despair.

oth are mastered by a yearning for logic, which is the justice ne mind, and for justice, which is the logic of the heart. Nei- masters the yearning. Both are thrilled, frantically, by the lence—unquestionable, they think—that both logic and jus- are bankruptcies. Cheaply summed up, Pirandello's society an is an insane asylum run by its inmates. Kafka raises this ement to a much tenser pitch, plunges it to even darker ths. His society of man is an all-strangling inferno with no

"The inscrutability of history and the presence of the divine maintain authority gh the awareness, on our part, of an order in which we find our place. To feel red and, so to speak, at home without any particular end and before taking any n is the one substance and source of authority. It is from this center alone that we feel ourselves directed and guided in everything that we undertake in the world and ll the particular aims which are never ends in themselves derive their orientation" Jaspers, "Freedom and Authority," in the UNESCO journal *Diogenes* I (1952), 1.

benefit of Virgils or Beatrices. True, if spelled out in terms of familiar theology, his narrative venture—a sequence of variations exploding incessantly out of the same motif—results in a novel myth of the ancient original sin. At closer range, however, one sees that man's original sin is to have been born. Because he is here, and for no other guilt, he is punished, and the expectation of a "fair trial" is silly.

Satan, ultimately, is God, the prince of earth and heaven. Man's original sin being that he has been born, the society of man, the Republic of Kafka, is under any circumstances a penal colony, a *Strafkolonie* inflicting "justice" through its monstrous mechanisms of torture, with the added explanation that between the penalty and the guilt there is no logical or ethical link whatsoever and no plea of not guilty can be heard, for we are told in the *Strafkolonie* even more definitely than in *The Trial*—"die Schuld ist immer zweifellos," the guilt is always beyond doubt. Accusation and condemnation came in one breath.

Two variants, difficult to forget, of the traditional image of justice, the goddess with blindfold and scales, have been designed in our lifetime. One, quite recent, of the sad and abdicatory style, is in a novel by Anthony West, *The Vintage*, whose hero, Colonel Wallis, having participated as a prosecutor in the war crimes trials, expiates in suicide—as did already the executioner of Kafka's *Penal Colony*—his own transgression against the even-handed justice whom his civilization, now betrayed, had worshiped. As he dies, he sees from his window the figure of justice, snow-covered on a building across the street. "The bowls of her scales were piled high with white fluff, she seemed to be weighing one bowl of feathers against another"; a nothingness against a nothingness.

The other variant, of the violent sort, is of Kafka himself, in *The Trial.* As the protagonist, the Accused One, visits in the studio of an official painter of the Great Organization, he is unable at first to grasp the meaning of a great figure standing high above the back of the throne where sits the judge who is being portrayed. "That's Justice," explains the painter.

Whereupon the visitor: "Now I do recognize her. Here is the blindfold. Here are the scales. But is she not running?"

"Yes," says the painter, "I had to paint her according to

commission; in fact she is at once Justice and the Goddess of Victory."

A disturbing combination, remarks the visitor with a smile, "Justice should keep quiet, otherwise the scales vacillate and no judgment is possible."

The remark does not change the painter's mind, does not alter his theme. Animated by the dialogue, he resumes his work; crayons of various hues color the air around the portrayed judge, beaming some kind of reddish halo around his head. But clarity, except for a negligible reflex, remains around the figure of Justice; "in this clarity the figure seemed impressively to advance; it hardly reminded one any longer of the goddess of Justice; nor even of the goddess of Victory. It looked now altogether like the goddess of Hunting."

One single poet's feat, through whom the self-annihilating soul of this age grew visual in a matchless display of pandemonic imagery, the whole progressive course, three thousand years old, from the God of revenge to the God of charity, is reversed. Not from an adversary or belittler, but from one of his fondest friends and admirers we borrow a comprehensive description of Kafka's meaning. Kafka, wrote J. P. Hodin, was "beyond salvation," *unrettbar*. "His eyes were those of one who saw the world split in an incurable schizophrenia between the contrasting interests of God and man, and mirrored in that split his own. His negative world-view fed on a life-assertiveness which could not be fulfilled; his personal dualism pushed him into the blind alley of the dualistic theology of modern despair. But the future belongs to an affirmative monism in whose radiance man and cosmos will be at one again, with a universal ethos of reference to life maturing like a sweet fruit from the flood of the generations."

We, writer and readers, are here for no lighter task than to lend a hand toward the fruition of that fruit, so that a syntax may be established where the proposition broke, and Justice administered under the Law of Nature may be intended as pointing—a goddess of rescue, not of Hunting—toward a phase of growth where Nature and the supernatural join.

"ALS OB"

The premises, then, of reverence to life and of justice as charity are:

a) The acceptance of an *als ob*, "as if," attitude of man toward the directive, even were it illusory, which he finds projected on his stretch of cosmic road, this attitude consisting in the will to treat the ideal as if it were to become real, no alternative being offered to man short of this rule of conduct except schizophrenia, "the dualistic theology of modern despair";

b) The assumption, accordingly, that the ways of God—or Nature, or Fate—and the ways of man—or History, or Will—may be found at a turn or terminal of the evolutionary process to have been *ab aeterno* convergent, or may be made to converge;

c) The corollary, from the above—since the directive, historical and biological as well, is clear to the mind of man, but the particular events through which that directive is expected to run and manifest itself are hidden—that the chances of creative evolution must be preserved and sheltered, and the interference of man with life in him and around him must be as humble as his hope is high.

In the third tenet are contained the rational and scientific grounds for justice as leniency and pardon and reverence to life, in one word as charity.

Long before Luke's "Magnificat," or the flight to Egypt, and the quest for the lost sheep, a repetitious myth insisted in all climates and tongues that the predestined hero or savior is spared to his call by a miraculous chance or providence short of which he, a world-to-be, would have fallen obscurely prey to the world-that-be.

Even more telling than in crowned cults and formal mythologies, democracy—a misused, yet inevitable word—as manumission of the serfs, advancement of them of low degree, is the key to the basic treasure chest of man's dateless record, which is the folk tale. In cave or nursery, man's children learned from age to age that the lords and kings, the "mighty in their seats," as a rule are helpless until help comes to them from the low degree. As Heracles, the liberator, is a serf, as David, the conqueror of the metal-clad titan, is a shepherd from the Stone Age, so is the purger of the ogres and monsters that ravage the land usually a rustic and ignoramus of no pedigree, an unexpected and unwanted newcomer, intrinsically a foundling. The closer he is to the destitution of orphanhood, the better. Tom Thumb is a brain on legs, an intellectual emergence atop a negligible body.

Cinderella is a scullery maid, a slave of the law of society and stepmother nature, until some god drives a sting into the mind of the prince, rushes him to the search for the unpromised one, whom, plucked so to speak from her hiding place, he so to speak lifts to him.

She instead it is who lifts him to her. For marriages in the folk tale as a rule are anything but dynastic, segregated. Exogamy and class miscegenation are the rule. Power is not by all means hereditary, and *mésalliances* turn out to be the most fruitful alliances. When the bride from nowhere has risen to the throne, or when the reigning queen has picked the wandering boy from lands unknown, then and then alone the popular monarchy is founded, a wedding which is a welding of lofty and low, a society as open to the adventures of creative change as it is forbidden to the thrust of disruptive upheaval and within whose perfect equality under law, were it feasible, the pair and the people are supposed, with a smile, to live happily ever after.

Better still if the representative type of mankind as an ought-to-be cancels from his credentials even the bodily beauty, a call to possessiveness, which is together with humility the dowry of Cinderella; sheds even the mental acumen, a violence of the intellect, which is together with courage the equipment of all Tom Thumbs. The figure emerging from the renouncements is the sexless, harmless, angelic announcer: superhuman certainly but also prehuman, therefore all-human, the primitive with the ultimate, and submerging the surface of the intellect in the continuum of the instinct, which is clairvoyance, otherwise called the heart, whose understanding passeth all understanding.

Defiantly Dostoevski called this model the Idiot. The spur to invention and name came to him not only from the eclipses of his own stricken mind. It was relayed to him by an immemorial tradition marveling at the inspired "idiot," at the sapience of ignorance. It had gathered impetus also from a recent and widely famous work of art, however too ornate for a sacred representation of innocence, in which the name of the hero, borrowed from old tales, is Parsifal, the *reiner Thor, durch Mitleid wissend*, the "pure fool" whose knowledge and science is compassion alone, his participation in the suffering and want of everyone and everything that lives.

At the other extreme—opposite to the uninterrupted welling

of collective or collectivized imagination—in the area of rational inquiry, the strides of positive science in recent times toward a genuinely "democratic" integration of the human destiny in an all-human partnership have been, or so they seem in an illusion of vicinity, more comprehensive than previous steps ever were. They spring nevertheless from the same old start, the ancient statement on *omne humanum* and *nihil humani:* that everything human is yours and mine, that nothing human is alien to you and me. The school of criminology whose reputation centered around Lombroso, in spite of its tumultuous documentation and undisciplined bias, achieved credibility in showing how thin is the edge parting insanity or crime, these densest obscurities, from genius, that uppermost light. More clearly than before the reader or spectator of a cruel story, of a Gorgonian play, knows why more often than not he wavers consentingly on the rim of an attractive abyss—*le gouffre attire*—why he may be tempted to side with the unconfessing evildoer against the inquisitor, to applaud the jailbird who broke the cage, even perhaps to assist with amateurish complicity Gide's icy engineer of the "perfect crime."

Freud and Freudism, for all the vehemence of their methods, the insistence of their lingo, the overemphasis on the sexual as invasive as had been Marx's on the economic, were epoch-making in the depth and breadth to which they carried the previous, not quite so resolute, inroads of criminologists and neurologists into the half-known. Within each of us, including the most respectable and smug, they uncovered the pit, a full-to-capacity Hades. Oedipus of course towers as the leader of ghosts; but Tantalus, Orestes, Sisyphus, Narcissus, all the other inflicters and afflicted of Hellenic names which the explorer of Semitic descent preferred self-consciously to their Old Testament counterparts, are assembled near that one, the meaning of the display, one more democratic plenum, being for any context like ours that in each and all, saints and sages inclusive, dwell incest, rapine, parricide, suicide—mad dogs at leashes that may snap. In contrast, however, with Kafka's hell where the undisclosed sin of all crops up in the damnation of each, the Hades of Freudism has exits, as from a purgatory. Confession, secularized yet broadly modeled on Christian sacraments, exposes the uncleanliness, dug out from its subterranean of censorship and shame, to a daylight which accelerates the decomposition and sterilizes

the relicts. Since, on the other hand, all are guilty, nobody is guilty. A depersonalizer and communizer, the psychoanalytical grind should scatter to irrelevance, a dust from aeons, what to the lone defenseless defendant was a crushing shock, and pardon, a psychosynthesis, is administered through compassion, which is spelled out once more as individual partnership in the suffering of all, with charity to one's self as a dividend of egalitarian charity expanded "From Tribal Brotherhood to Universal Otherhood."[6]

THE HORSEMAN OF PLATO AT "THE NORTH WALL ON THE OUTSIDE"

It had been said: I'd rather err with Plato (*Malo cum Platone errare*). But I'd rather be right with him. The truths above, so plain to us, should not be construed as if no glimpse of them had been conceded to thinking and feeling men of antiquity—and to that one, Plato, the most deeply thinking and feeling of them all—before the Stoic and Christian revolutions. If we return to the tribal republic of Plato, we balk at the difficult pages where he tries, and fails, to define convincingly one of the three elements or faculties of the soul which he lists symmetrically with the three castes of society. As there are three classes in the State, "traders, auxiliaries, counsellors," so there abide three principles in the soul, two of which—the "rational" and the "irrational or appetitive" or "concupiscent" are evident at first sight, the third, however, an *X*, is figured out by a more perplexed search.

"Then let us finally determine that there are two principles existing in the soul. And what of passion, or spirit? Is it a third, or akin to one of the preceding?"

The text has *Thymós*. It is Jowett who, more fluidly, translates with "passion or spirit." More literally another translator, Shorey, writes, "Thymos or principle of high spirit, that with which we feel anger." Through trial and error the dialoguers test first the possibility of hitching this third principle to the irrational, "desire," then of assimilating it to reason. Repelled both ways, they settle, so they think, in the truth, which is in the middle; making of Thymos an original function, of equal rank with the others, not a derivate, in the threefold compound

6. The words in quotes are the subtitle of Benjamin N. Nelson's *The Idea of Usury* ("History of Ideas Series" [Princeton, N.J.: Princeton University Press, 1949]).

of the soul, though leaning more closely toward the rational than toward the irrational in the same way as in the city the caste of the auxiliaries, the warriors, is more nearly related to the rulers and philosopher-guardians, the "counsellors," than to the merchants and money-changers.

One wonders how so specialized and circumscribed a motion of the soul as anger—however noble and militating under the colors of reason—can be held equal in scope and rank to such prime categories as the rational and the irrational principle. One wonders more, as long as we are captive in the ambiguity of Jowett's rendering, at the introductory story exemplifying the behavior of Thymos.

"The story is, that Leontius, the son of Aglaion, coming up one day from the Piraeus, under the north wall on the outside, observed some dead bodies lying on the ground at the place of execution. He felt a desire to see them, and also a dread and abhorrence of them; for a time he struggled and covered his eyes, but at length the desire got the better of him; and forcing them open, he ran up to the dead bodies, saying, look, ye wretches, take your fill of the fair sight."

One wonders. For which and where, in this story of the principles of the soul, is reason? Which is the irrational, "desire"? What operation is performed by the third, spirit or passion, or more specifically "anger," between the two? The moral, immediately appended to the tale, makes the obscurity more obscure. "The moral of the tale is," we read, "that anger at times goes at war with desire, as though they were two distinct things." But what we had read three lines earlier is that anger so far from going at war with desire—the desire to see the corpses—rode on it, as it were, spurred it, making it overpowering. This is a service to reason only if—once assumed that reverence to the laws of the city is the commandment of reason even though they are the same which will sentence Socrates to death—it is also assumed that the corpses rotting at the place of execution are, truly, a "fair sight," a thriller; hence the intervention of passion, anger against himself as a deserter and dastard, when the passer-by feels tempted to keep clear of the edificatory show which cowardice depicts to him as horrid. In such situation the hard-earned distinctions between the rational, the irrational, and the passionate seem wasting; the three principles mix in a confusion unusual with a writer so pure.

If we are allowed to suggest that Thymos might, in that particular case could, should, be read as "heart," the translator's "passion" as pathos, meaning the passion in the otherhood which we call compassion, the glimpse of the universal, sensed though not seized by Plato, would be in that "dread and abhorrence" which would have driven Leontius away from the dead bodies but for the made-to-order ire, in obsequy to the laws of the city, that forced him to the "fair sight" of the cruel and ugly. The abhorrence, a prelude to pity, not the desire to see, an abettor of revenge, would be the auxiliary of reason; and the logic and terminology of the passage, if it could be read separately from the sequence, would be restored to good order. This, however, would be wishful reading.

Yet there had been already on the Athenian stage Antigone, the sister of mercy to living and dead. Yet it was not to be long before Aristotle, incomparably prosier though he was than Plato, nevertheless poetically and metaphorically distilled the whole substance of the Athenian tragedy into a redemption—he called it catharsis—of pity and terror through pity and terror. Plato himself, at one turn of that frustrating quest for an unequivocal meaning of Thymos, surprisingly appeals to a Homeric line: "He smote his breast, and thus rebuked his soul"; surprisingly, for nowhere in Homer is there anything like a "reasoning anger"; wrath is his subject matter, under control, not in control of his stories, a counselor of evil ever, not a purveyer of light, Homer's hoping and praying being definitely a precursion to Stoic otherhood and Christian pardon, as postulated already in the concordant weeping of Achilles and Priam, of victor and victim alike.

It is not wishful then to read in the Thymos passage an unclear apprehension, a mixed glimpse, of psychic values which the writer tries in vain to fix in inadequate terms or most inadequately imprisons in the one operation of "noble," "reasoning" anger. They, those values and urges, are imponderables—yet, he feels, of weighty effects. They are teasers of the mind, for they elude the categories, not subtle enough for them, of the rational and of the irrational as well. Their noncommittal name has been ordinarily "sentiment": a thing below reason, yet endowed with potencies destining it in successive emergencies to be the pathfinder and the captain of reason.

One likes to imagine Leontius, the son of Aglaion, on horse-

back riding from the Piraeus to the city. Attracted and repelled by the gruesome smell, he has stopped for a moment, not longer than a few heartbeats, on a summit of the road, "at the north wall outside," not wider than a Hercules' crossroads. "He struggled and covered his eyes." He, much rather than the horse, rears. The motion, instantaneously before the dismal run, "with staring eyes," to the dismal place, is unforgettable.

Had he, from that pedestal of indecision, gone all the way the other way, he would have alighted much beyond the walled City whose justice is the law that "one man should practise one thing only"—"we affirmed that justice was doing one's own business, and not being a busy-body: we said so again and again, and many others have said the same to us"—justice is the law that everybody should do every other's business, be a "busy-body," in other words "his brother's keeper."

RUSKIN'S "AFFECTION" AND "A DIFFERENT KIND OF THINKING CAP"

As that sentiment grew to be much more than the flash or glimpse "at the north wall outside"—"outside," in the open, yet in the shadow of the wall—toward which or against which the Platonic horseman could unveil or veil his eyes, denominations became optional. It is not necessary to climb to the grandeur of "Eros" or to soar to "charity"—as if anyone could pronounce this word without blushing about himself. Even the sentimentality of "compassion" is evitable. Ruskin found an understatement, "affection" possibly an echo from Paul's "agape," the humble yet all-embracing benevolence which nonetheless contains all that is essential in the statement.

"I have said balances of justice, meaning, in the term justice, to include affection—such affection as one man owes to another."

What is affection and why one man owes it to another, is his brother's keeper's keeper, Ruskin had tried to say in the same page of that same book, *Unto This Last.*

We stopped some time ago at the passage of Paul where he says: "All things are lawful unto me, but not all are expedient." What is "expedient"? we wondered.

That passage was not present to Ruskin's mind when he wrote his own. He wrote nevertheless:

> The varieties of circumstances which influence these reciprocal interests are so endless, that all endeavor to deduce rules of action from balance of expedi-

ıcy is in vain. And it is meant to be in vain. For no human actions ever ·ere intended by the Maker of men to be guided by balances of expediency, ut by balances of justice. He has therefore rendered all endeavors to deter- ıine expediency futile for evermore. No man ever knew, or can know, what ·ill be the ultimate result to himself, or to others, of any given line of con- uct. But every man may know, and most of us do know, what is a just and njust act. And all of us may know also, that the consequences of justice will e ultimately the best possible, both to others and ourselves, though we ın neither say what *is* best, nor how it is likely to come to pass.

This, from a given angle, sounds final. The angle is the evolu- ionary—even with omission, if so wished, of the "Maker of ıen."

That angle, we know, opens up in a purposiveness without a erifiable purpose—yet with an *as if* which Ruskin spells out in he assumption, merely religious, not tested by any agency of he mind but faith, that all will end well if all has been well.

Affection, as the spirit of justice, is what otherwise is called, ·ith a less soft-pedaled word, reverence; which in turn is a ıan-managed economy, in so far as man is concerned, of the hances available to evolution in its evolving, a subordination of he immediate interest, the "expedient," to a however in- xplorable future.

The baby freak who ought to be put to death by its very 'makers" may turn out to be, say, Helen Keller, a lavisher of ıfe. The public enemy waiting at the prison wall inside, for the ·olley from the firing squad, may happen to be, in the split econd before the pardon, young Dostoevski.

It is not life alone, ours and proximate to ours in the upper nimal kingdom, that teems with Queerchimps. The universe ıf matter too, the so-called inanimate, is full of Queerthings. n fact, there is nothing in it but queer things.

If we wean our mind from the habits, pragmatic expediences, ·hich take everything for granted, which accommodate our ootsteps in the rut of the ordinary, everything insurges in the ınbelievable, miraculous. How surprising a tree. What a whim s a mountain. How fantastic, on the verge of the humorous- ·eird, are the phases and revolutions around this wonderland ıf that superadded, supererogatory wonderthing, the moon.

It has been said that nature is wasteful, a profligate spender ıf might-have-beens, of might-be's, for each one fruition in the eal as it is. More descriptively Bergson said that nature has no nechanical talent.

Man has. Therewith equipped he has tried since the beginning

to capture nature within his tabulations of measures and motions: an astonishing feat in its results for man's technical work, for his economic "mastery," so to speak, of nature; but less so as final statements of truth. For those tabulations more than once have proved optional, not necessarily related to the objective real: as in the exemplary case of the two astronomies, ancient and modern, geocentric and heliocentric, which indifferently support the calendar as contrived by the ancients and confirmed by us, thus proving—if usefulness were the touchstone of truth, the eating "the proof of the pudding"—that both the astronomies are true, though at odds with each other.

A student of music may well extract from a Beethoven quartet its themes and pattern, design in graphs and brackets the quantities of its texture. The qualities, which include also the exuberance of those quantities, elude him. Had he nothing but those tabulations of pitches and tempi, white chalk on a blackboard, had a conservatory professor handed over to him that blueprint for a quartet-to-be, he might write quartets a-plenty, indefinitely, except that one. That one is the province —not of musicology—of music, the business, not of decomposer and recomposer, but of that one composer once.

Alternately or successively the intent of nature, for all its unaccountable outlays and labyrinthian ways, the "will of God," has been likened to an architect, to an engineer, to a mathematician. More comprehensively the creativeness of nature has been compared to the operation of the artist "who hath the knack of his art and a trembling hand."[7]

Not that the tremor of the hand means impotence, as if the musicologists knew better than the music. It means, thus we can construe in our own way that line, the surplus potency which exceeds, toward the uncharted, the rules, whether they are prime principles of the universe or whether they are picked from its infinitely more complex behavior—organic, not mechanic—by the utilitarian purposes of man. In either case the universe of nature, if contemplated as a work of art, does not belong in the neoclassic or even classic. Conciseness, clarity, simplicity, symmetry, are not its master-traits. As imitators of nature, the romantic, the oriental, the baroque itself, are more resemblant than the regulated and typical—eventually "academic" of strict observance.

7. "Ch'ha l'abito dell'arte e man che trema" (Dante, *Par.*, XIII).

Copernicus was ravished all his life long by the vision, of neo-Pythagorean impetus, that everything extant tends to the shape of a sphere, the concentration of the most of matter in the least of space. Maybe—or assuredly—it does. But the sphereward drive is counteracted by counterdrives. Equators bulge, poles flatten, a contrifugal itch roughens surfaces which gravitation fails to subdue in the prescriptive equidistance of everything peripheral from the center. First the ellipse, two-centered—a primal dualism, like the hydrogen atom in the periodic table of the elements—opposes a redoubtable rival to the unity of the circle; pluricentered or illimited decentralized frames claim their spaces; four and more dimensions fan out of the Hellenic, soon later Christian, triad of Euclid's geometry; the infinitesimal and the infinite jointly assail the closed form; beneath which no minimum is minimal enough, beyond which no maximum is maximal. For antiquity the macrocosm was finite—a microcosm, after all—it was a major and maximal sphere containing a certain number of minor globes (medieval doctors knew that number, stars and all; they did). The universe of modern man was infinite. The revolutionary astrophysics of our years, while trying to compound in an ulterior synthesis the two opposites of finite and infinite, actually made the macrocosm—this "expanding universe" as the scientist calls it, or "pluriverse," one might dare to say—more infinite than it was to our forebears, a case in which the comparative of an absolute makes sense, for a ceaseless *dynamis* is vaster than any static extension, and the cosmos as we have come to conceive it is a form ever in excess of itself, a finitude pregnant with infinite infinitely.

Either with genuine fervor or with tongue in cheek it was said two centuries ago, in the "era of lights," that this universe of ours is the best of all possible universes. It is anyway, or seems to be, the one real among all the possible. They, however, the hypothetical universes, crowd its existential supremacy with pulls toward incalculable "elses," present its morrow with choices hardly less multiple than those from which its yesterdays picked their trail. In this adventure it is the norm that is abnormal; the rule is the occasion for the exception. Whatever extravagance of imagination may have been unleashed in the Elizabethan or Spanish theater dwindles of course, in compari-

son, to a pedantic stint; the "vasty fields" of history and nature shrink, Shakespeare knew, to a "cockpit."

Into the open scene of nature and evolution man was introduced, a late, very late, comer when much indeed of the play had been played. He volunteered, part by will, part perforce, in the mixed role of a spectator who is an actor and a co-author alike. To the confusing show he reacted, on the one hand, with his simplificatory quest for norms, statistical constants in the behavior of nature, which he put to good use in his toolmaker's workshop. On the other hand, he duplicated and pluralized nature's plurivalences, of which he was first implicitly then more and more explicitly aware, by inserting in the universe as he saw and touched it, as he token-wise overcame or more tellingly underwent its impact, an array of alternative structures, the suppositious universes of his mind: magics, metaphysics, metamathematics, poetries, figurations, fictions, religions; each one of them entitled to credibility, however overlapping with and conditioned by the credibility of the others, since the universe as we see it, once the scales of habit have fallen from our eyes, looks no less incredible than the steepest theology or the most phantasmagorial mythology.

"In fact," wrote Herbert Butterfield in the opening page of his *The Origins of Modern Science*, "we shall find that in both celestial and terrestrial physics—which hold the strategic place in the whole movement—change is brought about, not by new observations or additional evidence in the first instance, but by transpositions that were taking place inside the minds of the scientists themselves. In this connection it is not irrelevant to note that of all forms of mental activity the most difficult to induce, even in the minds of the young who may be presumed not to have lost their flexibility, is the art of handling the same bundle of data as before, but placing them in a new system of relations with one another by giving them a different framework, all of which virtually means *putting on a different kind of thinking cap for the moment.*" The long quote has been introduced only to make clear the meaning of the words I have italicized.

XI

Wars of the Mind

THE WAR OF COSMOLOGIES

Two wars of the mind stand out in the history of science, with implications and repercussions which seem to dwarf all others. One was the war of astronomies; the other was, and is, the war of genetics. The first was fought all through the Renaissance between the two "maximal systems" as Galileo called them: the closed world, earth-centered, of Ptolemy and Aristotle versus the sun-centered, virtually infinite, of Copernicus and Galileo. The latter won. But for several generations the amounts of factual evidence in favor of either doctrine practically counterweighed the other. It was still intellectually decent, rationally congruous, to stand for the tradition against the revolution.

How the revolutionary urge had been rising, outside any compelling evidence from reason and experiment, inside the scientists' mind, until the leading scientists more and more aggressively made up their minds in favor of a view which reason and experiment still could contest is a story which Butterfield does not tell. Quite a number of centuries before the earliest stir of dissent in the unanimous acceptance of the Aristotelian system, Christianity, making popular and universal the vision of a world "beyond," had blurred the contours of the classical world. The universe was still that good grand ball, with its subballs within, everything from moon to farthest firmament circling around this firmness and *raison d'être* of everything, man's home; yet something, which was definitionally a plus and most, the empyrean as God's and his saints' abode, had grown above and beyond that sphere, rivaling the gravitation of the physical with the levitation of the spiritual, or in other terms straining the circularity of the All with a tension hinting, to begin with, at the dualism of the ellipse, subsequently at plural universes to come.

More decisively, however, than the theological vision operated the geographical sights at the windup of the Middle Ages. The Crusaders broke through the iron curtain which had parted east from west. Marco Polo unrolled the map of Asia. The Atlantic navigators landed in Utopia. At the divide between the eastward drives and the "westward ho!" soon after the end of the Crusades and the homecoming of Marco Polo, one poet's twofold myth summed up the twofold urge which was rubbing from inside man's mind at the boundaries of the classical universe. On the one hand, that poet, Dante, forged on his own, with no help from inherited mythology, the story of the last voyage of Ulysses, rowing westward-southward ho! toward an antipodes that might have been the home of the purging souls or, to the voyager's surprise had he ever landed, a land of living men, a new dimension. On the other hand, he grew to himself metaphysical wings whereon he flew to the farthest and uppermost; across nine earth-centered heavens to the extrapolated locus, which is tenth and *n*th, where dwells the might of God. Near to the arrival, the flyer has a glimpse of his earth deep below. And, indeed, that is still, unshaken, the Ptolemaic-Aristotelian earth, the one hub of all wheels; yet there is a contrast, not quite unknown to classical precursors, between the magnitude of the function and the smallishness of the organ, "the threshing-floor which makes us wax so fierce." "With my sight," Dante had reported immediately before this conclusion, "I turned back through all and each of the seven spheres, and saw this globe such that I smiled at its sorry semblance": a feeling of commiseration calling for less contradictory cosmologies.

The dual pull of the Christian soul between earth and infinity, and more specifically the insufficiency, geographic and social, of the Roman-European community, were the determining conditions from which rose the demand for a more comprehensive universe. The revolutionary astronomers took off, so to speak, from the revolutionary sea lanes of the navigators. As these had violated the pillars of Hercules, so did the more sensitive minds in the coeval and ensuing generations break through the pillars of Ptolemy, across which they were piloted by a sentiment that the man-centered universe could not possibly be less inadequate to God's nature than the Mediterranean Greco-Roman shell was evidently already to man's history.

More, then, than Butterfield's "new thinking cap" it was a new feeling cap that bred the change. The more sensitive brains, like selective radio sets, listened to competing propositions which reached them from the realm of the possible. Once their choice made, not indeed before choosing, they engaged in the search for rational arguments and experimental tests apt to prove that the theory they preferred was, if not true, at least truer.

But let us crystallize a hypothetical moment when the scales of objective evidence are level so that the choice between two rival theories is a matter purely of intuitive and sentimental adoption, a decision of the "feeling cap." Man is once more Buridan's ass between two equal and equidistant bundles of intellectual hay. His thinking cap wonders what is the loss, what is the gain, if he chooses the Copernican-Galilean view against the Aristotelian-Ptolemaic or conversely.

The ancient view secured to man an intelligible God, or Nature, artisan of shapes, Gestalten, and regulator of the All-shape, Weltgestalt, within which all those shapes are untransgressibly contained. It burdened man, the center and purpose of that All, with a stupendous responsibility, whose load, however, was counterweighed by the elation of pride. The substitute view disrupted that form, scrapped that privilege, yet without relieving man of a responsibility whose demands survived in a confused yet undeleted apprehension of freedom. These were reasons enough for worry. The inherited view was more convenient. On the other hand, the alternate astrophysics enfranchised God, or Nature, from the cage or bowl inside which they had been domesticated, and the week of creation had no sabbath. If man, the unmeasured measurer adopted this view, he forfeited his earth-centered and sky-centering pride of old; he leaped from a universe of circles to a pluriverse of tangents, from a world of security to a world of courage. But a novel kind of pride could be provided by a feeling, however perilous, whereby the anthropomorphic God, or Nature, whom man had fashioned to fit his own size, was traded for a theomorphic man growing to be an imitator of God as a trail-blazer in the nondescript, one whose very step it is that makes the road. True all infinity is dreadful, and the pros and cons might have remained unresolved in suspense, with neither "feeling cap" selected as the thinking one. As, however, that Buridanian being, appraising

the rational proofs he had been experimenting with, realized that they were more and more preponderantly in favor of the new cosmic frame, an intellectual destiny was sealed. No withdrawal to the old was eligible. Man had, so to speak, burned his vessels. Courage, the insecure, was no longer a choice; it was a fate.

The span overarching the two views of Nature as stable or closed creation and *Natura Naturans* as creative or open evolution had been condensed already, long before the war of astronomies, between two brief sections of the same old volume. One is Exodus; the other is the Book of Job. In Exodus the god of Moses is he who dwells in the high mountains, reachable and under certain circumstances visible; he has made the world for, and is unrelaxingly busy adjusting it to, the human race at its top, more specifically one tribal elite at the top of the top; the covenant between the creator and the creature is mutually binding, couched in unmistakable terms of give-and-take, a two-way I.O.U. whereby Justice holds undefectively within the definition of Hobbes as the "living-up" by both contracting parties to commitments freely agreed to.

Thereafter the deity of the high mountains moved to pavilions of stars or other otherwise metaphorical or elusive whereabouts or ubiquities. But the innovation, of which the Book of Job is the mature exponent, cuts much deeper than in matters of location and visibility into the essence of the old cosmosocial contract. The covenant is no contract any longer, for the demand from above is singlehanded, a "You owe me" with no counterpart in wages such as accrued to Jacob's faith or David's service. One of the two formerly contracting parties has raised now what had been a negotiable demand to an unconditioned command; the role of the other party is unconditional surrender to a purpose which remains as inexplicable as it is sovereign unless it is reduced, with a naïveté bordering on silliness if not on blasphemy, to sheer will to power, God's Narcissian self-enjoyment in the contemplation of his own "glory," which is the ritual name of this emptiest yet most devastating of all conceivable enactments of Justice as "the interest of the stronger."

Since the ordeal of Job, with all the havoc wreaked on people, things, and beasts, is as gratuitous as the late refunds to the sufferer are windfalls, the whole theodicy would amount to a

philosophy of despair were it not that the immeasurableness of the new deity, weaning man from anthropomorphic mythologies, prods him toward a theomorphic humanity. An expanding justice, protecting the means into undisclosed ends, is postulated implicitly in that revolutionary poem as the counterpart of an expanded universe.

THE WAR OF GENETICS

Different yet analogous remarks are called for by the second of the two great wars of ideas. This one, the war of genetics, we are witnessing in our years.

Incompetence and sobriety alike help the layman to a place of provisional neutrality. He certainly is impressed by the amount of experimental evidence stored by the Western biologists in support of their theory as he is resentful of the ruthless pragmatism with which the Soviets have subjugated all arts and sciences to a political end, regardless of objective truth. On the other hand, he is suspicious of a geo-theoretical (while intrinsically geopolitical) map with a gulf fixed between the West, as the sanctuary of truth, and the East as the witch-kitchen of fraud.

Let us then suspend momentarily this observer, whose skepticism born of incompetence results in a privilege of freedom, at an equidistance between the two schools of genetics similar, once more, to the irresoluteness of Buridan's ass between the two bundles of hay. On the one hand, he is not quite unreceptive to the Eastern charge that the Western genetics—Mendelian versus Michurinist as we may say Ptolemaic or Copernican—is inherently unprogressive, as the word goes, reactionary. For, once the transmission of acquired characters is denied and thereby the influence of plan or will through adaptive environment is minimized or altogether discarded, each species seems to be tied to its prescribed self-inclosedness; and Samuel Butler's symbolic fly—the "queerchimp" insect of *The Way of All Flesh*, who learned to run at unprecedented life-saving speed across the burning film of coffee and cream where she happened to alight—may well get away with her own single life, but has no improved paws to bequeath to her progeny.

Quite the contrary, the Eastern doctrine clarions creative and progressive evolution at the maximum of its efficiency and purpose. So far from being suspectable, as the Western is in the

outsider's eye, of running ultimately for harbor to the Book of Genesis, it heralds, better than palingeneses, neogeneses. Even more than Promethean—writhe the godless Soviet man as he may—the Soviet genetics is inherently messianic, millennial.

Not by chance has Soviet medicine specialized in drugs, elixirs of long life, in fountains of youth, in resurrections of dead dogs (or men), in transplantations of the heart and other death-exorcising surgeries. Not outside such concurrences can the obdurate faith of the Easterner in his genetics be understood—which, it goes without saying, is by us the same as underwriting it. Helplessly, because he misses that link, H. J. Muller confesses his difficulty in understanding the motivation of the schism. "It has for a long time been evident," he wrote, "that [Western] genetics has been distasteful to the very center of the intellectual spider web in Moscow. We might speculate at length as to the causes of this and still we could not be sure."[1] A similar confession had been made shortly before by Julian Huxley when answering his own question, "Why had Lysenko," the Michurinist standard-bearer, "won his battle?" "The conclusion," he wrote, "is inescapable that this has been done on ideological grounds, under political pressure, *although the precise reasons why political and ideological pressure has been so forcibly exerted are not altogether clear.*"[2]

They are clear. Lenin and his old guard had assailed certain interpretations of the revolutionary physics of our century on the altogether clear reason that its indetermination of the atom undermined materialist determinism, polluted the transparence of nature and history with an ingredient of hazard which remained unassimilable by the intellect, uncontrollable by the will. In the same way Stalin and his synod after long years of noncommital soul-searching and closeted deliberation—reminiscent of similar procedures in the Catholic or any other dogmatic church before the high priest smites ex-cathedra the error, proclaims the Truth—rejected at last the false science, Western genetics, on the altogether clear reason that according to that science the changes in the genes are "caused," as Muller puts it, "by accidental molecular events like those occurring on the application of heat or X-rays," and "the genes do not be-

1. In his paper on "Genetics under the Soviet Dictatorship," presented to the Berlin Kongress für Kulturelle, Freiheit, June, 1950.

2. *Heredity East and West* (New York, 1949), p. ix.

come altered in correspondence with the alterations which exercise, nutrition, or environmental conditions induce in the body that carries the genes.

To this ineducable universe Mephistopheles, who after all is a good scholar in scholastic philosophy, might say his "Am Ende bist du was du bist" ("after all thou art what thou art"). But revolutions are not the guardians of what is and was; they do not minister to legitimacy and heritage; and none of them has been so resolute as the Russian in claiming captainship for the will. Small wonder then that the Russian church has excommunicated from its area of empire a science whose counter-revolutionary heresy is manifest to it both in the doctrine of unbreakable continuity and in the insertion of unpurposed change. A greater wonder it is, though anyone conversant with the history of ideas should be inured to this kind of surprise, that at the windup the positions of West and East are reversed. We, the West, scorned by the East as idealists and mystics, are instead the scientific materialists, reading, sealed in that infinitesimal seed of matter, the gene, all the infinite of life. They, the East, the self-styled godless, materialists, are the idealists and mystics, more extravagantly than any other remembered school of active thought, alchemists and magicians of a cosmic new birth which we and they, Western and Eastern Christians, used to call millennium, facing the dissonance of the world as it is with a futuristic music risen from a godhead whose name their jealous cult forbids.

True, their evidence is weak—or violent, which is a worse guise of weakness. This happens, however, when knowledge and prophecy join. It has been abundantly exemplified in the wars of ideas that conquests can be achieved by guerrillas no less than by general staffs. Or were the early evolutionists—like, say, an Erasmus Darwin—as qualified as, say, a Cuvier? Has it not often been pointed out that Copernicus "was not a great observer, and his system was not the result of any passion for new observations"?[3] No less alien to the imperatives of impeccable research was Vico, that muddler-through, bungler-through to the discovery of prehistoric man and of the dialectics of societary law,[4] whom the sages of his native university

3. H. Butterfield, *The Origins of Modern Science*, pp. 22–23.

4. Meet him, among other places, in the opening chapter of Edmund Wilson's *To the Finland Station* and in the whole weave of Joyce's *Finnegans Wake*.

spurned, and that served him well, as an applicant for a professorship of law. A couple of centuries earlier the scholarship of Columbus in astronomy and geography was obdurately below the standards of the best scientists in his generation. The proof of the mapping, however, was in the landing, regardless of errors. One of these, most famed, his underestimate of the size of the globe, acted as a determinant to an enterprise from which, had he trusted the true measures, the vision of a prohibitively long voyage would easily have been a deterrent.

Superciliousness therefore does not hold the whole answer to the Easterner's claim that "the theory," his theory, "of the evolution of living nature . . . is unthinkable without recognition of the inheritance of acquired characters";[5] much less so if that frown of ours is tested on the half—or anyhow not quite whole—heartedness of many a Western evolutionist today. The wording of the doctrine may have remained the same; the accent of the faith has been tuned down. An interesting level on this slope of discomfort is reached as we come across a Huxley comment teaching that "most mutations are harmful, geneticists now hold."[6] On the one hand, he still has promises for the future of man, still heralds evolutionary progress. On the other hand, those promises, that evolution, he sees "in peril." The peril, as he sees it, lies not very far away from where the pre-Nazi and near-Fascist geneticists saw and see it. "Miracles of modern medicine, broadened social agencies, and the diminution of selective competition" are, in a sense, "preserving the misfits." When mutations arise which diminish the fitness of the human species, they are passed on to the next generation; worse than that, they are multiplied, for in most societies "those with higher genetic intelligence have, on the whole, a lower reproductive rate than the less intelligent; and the higher reproductive rate of the economically lower levels probably means an increase in the shiftless and unenterprising." What the remedy unless it be either the Nazis' logical extermination of the misfit or the Soviets' mythological fertilization of the superfit? The Nazi way, of course, is "undesirable"; the Soviet way, he is sure, is impossible. Physical genes, he knows, cannot improve the race

5. Huxley, *op. cit.*, p. 52.

6. See the Huxley lecture at the Golden Jubilee conference of the Genetics Society of America as summarized under the caption "Evolution in Peril, Dr. Huxley Warns" in the *New York Times* of September 15, 1950.

by foresight;[7] there is no device in man's physical heredity which can take constructive steps to redress past mistakes. A ray of light, however, shines in the dark. "Mankind had available a new method of evolution," Dr. Huxley said; "education," the old comfort, "tradition" as the transmitter of progressive messages from one generation to the next.[8] These Huxley calls "social genes." Clearly they are neither Michurinism nor Mendelism, neither metaphysics nor science. They are metaphor.

There hovers around the whole battle of Genetics an atmosphere of cold war, reflecting in the intellectual field the same ambiguities and dissatisfactions that confuse the international struggle, and paralleling in another respect the theological war that was fought behind and inside the two competing astronomies at the beginning of the modern time. Blocked by a difficult choice, the passer-by whom we met already near Arcetri, below Galileo's telescope, whom we meet again near the gates of the labs and nurseries where he has no admittance, learns submissively, as he must, that the Western genetics has the facts, yet may suspect that the Eastern has the faith. He may suspect that in the last analysis what the Western genetics proposes is a universe by rote, static; anthropomorphic in that it extrapolates into the infinite the present limitation of man. The proposition of the Eastern cosmology seems instead to be a universe of variation and growth, dynamic, and theomorphic in that it interpolates the cosmogonic power that was exclusively God's into the conscious purpose of man. Its motto, away from the *terre-à-terre* sapience of Mephistopheles, might be found in that *Faust* passage where the seeress, Manto, stands for him, Faust, as the would-be maker of miracles: "Den lieb ich der Unmögliches begehrt" ("Him do I love who yearns for the impossible").

There are, however, no such "either/ors," substituting for rational decisions the supposed clairvoyance of, so to speak,

7. Does he know? and do really all Western scientists agree? the possibility of deep-seated chemical intervention into processes, now inviolate, of cell mutations, and conscious and deliberate molding of individuals and even races, was predicted by Sir Cyril Hinshelwood in his presidential address to the chemical section of the British Association for the Advancement of Science, Edinburgh, August 1, 1951. This is Promethean evolutionism. Michurinists might find some merit in it.

8. "Evolution in Peril, Dr. Huxley Warns," *op. cit.*

intuitive preferences. For, no sooner has our passer-by's, more than impartiality, inclination toward the Eastern view or its implications been gratified than he is struck, much more than he had been by the notorious wilfulness of its positive evidence, by its dead ends and the vicious circles in which its postulate and purpose are dialectically caught.

The postulate and purpose that nature can be changed, therefore must be changed, recurs insistently in the Soviet language. Even a fifteen-year afforestation plan, of 1948, was called "Stalin's plan for changing nature." "Michurin's materialist direction in biology," it reads, "is the only acceptable form of science, because it is based on the revolutionary principle of changing nature for the benefit of the people." But the people is the herd, with the revolutionary deed of the Good Shepherd reversed into the merciless way of the collective unit. By the same token, to that "changing nature" no pattern of change is proposed; nor is this silence motivated by reverence to the unknown. Man, as we know him at his present hour, is and remains the measurer and the measure alike.

Thus advised, the outside observer may become more receptive than he had been so far to certain implications of Western genetics: less heroic no doubt (except in its allegiance to verifiable truth) but more resistant and subtle in its however indirect approaches to an inevitable dialectics between stability and change. Within the perpetual dialectics out of which the human mind cannot work, he, that would-be-neutral passer-by, may ultimately speculate that a mediation will prevail between the opposite sciences of Mendelism and Michurinism—heredity of the inborn as a stabilizer of fate, and inheritance of the acquired as a trail-blazer of the will—in the same way as in a contiguous area of exploration a mediation arose between the concepts of finite and infinite.

EAST AND WEST AND WHERE THEY OUGHT NOT TO MEET

Regimentation is the road to happiness over there; competition and free enterprise, whatever they may mean, here. But happiness pursued via the two definitionally opposite roads—though factually so often crisscrossing and merging—is the same. The ascetic admonisher, the Franciscan bridegroom of Lady Poverty, will call it Mammon's; a more judicial observer will sight in it "freedom from want." This is no integrated hap-

piness by itself, though indisputably basic to any conceivable integration of man's destiny, the gate to all further freedoms and accomplishments. In this direction a Russified Lamarck joins a Russified Marx; they jointly harness, or claim they harness, Nature to yield more and more goods for less and less labor.

This operation, however, has been going on since man's dawn; and no present or future conquest can ever obscure those, and the implications of those, achieved through the first domestications of animals and plants, let alone the first controlled fire. If what the Stalinist and the Michurinist mean by "changing Nature" is the subjugation of Nature to the economic needs and demands of man, they should share their boast with a few hundreds of generations of men and near-men.

Moreover, at the windup of our considerations on this subject, we have realized that in that plan, at the center and top of that "changing Nature," man remains unchanged, identical with himself as he was and is found.

An illustration from the word of statues will clarify this remark as to the world of men. The Greeks had a model of human beauty. It was stabilized by their sculptors, particularly by Polyclitus and Lysippus with their "canons" or proportions of the perfect body. An exponent of the Renaissance, Fra Luca Paccioli, designed, on the spur of Antiquity, his "divine proportion." The Romans of the early sixteenth century rushed, in an aesthetic frenzy, to the spot where an ancient girl had been casually exhumed and had been found, so the rumor had it, in marvelous preservation, promising them the sight of an incomparable beauty whose paradigm and mold had been lost in the ages.

Michurinist laboratories, Lysenkian nurseries, were not available in the fifth century B.C. or in the sixteenth A.D. Had those Greeks or Italians been equipped with a super-Lamarckist genetics, they would have striven to plant and stabilize through heredity a breed of perfect men and women according to their own paradigms, a Greco-Latin race of Apollos and Helens. We today, out of the classical mirage, are faced with a number of unprophesied alternatives, whether the expressionism of Slav or Mexican or the reverse classicism of Balinese or Negro form.

If now we step from that museum of physical images to a world of living values, to man's inner and social Gestalt, we see

that the futuristic standards in whose behalf the Soviet rule wants to change Nature are as stabilized from the past as were the statuary idols of Greece and Renaissance. He certainly, the future Adam, is (will be) full of freedoms, has (will have) consumer goods and leisure in plenty. These, however, are increases in quantities; they are no changes in quality as long as nothing intelligibly is said on the shape and purpose of the liberty that should be born of leisure.

For liberty, which is creation, does not square with the four freedoms of the Western man as proclaimed in Roosevelt's inaugural; except for the one from want, which is a necessary condition for liberty, yet not liberty itself, those freedoms are of the illusive or of the contradictory sort; illusive being a freedom of thought or speech which all too self-complacently blinks at its own limitations in the obligation of thinking rightly and speaking truthfully, contradictory being the freedom from fear (unless one means fear of the police state alone) together with the freedom of worship, whatever it may mean, since there can be no worship without some fear of God.

But neither has the man-to-be as heralded in the East a different proposition; except that he has simplified everything under the one freedom that counts, which is from want. He has not even added, as a counterpart of the freedom from want, the obligation not to want too much.[9] In this respect, which is preponderant, the Eastern and the Western man are twins; for they are one and the same, the famed Common Man with his quart of milk. So far from being a revolutionary invention, they are, both of them, as ancient as the hills. *Nos numerus sumus fruges consumere nati*, so sounded already the definition of the common man some two thousand years ago: "We are numbers born to consume victuals."

If that is so, since that is so, the logical transgression of Soviet science and statesmanship, its "begging the question" (for what or whom is nature being changed? what is the pattern of change?) settles in a reply as meager as the query seemed big. Nature is today, as she was yesterday, the ancient cow whom we are learning to milk with electronic, tomorrow nuclear gadgets. The change is operational, i.e., of accident, not finalistic or of the substance otherwise, and the only novelty being

9. For a brilliant caricature of man as the illimitable consumer of illimited consumer goods see David Riesman, "The Nylon War," *Common Cause*, February, 1951.

plain nakedness, no strip tease any longer, of the economic tive East and West. If that is so, the dispute between the), which of the two is the progressive, has no point. They are h conservative; under given circumstances, regressive.

t may even be, or clearly it is, much to the gratification of Western pride, that an edge remains in our favor. We, to in with, are less impulsive in using Promethean gesture for servative or regressive thoughts. More inherently, we shrink n the practical error which descends from the logical trans-ssion of Eastern planning, from its begging the question, n flows into the disastrous corollary of the totalitarian State of its Justice. Our science, defective or loaded as it may be, leaves ajar a chance to the unexpected, whether sparked by cross-purposes of man's will or issuing from the blind en-nter of elements or inserted by the inscrutable intervention cosmic Mind. Conservative or reactionary as it may appear)e, it does not intrust evolution—if that be evolution—to the regation of the species, sinking the person into the mass and juring a race of free men to be from the unremitting sub-ation of all. While wondering at that Eastern pendulum be-:en Promethean promises and petrifying performances, we l cling somehow to the simple and twofold truth that the ividual cannot live and act out of the community but the ımunity lives and acts only through the individual.

The begging of the question—little man, what now? where we go from here?—does not occur for the first time today. was repeated, since Plato's Republic or earlier, in any endable code of law, whether utopian or actual. In either e time stands still. The answer to the question is: From here go here.

The current formulation of this tautological evolution, coiled :o itself, was anticipated in a text of the seventeenth century, mpanella's utopian *City of the Sun*. The administrators of the y, obviously Plato-schooled, "organize sexual relations in interest of the State 'according to philosophical rules,' 'the e' being 'managed for the good of the commonwealth and of private individuals. . . . For they say that children are d for the preservation of the species . . . indeed they laugh us who exhibit a studious care for our breed of horses and gs, but neglect the breeding of human beings.' "[10] Wrongly,

0. See Lewis A. Coser and Henry Jacoby, "Utopia Revisited," *Common Cause*, uary, 1951, and cf., of course, George Orwell's *Nineteen Eighty-four*.

however, do the citizens of that City laugh at "us," for the inconsistency is theirs, not ours.

The parallel and contrast between studious care of animal pedigrees and condoned neglect of human heredity is being inculcated day in day out in modern man by eugenists, euthanasians, or whatever else may call themselves the advocates, still a minority in our midst, of socialized birth and death.

They forget, as the totalitarians do, that man is the god of the kennel and the stable; if not God, the Demiurgos, a self-sustaining vassal of the Unknown; his patterns of the steed, of the steer, of the hound, of the hen, he bears within himself; so does he those of hybrid corn or centifolious rose; they are his tools or ornaments; he may well try and fashion them according to the demands of his own economics or aesthetics, and such inroads of his into the road of evolution—a word meaning plainly "the unfinished destiny of the universe," the macrocosm as pregnancy—are microcosmic; on the large scale, thus far, inconsequential. But he cannot play God to himself. Of his mission, if his God is the Father, or of his chances, if his goddess is Dialectical Matter, in the universal unfolding of things and beings, he, the latest actor and probably the first spectator of the becoming knows but little or nothing. As soon as he has picked, and vested with unconditional value, one historically conditioned appearance of man—be it the Athenian maiden of Phidias or the *echt deutsches Weib* of naziism or the custom-made *tovarich* of the Russian revolution—he has nailed the future athwart its road. To talk of reactionarism in this frame of thought is no longer enough; for reaction is a motion, though backward. The result, sooner or later, is *rigor mortis*.

Caught in this dead center, democracy, whose basic axiom is that God is the people[11]—or speaks through the people, *vox populi vox dei*—at the terminal of its collective organization, the "people's democracies," has jettisoned the knowledge that any deity, transcendent or immanent, incarnates itself in the person. Thereby, the normal, i.e., the "regular fellow" fitting with no gap or residue into the mold of the mass, is taken as the norm; and no criterion is foreshadowed, no guess is tolerated,

11. Mazzini wrote *Dio e Popolo*, "God *and* People," but the twentieth century has been learning to read God *is* the People, thus doing away with those intermediate rungs through which an aristocracy, though not of blood, a sacerdocy, though not a clerical caste, mediates between deity and demos. Short of them the ladder is a plunge; democracy falls into demagogy (or fascism, black or red, which is the same).

for telling what in the abnormal is subnormal and regressive from what may be supranormal and progressive. All that remains is statistics. The chorus is the conductor and the number is all.

This is why in any totalitarianism—which is, via a vicious circle and a longer word, the totemism of the tribe as an heir to the inviolable cohesion of the pack[12]—any deviationist is doomed, no Queerchimp meets pardon. Once he has been secured to their justice, his regular fellow-simians will adjust him to the execution block; or at best, if their legalism is not totally devoid of humorism, they will sterilize him, regardless of—indeed because of—his being the carrier in his seed of unrevealed tomorrows.

12. Kipling, long before Montague and the other latter-day biologists, interpreters of Nature as "mutual aid," knew that the conservative instinct of the pack has its reasons which reason knows not. In more comprehensive terms, the law of the jungle *is* law. Baloo, the bear, in the *Jungle Book*, orating in behalf of societary tradition and order against the unruliness and indecency of the "Bandarlog," the Monkey People, is twice a stroke of genius: a warning to the "man cub" against what in the community of man, that supermonkey, is worse than the society of animals, but at the same time a pointer, mythically, to the chance that out of the anthropoid disorder the extraordinary may be born, with some runaway Queerchimp saving in himself the seed of the more-than-animal, in due course more-than-human, to be.

XII

Justice as Eros

OUR BROTHER'S KEEPER

WE BORROW one more quotation from the *Republic* of Plato. It will be our last. "Why, my good sir," says Socrates to Glaucon (we are deep in Book IV, well past one-third of the volume), "at the beginning of our enquiry, ages ago, there was justice tumbling out at our feet, and we never saw her; nothing could be more ridiculous. Like people who go around looking for what they have in their hands—that was the way with us—we looked not at what we were seeking, but at what was far off in the distance; and therefore, I suppose, we missed her.

"*Glaucon.* What do you mean?

"*Socrates.* I mean to say that in reality for a long time past we have been talking of justice, and have failed to recognize her.

"*Glaucon.* I grow impatient at the length of your exordium."

The passage seems to fit all we have been saying, since "the beginning of our enquiry, ages ago," "for a long time past," on or around the concept of justice, while the speaker has not been Socrates or Plato. More comprehensibly, therefore, the reader has grown "impatient at the length of the exordium."

But it has been no exordium.

What we have been saying covers, we trust, the whole field of theorematic speculation. The corollaries, prescribing the practical applications of justice so redefined, derive from the theorem's field in brief straight order.

The main feature of the new definition is, we have pointed out, its indefiniteness: such as, e.g., in an open angle or tangent compared with the self-inclosedness of the triangle or circle. There resides the contrast between ancient politico-ethical speculation and modern. The exactness of the contrast in turn accounts for the equal ease with which the two contrasting views can be summarized.

It was easy for Socrates, pressed by Glaucon's demands, to clarify and tighten the lengthy and apparently rambling "exordium" by reverting to the primal principle, which was the self-inclosedness and self-sufficiency of the walled city. Within those walls the purpose was not progress or any kind of motion; it was stability. Hence the fixity of the social ranks and tasks: "one man should practise one thing only" and keep, unflinchingly, within his caste. This was as remote as possible from Voltaire's "cultiver son jardin," each tending his garden only, which is aesthetic isolationism. It was Spartan, and Communist, regimentation. "Justice," then, in that frame "was doing one's own business, and not being a busybody"—not being one's brother's keeper. Thus contained, Justice—as the adjustment, willed or when need be coerced, of the knowable to the known, of the feasible to the fact—was in turn the container and standard of the other three virtues, "temperance and courage and wisdom." It was "the ultimate cause and condition of the existence of all of them, and while remaining in them" was "also their preservative," preservation being the test, and what ought to be being identical with what is. It was not even, not yet, the survival of the fittest, a superlative or limit which postulates a struggle and motion. Justice was the operational adjustment, intramurally, of the fit.

No less easy is it for us to sum up the change since those walls fell and the city spanned the earth: opened up first by Alexander's merger of the Greek with the Barbarian, then by Stoico-Roman humanism, finally by the supranational, interracial, and inherently interconfessional, Christianity of Paul. In the lapse of a mere four centuries the conversion was achieved, man's about-face taking him from the finite to the indefinite as an earnest of the infinite. Up to then he had looked to the past, punctualized in the present—as were to do persistently until much later the slower cultures of the East. From then on, man —or at least man's Mediterranean vanguard—looked to the future; in a way, he invented time; the present, which no sooner strikes than it is past, lost all value except as a capillary transit from what was to the ought-to-be and shall-be.

"Evolution" is the term picked by this scientific age for the futurism born of that politico-theological revolution at the hands concurrently of Alexander and Augustus, as well as of mysteriosophy and messianism. The term indeed may look

frayed already today, suspectible; as we saw in Huxley's case; not much more unqualifiedly usable for the prudent scientist than had become for the rational historian the incantatory word, God, and its expanded synonym, Providence. Destiny and destination are the alternatives which ordinary language might propose to replace the proved term "evolution." They serve practically the same purpose.

Let then be called destiny the accumulated past which we have received and can interpret but not factually alter. This is the datum from which we proceed. And let be called destination the future, of which we may well have a presentiment and want, to which we address our urge or prayer, whose course and goal however are withheld from our certitude. This is the enigma—the "not-datum," un-given—which lends its tension to the transit from past to future, from destiny to destination, and vests the human will with the insecurity of courage. This is, conclusively, the innovated posture of man—fronting now the open obscurity of things-to-come, not the sheltered ken of things-as-came—which, since the Hellenic-Persian, then Judaeo-Christian, revolution at the end of antiquity, wrecked the structure of justice as adjustment and traded its conservative (Platonically, "preservative") security for the enigma of progress. Man still knew, we know, *what* we should and must adjust; we do know no longer quite exactly *to what.*

As nothing is born of nothing and revolutions themselves are but the explosions of tradition-stocked material, there is no dearth of revolutionary anticipations in the preservative, or protective, ancient doctrine of justice and state. Most notable, in Plato himself—without whom anyway the Christian revolution would be unintelligible—in the *Republic* itself, is the myth of man in the cavern, chained and irretrievably turned toward the inner wall whereon he sees but the elusive shadows of the real events which occur in the open, unseen, behind his back. The metaphor, visibly even for the popular mind, depicted man's ignorance of the ultimate. At the end of the same author's *Symposium,* Eros, indefinitely the begetter of the beautiful from and toward the infinite, i.e., Creative Evolution, steps in, we saw already, as the real king of the banquet. There were *nuncii siderei;* messages, premonitory, from the stars. To full fruition they could not come overnight.

LAW CASE IN ATHENS, LAW CASE IN JERUSALEM

The radical change worked out a few generations later by the general commotion of the spirits and the specialized Christian upheaval is best illustrated by the two standard cases in the relations between the individual and the collectivity. They are the law cases of Socrates and Jesus.

Indeed, the pious classicists of the Renaissance paired them, construed the mistrial and immolation in Athens as a prophetic allusion to the forthcoming deicide in Jerusalem. One difference, however, besides those their piety could not help noting, they seem to have overlooked. There is contentment in the sacrifice of Socrates; there is at least consent. He volunteers as self-executioner; technically, he is a suicide; for it is his hand which freely lifts to his lips the drink which the Republic poured for him but he might have freely averted. If he did not do so, if he chose to drink, it was because of his abhorrence for civil disobedience. His conscience is pure and proud; as a defendant he defended it; as a convict he must surrender lest that purity be defiled by the runaway's offense to the law of the city. His personal righteousness seeks and meets justification in societary justice; he dies just, adjusted; the hive, the anthill, is supposed to survive unshaken, nay, firmed, his end.

Not so with Jesus. His cup at Gethsemane he would like to avert, if the Father, through proconsul or pontiff, permit; there is even a gleam of combat at the scene of his capture; he will be nailed by force to a cross, not adjusted by consent to a code. Gone is the serenity of Athens; all on the Golgotha—whether myth or fact is hardly relevant to the issue—is protest and wail: a contrast looming behind the arch-Christian Pascal's temerarious dictum ("there have been more heroic deaths"); accounting for Trotzky's conditional Christianity, which approved everything of Christ but his defeat; ringing in the Merovingian king's retrospective challenge: "Ah had I been there with my Franks!" Had he been there with his Franks, a substitute for the awaited-in-vain "legions of angels," Christ would have lived—a victor, like a Mahomet or Luther—and Christianity would not have been born, whose core is defeat without surrender, i.e., martyrdom. The convict did not cheat the cross, but he did cheat the tomb—whether fact or myth, the consequences in history were

the same—a revindication in a new heaven which postulated a new earth.

The sufferers of Old Testamentary or Hellenic heritage, Abel or Samson, Heracles or Antigone, did not make the grade, for they were but human; nor did the sacrificial gods of barbaric descent, with their Hellenized spearhead in Dionysus Zagreus, for they were not human. It was the dual nature ascribed to Jesus that sapped from that moment on, infiltrated irremediably with the suspicion of judiciary error the security of justice as the adjuster; as it became apparent that the clan or the city, now maladjusted ever, perhaps will miss a Queerchimp but may murder a god.

Here it is therefore, on a ground where angels literally might fear to tread, that the ways of the Christian revolution and of the Communist at its current stage, part; irrespective of the well-known similarity between the execration of a civilized Greco-Roman like Tacitus for the subversive new sect, Christianity, from the Levant, and the no less implacable aversion of our West for the present Eastern creed; the similarity of two hatreds being inconclusive as to the kinship of their objects. The parallel may still stand, but only in so far as that communism is, or has been, in line with the "Magnificat," subversive socially, an overthrower of elites, putting down "the mighty from their seats" and exalting "them of low degree," with an imitation, if it cared for so priestly a pedigree, of the primitive church's economic collectivism; while basically it is un-Christian more irretrievably than it is "atheistic."[1] For its exalted "them" are not the communion of the he's and she's, each and all, but the aggregation of the class, ultimately the nation, the state, with the individual sheep having no existence outside the flock, which is the metaphor for the folk. Thus it is not only the Christian interest in the single, its justice to the person, that is scrapped; but everything that ought to be unequivocally just is submerged in the confusion of the allegedly expedient.

In this respect, than which none could be more telling, the

1. A Christian, in the broadest possible acceptation of the word, must postulate the deity or numen who rules the universe, whether transcendent or immanent, not necessarily transcendent in an anthropomorphic Being like his own personality. He must believe the imperativeness and supremeness of the message and experience of Christ, not necessarily its exact historical reality nor its unique derivation from a transcendent mandate. This is how, in the broadest possible acceptation of both words, an "atheist" might be a Christian.

revolutions of the twentieth century are manifestly counter-revolutions, apostasies, short of whose breakup no resumption of man's advance is conceivable, for they, all those revolutions, whichever the label and the original location, whether nationalist or bolshevist or Fascist, concordantly vest in the preponderant group the authority of the whole, rule out the initiative of the minority and of the dissenter, and, fastening the possible to the extant, enforce justice as the adjustment of the perfectible intellect—the *intellectus possibilis* of Christian philosophy—to the presumed perfection of the ephemeral pattern.

JUSTICE AS ADJUSTMENT AD INFINITUM AND THE CATEGORICAL IMPERATIVE

The burden, then, of the foregoing is:

1. That no theory of evolution can be understood except as a newcomer, with a depoetized terminology and experimental hypothesis in lieu of prophetic vision, among the religious eschatologies of old, whether Judaeo-Hellenic or Persian-Jewish or from remoter sources;

2. That any theory of evolution, like those eschatologies, doctrines of last things, knows and states the tension of the universe and man, is a faith in things hoped for, or dreaded, or objectively expected, while it is less resolute than they were in spelling out the intention of that tension and its ends, whether they may have been the personal immortality of the Christian, or the Zoroastrian fulfilment and consummation of life in light, or the Brahman-Buddhist recall of all incarnations into the All-Soul, or the birth of new species of living beings less "below the angels" than is this race of men, or suchlike projections of the undisclosable into the factual; and

3. That therefore within any evolutionary hypothesis, more so than in the confessional eschatologies which preceded and inspired it, justice as adjustment is an adjustment ad infinitum, the certitude of the tension being pegged on the uncertainty of the intention, and the City of Man, now sprawling illimitedly beyond the fallen cincture of the ancient city and the crumbling one of our nation-state, being a projection and reflex of the City of God, whether known as he was to Paul or nothing more nor less than a devout admission of ignorance as were the divine idēas behind Plato's cavern or the "god unknown" of the Athenians to whom Paul preached;

4. So that, finally, the substance and function of justice as we must now understand it appears as the preservation of the maximum possible of chances for evolution to choose. Justice, then, as she captained in Plato the other virtues, temperance, wisdom, courage, so is she now guided by, ultimately identified with, *caritas* in the meaning of reverence to life, submission to and co-operation with the destination of the universe enfolded in the process which anthropomorphic idioms called the will of God.

We can therethrough revert to Kant's categorical imperative. It read: "Act only on that maxim whereby thou canst at the same time will that it should become a universal law." We used to wonder whether the end of this proposition, when isolated from the whole context, does not hang loose; whether there is any counterrevolution in the twentieth century which would not claim its right to rally to that standard, and to proclaim each and all of its practices, including extermination and slavery, no less than despotism of the One on the nation and of a nation on the nations, as exemplary for a universal law. This in fact is what each and all of the counterrevolutions, dark or red, we have been witnessing, did and do. The difficulty is not wholly obliterated, yet it is reduced, if the phrase in suspense, "a universal law," is integrated with a qualification transferring the approval from the assent of the doer to the intent of the deed. Act then in such a way that thy action and its norm should become "a universal law," intended for the growth in freedom and creative advancement of the universality of man.

XIII

Six Corollaries

FIRST AND SECOND: ON SOCIETY AS A KILLER

SOME corollaries are self-evident. I shall select six, three from the historical present, three from history in the making. The first and second refer to society as a killer. It is self-evidently admitted that society as a warrior kills its best: the young, the strong, the generous, the brave. The future is wasted in blossom, nipped in the bud.

We need not insist here on the description of war at the recent and present stage of history as extensively enough attempted in the opening section of this book. Illustratively, and for the smartness of it, we may add the picture of interwarring mankind as caught by Kipling, no pacifist, in his caricature of the simians, those forerunners of man and violators like him of the moral law of the jungle, which as a rule is prohibitive of internecine battle.

"Then they [the monkeys] would howl and shriek senseless songs [Kipling authored some of them: barrack-room ballads; *The Road*, alluring, *to Mandalay*], and invite the Jungle People to climb up their trees and fight them, or would start furious battles over nothing among themselves, and leave the dead monkeys where the Jungle People could see them."

Perhaps never before the third phase, winter, 1951, of the Korean war—that "battle over nothing"—had a military operation been called so tersely and unreservedly "operation killer" as officially America, this vanguard of civilization, did call that one. Thereby the warrior joined the executioner. The war criminals trials had provided, and will further provide, the meeting ground.

Society as an executioner is supposed to kill the worst.

It seems incredible that the assumption is held valid and the practice continued in a number of Christian communities whose

creed, even when secularized, is rooted in horror for the execution of Christ.

Their split conscience those communities bare by spurning the doer while approving the deed. They prescribe the rope and proscribe the hangman. Were that conscience whole, he ought to wear unblushing honors.

Even were security attainable, that justice, the contractual and retributive one, will be no longer hurt, no martyr's corpse will lie in the way of man's associate future, that an infallible society will spare the innocent and the best, hitting solely the worst in its midst, the mangy sheep, the social guilt would remain hardly less grave in depriving the offender of the opportunities which a slow atonement might have in store for his rebirth to a better self. For there is no clear-cutting of the process of individual salvation from that of social progress; they are woof and warp; and anyhow mankind has no business with death, which it leaves to nature, concentrating as it grows more and more human on the operations of life.

These remarks confirm from a specialized angle the tenet—anti-Platonic in the letter while neo-Platonic and ultimately ultra-Platonic in the spirit—that Justice is busybodiness, with everybody his brother's keeper. The capital offender, weighed and found wanting, has forfeited life. Not because he has earned it, but because he is wanting, because he is in need of it, does he receive it back from the society of his brother-keepers as a gratuitous gift, a charity, whereby retaliatory justice has been repealed, regardless of the public charge he is going to be when the rope or the rheophores would be so cheap and regardless as well of the risks which his society runs if he jumps the jail and goes wild again.

No less clearly observable is the gratuity of Justice under the guidance of evolution—which cannot be creative unless it spares, hoards, the chances of progressive change—in an aspect of the historical present which looks offhand as remote as possible from the two considered so far. This, the treatment of womanhood, is the subject of the third corollary.

THIRD: ON WOMANHOOD

War, the exposure and decimation of the fittest, still flares, may rage; capital punishment, the immolation of the probably but not necessarily unfittest, survives. The new deal with wom-

anhood, instead, is an accomplished fact almost everywhere. The status of the other half of mankind, immemorially inferior, was lifted in the span of not much more than one generation to equality: political first, then increasingly juridical and economic; even military as far as feasible; a conquest so sweeping as to appear irrevocable not only, but to make us wonder at the remissness of the ages in enacting a justice so plain and smile at those residual resistances which in some segregated corners like Switzerland still hold quaintly the old fort.

Yet nothing has occurred in the world of facts to account for the innovation. The historical record assigning the distaff to a function, decisive indeed in the home but lesser in the commonwealth than that of mankind's staff—which is manly, as virtue itself stems from *vir*, is virility—stands unreversed. Mentally as well as physically the weaker part, its contributions to what is called genius both in statecraft and in the arts and sciences have always been desultory and seldom been leading; even its famed accomplishments in queenship, with equality of opportunity offered at the top of society by a unique combine of matriarchal atavism and dynastic precaution, never soared so high as to make of an Elizabeth or Catherine a Caesar or Charlemagne; nor is a she-Shakespeare or she-Aristotle known. On the other hand, no masculine monopoly prevented exceptions, however limited in scope, such as Sappho, from coming into their own; while, conversely, the egalitarianism of the Soviets, blameless in the written law, has failed so far to raise the she-comrades to their fair share in the Politburo[1] or even to make up for their scant partnership in the real game with the symbolic honors which less advanced societies lavish on the articulate kibitzing of, say, Women's Club presidents or White House wives.

All in all this is still a world of men, where the largest revolution in numbers—a sudden doubling of the partakers of power—was also the least necessary and operative on record. That revolution, a most "glorious" one, with no blood and/or struggle, was not irresistibly urged by its beneficiaries, who as often joined their husbands in mocking the scattered huddles of suffragettes, often spinsters or otherwise uninviting third-sexers,

1. At a one-worlders' convention, Geneva, 1950, a resolution was introduced, in earnest, to the effect that in the World Republic to come 50 per cent of the official jobs should be reserved to women: a global Fair Employment Practice, FEP, which, however regrettably abets a remnant of masculine imperialism if it is true that the ratio of females in the nations' population is, slightly or not, upward of fifty.

who did the urging. Should the emancipation, given for the not asking, be known from its fruits, they have not much to show. The expectation that the accession to power of one-half of the nation, virtually of the nations, might open up to mankind an untapped reservoir of political leadership may have been premature. There were, however, fields of immediate action where the influence of political womanhood could be sensibly expected to be decisive: such as child labor, the statutes of marriage and divorce, prohibition or regulation of liquor, last and uppermost the spiritual opposition—no farce of the flesh like the bedroom strike of the pacifist wives in Aristophanes' *Lysistrata*—to militarism and war. There too, and most impressively in the field of war and peace where it was needed most, no such influence has been brought to bear. Unmistakable instead have been the added inflow of emotion and incompetence into the already troubled waters of liberal democracy and the widening rift in the unity of the household, with duality enfolding dualism and duel, born of conceit: a feat of social progress telescoped in a celebratory mood when John and Jean, spouse and spouse, arrive simultaneously at the polls and cast contradictory ballots in an ultimate fruition of self-ruling enfranchisement. This elicits the applause of the well-thinking neighborhood; its underlying premise, however, is either that the things of the state are for fun or that a serious discord in the things of the state can go together with an honest concord in the things of the home.

There seems to be no doubt, at least within the frame of our available experience, but that—if justice were adjustment—the old order was juster. What political power could or can be wielded by woman was exercised undivisively, also in behalf of the children, through her proxy and plenipotentiary, man; and sanctity was conferred on an office whose responsibly accepted limitations were compensated in Christian creed and poetry by her primacy as a mystic intercessor between earth and heaven. Presentiments of this promotion were frequent in pre-Christian patterns such as the Socratic community, utterly masculine, yet overarching the opposite of Xanthippe, the housewife, and Aspasia, the courtesan, with the holy avocation of Diotima; and scarce, if any, echo can be found in classical antiquity to the radical demotion so loud in Nietzsche's tenets (with which anyway Nietzsche's life-experience achingly disagreed) that woman is the relaxation of the warrior, and the solution of all her prob-

lems is pregnancy. Halfway between the delusions of feminism and the aberrancies of misogynism an accent of enduring verity seems to mark the words of the Nurse in *Romeo and Juliet:* "Women grow by men." Growth is not denied to women; it is to be achieved, however, through the mediation of men.

Be it as it may and be it even granted for the argument's sake that the above report on feminism, loaded for the argument's sake in favor of misogynism, attuned to the bitterness of those who have written of this "Lost Sex,"[2] states nevertheless a truth: that Eve is Adam's rib. Even were it so, the revolution would remain irrevocable—and "just," in the sense of Gospel justice as contained in that basic message from which all our revolutions, each taking its time, have been fanning out. For, indeed, the summit of creation in the Gospels is visualized according to patriarchal, not matriarchal, models; God is the Father, not a goddess-mother; the incarnation is the Son. Yet, long before the near deification of the mother of Jesus, the feminism of the "Magnificat" is upheld all through the story; women are conspicuously and insistently on the path of the Savior; one, the Magdalene, is singled out by the Fourth Gospel as the first witness to the resurrection, hence in a certain respect as the founder of Christianity.

True, they have no membership in the inner circle of the disciples, nor will they have in the apostolical elite after the resurrection; and heavy misgivings, in Paul and many a father of the Church, watch her presence at the rites of the congregation; let alone the priestly caste, from which their exclusion was intended to be whole and permanent. That nonetheless the abbess in a convent was vested with near-priestly power, or that many a bishopess or popess was later on installed on sectarian peripheries, Christian Science or Salvation Army, though not at the centers in Rome or Canterbury, Moscow or Wittenberg, sheds an albeit circumstantial sidelight on the necessity of the political development. Once rejected the hypothesis—grimly toyed with, in ultimate misogyny, by this or that irate anchorite—that woman after all is a subhuman creature, devoid of immortal soul, once admitted her parity in the City of God, her emancipation, i.e., parification in the City of Man follows irreversibly; emancipation being the politico-juridical term, even lin-

2. F. Lundberg and M. F. Farnham, *Modern Woman: The Lost Sex* (New York, 1947).

guistically identical, for what in the religious promise is redemption.

The promise, entire, was indelibly implicit, both for woman and for slave, in the Christian declaration of intentions, no matter how long it took for that intention to be fulfilled. Tactical prudence suggested to Paul the political conformism of the Epistle to the Romans, even if the prince of the earth was Nero; sacred foresight and mundane acquisitiveness as well perpetuated that submissiveness, more or less double-talking as from outdoor catacombs, in the established churches even if the prince of the earth was Satan; and their complicity helped keep firm the lid on the seething republican revolutions, intrinsically Christian, until they began to spring it at the hand of some dissenting Cromwell or other. Analogously, slavery was, if not doctrinally abetted as it was in Aristotle, pragmatically blinked at as many another less blatant kind of exploitation and subjugation: both in the service of worldly interests[3] and in the light of a religious nihilism indifferent to any worldly condition. So was, doctrinally and pragmatically, the lower civil status of womanhood, regardless of the contradiction wedged thereby into the unity of the Christian message.

The message, however, stood, and it is more inspiring than surprising to realize that the time required by the two emancipations was practically the same. In terms of the American Constitution the Thirteenth Amendment, abolishing slavery, is of 1865, at the end of the Civil War; the Nineteenth Amendment, obliterating all political discrimination "on account of sex," is of 1919, at the end of World War I: an interval hardly noticeable in a perspective of nearly two thousand years. As the process had been slow so became its validity immediately universal. The toehold of sex privilege in so bright a land as Switzerland is, symmetrically again, as invalid as the lingering of slavery in some fastnesses of dark Africa, and no one anywhere is seriously thinking of a return to the juridical conditions which preceded the emancipation of the slave or the parification of womanhood.

The possibility, to sum up, that such parification will open eventually to a growing number of women chances withheld so

3. More tolerably disguised in the Catholic Dark Ages than in the "reformed" churches of the American slave-holding South during the Civil War (and after).

far for an all-comprehensive equality to manhood must be kept in mind. The possibility, on the other hand, should be also kept in mind that those chances may prove futile, or even damaging, with woman goaded to unreachable assignments while deviated from functions which gave her through so many generations her own form of creativeness and power. The safe residue between the two equally undemonstrable hypotheses is the commandment, of Christian origin, extending all human rights to all human persons, regardless of the consequences, even if Justice as reinterpreted by charity should result in maladjustment and thwart expediency.

FOURTH: ON RACES

Once it is understood that the Justice of which we are speaking might even claim as its price the demolition of the world as we know it (*pereat mundus*) in behalf of the world as actually or metaphysically it ought to be (*ne pereat supramundus*), the fourth, fifth, and six corollaries, those referring to history in the making, become self-evident.

The fourth refers to racialism.

Contemporary anthropology tends strongly toward the assumption, and demonstration, that all races are born equal, their anatomical differences being of irrelevant detail or surface ("we are brothers under the skin") and their more relevant differences in the record of civilization being contingent on historical circumstances which history will reverse, is reversing already. The contempt of the Arab at the time of Charlemagne for the barbarous Frank, the judgment of the Roman at the time of his Empire that no workman was as inefficient and obtuse as the British slave, have become familiar quotations. Strongly supported also among anthropological forecasters is the assumption that a growing rate of cross-breeding in the wake of quickened communication and mass displacements will delete the differences, merging the whole species in one race within which the variances will be of fluid shades not of fixed colors. The fashion, I pointed out in an article for the *Negro Digest*,[4] of the dark suntan substituted for the snow-whiteness of the typified Nordic as well as the shift in cinema and painting from the decorative sameness of Hellenic-Germanic beauty to,

4. December, 1944, pp. 31 ff.

say, Mexican or Malayan or other "barbaric" expressionism such as the Slavic, is an arrow of direction toward oneness of the species with illimitable diversity of the persons.

Let it nevertheless be assumed for the argument's sake that the other party is right, the eugenists and discriminators for whom racial inferiorities objectively exist. Whether organically inborn or functionally but irreversibly determined by the use or misuse of aptitudes initially given to all mankind, there is, those anthropologists insist, what Gobineau called "the inequality of the human races." There are peoples elect and peoples rejected. The record of modern times at its face value seems to support the discriminators. Endogamic communities such as the Anglo-Saxon, prohibiting miscegenation and proscribing the native Indian as "vermin," have achieved a higher degree of success than such good mixers as the Iberian or even French colonizers. In South America itself Argentina, practically all white, is more powerful, though much smaller, than Brazil, that cauldron of colors. On these antecedents is founded, rather logically, the frankly segregationist policy of Dr. Malan's South Africa.

Rather logically, not quite. Strict logic would demand the obliteration of the "inferior" races, gradually as with the redskin in North America or almost at one stroke as with the Semite in Nazi Germany. The halfway treatment, which neither kills nor cures the patient, is the result of a halfhearted response to the warning of conscience. Conscience warns that the issue is not whether the endowment and I.Q. of this or that group of men is or may become such as to parify that group, on account of its present or forthcoming merits, with the elite of mankind. The issue is whether there is any group of apparently human beings which we are entitled to consider unhuman, belonging to another species. If that is not so, the dispute, should any linger, between the philanthropic anthropologist, denier of differences, and the misanthropic or misobarbarian, hater of colors, becomes as irrelevant as was a few pages above the contrast between the feminist and the misogynist. Were the inferiority of the nonwhite as firmly established as is according to the misogynist and the available record the inferiority of woman, the nonwhite's lesser degree of accomplishments would not affect his human right to equality in all human rights more than woman's lower standing in intellectual and social ability could affect her political and juridical equality with man. We, the whites and males, shall

take the risks; which are the same as were taken in any democratic revolution extending the authority previously concentrated in kingship or caste or clan to wider and wider circles of albeit untrained or basically unequipped commoners or helots. Nor can we shun those risks, unless we choose to abjure democracy, i.e., humanity, whose fulfilment cannot be sought except in the progressive application of the justice which takes from everyone according to his ability and gives to everyone according to his needs. Thus the value of the abilities, be they of womanhood or of underdeveloped breeds, is valueless in determining the legitimacy of the needs: paramount among them the need for social and juridical equality. Its legitimacy was more or less clearly implicit in the ancient empires and in China (though not in India, where the caste system crystallized a racial order); it was unequivocally postulated by Stoic philosophy; it was finally dramatized in the Christian legend which placed a Negro among the three Magi bringing adoration and gifts to the manger in Bethlehem, and more textually in Acts of the Apostles, 8:37: "Here is some water! What is there to prevent my being baptized?"

He who says so and receives immediately the baptism is the "Ethiopian eunuch." That one adoption repealed at once any discrimination both on account of sex and race.

No discrimination can be held legitimate unless it be for the indisputable common good and:

a) either obviously transitory, with exact terminal date (such as the juridical and political inequality of children and minors, those colonials of parents and tutors, the adults' imperial burden, whose equalization will be automatically effective on a set birthday);

b) or unmistakably applied to individuals, not groups (such as the disenfranchisement of the criminal during expiation or of the insane during insanity).

FIFTH: ON EMPIRES

In the sphere of colonialism, which is the topic of the fifth corollary, the argument runs parallel or coincidental with the argument on racialism.

Against the liberation of subject peoples it has been argued at all times and in all empires that they were, or are, immature

for self-government. Seldom if ever was their maturity spontaneously recognized by their rulers. Nor could any evidence of their good use of liberty be provided as long as liberty was denied. Therefore the Spaniard wishing to perpetuate his protective custody of the riotous and heretical Dutch, and four centuries later the Dutch willing to continue his supervision of the incompetent Indonesian; the Venetian showing the Slav his place embellished by what share of glory and livelihood might fall on him from the aesthetics and economics of his subjugator; and in due course the Austrian trying with blood and fire to dissuade the Italian from his perilous dream of nationhood: all had their point. England was correct not only yesterday when foreboding evil days to a separate Ireland, to an independent India; she was correct also the day before yesterday when scoffing at the administrative greenness of the rebel American colonies and trying with blood and fire to keep them for their own good in the well-tried school of the mother-country.

Yet there is a price to be paid for growth, and no maternal anxiety will exempt the baby from the bumps and sores of his immature attempts at walking, no paternal authority will replace the fresh ordeal of youth with the accumulated prudence of a vicarious experience. Even if one could honestly believe that the subject people is the ward of his better, that the nonwhite man is the white man's burden, the sheer fact is that the ward demands at his own risk franchise, the burden wants to unburden the burdened. In the same way as the nation-state, once shaped in France—for the use of France—seven centuries ago, became the pattern and goal of all nations, the American Declaration of Independence has become a declaration of all independences, including those that hurt the Anglo-American supremacy no less than the imitative buildup of the nation-state in England, in Spain, later on in Germany and Italy, did hurt the precursive primacy and the power of France.

It is possible that an immature nation or group, risen suddenly to independence, proves unfit for it, unqualified for self-government, hence a hotbed of disruption and a threat to the orderly development of other communities. The case of such a collective maladjustment is not different, however, from the individual maladjustments which we contemplate and confront every day in the criminality within every law-abiding community. We do not confront them with retaliation applied individually by the

individual sufferers; the murderer is not abandoned to the justice of the family feud or vendetta, to be slain in turn by the next of kin of him whom he slew;[5] society at large, the legislative nation-state, disarms the doer and the victims alike, takes upon itself the task of punishing or segregating the culprit. In the same way, if the transgressor is a whole community, an independent state which has made obdurately evil use, wasteful or criminal, of its right to equality, that right to equality and liberty, no longer inalienable, shall not be alienated in behalf of the previous master, the colonial empire, as was the liberty of the runaway slave in behalf of the slave-holder. That community will be, literally, "institutionalized," within the institutions of the world society, whose guardianship will not bear the marks of debasing overlordship but those of redemptive, i.e., educational authority until such time in the visible future as will make the unfit community fit for its equal place in the world community.

Thus the tempo, grown frantic, at which even the most backward and least deserving groups demand equality and liberty posits the world state: which is at the same time the theoretical premise and the practical consequence of Justice as no longer a distributor of rewards to merits certified in the past but a lender on the returns of an inscrutable future, ready to miss those returns as does humbly the giver, proudly the gambler.

SIXTH: ON THE WELFARE STATE

The ambiguity of the available data and the unreliability of the expectations are even more impressive in the "welfare state," which is the topic of the sixth corollary.

Those who assert the inborn inequality of sexes and races *might* have their point. Those who insist on the unfitness of the subject or satellite or colonial peoples *may* still have their point. Those who, grounded in historical and psychological knowledge, stress the dangers of the "welfare" or socialist state, of New and Fair Deals, of social security, pensions, holidays, free medical care, nationalized or supranationalized resources—certainly *have* their point.

No decision is unreservedly valid as to optimism or pessimism

5. Fossils of the ancient law are visible, e.g., when the jury acquits the husband who killed the adulteress, or the abandoned girl who killed the seducer, thus maintaining capital punishment for those crimes provided the sufferer volunteers as executioner.

in the appraisal of human nature. The pessimist, the Machiavellian, whose given name in this context is economic royalist or private enterpriser, will contend that once the spur of fear is blunted, once man is relieved of want, the incentive to creation flags, inertia numbs the body social. The standard example is the privilege that was conferred—and the decay that was inflicted—on the Roman populace, a progeny of fighters and farmers, with the socialized sustenance and entertainment, its Caesars' *panem et circenses*, bread and games (to which we might add free cinema). The optimist in turn, this quasi-utopian, will maintain that progress is the fruit of liberty, a release from necessity: witness our most decisive advance on our progenitors when the ape-man's forepaws, exempted from the walking business, became hands, these idle things, makers of playthings (and tools); witness the warbling leisure of the bird when his beak pauses from the functional occupation of food-gathering. Indeed, in many an apical area of nature, including feathers and flowers, as well as of human life, including contemplation and prayer, the *élan* toward beauty and discovery arises from a surplus of unapplied energy, the luxury of an unexpected balance; so that the near-Utopian seems to come closer to realistic probability who assumes that liberation from want should enable vast numbers to consummate in human and superhuman accomplishments the powers they consume now in the subhuman toil of making "a living" which stifles the demands of a true "life."

Yet the misgivings of the pessimist cannot be ignored; yet no statistical evidence is available to the effect that genius is a perquisite of wealth, an appanage of the leisure classes; and even if we step down from the eminent while possibly corruptive levels of opulence to those of a moderate security, from genius to less ambitious self-expressions in art or science, it is not clear that arts and sciences have prospered notably among unemployed on relief who seem instead in certain collectivities to have given a vent to their unexpressed selves through procreation, a rising birth rate, as a substitute for creation in labor or leisure.

Against this misgiving it may well be argued that the opportunities offered by unemployment are offset by its defeatism in a feeling of social uselessness which dispirits the initiatives; whereby leisure dissolves in idleness under conditions radically different from those of a society where social security is under-

stood as an ennobling right, equal for all, not as a humble pie handed out to social failures. Thus the pros once more seem to top the cons, in an alternation of reasons and tentative expectations which anyhow must fall short of disproving unconditionally the view that man is at his best when acting like the bird of prey, eligible for gain *because* exposed to hunger, and at his worst when munching his measure of fodder like the domesticated animal.

Whatever eventually the success of Russian or British socialism, it could not possibly silence the American contention that insecurity was the source of the West's and America's greatness and that the abandonment of this way of life will cost, is costing already, a decisive amount of man's power for life as growth. If, so contends one faith, man is disanchored from the gravitation that binds him to bare survival—food, shelter, essential clothing, medicine—man will soar. If, so contends the opposite belief, man is exempted from the whip of peril, man will rot. Either thesis, in so far as it is exclusive of the other, is undemonstrable, because either urge—the urge to life and the urge to death—is inherent in and ineradicable from the nature of man. Hence the ambiguity of the drastic remedies, of the treatments that "cure or kill"; hence, inevitably, the admission that the welfare state is an act of faith, no rational injunction; and faith is gamble. Basic security may prove to be a most efficient stimulant for the higher faculties of man, or it may turn to be a universal stupefacient. There is no telling.

But it can be told that the society of basic security, the universal organization of mutual aid, derisively called the welfare state, is inevitable and immiment, regardless of the gains or waste that can be anticipated in its further operations. This is no mere statement of fact as can be drawn from the accelerating adoption of this way of life on all six continents, and most significantly from its penetration in the United States, whose doctrines have remained stubbornly backward or, as the word goes, competitive, while its practices in many a field of economics and law are being remolded on a pattern whose substance is unmistakably co-operative or, as the word goes, socialistic. The statement is one of reason; by which is meant that the rise and expansion of the welfare state is not an accidental happening, nor an "act of God," as earthquakes and floods are submissively while not approvingly called, but an "act of man," i.e., a legiti-

mate link in the dialectics of history and an irrevocable application of the revolutionized concept of justice.

To be sure, primitive Christianity is equidistant from economic collectivism and individualism, or indifferent to both, and there is overemphasis in the apothegm of Buonaiuti, the Catholic modernist, that "communism was born Christian and Christianity was born Communist." There had been communism, Platonic and other, long before Christ; and while the economy of the little group around Jesus—and, more outspokenly so, the economy of the apostolic society after his death—was, broadly speaking, of the communist type, on the other hand, Jesus' language in allusive parables and in straight aphorisms as well shows an insistent familiarity, not necessarily breeding contempt, with the economy of the rich and even with the capitalist's profit motive.

That, moreover, the disciples' and apostles' church can be considered communistic only "broadly speaking," is made clear by its relations with the world outside. It is not its purpose to communize the world, to confiscate and nationalize or universalize the individual properties and the means of production. Quite on the contrary, the primitive Christian would not even know how to conceive, how to dream of administering his communistic community if that communism did not postulate the existence and availability of a capitalistic, land-owning, money-changing, interest-cashing, slave-holding class beyond the fluid borders across which the blessed destitute stretch their hands. For their living is not founded on collective farming or on any other kind of co-operative labor; not even on fishing; when it is not the effect of miracle, it is the result of alms, whereby the privileged provide the renouncers or rejected not only with the necessities of life such as guest meals and transients' lodgings, but also occasionally with its amenities, such as liquor and even very expensive perfume.

Thus, in the early Christian climate, private property or the capitalist system, so far from being the antithesis and target of the communistic law within the chosen group, is the indispensable condition therefor.

The situation, in spite of interesting variants such as the exercise of productive labor in the Benedictine rule, repeated itself, more or less avowedly, all through the Christian tradition: most avowedly in the very designation of the mendicant, begging,

orders. The founder of the most famous of them, St. Francis, was the son of a wealthy merchant: a fact of biography which becomes a symbol of history as soon as we realize that the paternity was more than biological. It was dialectical in that begging is impossible unless it is supposed that there is somewhere a surplus that can be put at the disposal of the needy, a Dives who can feed and tend his Lazarus. Thus understood, the evangelical proletariat is not the antagonist and successor of the bourgeoisie—or whatever else may be the designation of the owner class—it is its breed and ward and a participant in the profits of the managerial staff of society.

This two-faced economics is evident, more literally than in the Gospel parables which seem to approve or at least not to condemn slave labor and compound per cents, in Jesus' instruction to the applicant disciple, "Sell all that you have and divide the money among the poor"; which differs basically from what would be an instruction not to sell at all but to administer those goods, in some kind of confraternity or *Kibbuz*, in partnership with and for the benefit of the poor; since a sale, at the other end of the trade, is a purchase; therefore the (broadly speaking) communization of the proceeds in cash, the distribution of "the money among the poor," is not feasible without a previous operation which increased instead the holdings of private property.

The inference dominated all through the centuries monastic life and any kind of asceticism—unless the hermit was John the Baptist, living, totally autarkic, on dried locusts and wild honey—as the begger developed of necessity an interest in the prosperity of the almsgiver[6] and the walled-in communism of the convent, having practically no other source of livelihood than donations and charities, had to become of necessity, together with the political churches, an ally and abettor of feudalism and monopolistic capitalism in the world at large. The parasitism of the lean and humble drew sustenance from the parasitism of the fat and proud, which it helped to prop; and the very cash which the disciples divided among the poor, having run its brief inflationary course, was bound to solidify at last in the gold of the merchant and in the crop of the land grabber.

6. Though the workingman is no beggar, a curious analogy can be found in those unsocialistic labor unions, especially in America, whose leaders frankly applaud the bigger dividends of the corporations as a reservoir usable for higher wages and rounder pensions to the workingmen.

All this being granted (though, needless to say, in a sharply controversial light), there remains, in the Gospels and in primitive Christianity, the accent or "the tune that makes the song," *le ton qui fait la chanson.* Be it as it may in what concerns the doctrinal equivalence of collectivist and individualist economy in Jesus and his immediate congregations, nay, even the functional subordination of the former to the latter, the emotional accent strikes passionately in favor of the dispossessed, it suspects and hits, though for no reason at all except a reason of the heart, the rich. They may well be acceptable, and even indispensable, it being impossible without them to conceive a society based on the two reciprocal functions of alms-giving and alms-receiving; but endeared they certainly are not, no favored candidates to the Kingdom of God into which on the contrary their admission is hyperbolically said to be more difficult than that of a camel[7] into a needle's eye. Privileged on earth and in the things of the flesh, they are underprivileged and cast away in the realm of the spirit; whereby the subversive impetus of the "Magnificat" is confirmed and continued, which "hath put down the mighty from their seats, and exalted them of low degree." Poverty, ugly for ancient paganism, debasing for the modern West, is displayed unashamedly, exhibited as a title of honor, and treasured as an investment in final power and unending bliss.

True, that subversive impetus is not openly transferred into a proletarian upheaval, an insurrection of serfs; incitements to revolt are either very shrewdly veiled or frankly rejected;[8] and, should one try to outline an economic platform from the doctrines and practices of the initial Christian congregations, one might be tempted to designate it as a New Deal[9] much rather

7. Thus the text of tradition. Recent suggestions to read "rope" instead of "camel," while attenuating the capricious vigor of the metaphor, do not alter its meaning.

8. Nowhere, of course, more frankly and remorselessly rejected than in Paul, whom protective collaborationism and conformism to the Roman authority, together with indifference to any temporal status in the imminence of the Kingdom of God, made into so consistent a supporter of social hierarchies, a precursor in this respect of Luther's standing for princes and barons against rebel peasants, as to ship back the Christian runaway slave, Onesimos—true, with his consent—to the legitimate master. "If you were a slave when you were called, never mind. Even if you can gain your freedom, make the most of your present condition instead" (I Cor. 7:21). "You who are slaves, obey your earthly masters, in reverence and awe" (Eph. 6:5).

9. "I do not mean to be easy upon others and hard upon you, but *to equalize the burden,* and in the present situation *to have your plenty make up for what they need,* so that some day their plenty may make up for what you need, and so *things may be made*

than a revolution. What, we mean, if the rich man, instead of letting the crumbs from his table fall on Lazarus below, sent him a loaf? What if, instead of letting the dogs lick his sores, he sent him a nurse? Would the rich man become eligible to the bosom of Abraham? Would the verdict be reversed which otherwise dooms him to the fiery pit? One should say so; and Luke 19:8–9, among other passages, provides the evidence; for Zacchaeus, the reformed publican, does not even consider selling all of his property and dividing the proceeds among the poor; he does not even announce his retirement from the profitable business of the tax collector. "Behold, Lord," he says, "the half of my goods I give to the poor; and if I have taken any thing from any man by false accusation, I restore him fourfold." This is all, a share-cropping of the crop of wealth and a refund of embezzled substance plus fines. Yet that "all," which is little else than a half, is sufficient to the Lord, Zacchaeus' savior and guest. "And Jesus said unto him, This day is salvation come to this house."

Thus the bargain is clinched. The rich man may stay rich and yet be saved—pass on camelback through the needle's eye—if he shares. In the wake of this fifty-fifty compromise, the magnates and "czars," the robber barons themselves of the industrial noontide, the insatiable hoarders of loot, implacable extinguishers of rivals, could genuinely feel that they were living according to evangelical dictates if the pinnacles of their hospitals and colleges attested to heaven that they had done their part on earth.

They rebelled, however, or tried to, when an American President, who was a patrician himself, an offspring of the "have" classes, tried to save his fellow-optimates and the capitalist order by intrusting to collective NRA's and New Deals a co-insurance whose solvency, in a society of such size and tensions, far exceeded the power of individual benefactions. Nor has it become easier in later years, as collectivism spanned the old world, seized England, tempted America, to bring home to its antagonists that the derision marking the term "welfare state" is pointless, there being no reason why welfare, beneficence, should be commendable in the citizen, condemnable in the community. The process leading from the, so to speak, voluntary donations of the Gospel to the compulsory security of the so-

equal—as the Scripture says, 'The man who got much did not have too much, and the man who got little did not have too little' " (II Cor. 8:13 ff.).

cialist or near-socialist state was as straight, though also as slow, as the one that led from the spiritual promotion of slave and woman to emancipation and feminism. For voluntariness in the evangelical almsgiving is legal only, in the obvious sense that no codified penalty is threatened to him who gives not; alms otherwise, ethically, are peremptory. They are not solicited by Jesus, the tribune of the poor, with lamentation and flattery, but demanded with scolding and warning: should the rich man avail himself of his freedom not to give, should he evade the far heavier tax—no less than half the substance as Zacchaeus seems to intimate—assessed on him by a much sterner "publican" than the tax collector for Caesar's treasury, the price of that freedom will be paid in the Gehenna.

There was then only one step, even if it took ages, from the ethically obligatory, though not legally enforceable, private alms to the self-enforcing welfare state in a systematic operation of mutual aid, pooling surpluses from the upper brackets in the have community and channeling them to those of low degree, who in turn are expected to support a social order whose foundation they are invited to call social justice. Such justice, however, since its distribution is according to needs, not merits, intrinsically is the virtue of *caritas* made into the necessity of law, which exacts as due and appropriates for public service what the evangelical pauper was supposed to acknowledge as personal bounty. In the long run, after the imminence of the Kingdom of God and its emergencies had long since faded, the voluntariness of that almsgiving could not but prove demoralizing both for the giver, pressed under no blander alternative than hell—or, if he disbelieved that threat, tempted to cheat—and for the receiver, eating his mess of pottage "at the gate." The welfare state, transferring the operation of philanthropy from the single estates to the one state, from wealths to commonwealth, raises it to the dignity of a depersonalized interrelation between duty and right, with no pride for benefactor and no shame for benefited.

Two ecclesiastical documents stressed the change as a development from Christian, not materialist, premises. One, the papal encyclical *Rerum Novarum*, May 15, 1891, while stressing sternly conservatism against revolution, property against socialism, while admonishing those of low degree not to stray from social discipline, urged the high-up to share, however moderate-

ly, the wealth, not through arbitrary largitions but through pledged providences. The other, the Archbishop of Canterbury's address in Albert Hall, September 26, 1942, while still unwilling to deal with social justice by socialism's nationalization of the land, instituted a parallel and contrast between the two requisites for life which no greed has contrived to bag into personal property, which have remained free for individual and associate use—air and light—and the two others, land and water, whose confiscation in favor of private ownership a juster society should redress somehow, though perhaps not exactly through socialist counterconfiscation, in favor of the dispossessed. Thus the Church of Rome, whose *Rerum Novarum* had been confirmed in the encyclical *Quadragesimo Anno*, "Forty Years After," and the Church of England joined in the intent of, so to speak, stealing the show from communism, of countering, in other terms, its pathology by the prophilaxy of a more or less abundant vaccine, planting in the capitalist organism as much of the opposite system as needed to immunize continuity against subversion. But the motivation from expediency stood not alone. Undeniably there was in both custodians, the Roman and the British, of the evangelical word the purpose of, so to speak, baptizing the secular welfare state of our day in its primal holy water of nearly two thousand years ago.

The general habit of comparing the events of our day to those of the first century B.C. and of the first A.D. is not merely academic. Technically it descends from a circumstance unique in historical memory: namely, from the fact that of no epoch except our own do we have records even half as accurate, and documented, and detailed, as those—day for day, in many cases hour for hour—of the Roman revolution and of the establishment and early tremors of the Roman Empire. Indeed, one stupendous exception must be admitted, in that the most relevant event of those two centuries, Jesus' life and death, is precisely the one about which our scientific knowledge is so vague, so wrapped in obscurity and legend, that its very historical reality could be questioned. This exception, however, big enough to awe man's mind with the secrecy of destiny lifting to decisiveness facts and persons that were (if they were at all) meaningless to their contemporaries, confirms the rule, making, by the presence of this one extraordinary gap, more impressive the luxuriance of information in all other areas.

Hence, from this wealth of particulars and portraits, the frequent occasions for analogizing between those generations and ours; but the technical inducement is not without intrinsic resemblance if the hundred-odd years of Rome's agrarian and postagrarian revolution from Gracchi to Caesars is, as it is, the one known counterpart of our industrial revolution and if the problem of Rome, which was to make and keep her world one, was, as it was, in a Mediterranean frame, the same as ours is on a planetary scale. With but slight exaggeration we may say that all the history we know, if any, amounts to only one yesterday, the rise and decline of the Roman Empire, and this day of ours. The similarity of the two days may tantalize in vain our desire for useful lessons to our groping will—history as a *magistra vitae*, a guide or schoolmistress of life, being perhaps a schoolmasterly notion—but it may well contain clues for our searching intellect, so that the data of our own experience, dovetailing with those so profusely transmitted by that age, should help to besiege that astonishing gap of its and to illumine with probabilities, as one does in a narrowed puzzle, the enigma of the Gospel story.

One resemblance between Christ and Caesar is mentioned by a recent narrator of both. "He resembled Caesar only in taking his stand with the lower classes, and in the quality of mercy."[10] This, with the accent on mercy, is but one feature of kinship, well known to Roman self-praise and Christian apologetics; others are overlooked in this and in all other narrations as well; by itself alone, nevertheless, it casts sufficient significance on unsuspected affinities between the economics of Christ, a mystic prelude to the Kingdom of God, and the economics of Casear, a toilsome path toward earthly stability. Either took "his stand with the lower classes"; both founded the hope of spiritual salvation or of civil peace on a system of giving and taking, sharecropping or outright sharing the wealth: there, by donation of half the rich man's property to the poor in Israel (though perhaps not yet to those in Samaria or Heathenland), here, by communal splitting of land among the land-hungry and outpourings from the state's cornucopia of food, fun, even funds, to the underprivileged in the metropolis (though not to those in the provinces and subject nations).

Such affinities are hardly the result of mutual influence,

10. Will Durant, *Caesar and Christ* (New York, 1944), p. 562.

though Rome's influence on Palestine at that time is more likely than the converse; they lay, as they lie, in the nature of things. They in turn give account of the affinities between this age and that. As then the sacred and the secular converged, unknowingly, toward the same deal in welfare, so does now the sacred lend, knowingly, a hand to the secular in the latter's attempt at easing the revolution through reform. The hybrid of capitalism and socialism, first tried in the social securities of Bismarck's Germany, to be later transplanted and amplified in the American experiment of the Roosevelt era, was adopted in the interval by the Catholic church as the core of its "Christian democracy." A compromise socialism of essentially the same quality though less hesitantly leaning to the left found favor in due course with the Church of England at a time when the English veteran and combatant was knocking for his claim from the Common Wealth he had saved as the Roman legionary had done with the *Res publica* he had led to triumph. Certainly, the Archbishop's manifesto was meant to soften the diehard tories while watering down in a welfare economy of cautiously evangelical derivation the radically apostolic communism of his Sovietized Red Dean. It was not meant to wreck the tory party in power and to herald the accession of Labor. It did, nevertheless, herald that accession—of two years later. It heralded also things that go much further than what Labor could achieve in its reign until 1951. It conferred, so to speak, a sacramental unction on the gradual or maneuvered revolution of the secular West, in all its foreseeable and unforeseeable phases, with the only proviso that the sequence of its instalments and the ratio of their speed should be such as to prevent the explosion of chaos and the asphyxia of tyranny.

That manifesto I entitled[11]—of course, with a symbolically immediate unfolding of its remoter implications—"The Speech of the Four Elements." More temperately, the archbishop had said "requisites." Hence, however, with a suggestion from Greek cosmology leavening the tenet of Anglican sociology, the closing section of the Declaration of Duties and Rights in the Chicago Draft of a World Constitution. As listed by pre-Socratic science, the elements of life would be earth, water, air, fire. It came spontaneous, in our world of techniques, to substitute for "fire" the more comprehensive term "energy." "The four elements of

11. *Common Cause* (New York, 1943), p. 355.

life," we wrote "—earth, water, air, energy—are the common property of the human race."

This is not meant to mean communism, if the text in the same breath prescribes that "the management and use of such portions thereof as are vested in or assigned to particular ownership, private or corporate or national or regional, of definite or indefinite tenure, of individualist or collectivist economy, shall be subordinated in each and all cases to the interest of the common good." In the area of economy, the common interest to which all economic systems are equally subordinated, while the world political power does not discriminate against any, is prescribed in the first and basic of the human rights as declared in the section immediately preceding the paragraph of the Four Elements, that right being "release from the bondage of poverty and from the serviture and exploitation of labor, with rewards and security according to merit and needs." No such release, especially in consideration of the emphasis placed on "security" and "needs," not exclusively on "rewards" and "merits," is obtainable without the welfare state acting toward the lucky and the unlucky, who may well happen to be the industrious and the shiftless, as does the Gospel's God who sends the rain and the sunshine on the field of the wicked and of the good alike.

One need not stretch the figure to the point of promising the same harvest to the industrious and the shiftless or even to the clever and the clumsy alike. No equity can be so utopian—and a utopia of iniquity it would be—as to ignore the merits and withhold the rewards or even to level into one impartial average the disparities of the individual starting points. Whatever the advance of brain surgery and biochemistry, there may well be in all time genius and run of the mill; there are jackpots in nature and silver spoons at men's cradles. All that the evangelical language promises is what the historical democracies used to call, not without understood modifiers, tacitly admitted reserves, the "equality of opportunity": with the difference, however, that Jesus' figure, when applied generally to the social order, embodies that equality in a fuller grant than the bare admission to the "pursuit of happiness" wherewith classical, or liberal, democracy felt it had paid its debt in full. There is, in the liberal view, equality of opportunity whenever there is "life" and "liberty"; in other terms, when the extant person, endowed with citizenship, is allowed to play its chances and take its risks

in the arena of competition. The counterpart of such equality in an evangelical allegory ought to be the equal size and the virtually (so to speak) equal fertility of the farming land allotted to each farmer; they, that size and that fertility, are his "life" and "liberty"; "happiness" is the crop, which he is called to raise through his own ingenuity and labor.

What, however, if the climates were unequal—if one lot had its God-given rain and the other no moisture but the sweat of the farmer's brow? The equalization of the climates is the task of the welfare state. Life and liberty—the civil and political—are implemented by it with that much of livelihood and economic liberty without which the pursuit of happiness would be, for those less favored by destiny or character, the pursuit of the meal, and constitutional liberty a verbiage for the countless mass of human beings enslaved by basic wants no less than are, with hardly any respite but lethargy, the brutes.

This being clear, no doctrinal clearness can be reached as to the limits within which should be contained that grant of livelihood and economic liberation. There is at one extreme of the planning the stint of the poorhouse and there is at the other the profligacy of Cockaigne. Commodus, the degenerate son of Marcus Aurelius, on his accession to the throne tossed to each citizen in the Roman plebs, besides gifts in kind and entertainment, a purse of cash equivalent to three hundred American dollars. Labor's, and for that matter Churchill's, England sliced thin rations, adding medical largess. The Archbishop of Canterbury, its precursor, listing the four elements of life as light, air, water, land, had seemed to identify the basic operation of justice and the main source of revenue for the welfare state, though not in an outright socialization of the land, in a system of land taxation unmistakably derived from Henry George's *Progress and Poverty* and its "single tax," which is socialization in disguise. Thoreau's list of "the necessaries of life" is fourfold too, like Canterbury's of the Elements. They are Food, Shelter, Clothing, and Fuel. How much, or how little, of these necessaries is really necessary, Thoreau investigated in his experience of renouncement and contentment (contented is, in truthful etymology, he who is self-contained) as reported in *Walden, or Life in the Woods*.[12] The pious dieticians of today's Japan stretch

12. "Thoreau's over-simplification of his diet," writes one of his most faithful admirers, Lewis Mumford, in *The Conduct of Life* (New York: Harcourt, Brace & Co.,

further and standardize that experience in their prescription of a wholesome and sufficient fare whose per capita cost would be one and a half dollars per month. Ruskin in turn anticipated luxuries, "exquisite luxuries," for all.

The extent and size of the social grant of commodities and facilities to every individual, deserving and undeserving alike, is not a matter for dogma. It cannot be defined in terms of a permanent, i.e., constitutional, legislation. It is a matter for speculation and experimentation, or trial subject to error. The state or municipality which keeps in good standing the highways also for the use of highwaymen, which offers parks, playgrounds, street lighting, fountains, beaches, to idlers and toilers alike, indiscriminately to the good Samaritan and to the cutthroat at large, is already a welfare state. To fulfil further demands that have grown imperative, this growing welfare state need not reach the extreme of a free distribution of champagne and caviar or of the more exquisite luxuries, certainly of an aesthetic nature, Ruskin had in mind. Midway between slums and Cockaigne the Chicago Draft stops at a commonplace line specifying (Arts. 30 and 31), in matters of basic security, sustenance, and elementary education, the requisites on which the masses and most leaders of mankind at this hour agree. There is nothing sacrosanct in that line. It is as conventional as it is commonplace. More prosperous conditions may advance it toward less elementary grants. Inadequacy of means may detain, though dangerously, the universal state from reaching that line all over the world in the early stages of world government.

What is stable, not shifting, doctrinal, not conventional, is the principle and purpose underlying the welfare state. They were as plainly as incontrovertibly formulated by Thoreau at the beginning of *Walden*, when listing Food, Shelter, Clothing, and Fuel as the necessaries of life. "For," he went on to say, "not till we have secured these are we prepared to entertain the true problems of life with freedom and a prospect of success."[13]

1951), p. 272, probably undermined his constitution and gave encouragement to the tuberculosis from which he finally died.

13. The apostolic precedent on economic freedom as the condition for spiritual liberty is in Acts 6:2–4 (Goodspeed translation, restoring this passage to the full meaning which the Authorized, and the Vulgate, had missed): "It is not desirable that we should give up preaching the word of God to keep accounts. You, brothers, must pick out from your number seven men of good standing who are wise and full of the Spirit, and we will put them in charge of this matter, while we devote ourselves to prayer and

The addition of education, or at least literacy, to the four necessaries, and the choice between clothing in line with this fall's fashions or inside John Knox's lifelong hide, are incidental. What is essential is the filling by Thoreau of the vacuum that had been left for three quarters of a century in the American Declaration of Independence where life, liberty, and the pursuit of happiness (Thoreau's "prospect of success") are abstracted from life's "true problems" and from the conditions that make liberty and happiness, at least to a reasonable extent, possible. The chronological vicinity of Thoreau's *Walden* (1854) and of his experiment in the woods (1845–47) to the revolutionary tide and the Marx-Engels battle cry of 1848 may be largely casual; their derivation, however, at least in part, from earlier socialist schools is unmistakable. On the other hand, both socialism and Thoreau's "anarchism" are deeply rooted in the Christian revolution. Marx's pedigree from Feuerbach and Hegel is well known; his Judaism, too; usually ignored is the Christianity of a doctrine which, apart from the lyrical momentum borrowed from Luke's "Magnificat," even in the plain formulation of its distributive justice based on needs not merits, could quote, like the famous devil, the Scripture. "All that believed," says Acts 2:44–45, "were together, and had all things common; and sold their possessions and goods, and parted them to all men, *as every man had need.*"[14]

CONCLUSIONS AND SUMMARY

A concluding summary of the discussion should answer the queries (1) whether the welfare or philanthropic state is dangerous; (2) whether it can be averted; and (3) whether, if it were possible, it would be desirable to avert it.

1. The welfare state is dangerous. Its plenary fruition might entail the degradation of mankind to a multitude of beggars become choosers, the surrender of the world to a demagogy, in due course a tyranny, of parasites. He who stands for the welfare state must know that he gambles. He must also know that the welfare state might replace the present exploitation of the weaker and less fit by the stronger and fitter with an exploitation of

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to delivering the message." In other terms: the socialist state, taking care of the body, frees the intellect. Allegorically: Martha ministers to Mary.

14. "Distribution was made," thus with repetitive stress the same report a few paragraphs later (Acts 4:35), "unto every man according as he had need."

the stronger by the weaker, of the superior by the inferior, thus enhancing the darnel until it choke the corn. Harlequin becomes king, not for one day alone; the gods wash the feet of the tramps.

2. It is impossible to avert the welfare state. The pressure from the masses grows in proportion as the resistance from the upper classes slackens. The feebleness of the resistance is largely owing to the lack of fundamental principles on which the privileged might base the legitimacy of their privileges and to which the underprivileged might be summoned to bow. Neither investiture from God or his vicars, mystico-feudal hierarchy, nor inheritable aristocracy of blood, is a genuine belief any longer among those of high degree. In the collapse of metaphysics and universal victory of a pan-economism whereby the most pugnacious opponents of Marxism themselves are intellectual disciples of Marx, the possessors of wealth think that their right is might. A right identifying itself with might is a fainthearted combatant.

3. Were it not so, were the economic royalists and classic liberals sturdy enough to avert the welfare state or to subvert it where it is already more or less definitely extant, the upturn would be highly undesirable. For, if what is said above is true, if the old ideologies which propped the leisure classes have crumbled, only one theoretical principle remains wherefrom the adversaries of the welfare state might draw the authority to enforce an economics of "swim or sink"; that principle, or right-wing evolutionism, being the survival of the fittest applicable as a whip to man's nature which, short of drastic stimuli, would soon flag. Want and fear in this light are blessings, Roosevelt's "freedoms from" are fatal to freedom. This, however, the doctrine of competition versus mutual aid, is in the economic field nothing else than what in the vaster field of politics was the doctrine of war versus permanent peace. Whatever the creative values of battle, and the transcendental meaning of the warrior's challenge to death, we were unable to plead at this stage of history for the preservation of war. The same reasons, drawn from a left-wing evolutionism whose main stress is on co-operation, not fight, apply to competition, which is plainclothes war.

The gamble of the welfare state therefore is not altogether blind; its risks are to a considerable degree calculated, on the credibility, though not certitude, of an evolutionary fulfilment

whereby the end justifies the perils and cost of the means, or "all's well that ends well." It was on a faith of this kind, which at his time had not yet forgotten its religious origins, that Ruskin demanded an "invariable standard" of wages, paying "good and bad workers" alike, and the maintenance of "constant numbers of workmen in employment whatever may be the accidental demand for the article they produce."[15] To such accident, as to any other contingent circumstance or effect of the uneconomic social laws he stood for, he was indifferent; for we do not know, he warned in the passage we quoted already, nor can we know, what will be, in terms of expediency, the ultimate result of any given line of conduct. "But every man may know what is a just and unjust act. And all of us may know also, that the consequences of justice will be ultimately the best possible . . . though we can neither say what is best, nor how it is likely to come to pass."

We *may* know, we *may* also know: both acts of knowledge being acts of faith, which is the world of the possible, not of mandatory reason, which is the world of the must. An interpreter of the Christian revolution, Ruskin helps us in fetching justice from the company of the rational virtues and setting her where she belongs, together with faith and hope.

This togetherness he could not overlook. "Affection," we know, was his unassuming word for charity. "All right relations," he went on to say, "between master and operative, and all their best interests, ultimately depend on this."

More comprehensively he meant all right relations between person and person, community and community, class and class. Their conflicting interests cannot be set at one by any science of the expedient; less than by any other, by the "*soi-disant* science of political economy, based on the idea that an advantageous code of social action may be determined irrespectively of the influence of social affection. . . . Disputant after disputant vainly strives to show that the interests of the masters are, or are not, antagonistic to those of the men: none of the pleaders ever seeming to remember that it does not absolutely or always follow that the persons must be antagonistic because their interests are. If there is only a crust of bread in the house, and mother and children are starving, their interests are not the same. . . . Yet it does not necessarily follow that there will be

15. *Unto This Last*, Essay I, "The Roots of Honor."

'antagonism' between them, that they will fight for the crust, and that the mother, being strongest, will get it, and eat it."

In this single parable Gandhi joins Tolstoi, East meets West. The faith under which the welfare state, or community of affection, operates its gamble relies on a "heteronomy of the ends" whereby God or Logos or Fate or Providence or Creative Evolution or Dialectic Materialism—or whatever the name of the Alpha-and-Omega encompassing the universe—uses the acts of men for purposes other and ultimately better than those the actors could wish or foretell.

In the same vein Washington wanted his famous standard of unconditional values raised, "to which the honest and the wise can repair," though knowing that "the event is in the hand of God." An expectation that the absolute consequences of justice "will be *ultimately* the best possible, both to others and ourselves," had been worded long since in the mystical tenet that "all things work together for good to them that love God," while the rational caveat against any pretense of anticipating the expedient results of any line of conduct was to be confirmed by the superior skepticism of Burckhardt when contemplating "the blindness of our desires, since the desires of peoples and of individuals neutralize each other."[16]

The desire of the imperial administration that the gifts of food and fun to the Roman populace should keep it content and quiet, thus helping to stabilize the peace and perpetuate the Empire, was neutralized by the effect of those liberties and comforts, concurrently with other causes, in unnerving the efficiency and valor of the citizen-soldier, ultimately unmanning the walls against which was to press the barbarian. On the other hand and conversely, the flour that fed the loafers may well have trickled to the gardens and catacombs of the pious; the windfall which corrupted the corruptible may well have sustained the perseverance of the saints, thus counterneutralizing the destructive effect of the bonus as bribe and helping to build a transcendental society of the meek but upright for inheriting soon what earth was to be inheritable from the fallen proud.

Our welfare state, in being or in the making, is a far more confusing field of concomitant causes and centrifugal consequences than was the relatively restricted experience of that age. No firmness of outlook can be attained except in the view that true

16. *Force and Freedom* (English trans. of *Weltgeschichtliche Betrachtungen*), p. 369.

statesmanship and true political science combine trust and diffidence, dogma and doubt: figuratively speaking, the heart of Dante and the brain of Machiavelli. One can—or must one?—think with the latter that men are greedy, thankless, wicked, dastard. One must nevertheless believe with all true poetry and science that man is, as far as we know, the vanguard of the divine in the universe; he must be trusted. Men may well be inclined to tear the hand that feeds and clothes them, to rule *and* ruin the state. Man, since the welfare state has been made inevitable not by mere mass urge but by the logic of the heart, will find out how to turn to good the evils, probable or certain, with which it is riddled. No matter how men misbehave, man will behave. This is, unjocularly and quite rationally, tenable, the reversal of the old paradox that the senators were good people, the Senate an evil beast: *Senatores boni viri, Senatus autem mala bestia.* Quite to the contrary.

XIV

Men Are Bad, Man Is Good

HERE arrived, we feel assured enough to close the quest to which we moved from the query: What is Justice? *Quid est Justitia?*

"What is it," asked Mr. Bundy, arguing against the possibility of a World Republic,[1] "that keeps the nations apart today? Is it not precisely," he wondered, adding one more variation to the ancient theme, "their inability to reach any agreement on the content of the idea of justice?"

Hardly so. And the exemplification itself of Mr. Bundy defeats his claim.

"The 'maximalists,' " he had written in the immediately foregoing paragraph, "are, I think, on wholly solid ground when they argue that most of the people of the world will not accept any world government unless they think it advances their ideas of justice; this is as true for Indians and Chinese as it is for Russians and Americans. Each group would like to prevent a certain brand of injustice—the Americans, war and totalitarianism; the Russians, anti-social liberty; the Indians and the Chinese, race prejudice and inequalities of wealth. Everyone, even the Russians, is in favor of a single world, on his own terms, and everyone considers his own terms just."

But do the Americans think and say that antisocial liberty and race prejudice are just? Do the Russians teach inequality of wealth and war? Are the Indians in favor of totalitarianism, the Chinese of antisocial liberty? The self-evident truth is that each of these allegedly separate justices is overlapping with and integrated in the others, as no radical clash of doctrines has survived at governmental levels the Nazi-Fascist catastrophe of 1945. Still, in their seventh year of cold war, East and West were at one in condemning the Nazi-Fascist philosophy whose military embodiment they had crushed in their pincers; still they jointly confessed the same philosophy pointing to human-

1. In *The Reporter* (New York), November 22, 1949.

istic, though only humanistic, progress; hence the war of words, blurring the terminologies of democracy and liberty, while the conflict, verging on frenzy, grew not from basic antagonisms in doctrines but from the obstinacy with which each party insisted on its own betrayal, greater or lesser, of the doctrines to which both parties were pledged: the East on its ferocity in immolating the individual person to the social Moloch, the West on its fraudulence in delaying indefinitely the submission of monopoly and racialism to social discipline.

Clearly enough, a fundamental agreement "on the content of the idea of justice" has been reached long since. What keeps the nations apart is their variance in the ways of not living up to it.

If then from the modern skeptic we step back to the ancient sophist of Platonic fame, Thrasymachus, resuming the problem in his terms, what shall we oppose to his definition of Justice as "the interest of the stronger"? Shall we propose that Justice is the interest of the weaker?

Clearly enough, Justice is the interest of the weaker, if we deem it just to nourish the infant, to bring up the child, to nurse the sick, to lend a hand to the blind man as he crosses the traffic, even to give our streetcar seat to the newcomer expectant mother and straphang thereafter. In Ruskin's parable Justice is the interest of the weaker if the children eat, as they certainly should, the only crust of bread that is available in the house, whereupon "the mother must," as she certainly must, "go hungry to her work."

Yet Justice is the interest of the stronger if we realize that the individually weak have come together in the collectively irresistible strength of the overwhelming majority of mankind. Men are weak; man is strong. It was said that the meek will inherit the earth. They, those who were the weak, the meek, are inheriting the earth.

Justice so understood, as the interest of the weaker in representation of the stronger, cannot contradict gratuity. At its deepest it remains incommensurable to merits as Grace, *charis*, is incommensurable to works.

A striking identification of Justice with Caritas, or Mercy, I find in a historical novel (otherwise not entirely commendable) on the origins of the Christian revolution.[2] The lepers at the ap-

2. Francesco Perri, *Il Discepolo ignoto* (Milan, 1944; English trans., *The Unknown Disciple* [New York, 1950]), pp. 185–86 and 402.

proach of the Passover pilgrims on their way to Jerusalem warn them, with a sinister lament, to keep off from their impurity; one of them, however, advances to the rim of the road, stretches a repulsive hand cries, "Sedakah, Sedakah. . . ."

"What is the meaning of that word, Megacles?" asks Marcus Valerius, the half-Roman, half-Jewish protagonist of the tale, "What do they want with that cry?"

"Sir," says Megacles, his fellow-traveler and mentor, "*Sedakah* means Justice."

"And of what do they want justice, Megacles? They are poor, and all they ask for is the charity of a penny. Justice is rendered only to equals."

"And you do not know, sir, that charity is justice? The justice that man owes to man."

The identification perplexes Marcus. "His thoughts erred confusedly." They will be clarified, as far as possible, when later on, now a disciple, he hears the Master himself referring the identification from the relations between man and man to those between God and man; God's justice being mercy (p. 402); or else everybody, weighed on its scales, will be found wanting. It cannot be bought or earned; or else mercy would not be mercy,[3] and justice, the merciless, could not be justice.

The perturbation arising from the introduction of sentiment into the previously clear-cut concept of justice as adjustment cannot be rationalized except through faith under the assumption that mankind is engaged in a cosmic enterprise which makes every single person infinitely precious and demands the integration of each individual in the all-society and the transubstantiation of the all-society, the world congregation, in each individual. Thus the destination which is in us, as it is inside the flock of migratory birds, summons us to close the ranks and to spare one another; more than that, as was said, to "love one another."

But woe, at least the woe of ridicule, to him who, giving his seat to the pregnant woman in the streetcar, thinks in terms of the generations in the making to whose welfare he surrenders his comforts. Or to the mother, if such a one were imaginable, who renouncing that crust of bread in favor of her hungry children prides in the consciousness that she is rendering a service to

3. ἡ χάρις οὐκέτι γίνεται χάρις (Rom. 11:6).

the preservation of the species. For the evolutionist religion, too, has, like any other, its "pharisees," whose coldness of heart is matched by the frivolousness of their science.

When the fire is on, the wood is gone; which means that every accomplishment deletes its antecedents or, so to speak, every consummation consumes its motives. Whatever its biological sources and cosmic uses, as soon as love is there, it is entire in its self-less selfhood, and any rationalization on account of definite purposes tilts its "balances of justice" to "balances of expediency." This is after all what Plato in the *Symposium*, a more permanent message than the *Republic*, meant by Eros: a sovereign essence, not a product and sum-up of by-products; a creativeness, not a procreativeness. Paul replaced Eros, love, with Caritas, which is Charis, grace, from God to man, and charity, "Agape," from man to man; but his First Corinthians, with its hymn to Charity, was addressed after all to Greeks, who, whether Platonists or Stoics, knew what the talk was about. Far down in the lengthy genealogy of synonyms, Schiller's hymn, which was to provide the text for Beethoven's One World anthem,[4] picked the least assuming while the most comprehensive vocable, Sympathy, which includes compassion in the sense of *Mitleid*, partnership in pain, as well as concordance, togetherness of the hearts, in joy.

What kind of "cosmic enterprise" mankind bears in the momentum of its instinct though not in the certitude of its intellect may be adumbrated somehow by poetry or prayer, both belonging in the sphere of *Hagia Sophia*, "Holy Sapience." On its more level ground political science, which means political wisdom, i.e., juris-prudence, must be content with knowing what that cosmic enterprise it not.

It certainly is not the adjustment of the citizen to the walled-in community of the Platonic city.

4. "There was even," thus *Common Cause*, I, 360, reporting on side roads along the main exploration of the Committee To Frame a World Constitution, "some tangential approach to the quite tangential search for a world anthem. . . . One proposal favored some excerpt from Schiller's chorus in Beethoven's *Ninth Symphony;* with preference presumably given to the more cantabile bars which accompany the invocation to 'Joy, thou lovely spark from heaven' rather than those, far less manageable, which introduce the more essential invocation to the human race: 'Join in one embrace you millions. This kiss be to all the world.' " Cf. *Common Cause*, IV, 343 ff., "Constitution One Hundred Eleven," by G. A. Borgese, Art. 130, "The anthem shall be the Chorus from Beethoven's *Ninth Symphony*."

Neither is it the co-ordination of the individual to the fulfilment of humanistic progress as, more than envisioned, almost touched with hand by eighteenth-century Enlightenment.

Nor is it the dawn at last, a messianic variation on the above mirage, of human history upon the accomplishment of dialectic materialism and the demise of the prehuman bourgeois dark ages.

Yet it is possible to conceive a commandment of the way, even though the goal is unseen; a sentiment, which is a presentiment, of a cosmic enterprise whereby can and must be justified the lifting of the concept of justice to, and its fusion with, the concept of charity; without which fusion, whatever its pitfalls of confusion, the concept of justice, as we have endeavored to show in these pages, is, even worse than untenable, un-understandable.

But the concomitance of imperative means with unknowable ends is not the discovery of those pages, dedicated, on the spur of Kant's *Zweckmaessigkeit ohne Zweck* in the aesthetic creation, to purposiveness without purpose in nature and history. That concomitance, which declares a tenable and intelligible Justice in the light of creative evolution, has been well known to those, in Indian and occidental speculation as well, who have tried genuinely to investigate and master some of the contradictions inherent in the processes of creation and growth. Any reader may suggest that the most exalted formulation of the paradox is perhaps in that strange pamphlet where philosophic tradition and religious revolution meet, John's Gospel. "The wind bloweth where it listeth, and thou hearest the sound thereof, but canst not tell whence it cometh, and wither it goeth: so is every one that is born of the Spirit." There is no violence to the intent of the text in adding to "every one" "every thing."

Part III

The Shape of Power

XV

On "Termination of the Law" and New Beginnings

JUSTICE-CHARITY DONS AN ARMOR

IT HAS been shown so far (1) in the first part of this book that, and through what process, war, formerly a sacred or at least irrecusable institution, has become a crime, and one of such as "don't pay" and (2) in the second part that Justice is irrational and elusive of any definition until it is identified with Charity, i.e., Paul's "Agape," with its derivation from Plato's Eros.

It has been concurrently manifested, in the underlying assumption and in the deductive evidences alike of both parts, that as universal peace is the prerequisite for the advancement of man, so is justice in turn the prerequisite of peace, "and peace and justice stand or fall together."

This tenet looms oracular in the Latin dictum we engraved on the foundations of the Chicago Draft[1]—*Justitiae Opus Pax*, "The Effect of Justice Is Peace"; it comes forth, however, self-explanatory, and is plainness itself, as soon as the ordinary vocable, Love, takes the place of such lofty equivalents as Agape and Eros or a cheapened one as Charity, whose meaning has been bent by mixed use from the charism of grace and mercy to the routine of alms.

"Peace," then, "and Love stand or fall together": clearly so, no matter how suspectable so sob-sisterly a sentence may sound to the ears of our age, if it is clear that peace worth speaking of is not merely an abstention from war—aloofness, whose political denominations are isolation or neutrality, inherently no peace, only a truce, whatever its tenure—but a creative togetherness whose prerequisite must be love.

1. As graphically summarized and symbolized in the last page of this volume.

Yet common sense and common usage balk at the identification, if it is meant to be unreserved and final, of Justice with Charity; the identification being more exposed if Love is substituted for the latter term of the equation. Words, indeed, are things, are beings; they must be treated responsibly; obviously no one would treat in the sentences of the sensible discourse—or, say, in the wording of a court decision—Justice and Love, or be it Charity, as interchangeable synonyms.

The demonstration of the impossibility of defining Justice within the bounds of "adjustment" has been, I trust, achieved in the foregoing section of this book.

Its transfer from its place in the quadrangle of the rational virtues, together with Wisdom, Temperance, Fortitude, to the vertex of the suprarational or theological triad, which is Charity higher still than Faith and Hope, requires a further elucidation —and containment. In Kant's aesthetic terms we might say that we lifted the concept of Justice from the sphere of the Beautiful, in which it belonged, to the sphere of the Sublime. This happened in the wind of the Spirit that "bloweth where it listeth." For its own sake sublimity should report to sobriety.

Query: Did you mean, if you project your social and political order into a cosmic anticipation or myth, that the Justice-Charity of God—since God, in the final words of Ibsen's *Brand*, is *deus caritatis*—should treat the assassin on a par with the saint, destruction indiscriminately as creation, abolish Hell, pardon Satan, celebrate at the consummation of time the "Apocatastasis," as suggested by his big-hearted counselor, Origen of Alexandria, the justification in eternity of everything and everybody that ever was?

Answer: In eternity, surely.

At the consummation of time, by all means.

Were I, in the frame of your cosmic anticipation or myth, a saved soul, meaning thereby a conscious and spiritually active personality, I would not care for the television of the atrocities of Hell as one among the perquisites of bliss. Saint Thomas' delight in contemplating with the other saints—like a Caesar's courtiers—the tortures of the damned, even the satisfaction of Lazarus at the sight of the unsuccorable rich man, are beyond us. I would pester the Majesty with petitions for pardon, if the roar and reek from the pit is not to choke all felicity in excelsis.

At least two parables in the Gospels point to "apocatastasis":

the laborers of the vineyard, with the wages equated between the early comers and the latest joiners, "unto this last"; and the prodigal son. As for Satan, he had access to God since Job.

At the consummation of time, in eternity—whether the popular one, assumed to be an infinite repetition of time, or esoteric eternity, an *n*th dimension stabilizing a transcendent instant—the act of the one deity cannot be but unitary. It cannot stabilize dualism, which is the very root of instability. Its justice cannot but be all-encompassing love.

Query: Justice, however, were this before the consummation of time, prior to the zero hour of eternity, Justice would be offended by that kind of justice; or would it not?

Answer: It would.

Query: Why?

Answer: Not because the guiltless enjoys—a sadist, then guilty in his turn—the suffering of the guilty, but because he would suffer from the nonsuffering of the guilty, in that the immunity and impunity of guilt, its "getting away with it," would confront the believer with an indifferent deity, alien to distinctions between good and evil, or, worse still, while knowing them, nay, being their author, refusing to be their guarantor and ignoring them as standards for the administration of prosperity and ruin. Intrusted solely to man, unsupported by any absolute power, those criteria would be trifling or arbitrary; either way weak; this being after all the process whereby the god of Spinoza would join the neutral gods of Epicure and, one step further, certify the identity of right with might.

Query: This being clear, should not these considerations on Justice as cosmically or mythically extrapolated to the City of God be held valid also in the City of Man? Should not the esoteric or fabulous language be translated into the vernacular of sociology and politics? Would you agree?

Answer: I must agree.

Query: I would like to take your consent as meaning that you would not care—in fact you did not care—to print on the frontispiece of your Constitution, to engrave at the foundations and gate of your World Republic, a dictum of your Justice-Charity, Justice-Love, reading like the self-portrait of Krishna, the god of gods, in the *Bhagavad-gita:* "I am equal unto all; I dislike none nor do I like one man better than another." Or would you care?

Answer: In fact I did not care. Nor do I feel that an attitude so level, a nod so circular, calls for the name of love, which arouses in our minds images of straight impetus; so to speak, of rush and soar. Nor, moreover, would I care to transplant into my country, which is Euramerica, a concept so, more than Eurasian, Asian; for, while we try to know and possibly to tame the vices and frenzies of our West, it cannot be our purpose to Asianize it, as was the fancy of a few romantics, on a model of Eastern sanctity which Indians and Chinese today almost unanimously count among the causes of their lethargy and penury in their long yesterdays. Once the impartiality of Krishna is literally adopted for the conduct of life, nonresistance in human relations is consequentially extended to the relations between man and animal, so that the Buddhist monk will be forbidden to dig lest a worm be accidentally killed and the Jainite will repress a breath for fear of choking a bug. Indeed, no time should be wasted to argue what is self-evident: that life, until it has been sealed in eternity, is duality and combat. It is a sequence of choices. The community, as well as the person, is viable as long as it is a texture of acceptances and refusals.

Query: In plainer words: the worm is less valuable than the seed of wheat, the workman must be preferred to the thief. Thus your Justice-Charity dons an armor; from identification to identification, you are now identifying Justice with Power. Justice, in this latest adaptation of yours, a chooser now, par excellence the chooser, is the administrator of approvals, possibly rewards, apportioner of disapprovals, inevitably punishments. Is not therewith the beauteous liberty of Eros, Grace, all spent? The godly law kidnapped to the Lilliput of codes?

Answer: Alas, yes; it seems so at first sight; and inevitably so —I have said at first sight—for this reversal, one might say frustration, is in the nature of human thought, a more imperative balancer and regulator of life than the objective "nature of things." No sooner has a liberating revolution done with one hand its job than it has with the other forged a new bondage, and every promotion, like ours of Justice from the square of the rational virtues to the cusp of the sacramental ones, from the Beautiful to the Sublime, is giddy. Who does not know—for it might be now my turn to be the questioner, and you the answerer in our dialogue—that the crucial instance in this dialectical fate is Paul? Metaphorically speaking, he destroyed the

Temple and rebuilt it "in three days." Single-handed he overthrew the Torah, dismantled the legal build-up of Moses, repealed circumcision, sabbath, dietary prohibitionism; but, while proclaiming Christian liberty, practically in the same breath he admonished that, though everything is licit, not everything is expedient. This admonishment, apparently an offhand, secondary caveat, was instead the clue that drew from the skein of things—of thoughts—yarn enough to knit a mesh of legalism and ritualism seemingly no less coercive than the one he had undone.

Query: Seemingly?

Answer: If you look at the stringency of the commands, no less coercive. Everybody recalls those astounding documents where the herald of the "day of deliverance" is accompanied by the sheriff of the hour of reckoning, and the two are one. "For the reign of God," says he, the liberator-sheriff (I Cor. 4:20–21) "is not a matter of words but," as you would say, "of power. Which will you have? Shall I come with a stick, or in a loving and gentle manner?" The interpretation of this dilemma as a mere figure of speech, a symbol of merely spiritual alternatives, is barred by the remembrance that he, Paul, was after all the same man, named Saul, who had captained an expeditionary patrol to Damascus, an Inquisition's squad, with the intent of seizing, actually, the heretics, the Christians, in that synagogue and extraditing them in unmetaphorical chains to the judges, who may well turn executioners, in Jerusalem.

Now he has seen the light; but his light cannot be of lesser heat than was his might. Indeed, he has no big stick to carry to Corinth (wherefor, Theodore Roosevelt might gloss, he is excused from speaking softly); but he wishes he had, unmetaphorically; evil, he thinks, must be resisted; if need be by force: an attitude of the mind (and body) suggested of course by the character and previous career of the missionary hero, but, far more than adumbrated, consecrated already by the violence of Jesus against the money-changers in the Temple.

Very interesting interpretations of the Christian liberty are afoot, it seems, in Corinth, a city no less delectable for Christians than it was for heathen: more delectable, it seems, if the heathen tradition damned Phaedra, the would-be incestuous wife of Theseus, sanctified Hippolytus, her chaste stepson, whereas the Christians of Corinth, the "saints," shelter in their

midst a man who "has taken his father's wife." Upon this man the apostle has "passed judgment"; he hands "the man over to Satan, for his physical destruction, in order that his spirit may be saved on the Day of the Lord": a formula of wishful curse, little else than a magic spell (which did not work)[2] as Paul's "judgment" was not enforceable by police at that time, yet distinctly designing the purpose of atonement through fire or other capital punishment for a time to come when the spiritual judge would count on the secular arm.

In the indefinite reprieve the convict, though not yet a reader of Paul's letter to the Romans (10:4, "Christ marks the termination of the law") must have recited to himself and in the circle of his friends over and over again a number of expressions of identical import, stating Christian liberty, deadliness of the codes, vivification by the Spirit. Why then all the ado? What is it, he wonders, that robs me of my Christian right to do anything I please?

"I," so Paul goes on, "may do anything I please, but not everything I may do is good for me. I may do anything I please; but I am not going to let anything master me." An obscure oracle, were it not crystal-clear that the overthrower of the ancient law has a novel law, his own, to promulgate and if feasible enforce. Quite unambiguously he had written, or was soon to write, to the Galatians (5:16 ff.) that the physical and the spiritual are in opposition; therefore "you cannot do anything you please": a rip through which all legalisms and ritualism will find their way inside what should have been the seamless garment of liberty.

"You," he scoffs in that same declaration of liberty, the Epistle to the Galatians, "you are observing days, months, seasons, and years!" As if we did not do the same, Catholics and Protestants alike, whatever the variety of variants we may have introduced into the Jewish calendar, which outraged Paul, yet has remained basic for all Christendom. As if they too, the primitive Christians, did not observe Easters and Pentecosts, adding to

2. It had worked, e.g., when (Acts, chap. 5) Ananias and Sapphira, pierced, one might say, by the death ray of Peter's reprobation, dropped at his feet. The Corinthian malefactor, however, lived; there may have been in him or in the woman he loved some charm of wit or looks which made the congregation fond of them; hence the more paternal, and conditionally pardoning, accent in Paul's later message to the Corinthian congregation where he refers to the culprit who had managed somehow not to perish in the hand, to which he had been handed over, of Satan.

the inherited meanings their own eucharistic breaking of the bread and sharing of the wine, with commemorative references to Last Supper and fiery tongues.

Granted that the birth of a neoritualism is not necessarily a relapse or lapse into the physical and fetishist, that liturgy may well be piety and poetry at their uppermost as long as it shuns the lures of magic; and granted also that the dialectics of revolution and restoration—that vicious circle, if the play on words were permissible, of the statesman's virtues—is not quite startling as long as the lawbreaker-lawgiver, the Paul who broke one Torah to hatch another, is confronted with cases so crude as that incest in Corinth. For in cases like this hardly a substitute law, or any kind of law, old or new, is needed when the accumulation of social habits, from the tribe down, has acquired the weight almost of an instinct and a most perfidious sophistication indeed is needed to countenance on account of Christian liberty a mother-son, Jocasta-Oedipus, or even a stepmother-stepson affair which primitives and pagans abhor: "immorality," writes Paul, probably recalling the sex taboos of Greek myth and mores, "unknown even among the heathen."

But the circle is closed, and choking, when, if not in the same breath, in the same missive of revolutionary liberation, First Corinthians, the liberator steps over—not to commandments and forbiddances, as of incest, claiming almost the authority of a law of Nature; not to liturgical suggestions sublimated by symbolism; but to cut-and-dried regulations and by-laws than which no Mosaic statute could be stonier. Most striking is, notoriously, the prescription of women's behavior, garment, and headgear in church. They not only must hold their tongues, which according to the cheap joke they have otherwise as long as their hair; but they must rigorously conceal that long hair, because—you remember the staggering motivations—because "Christ is the head of every man, while a woman's head is her husband"; it follows then (really does it? is this a *sequitur?*) that "any many who offers prayer or explains the will of God with anything on his head disgraces his head, and any woman who offers prayer or explains the will of God bareheaded disgraces her head, for it is just as though she had her hair shaved. For if a woman will not wear a veil, let her cut off her hair too."

Loosened and perfumed, suchlike tresses had not perturbed the Savior when the *magna peccatrix* dried with them his feet

she had washed with tears; and He could rather easily hush the scruples of his host, Simon the Pharisee, at the unusual performance. Now thirty years or so have passed, not more; the span of one generation; and there he is, Saul of Tarsus, the former Pharisee, taking sides with Simon the Pharisee, covering his face if that woman does not cover her head; not exactly, I should say, taking sides with the angels.

No doubt the extremeness and punctiliousness of repression as to incidentals such as hairdo and veil, perhaps not without Freudian reflexes, in the boundlessly heralded liberty of the Christian revolution is a singular paradox, is not a pattern applicable phase after phase to a universal history of revolutions and restorations. But a universal and permanent pattern is the alternation of revolution and after-revolution, in any case of liberation and neolegalism: two spokes, one might say in Hindu phrasing, of the one wheel of existence. This is the necessity, call it Ananke or Karma, which, once a Bastille is stormed, erects another one, occasionally with the same bricks as the former, even in some respects no less coercive than the coercion that had been broken. This we must admit.

Query: No less coercive then? Where is the profit?

Answer: No less, as regards the validity of the coercion. In another respect, as regards the extension of the coercion, even more. Yes, as a rule the new Bastilles are of a larger capacity, have room for a greater number of people. All great revolutions —not the secessive and parochial ones; they are mutinies, not revolutions—have this in common, that the new law tends to involve a greater number of subjects than did the old. Classes and interests that had vegetated, ignorant and practically ignored, in the recesses of the French monarchy were driven suddenly by the liberating revolution into the focus of power, whose price is obedience. Most slowly, but no less efficiently, America's liberal socialism, in its gradual manifestations as income tax, New Deal, social security, centralization, has violated privacy, seated the sovereign state in every house and barn.

The same, in the greater frame of the greatest revolution, had happened when the Christian law, having scrapped the Jewish, captured much larger numbers than the Jewish had ever held; disciplining not only the moral libertarianism, but also the nonchalance, some kind of naïveté, this side of good and evil, that

had been condoned when not pampered in the pagan society. It is nearly mandatory here, apropos of Corinth, a representative city, to recall Goethe's ballad, *The Bride of Corinth*, where heathen franchise is sung against Christian duress in matters far less tabooable than incest. "Youth and Nature are subjected under Heaven henceforth."

Query: Should we not conclude then from what, to my heart's content, you have been saying, that *plus ça change plus c'est la même chose* ("the more it changes, the more it is the same thing")? It occurs even, you admit, that a community trading a previous authority for a new one may find itself worse off, under a greater coercion.

Answer: Under a large, rather; encompassing more people and interests; not necessarily greater in the sense of deeper and tenser. Quite to the contrary, as the influence of the law expands, it tends to thin. Take, once more, that most radical of revolutions, the Christian. Paul, more radically than Jesus, liberates the neophyte from the Mosaic law, insisting particularly on the irrelevance of circumcision and of the dietary rules. This irrelevance he proclaims because their relevance would be fateful, as impassable barrier for the gentile recruit of Christ, unamenable to contemplate without aesthetic reluctance that surprising surgery or to indorse a nutritional system whose ethics would have been enigmatic to Aristotle while its sanitary merits would not have been enough to recommend it, *ca.* five centuries before Christ, to Hippocrates, the Father of Medicine. What any new lawgiver wants, and Paul wanted, is a platform of intelligibility accessible to everybody (meaning the "everybodys" with whom the lawgiver at a certain phase of history can come in touch), a base for proselytic, say, if you wish, aggregational, unification, instead of the previous platform, a plateau practically unscalable by outsiders, whereon congregation was achieved through segregation and self-cohesion was obtained by isolation.

Seen from this angle, even prescriptions so teasing as those on feminine attire and head of hair had something to recommend them or at least to make them relatively tolerable in contrast with the total sabbath standstill, a communal paralysis, and kosher eating; for after all everybody everywhere can realize that a flourishing woman's hair exhales temptation, is not instrumental to prayerful concentration in the temple; and many

might feel, particularly in the hot lands that were to be Islam's, that women had better be veiled (not in the temple alone); whereas only the initiate can understand that, and why, it should be forbidden to have meat and cheese at the same meal.

And this, in fact, was the herculean labor of Paul, his subversive deed in the relations and contrast between Israel and Gentiles: that he reversed the roles. Gentiles, *gentes—ethna*, nations —had been those with local or national religions, or rather cults, separatists; Israel's religion had been set apart but above all others, with a god of the City who soon grew to be the God of the world. But when Judaism, in the name of Christ, sailed from Syria and Palestine to conquer the world, the conqueror, through the eyes of Paul, saw that the world he knew had been already unified in the mind by the Greek (more definitely Stoic) philosophy, and in the body by the Roman Empire. Thus that world was expectant of union in the heart, the name of this ultimate union being religion; and ready for it; provided that the message of union, the good news, was not loaded with demands preposterous for the Greek reason or obnoxious for the Roman order. Thus it came to pass that, the subtleties and *ad hocs* of the Mosaic law having been barred from export into the Christianized Greco-Roman world, those who had been Gentiles, the nations of blood and soil, inherited the virtual catholicity of Israel, and Israel, whatever its past merits and those to come, now a nation, a gens, gravitated toward its totem.

In this as in any other like instance, the criterion which makes the new law better than and victorious over the other is the measure of its assimilability, which is the effect of intelligibility: the new law takes in its stride the dead ends of the old one, overlooks or explicitly discards norms whose intent was too cryptic for observance to be wholehearted, and substitutes a lawfulness bidding for a more general and spontaneous assent.

Hence the untenability, except in a passing mood, of the tenet that *plus ça change plus c'est la même chose*, to the effect that every liberating revolution entails the establishment of a coercion as coercive as the foregoing. History, says the notable witticism to which we referred already, repeats itself always differently; and the geometric emblem which has been suggested to represent the juncture of repetition and innovation is not the flat circle—of courses and recourses, an eternal return of the

same to the same—but the spiral, where the circular motion is opened and compensated at progressively upper levels.

THE RELIGIOUS MIND AND THE LEGISLATIVE

Instructed by the paradigm of the ancient crisis, we try to understand ours.

For, to sum up, no social change in the past of mankind bears so impressive a resemblance, we know already, to the socialisms and New Deals and welfare states of our industrial revolution as does the agrarian and plebeian revolution of Rome's world from Gracchi to empire. Tossed between freedom and Caesarism, that world was as is ours. Philosophically religious those one-worlders were, in so far as they were religious at all, like ourselves; benevolent (or indifferent) to each and all popular cults, local deities; eclectic; folklorists; we might say syncretists, interfaithists, builders of Pantheons—though the parallel, *in re* religions, stops here, for we have not yet seen, nor are we perhaps bound to see, all that humane and almost humanitarian toleration explode into one single, exclusive, world-seizing religion like Christianity.

Yet, in spite of this difference (stable or transitory as it may be), there remains a deep-going similarity also in respect to community and state, belief and law.

If we linger one more moment at a later phase of that crisis, astride the first two centuries and through the second of this era, when catastrophe seemed not yet, was not yet, inevitable, we are struck by an extraordinary concomitance of spiritual events. On the one hand, the Christians, in their conventicles and undergrounds opening more and more into the outdoors, were trying to organize the new belief in a society (ecclesiastically called *ecclesia*, assembly) of believers, fashioning their liberty, otherwise dissipative, in a new law which, once certain suprarational premises accepted, should be rationally intelligible and practicable. On the other hand, in broad daylight, the juridical geniuses of the Roman Empire, the Salvii, the Gaii, not much later the Papinians, the Pauli, the Ulpians, were laying the foundations of a secular law within which republican liberty, if ever regained, might survive, or Caesar's authority, if unshakable, could be, so to speak, anointed in philosopher-kings like those from Nerva to Marcus Aurelius, recognizing its limits

in the safeguards granted to the citizen against the excesses of power.[3] The Fathers of the Christian Church and the Fathers of the Roman Law, the saints and the lawyers, worked from opposite ends for a convergent purpose, like, in the familiar simile, the two opposite squads, digging mutually invisible the same tunnel.

The two squads at this, our moment of this crisis, are not mutually invisible. On the one side are the minds which, broadly speaking, should be called religious; on the other side, the legislative. It is the thesis of the former that nothing of enduring value can be done unless a change of heart occurs in man, even though as a rule they, like the ancient moralists before the advent of Christianity, sense gropingly the directions rather than foresee the arrivals. It is the contention of the latter, the legislative or political minds, that a reform of law, a constitutional set-up intended for a reformable mankind, should favor and solicit change of heart in the same way as the discipline of works and rites makes the individual soul more receptive to the gratuity of grace. But only in the lunatic fringes of either field can one believe either that a totally liberated society, where pious good will takes without any residue the place that was of law, is near

3. "It was the glory of Roman law that it protected the individual against the state," thus Will Durant in *Caesar and Christ*, p. 395, aptly summarizing in a brief chapter a grandiose adventure of the human mind. To be sure, "as Greece stands in history for freedom" (p. 391), "so Rome stands for order; and as Greece bequeathed democracy and philosophy as the foundations of individual liberty, so Rome has left us its laws, and its traditions of administration, as the bases of social order." But "to unite these diverse legacies, to attune their stimulating opposition into harmony, is the elemental task of statesmanship"; and a basic phase of this attunement was marked in Rome if (p. 392) "the half-official repute enjoyed by the Stoic philosophy permitted a profound Greek influence upon Roman law. The Stoics declared that law should accord with morality, and that guilt lay in the intention of the deed, not in the results. Antoninus, a product of the Stoic school, decreed that cases of doubt should be resolved in favor of the accused, and that a man should be held innocent until proved guilty—two supreme principles of civilized law." "This chapter," thus reads Mr. Durant's wistful footnote to its opening page, "will be of no use to lawyers, and of no interest to others." Pity. For it might help lawyers and others when in a celebratory mood about the notion that innocence until guilt is proved found sanctuary, solely, in Anglo-American, racially speaking Anglo-Saxon law—or, more generally, that the "self-evident truths" which the English and American revolutions made guardians of the State, had never before graced any horizon of culture; as if those events and their doctrines were not big enough to pride rather on the legitimacy of their toiled descent from the collective endeavor of civilization than on some subitaneous flash from some privy beacon. "Finally," thus Durant (p. 398), "a great jurist of the third century, Ulpian"—"finally" meaning *ca.* fifteen hundred years before 1776—"proclaimed what only a few philosophers had dared suggest that 'by the law of Nature all men are equal.'"

at hand, or that a good law by itself should make out of wicked people a good society.

No law, however strictly observed, is a road to sanctity; it may even occur that, the more stubbornly it is enforced, the more it becomes an occasion for default and scandal. This was the point of Paul's polemic against his Jews, the Torah-adoring Pharisees from whose midst he came. But no faith, however true, is sanctifying by itself, without a church (no good life, we would translate, is enduring without a good society), and no church is possible without ceremonial and catechism. This was the point of Paul's teaching toward his Christians, the freedmen of Christ; for all his action and doctrine can be contained in a couple of sentences, twin, one of emancipation, the other of discipline, contrasting and integrating each other in a pendular motion which, regardless of incidental errors of the man and of the deciduous colors impressed on him and his labor by the conditions of a passing age, remains exemplary for all predictable ages as long as every concept and drive contains in itself its own contradiction and limits, becoming vital only if it is aware of its opposite, and negotiates with it, more than a compromise, a merger: of two notes an accord, of two quantities a binomial.

Translated into the terms of our age, the crucial experience of Paul and Rome means that the concepts of Peace and Justice, made brittle and muddy alike by the grind of use and by the infiltration of lie, can be, as they must be, the cornerstones of the world community to come only if they are made strong enough to grip within themselves and master their contraries: War and Might. A striking personalized analogy is offered by the experience of Gandhi; a Christ-like liberator and prince of peace, forced, he too, into disciplinarian command and fight inclusive of martyrdom; and of his successor, Nehru, somehow Gandhi's Peter-and-Paul, steering under uncertain omens between the cliffs of strife and the shoals of power-political legalism.

Peace is, instrumentally, abstention from interpersonal and intergroup violence. The abstention, however, is negative, and corruptive, if its vacuum is not filled with an uplifted and enlarged concept of war. The national armies are fused in a planetary militia armed for the cosmic enterprise of man.

Justice, as the condition for peace, cannot any longer be defined in terms of adjustment since the walls of the walled city, within which the Platonic adjustment was conceivable, fell,

more slowly but no less irreparably than Jericho's. No definition of Justice, universalized, is logically and psychologically tenable except in an ultimate synonymy with Charity, whether named Agape or Eros: the act of the Spirit which judges not (*nolit iudicare*) but frees. So pure a definition, however, self-defeatingly vapors into infinity; Justice as a cornerstone caves in; it is usable only if steadied with as much and as little compulsory and discriminatory codification as needed in the variation of the ages. Justice, summarily stated, does not subsist without Jura; and Jura, the Law, has no existence without Power.

Here, however, when the gravitation toward Power, more simply called Force, threatens altogether to stultify the identification of Justice with Charity and to drag the concept back from Plato's *Symposium* to Plato's *Republic* and unforgiving beehive, the same criterion of progress is operative that was, less or more consciously, behind Paul and the Roman jurists of the second century. He, Paul, certainly did not intend Christian liberty as the evangel of lawlessness, but neither did he replace the ancestral law with another system of equal intricacy and punctuality while with no ground in the common mores and mind of the vaster world for which he bade; clearness and eligibility for sincere consent were his criterion. They, the Roman jurists, certainly did not shape in a code of law (for what would have been such shape?) the unconditional philanthropy of Stoic philosophy, with its Eros god of the city; but neither did they lodge it in a new juridical cage as stony as had been the law of the Twelve Tables.

THE MEDITERRANEAN REVOLUTION OF THE FIRST CENTURY AND THE GLOBAL OF OUR DAY

The analogy is perfect, as far as historical analogies can be perfect, between the present phase of man's evolution-revolution and the phase—Greco-Hebrew-Roman—of which we have the most detailed and documented record. The scope of the analogy, and its implications as to our predictions and actions and, most decisively, as to the relations between Justice and Law, the former intended as "Agape" and the latter as Power, will be made clear by a few considerations which help us take bearings from the long exploration we have been through and visibly contain the brief stretch ahead.

The first consideration points, to begin with, to an important difference between the two revolutions, which the further course of the argument should solve.

The past revolution, astride our two eras, B.C. and A.D., affected the West alone; the Mediterranean with its, deeper or less deep, hinterlands (plus, later on, the colonies in the new hemisphere: a Magna Graecia or Magna Europa across the wider sea). Even today, even most open-eyed Orientals are unable, and generally speaking also unwilling, to view that revolution except in a side perspective, unessential to their vision. The current revolution instead is global.

The Orient had gone through its counterpart of the Western revolution four or five centuries before Christ. That counterpart, however, as incarnate in leaders like Buddha, Confucius, Lao-tzu, had been rather in the nature of an interpretive reform than of a subversive departure; much rather, i.e., a giver of shape and stabilizer in the extant than a blazer of trails into the unchartered.

The difference, in so far as there is a difference, between East and West, is—was—that the God of the East is the equalizing encompasser of everything and everyone, the merger and submerger of the perishing All in the unperishable One. The Chinese, as well known, have not even a word for the concept of God; words being divisive, terms terminal; nameless therefore being the indiscriminate Substance which Goethe's youth, in a spark-quick encounter of ultimate Spinozan pantheism with an unschooled intuition of the Asian All-Soul, addressed, so to speak, speechlessly: "Wer darf ihn nennen?" (Who dares name him?); "Ich habe keinen Namen dafür" (I have no name for *It*).

The West has a name for Him. He is a name, maker of names; a discriminator and motor. God is a goad.

Similarly adumbrated, the human species in the oriental view is—was—what is, *sub specie aeternitatis*, as seen from eternity; in the occidental it is what it becomes, *in speciem aeternatis*, striving for the further form it visions. They know better the real; we, the possible. Their excellence is in science—for what is science if it is not that knowledge? or call it sapience, wisdom—ours in action; or call it fortitude. The two are—were—complementary to each other; as man is there a destiny, here a destination.

But the contrast is now very far from being as sharply delineated, a rhetorical antithesis *à la* Victor Hugo, as it used to be (or to appear). The contours have faded.

For the man whom mankind has in mind today, its brain- and heart-child, irrespective of longitudes and colors is all the way the same. He is the humanistic, terrestrial, untranscendental, efficient, egalitarian, ballot-casting, leisured, literate, normal, mechanistic fellow, first designed in the European Renaissance, then dimensioned in the American republic, now as much of a Russian as he is of an American,[4] and even through the jarring of his two voices, neither unisonous as yet nor so diverse and intervaled as to allow for an accord, silencing any other proposal, if any, from the plenum of the race.

This ideal Man, Adam a-coming, *Homo sapiens* in so far as knowledge is instrumental to action, hence rather *Homo agens*, hardly less statuary than was the Greek sculptural model, much more disjointed than was the Greek from transcendence and the suprarational—self-sufficient, hence mutilated—may well be liked in some respects, disliked in others. He is in certain respects pre-Christian; as the word goes, a pagan; archaic. He may well be in other respects post-Christian; a future. Christian he is anyhow throughout, between *A* and *Z*, archaism and futurism at this present hour, in that he has absorbed and corporated to himself the essence of the Christian revolution, which is the departure universally from cosmic stability and eternal returns. He has more definitively absorbed it, one dare say, if that essence—which operated first when the Hellenic-Hebrew man about-faced from a supposed regressive course, with Golden Age or Eden wasting in grief and sin, to a progressive ascent—has been, in the process of assimilation, entirely secularized or nearly so, and the anthropology of modern man has made good riddance of its parent-theology and the riddles thereof. Almost entirely secularized that essence has been in the white West where still remnants of voice mention the remnants of Him who used to be God; entirely so in the red East whose jealous deity, Matter, is impartially outraged by any survival of any metaphysical He or It. Here and there anyhow, and wherever else the present

4. One short cut—and, needless to say, insufficent—description of the situation has it that "America is the exaggeration of Europe and Russia is the exaggeration of America." Another paradoxical approach to more complex truths intimates that "Russia is the bad conscience of America," and conversely.

man acts and hopes for his Man-to-come, his action and hope are under the same sign, which is Kingdom Come: King or no King.

Accordingly, no christening is needed by Yellow or Black, for they have been christianized—a baptism of fire more pervasive than water. Confessional conversions in those areas are, as they are bound to remain, sporadic; and it is small wonder that the true Christian, Albert Schweitzer, a healer and teacher in Equatorial Africa, is much less interested in doctrinal proselytism among the natives than is at the other end the self-styled crusader, Douglas MacArthur, with his chimera of the orthodox evangelization of Japan. Japan, indeed, was evangelized long since by the expeditionary apostleship, seemingly unevangelical, of Commodore Perry and his Americans, when she flung open her windows, at first perforce then eagerly, to the West wind, a geography's paradox—showing since, victor or vanquished, to all her fellow-nations on the nonwhite map the way—in the overriding sense of Christendom as the starter of man's momentum toward an evolution-revolution which the indefinite postponement of Christ's Second Coming and the end of all things, when the immediate expectation of the primitive Christians had to be shelved, made indefinite and permanent.

Western man as the political and military overlord of Asia and Africa is in the final stretch of his recessional, clining precariously to a jut here or there from the structure he has lost. His power too as the overseer and profiteer of colored labor and resources is fast ebbing. But his mental empire stands. In this aspect too the analogy with antiquity is a symmetry. Take that tiny Greece, Hellas, of that time; and enlarge it into the thing not quite so small which we call Europe. And take the colonies of Hellenic seed and speech northward beyond Greece proper and more significantly those across the Aegean and Ionian seas, the Megalai Hellades or Magnae Graeciae in Asia Minor and Italy. Their counterparts across our oceans are, as well known, the Greater and/or farther Europes—Iberian, Britannic, Gallic, as if one said Attic, Doric, Aeolian—in the Americas; Britannic again in Australia; Batavian and Britannic once more, though much less expansively, in South Africa; token-wise at last Gallic once more in Algiers. Then Alexander came, gathered under him in one Greatest Hellas nearly all of the "barbaric," un-Hellenic, Near and Middle East from Nile to Indus. This he did in a few

years. We moderns did the same in not much more than one century—forerun by the wilderness-curtained pioneering of the seventeenth-century Cossacks from Urals through Siberia to Pacific—for most of Asia and practically all of Africa.

Surely, the empire of Alexander died at his death as promptly as it had been born. So does dissolve white man's empire of non-white lands, albeit at a speed as less high as its growth had been slower, under our eyes (except of course where the conqueror-colonizer made the indigenous color, as he did in Siberia, into all but white). Yet what in Alexander's empire after the break-up had not become Hellenic had become and was very largely to remain Hellenistic; with the unitary Hellenistic culture, besides, due soon to spread via the mediation of Hellenistic Rome to westlands Hellenism and Alexander had not trodden.

There is a difference in that the circulation of the Greek, later joined by the Latin, language in antiquity was wider and deeper than is the diffusion of English in India, let alone China—and let alone also the *succès d'estime* of such premature media of global communication as Basic English (which is a, so to speak, dehydrated English pressed back to its rigid Saxon roots) or Esperanto (which is little more than a soft amalgam of Latinate and Barbaric). Otherwise the Gandhis and Nehrus, from a lineage in which the presence of a neo-Christianity as represented by Rousseau, Thoreau, Tolstoi, is unmistakable, or the Maos and Chiangs, whether Marxists or Methodists, are no less "Europaeistic" than the Ptolemies or Seleucids in post-Alexandrian Egypt or Persia were Hellenistic. From this angle of vision the world in Paneuropa.

To be sure, the influence has not been all the way one way. It was, and is bound to be, mutual. An Asian first, Zoroaster, whose relation to the Christ-to-be was not so sheer a contrast as Nietzsche fancied, extracted from the multiple potentialities of the oriental mind a doctrine of stern dualism—the universe as a battlefield of Light and Darkness, with All-light finally triumphing—whose arrow of direction, deviated from the contemplative equanimity, allegedly nihilism, prevalent in Asia, pointed west, toward the Europe-to-be. It certainly is permissible further to poetize the legend of the Epiphany assuming that the Magi, i.e., Persian high priests, traveling to Bethlehem (Matt. 2:1) were Zoroaster's deputies to the crib of Christ. Christ in

turn, it should be permissible to say, grew up as an Oriental in Galilee—whether or not under direct Buddhist influence as unconvincing interpreters assumed—died an Occidental in Jerusalem, lives beyond the cross on crossroads where all men are called to meet. On the other hand, the Westernization, i.e., neo-Christian activism, of India and the Far East did not sprout *ex nihilo*, if it is, not quite so cryptically, anticipated by the *Bhagavad-gita* itself, in so far as one meaning of the dialogue between Krishna and Arjuna and of the final vocation of Arjuna is that Brahma, the Atman, the Allsoul, will take care of the Allsoul, but transient man, while illumined and humbled by the knowledge of the indifferent Eternal, must mind his business of differential will and action in the temporal.

Glimpsing at the present balance sheet in the interchange, one may guess that the teacher job of the West is done while its apprenticeship is still in need. We need to learn, more than we reluctantly did thus far, from the Asian's humility—Arjuna, Krishna-schooled, would call it "detachment"—which is the road to peace, first inner, then outward, in that, neutralizing ambition and blunting the edge of action, it lifts the tragedy of history to a cosmic idyll.[5] The Oriental instead has learned from the West all the activism he needed—and more than would have been to the Westerner's liking—with not much further schooling needed except in specific skills, experimental and technological, whose acquisition, as attested by nineteenth-century Japan, is easier and prompter for any twentieth-century peasant or artisan, white or nonwhite, than was agriculture for the huntsman or nomad.

All in all the American-Russian or Russo-American, either way *Homo paneuropaeus*, has occupied the earth and crossbred, spiritually where not physically, in all nations. There is no gainsaying that the issue between his two most powerful exponents is sharp; the Sovietic promising liberty as the final fruit, whenever it may ripen, of equality, while the Americanist proposes equality as the gradual by-product of liberty. The aim, however, *Égalité* and *Liberté* under the sign of *Fraternité*, is the same; so that the cold, or, more descriptively, shouting, war that has

5. Basic difference between the two basic accomplishments of man's artistic genius, Greek and Chinese, is that the Chinese artist removed from his horizon the tragic, composed all he saw in an all-placating idyll.

been raging since 1945 has been a civil one; and so would be the shooting war were it to follow. For civil wars are of several sorts. There are those that interfere with a critical stage in the maturing process of a political unity; such was the Civil War of the 1860's in the (not yet quite) United States of America. There are those civil wars that are fought among the sovereign states eligible for union but unable to reach it. Such were the wars among the sovereign city-states and empires of ancient Greece until the outsider came and bagged them all in one bag. And there are finally those—exemplified to a certain extent by Rome and the Mediterranean nations before the accession of Augustus—that act as accelerators of a unification still lagging while its area is already, for all decisive purposes, economically and spiritually one.

The civil war we witness, shouting or eventually shooting if the din is not to exhaust the vim, belongs probably in the third sort. For the unitary authority, UN, though more viable than the League, is still too weak for its task, while the area of unification, which is now the globe, is one already in the body—technological, virtually therefore economic[6]—and through the process outlined above has been made substantially one in the spirit.[7] It had been said that East and West will never meet. It is being said that they must meet and will. It may even be said that they have met because—all allowance made for the qualifi-

6. "The paradox of the political condition of mankind, seen from this angle, has something heartrending. . . . In the first place, while the present state of science demands a prompt and peaceful political unification of the earth, which should give an institutional consistency to the supra-national community of all mankind, mankind instead remains profoundly divided by interests, mutual distrust, and ideologies." Thus Dominique Dubarle in "Le Christianisme et les progrès de la science," *Esprit*, September, 1951; correctly so far, since ideologies, which are ideas ossified, may differ and grow mutually aggressive even when the ideal is the same; though not all the further statements in this notable essay are equally correct. Especially unconvincing is the assumption, partly inspired perhaps by the residues of colonialism still lingering in many a French mind, that some kind of an enduring statutory supremacy in a however unified world to come is earmarked for the West as a counterpart (a "white man's burden"?) of its primogeniture in modern science.

7. Significantly for the awareness of the one spiritual source in divers streams of the world revolution, the Bahai's, a universalist and rationalized cult grown out of Islam—corresponding broadly to what, say, Quakers or Unitarians are in Christianity—chose as their holy place Haifa, on the sea below Nazareth. They rightly claim to have been the earliest religious community to proclaim, over a century ago, the federal union of mankind as a pivotal commandment, spelling out in a dogma of monopolitical brotherhood the monotheistic dogma of the fatherhood of God.

cations which these pages have not omitted—all the world is now West.[8]

8. The meeting, however, did not occur, nor is it apt to occur if still due, on the lines of Professor Northrop's *The Meeting of East and West* (1946) or "The Mind of Asia," *Life*, December 31, 1951. "If the result," we read at the close of the latter essay, "is the rediscovery and reaffirmation of our own liberalized, Hebrew-Christian, Greco-Roman concept of the divine and the just, together with the corporation into ourselves of a vision of the Divine as passionate in feeling and forthright in deed as that of Islam and as ineffably immediate and infinitely blissful as that of Asia, perhaps we have been unnecessarily pessimistic about our times." Could the three ingredients merge unless they are processed? Should the One World container bear the extra label: "Shake before use"?

XVI

On Various Approaches to a World Republic

ON FUNDAMENTALIST PESSIMISM AND UNCRITICAL OPTIMISM

THE second consideration contends that, while there is no dissent, except from obdurate unobservers deafened by the din of the day, about the certainty and relative imminence of a world law institutionalizing in its shape of power the justice inherent in a world society which is one already, actually in the body, virtually in the spirit; there is, however, positively, dissent both as to the ways toward the enactment and enforcement of such law—whether war and conquest or developed United Nations or People's Conventions and bloodless revolution or functional approaches like lend-leases, surplus food, bounties, Point Fours—and as to the desirable shape of the power to be in so far as our desires can act on fate and will.

In the latter respect one extreme is represented by the religionists, the opposite extreme by the misnomered "minimalists."

The religionists in turn fall in two opposite churches: the fundamentalist and the anarchist.

Fundamentalism, as outstandingly exemplified in the eloquence and renown of Professor Niebuhr, is grounded in the dogma—rationalizable, granted; intelligible even short of revelation; by no means so silly—of original sin. The deduction therefrom, more debatable than the dogma, is that man, being by birthwrong a sinner, should be incessantly indebted of a penalty to God. Atonement is endless. Hence impious error, hybris, and usurpation on God whenever man fancies so to improve himself as to snatch down to earth, province after province, the Kingdom of God. Maybe the flippant mood in which I called Professor Niebuhr the Collector of Eternal Revenue is regrettable; I should atone for it. However, if sin is inevitable,

it is necessary, and what is necessary is good. Caught in his virtuous circle, the pessimist religionist ends up as a dialectic sinmonger; in a kind of guilt by contemplation, he, the consenting onlooker at the disasters of history, becomes by indirection an abettor of war, though not quite a warmonger. As a matter of fact, the pessimistic religionists either shun altogether the One World camp or quit it, after a brief encounter, as Niebuhr did, shaking the dust of secular utopia from their consecrated sandals.

Anarchism instead, the opposite religionist extreme, grounded in the optimist dogma of man's original and everlasting goodness, is wholeheartedly one-worldist, with the proviso that oneness shall not be reached and made operative by the establishment of a world government but by the abolishment of all governments, releasing thereby those pure streams of mutual benevolence and aid which the coercive State has incarcerated and polluted through the thousands of years. "1. The destruction of any political power is the first duty of the proletariat. 2. Any organization of any political power allegedly provisional and revolutionary, aimed at such destruction, cannot but be one more deception and would be as dangerous for the proletariat as all the governments extant to date." Thus the first and second anarchical principles as formulated at the Congress of Saint Imier in 1872 under the inspiration of Bakunin. Needless to say that there was at that congress a president, with a gavel or bell though no scepter or sword, and a secretarial staff as his executive cabinet.

Needless to say that, as Russian nihilism was a scion of Eastern anchoretism and monachism, so is generally anarchism a Christian heresy—well known since the early neo-testamentary days to the apostles combating the misbelief that the Kingdom was here already and man made sinless. The pessimist religionist reads the Lord's Prayer as if it read: "Thy Kingdom come (though only at the end of time). Thy will be done in heaven though not on earth." The optimist religionist reads it, or has confusedly assimilated it, as if it read: "Thy Kingdom came. Thy will is done on earth as it is in heaven." Either pays, and makes others pay, the price for his deviation right or left of the straight way: the fundamentalist by propping however often reluctantly the however evil powers that be; the nineteenth-century anarchist by occasionally breaking into his paradise of life

with what used to be called infernal machines, a fiat of death, and picking blind violence as the handmaid of his uncompromisingly luminous will.

The third and final dogma of the Council of Saint Imier had it that, "rejecting any compromise for attaining the accomplishment of the social revolution, the proletarians of all countries must establish, outside of any bourgeois politics, the solidarity of the revolutionary action." "These principles," we read in the orthodox comment of a famous anarchist apostle, Malatesta, "still indicate to us the right way." "Whosoever," Malatesta insisted, "tried to act in contradiction to them, has lost himself; for—irrespective of how they may be construed—State, dictatorship, parliament, cannot but drive the masses into slavery again. All experiences so far prove definitively so. Needless to add that for the congressists at Saint Imier and for us and all anarchists as well the abolishment of the political power is not possible without the simultaneous abolishment of the economic privilege." Needless in our turn to add that no such abolishment of privilege or no such solidarity of the world proletariat in revolution and emancipation is conceivable without some shape of politico-juridical power, which, no matter how camouflaged under new-fangled vocables, is the State again—autocratic or democratic or whatever may be the variously intermediate orders between these two poles—except for brief spells, e.g., immediately after the storming of the Bastille; which, however, are not of anarchism as the anarchist means it but of anarchy in the vulgar sense of chaos.

The dogma of the anarchist religionist—man's radical sanctity as a derivative from Golden Age fantasies and Rousseauian primitivism—is less defensible in the light of the facts of life, as history and biology know them, than is the dogma of ineradicable sin; though it might, apparently, act less damagingly if the faith of the anarchist were a hope, not a statement. In their present gear, as positive statements and actual criteria, both dogmas, if left free brake, would be equally conducive to the nihilist abdication of the annihilatory rout of man's thought and action. The mystical surrender, leaving God "in his heaven," of Satan as the prince of the earth annuls the will of man in the Ecclesiastes' "vanity of vanities."

What does a man gain from all his toil

> At which he toils beneath the sun? . . .
> Whatsoever has been is that which will be.

The fanatical interpolation of the ultimate to-be, One World set free, into the time-exacting tempo of the being and becoming dissipates the will of man into another vanity: not of the immovable but of the ungraspable.

Obviously, the human race is, and is long to be, neither so damned nor so blessed; a church under any circumstances militant; not yet triumphant. Obviously also, personality and gregariousness are the two faces of man's nature, the latter face under any circumstances expressing itself in the institution of the state, however dubbed. These are truisms. The resistance of the sects to evident truths burdens common sense with the unexhilarating chore of insisting on truisms.

Thoreau, the philosophical anarchist who attested his faith with word and deed, seeking his liberated self in the woods, carried in *Civil Disobedience* the liberalism of the government that is best which governs least to its optimum maximum in the libertarianism of the government that does not govern at all. Nevertheless, he knew the truth. "The best of all economies at Walden," in Thoreau's woods, so writes N. H. Pearson in his Introduction to *Walden,* "would have been that in which he needed to build no house and hoe no beans. But he built and he hoed. The best of all conditions would be that in which no government was necessary. 'But to speak practically and as a citizen,' he said, 'unlike those who call themselves no-government men, I ask for, not at once no government, but *at once* a better government. Let every man make known what kind of a government would command his respect, and that will be one step toward obtaining it.' "

Goethe, highly sensitive to myths of golden ages and primitive innocence, poetized them once more in the lovely story (*Novelle*) where the child, flute-playing and incantation-singing, mollifies to lamb-like suavity the lion who had challenged the wits and weapons of wardens and warriors. This is the effect of "Miracle-making Love, revealed in Prayer," as the child informs us in his chant; the prayer being granted in a hypostatized preview of the Kingdom of God as the precondition for the cessation of man's government and coercive power on man as well as, symbolically speaking, on other, may be more amenable though no less pugnacious, animals.

> Denn der Ew'ge herrscht auf Erden . . .
> Engel schweben auf und nieder . . .
> Glaub' und Hoffnung sind erfüllt . . . .

"For the Eternal reigns on earth . . . Angels hover up and down . . . Faith and Hope are fulfilled." In less ecstatic pre-emptions, however, the same Goethe, when speaking "practically and as a citizen"—and as an artist too, a maker of shapes—fixed the law that "nur das Gesetz kann uns die Freiheit geben" ("only the law can give us freedom")—which, indeed, is a relativity; to a greater or lesser extent available in the organized community of mutual relations and restraint, not in the solitude of the stranded mariner or in the unanimity of mass hysteria. As for freedom in absolute, "to declare oneself free," he wrote, "is a great pretension, for that is to declare at the same time one's willingness to master one's self, and who is capable of that?"[1] In other terms, who can be at the same time his personality and his society?

Convergently therefore, though from seemingly divergent premises, both schools of religionism, the rigorist and the easy, the orthodox and the anarchist, land in the void when it comes to positive counsels for Thoreau's "better government *at once.*" One-worlders both are; but the pessimist at the consummation of time, pinning meanwhile this world to its god-willed disorder and contenting himself with sanctimonious oratory as a substitute for a sanctity which remains to him otherworldly; the optimist in a perfect presto bringing to instantaneous fruition all the aspirations of man and dissolving thereby man's progressive endeavor into the fabulous. The fundamentalist divorces faith from hope, removes hope infinitely; the anarchist merges them, moves—and sinks—hope into the impossibly finite. In either case, an unchangeable society or a magic metamorphose, no contribution is offered to a shape of power intended in the world of the real for peace on the foundation of justice and the growth of freedom from the growth of both.

The "minimalist," at the other extreme from the religionist, claims to be a realist. Obedient to the norm that politics is the art of the possible, he limits himself, in his own words, to a world federal government of limited powers while adequate for the prevention of war.

The limitation is intended to suspect or reject as utopian any comprehensive pursuit of justice as the foundation of peace. Peace, a finite goal visibly attainable, is the foundation of justice, an infinite. The minimalist does not reject justice; he too,

1. Quoted in Arnold Bergstraesser, *Goethe's Image of Man and Society* (Chicago: Henry Regnery Co., 1949), p. 197.

with all thinkers of this age except a few scattered epigoni, like Signor Croce, of the post-Machiavellian and inherently Fascist state of might, aspires to the state of right. This aspiration, however, he intrusts to the circumstanced developments of the ages. Presently one thing only is necessary, *porro unum necessarium:* the outlawry of organized violence. Whether or not the new order will be the "better government *at once*" in the sense of Thoreau, we shall wait and see. A "stronger government *at once*" it must be: an integrated UN with a police force.

The minimalist therefore is the true maximalist as he expects a maximal end, peace, from minimal means, a prohibition of war. He also is the true utopia-monger, as he believes that abstract legislation can cure violence. He overlooks the evident truth that violence, more often than a gratuitous outburst of innate ferocity, is a revolt, intrinsically legitimate, against conditions that are deemed unjust, and a short cut toward the redress thereof. Authority and force as the sole remedies to violence are more apt to stabilize, or try to, the status quo with its twofold set of injustices—horizontal among the nations, vertical through the classes and races—and with the resulting accumulation of incendiary urges, than to ease avenues toward tranquil advancements.

The pariah—nation or group or race—summoned to keep within the line, or else, while being reassured that the meek will inherit the earth and his day of inheritance will dawn too, is tempted in the receding sight of that promised light to scoff, less impiously than did Don Juan at the threat of Doomsday's night: *Que large me lo fiais!* That's a long way from where I stand.

More angrily, though with no detraction from the respect owed to the good will, however defectively informed, of the proponents, it was said that the minimalist proposition to the destitute, the subjugated, the outcast, is handcuffs and eyewash.

If *consensus facit legem* ("if it is consent that makes the law"), a world law of essentially repressive nature would miss the consent of the vast majority of mankind.

ON THE FUNCTIONAL APPROACH AND "MUDDLING THROUGH"

Contiguous and akin to legislative minimalism is the so-called "functional approach" in that special aspect of its manifold search which emphasizes paramountly as world unifiers the

donations of food from the surplus haves to the underprivileged, and of skill and tools, so-called Point Four, to the underdeveloped.

Generally speaking, the functional approach at this moment of history is the most ambitious test ever tried of that pragmatic ability, outstandingly Western and most outstandingly plied in British civilization and its overseas offspring, which the British themselves, in their familiar vein of self-complacent humor, described as "muddling through." The assumption, not entirely pointless, underlying this way of life is that, if we act as if the organ required for that kind of action were extant, the organ may finally appear, last and least, as the product though not the producer of action. Factually, the organic law which seems required for a constitutional order has not yet appeared for the British state and its Commonwealth of Nations—in adventurous contrast with the United States which, though of British birth and brain, rose in opposition to the British state and under a strong influence from rationalist France—and it is their main vaunt they they have been doing rather well, and anyhow definitely better than most other communities with constitutional order, while, and maybe because of, doing without the sculpted tables of a constitutional law. Adaptability and patience were lifted thereby to the highest rank among the political virtues. The continental European, a rationalist and revolutionist, construed the spontaneous ambivalences of the British mind as systematic double talk and fraud. The land where the republic was kingship and philanthropy was empire, with the perseverance of the promise making up for the reticence of the performance,[2] became to him "perfidious Albion."

The heyday of the "muddling through" in the functional approach to a confidently delayed organic law lasted over two centuries, from the English "revolution" of 1688 to 1914, when the first death-knell rang for republican kingships and philanthropic empires alike. That heyday had been favored by the splendid isolation, geographic and military, of the English-speaking stock; and by a flexibility of circumstances which the dour demands of our age had not yet hamstrung. That heyday is not likely to be born again soon. Neither vertically, in the pull of

2. "Promise long with performance short" is the rule of the fraudulent counselor in Dante, *Inf.* XXVII. More smilingly the Italian proverb says: *Campa, cavallo; che l'erba cresce* ("Live, horse; the grass will grow").

classes and breeds within the nation, nor horizontally, in the secession of the nations from the empires, are men receptive to blurred perspectives or to loophole scrolls such as, e.g., the Atlantic Charter. The mass man in the West itself, let alone the new arrival from Asia and Africa in the Westernized community of today, perhaps voluntarily spurns the craftiness of the Anglo-Saxon statesman, but he certainly lacks the craftsmanship and suppleness which came to the Western elitemen from deep-set layers of political education. The unwritten law is illegible to him. Regulation, or, as the uglifying word has it, regimentation, is rearing its ugly head also in England, even in America.

In this respect the formal spirit of the Roman law is not only intellectually superior to what has been called the common law (though only the Roman is truly common in civilization's world): an ever unfinished agglutination of centripetal norms and eccentric cases, made, like the English vocabulary and the Anglo-Catholic church, part of folkish usage and part of universal symbolism. That spirit of exactitude is also fitter for the undereducated and underdeveloped; for what they want is a clear social contract, stating distinctly what the law bids and what the law forbids, with no overriding clauses in the folds and as little interpretive meandering between the lines as possible.

In its special aspect as nutritional and technological help to the underfed and underdeveloped, functionalism rests on one truth and two errors. The truth is that no World Republic, i.e., no ecumenic commonwealth of the free, is conceivable if the majority of its inaugural citizens is to be of the famished and stripped. For as bread without freedom is poison, so is freedom without bread (or rice) derision; or, as more figuratively was said, freedom begins after breakfast.

One error is that the majority of mankind need and covet—except to gratify imitation and jealousy—as many calories and consumer goods as we do in the far Occident, and that the metallic luster of our mechanized being dazzles all as it does us. In many a place and epoch of civilization—including ours where and when the Jewish or Christian dietary prescriptions are not totally repudiated—the days of religious or sanitary fasting have been met in no less celebratory a mood than the hours of banquet. By a parallel token, not everywhere the hand, this most refined of tools, is eager to abdicate altogether in favor of one push-button finger. There will be less penury in the World

Commonwealth to come; but also (and not merely for the immediate reason of sharing) less opulence.

The other and graver error is what I have tried to call sub-Marxism; a heresy of pejoration, which has gained control, almost uncontested, of the Western mind. It refuses the ends of Marxism, even (or especially) at their prophetic highest; but it adopts its means at their scientific worst, construing all sociology and history as the result of one factor alone, the economic. The burden of nutritional functionalism and Point Four, in so far as they are subspecies of sub-Marxism, is that if the people of the world are given enough food and clothing, together with a reasonable ration of entertainment, they will keep quiet and cherish the status quo. One World will be constituted of itself, with no constitution, in the global federation of the Delighted and Thankful; and the happified status quo will need no statutes.

It was said—by Abbé Galiani, two centuries ago—that he who deprives a man or animal of his liberty must feed him. But the converse is not so unexceptionally true, that the man or animal who is sufficiently fed forgets about liberty; and wolves stalk nervously in their cage though the food is prime and the bars are strong. Better sociologists than the sub-Marxists, also in sub-Marxist America, have made the point that the most critical juncture, at which revolutions are most likely to explode, is not at the nethermost bottom of malnutrition and misery but when a previously long-suffering society is already, and feels it is, on its way up. In the suspense of that moment it gathers the momentum for brisker climbs.

There is no reason for trusting that men, assured of their meals, will slumber indefinitely like crocodiles after the repast. Food is fuel to them, and thankfulness, forbidding their mouth to bite the hand that feeds it, is not their forte. There may even be some reason for fearing that our bounties—lend-leases, donations, surpluses, know-hows—avowedly inspired by a confused combine of friendliness and fear,[3] may not act eventually on

3. The confusion being obnoxious to him—and/or, more certainly, to such of his critics as maintain that "the business of America is business"—"Mr. Acheson disavowed any connotation of philanthropic purpose in Point Four, saying that it was not 'a sentimental give-away notion,' but that this country had a 'hard-headed self-interest' in the project" (*New York Times*, January 26, 1952). Thus fear dismisses friendliness and stands alone. That fear by itself generates estrangement and aggressive hostility (cf. Gerald Heard's penetrating pages on the "smell" of fear and its anger-rousing

them as incentives rather than sedatives: like the purses and parcels Rome in her decline was shipping to the needy barbarians beyond her borders until they found it more prompt and more rewarding to fetch them at the source. Charity, we must believe, is all-powerful. Not so are the charities.

President Truman forged an impressive phrase, as crude as the thing it signifies, when insisting on Point Fours and such other functional charities—an adjective belying the noun—as remedies against "stomach communism." The phrase implies, however unwittingly, that not by the stomach alone do men grow restless; there are other reasons and unreasons for them to go Communist—or nationalist; nationalism in its present stage, being the other arrow of the same urge, a strive for equality among men. For, to be sure, the age of nations is over in so far as the nation was conceived as a sovereign entity, competitive and acquisitive through force, an ultimate instance of history, intractable by any superior authority but force; a synonym, actually or virtually, of empire. But it is not over, it waxes and climaxes before our eyes in so far as subjugated nations rise against the diehard sovereignty of others. As communism cannot be contained and reversed by its diametral antagonist, capitalism, but only by the dialectical synthesis of both, which is liberal socialism, so cannot nationalism as we know it today be controlled except, after its ecumenic fruition, by an ecumenic supranational authority within which absolute interdependence is the synthesis of all relative independences.

Wrote a Russian (not bolshevist) philosopher, Soloviev, that nationalism is to the nation what egoism is to the person. He meant of course the competitive and acquisitive one, not the self-determining with reciprocation, spontaneous or statutory, to the self-determination of the neighbor. But the term has been and is being used loosely in our midst, with its two meanings interchangeable in the same breath; so that a host of paternal statesmen and thoughtful editorialists are advising the colored and the Arab world to be considerate and slow, or, as they put it, to "avoid the excesses of nationalism," as if a moralist were indoctrinating the "egoist" slave, rising to liberty, in altruism as

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effects among dogs, including underdogs) is out of the question for Dean Acheson and his, indeed, "hard-headed" co-promoters of peace. Quite to the contrary, "he felt that other nations would co-operate in the Point Four project more readily and with more confidence 'if we say bluntly why we are in it'!"

the surrender of his self-determination to determination by others. In the Far, English-speaking, Occident—though less so in the falling empire of France—the double-crossing or at least escapist use of the word originates not only in the irresponsible use of words in this age. It is connected also with the historical record of the English-speaking nations. They have had, immemorially, the privilege—half-fortitude, half-fortune—of exemption from foreign domination: everywhere and ever peers or superiors of other breeds. This unique remoteness from the experience of servitude does not make for sympathy, which is a vicarious experience of suffering toward those subject nations whose complaint is not merely about necessities and amenities, food and fun, but about and against subjection per se.[4] Roosevelt squared the liberation of mankind in the two freedoms of: worship and speech, and the two freedoms from: fear and want. There was no place in that famous quadrangle for the freedom of self-rule, which is freedom from shame. Hence, from an incessant erosion of principles, the sincere amazement with which the West gazes at the East when a backward nation, placed before the choice of rags or livery, chooses its rags. The nation, America, which still hallows for its own cult Patrick Henry's "Give me liberty or give me death" is shocked if the Indian or Iranian does not translate the motto for his soberer use into "Give me liberty or give me dough."

In other aspects than nutritional and technical assistance, the functional approach is trusted by great numbers admiring the specialized agencies of the UN. No one will stint his admiration to, say, ECOSOC in the social field or UNESCO in the cultural—as no one would deny it, in the field of food, to FAO—and it is easily understandable that the sundry endeavors within the UN surpass their counterparts within the League of Nations in proportion as the UN is a more elaborate sketch of world government and its membership is larger. The League too, however, did some good, lesser or greater, e.g., in "Coopération Intellectuelle" or in its do-good crusades against the trade of narcotics; while, on the other hand, the agencies of the UN, irrespectively of their merits, are, not decisively otherwise than

4. "An orderly citizen who makes a living [*sich nährt*, literally, earns his nourishment] with honesty and diligence, has anywhere as much freedom as he needs." Thus Egmont, a Dutchman under Spanish rule in Goethe's *Egmont*, Act II. He will know better in the further course of the drama, and at its end, his execution day. "Brave nation! . . . To save what is dearest to you, fall joyfully as I am giving you the example."

those of the League, shorn of collective sanctions and referred to each national sovereignty or to a partisan coalition of some. They are powerless in the social field when challenged by so pivotal an issue as the racial situation in South Africa; in the cultural, the applause to UNESCO is dampened by misgivings when that half-world Academy—no term of contempt in this case—engages in so stupendous an enterprise as the writing of a world history which is more likely to master a certain amount of critically ascertainable facts than to provide criteria of selection and judgment acceptable either side of the iron curtain and behind the silken but no less forbidding curtains of the competitive religions as well. The upshot, in the endeavor and power of UN as compared with the effort and fitness of its functional agencies, is that the whole is lesser than the sum of the parts. They make ready fine paints for the ceiling, where there is no roof.

BETWEEN RELIGIONISM AND FUNCTIONALISM: THE THIRD WAY

Roof-making, in so far as possible, i.e., under the present circumstances roof-designing, is the third and middle way between the two opposite extremisms of religionism—radically pessimist in neo-orthodoxy, unmixedly optimist in intellectual anarchism —and of minimalism-functionalism; both extremes joining in the frustration of nowhere.

The middle way lies in the Aristotelian temperance which Horace called *aurea mediocritas*, the golden mean. Not too little and too late. Not too much and too soon.

The third way—virtually a third force in other fields than juridical speculation—suggests that the dispute on whether it is the community that builds the law or whether it is the law that builds the community, is a superannuated quibble. Either builds either.

It contends that the one world community is advanced enough, while threatened by residual dualisms and arsonist civil war, to need and welcome the speeding gear of a universal law. The issuance of a law made for enforcement belongs, needless to say, to who owns the force required for its enforcement: be it the sovereign autocrat or the Parliament of Man. But autocrats too had, have, juridical counselors; parliaments deliberate on laws which single proponents or small committees have drafted; and the most successful of all constitutions, America's, was fashioned by a handful of doctrinal legislators. There is no transgres-

sion if thinkers in our day singly or jointly try plausible molds in which the sovereign World Republic might shape its power.[5]

The third and middle way of thought agrees with the near unanimity of mankind that the *summum bonum*, the maximum good—or, at least, the indispensable condition for the attainment of any other good—is peace. It emphasizes, however, that the foundation of peace is justice.

It realizes that justice cannot any longer be defined as the adjustment of the individual person to a closed and static society. In the open and indefinitely dynamic society of all men justice can have but two meanings.

Pragmatically, in the sphere of action, justice is what mankind at a given stage of its development holds just. Consensus, or a decisive amount of consent, makes the demand into law; "adjusts" the single or the group to the ecumenic will. It is in the nature of things that the judgments of such justice, by majority-authority, are not subject to appeal, except to the conscience of a bettered majority.

Dialectically, in the sphere of values, justice is found identical with charity. But the identification meets its limit as it is found that there cannot be justice without power. It was said that "it is the spirit that builds to itself the body." But it should also be said that "no spirit lives unless it build to itself a body."

The spirit of justice-charity lives, and can live only, in its incarnation as justice-power. But the shape of power, as molded for a World Republic by the spirit which breathes in it, differs from previous shapes in two essential respects.

In so far as the justice of the world community is distributive, its intrinsic identity with charity is attested in that it considers the needs much more than the merits; is a system of awards, not principally rewards.

In so far as that justice is repressive, its intrinsic identity with charity is manifest in that it inflicts the punishment, if punishment be the word, with compassion and regret, not with passion and relish. It disowns retaliation, propitiates redemption. It proscribes capital punishment, which outsins any capital sin by making it final. It knows that no society is conceivable where violence never erupts and all ancestral residues of crime and insanity are gone. But it hits the offender, if curable, because it

5. "The lawgiver Moses who initiates the history of his people by conveying to it the divine commandment remained in Goethe's mind from boyhood on as the archetype of the prophet" (Bergstraesser, *op. cit.*, p. 214).

also knows that the gate to salvation almost always is expiation —penalty for that offender is penance, captivity and loss the price of liberty—or segregates for their and the community's protection the assumedly incurable, though keeping ever gleaming an ever last hope.

The difficulties of the relations between justice as love and justice as power have been of course well known to the explorers of those envisioned supraworlds which are at the same time mirrors of the actual world in a given phase of its social effort and pre-figurations of a better world, actually or possibly, to come. The primitive Christian, James brother of Jesus, writing when Christianity was being born largely from a protest against the mistrial and execution of Jesus and from the unheeded groan of the oppressed under the oppressors, tried to join the extremes of power and pardon in one lyrical grasp: "For the merciless will be mercilessly judged; but mercy will triumph over judgment." More inquiringly, a much later divine, Anders Nygren, confronted with the ineradicable paradoxy of Caritas, or Agape, embodied in and alive only through power, summed up in one sentence a more complex—and partly more debatable—analysis of the relation between Love and Judgment. "Love *is* Judgment," he wrote, "and no Judgment is so strict as the Judgment of Love," with the proviso that the strictness be aware of its source in love and that the stern conclusion of the new theologian be mitigated in the however mysterious expectation of the ancient disciple that "mercy will triumph over judgment."[6]

In this changing shape of power, in this interpretation of jus-

6. *Agape and Eros*, English trans. from the Swedish (London, 1932–39), I, xviii, summarizing pp. 73–75 and many more: a work of impressive learning and vigor; yet leaving me unwilling to alter the passages on Agape or Eros in the second section of this book and to overstress the diffidence I however temperately expressed (see above, p. 149) toward some connotations of the overused term "Eros." For, even granted, if granted it must be, that Agape and Eros were originally not only different but contrary, and that Paul, though so deeply Hellenized, did not derive anything for his Agape from Plato's Eros in the *Symposium*, it remains unconvincing that among the charges to be leveled at the medieval church should be listed its heroic enterprise of reconciling antiquity to Christianity, Plato to Paul. Nor is Luther, a hero and liberator for all hero-worshipers and lovers of liberty—untouched by the silly notion damning him as the founding father of naziism—equally and unreservedly admirable for having split Christianity from antiquity, theology from what Erasmus called philology: a deed under which the West still smarts. The kinship, therefore, and inherent concurrence of Eros and Agape, as witnessed in the hymns of Plato and Paul, should be maintained, in the same context where the word of Kant should and must stand, who derived the World Republic from the Kingdom of God: no matter how grave the damage which the philosophy of Kant inflicted on theology according to the unmitigated Lutheran theologian Nygren (or perhaps on the very merits of that damage).

tice-judgment under the sign of justice-charity, the vocation of Melchizedek as spelled out in the Letter to the Hebrews (7:1–3) is as valid for a World Republic as it was for a tribal kingdom. He, Melchizedek—thus the Letter, recasting and revolutionizing the story it had from Genesis and typifying in him the new leader, regal or republican as he may be—"is first, as his name shows, king of righteousness and then king of Salem, which means king of peace." The passage was present to the writers of the Chicago "Utopia" when they put first things first: justice first, then peace as the fruition of justice, and reinterpreted justice as the adjustment of society, stretch for stretch of evolution's road, to the however unseen destination of man.

A REPRESENTATIVE UTOPIA: THE ANARCHICAL SYSTEM

There are utopias of nowhere and never, grounded in a fancied nature—or denaturation—of man, i.e., in no ground. They are irrelevant to our present search.

There are utopias of sometime somewhere, plausibly imaginable if certain changes, positively conceivable within the frame of human nature, occur in the condition of man. They interest, to a certain extent, our search.

Of such conditional utopias the most consistent, I still think,[7] is one whose primal clue is offered by intellectual anarchism. The proposition of anarchism is a world made up of small, self-determining associations, by the thousands and myriads, held together, so to speak, magnetically, without tangible links of law, by spontaneous co-operation. Yet, clearly enough as we have seen, in the present or foreseeable condition of man not even the most dogmatic believer in man's natural innocence can trust that spontaneity unaided by authority would prevail irresistibly over the sediments of greed and strife laid in him by the ages.

In line with the classical attempts at blending the main forms of good government—monarchy, aristocracy, democracy—in one, the conditional utopian will try to build above the basic anarchism of the world society a supervisory authority proceeding from its plenum.

7. An outline of it was given already in *Common Cause*, 1943, pp. 397–413. In the ensuing years the writer was stirred by the concrete experiments in "communitarism" (i.e., the small, self-ruling unit as the inmost element toward a world community—not communism) of the Italian industrialist and sociologist, Adriano Olivetti.

Figuratively, that City of Man would look like a lake-dweller habitat or a lagoon city with its solid structures rising from the fluid depths.

Positively, the structure is explained on biological data whose suggestions are transferable to the political field.

We have been told that a herd of twenty-four elephants or a flock of as many laughing gulls is sufficient to assure the continuity of the species, while a herd of some three hundred springbok would slope down to extinction. This writer has felt encouraged to assume that a human aggregate averaging approximately three hundred monogamic families would be adequate to the perpetuation of our race.[8]

This is a size approximately corresponding to the primitive tribe or clan and roughly recognizable in the nuclear city-state. This is also, with flexible but not indefinite variations, the size within which direct democracy can operate in the immediate exchange and interaction among mutually knowable neighbors—as it were, in Tom Paine's town council under the communal tree—without the fictions, eventually frauds, of the delegation of power in the representative system.

The basic and anarchical, i.e., self-determining, unit, biological and political alike, elects by direct suffrage (preferably not secret if secrecy is the avowal of fear—while, doubtless, the open poll is liable to play into the hand of tyranny) its pro tempore chief. His functions and power compare, in our present society, with those of an alderman.

The "alderman" of a limited number of kindred units or "wards"—say, one hundred of them—federally assembled, elect from their own midst a higher official, whose scope parallels, in our society, that of a mayor. Candidates from outside—having no membership and presence in the voting assembly—

8. See, for the above numerical examples from the animal kingdom, W. C. Allee, *Co-operation among Animals* (rev. ed.; New York, 1951), pp. 75–77. Until 1937, Professor Allee strikingly informs us, whenever he asked a naturalist or a practical specialist, "how few members of a given species could maintain themselves in a given situation," "the real answer," "stripped of extra verbiage," "was that they did not know." Thereafter he had "two pieces of luck." Probably owing to my ignorance of the right channels, I have had no such piece of luck so far in my repeated inquiry about the minimum number apt to maintain the human race; so that my figure of *ca.* three hundred pairs is but a guess. The inquiry is important; for the size and texture of the biological unit should contain suggestions as to the size and behavior of the basic sociopolitical group which is more natural and therefore more convenient to man.

are barred, any such insertion breaking the straightness of direct democracy.

Tapering further and further, the "neo-feudal" procedure, from echelon to echelon, from "mayors" to "governors," to "ministers," to "premiers," climaxes in the final pinnacle of a pro tempore president of the world. The procedure is feudal in that it incessantly embodies authority in the present and visible person, eminent in a communion of peers. It is the opposite of feudalism, as known by history, in that the investiture of power ascends from the people to the peak, does not descend from "divine" right or iron might to the passive mass.

Each higher echelon deals with those issues and conflicts—and with those alone—which the lower echelon has been unable to solve. It acts as an appellate court, superior, then superior plus, lastly supreme. Inversely (yet consequently) as the area of decision narrows but its underlying layers deepen, the force assigned to each echelon for the eventual enforcement of its decision grows stronger in proportion as the echelon stands higher; so that armed power is minimal at the base, maximal at the summit.

The picture, though anathema to the unyielding royalist and pure anarchist alike, may well please the eye of the mind; compose in one figure the most valid features, defective when singled, of the three most vital political orders; neutralize their disorders; meet across the verbal contradiction a new-fangled term, Monanarchy. Anarchy, i.e., democracy at its broadest, is the ground. Hierarchy, i.e., the articulation of an open aristocracy, is the ladder. World presidency, i.e., a temporary, elective, limited, responsible monarchy, is the vertex.

For such a picture to become a living structure, five conditions are requisite. Two are at hand.

One is intellectual. It is, as we know, the nearly achieved consensus of mankind on the physical—though not metaphysical—and humanistic model that is proposed to the perfectibility of man.

The other is technical. It is, as we know too, the revolution now largely consummated in man's mastery of time and space, from steam to jet, from telegraph to telesound and television. Thereby the problem of global communication has been solved; man is ubiquitous. Also, the presence of a living audience across all borders, which the speaker reaches, simultaneous, through

radio and video, has restored political eloquence, on a planetary scale, to the power of direct perusasion it had in the city-state over the immediate audience of forum or Senate; though—a transitory price perhaps for a permanent gain—along and beyond its world democratic power as a persuader, has grown, unchecked so far, its demagogic impact, instrumental to tyranny, of agit-prop and rabble-rousing.

In no case anyhow could the conditional utopia cease to be utopian unless and until three more conditions are met.

The first is that man's ethical advance, either by education and science or a metaphysical new birth or both, be such as to prevent the obstacles of inherited genes or contingent degeneracies from standing too high in his way to spontaneous cooperation.

The second is that nationalism should have melted and faded to the extent of making the world federal union of small, self-ruling communities an unbroken continuum, of shades and, so to speak, glissandi, not of jarring colors and pitches.

The third is that technology should have entered a new stage in which productive energy—electric or atomic or solar or other —could be distributed and ramified, so to speak, in so capillary a way as to endow the small, self-ruling unit with that minimum of economic self-sufficiency (autarky) without which political independence (autarchy), even if labeled "anarchy," is a sham.

XVII

On a World Constitution

THE PRELIMINARY DRAFT AS A SYNTAX OF THE REAL

BUT the scheme known as Chicago Draft is no utopia, either absolute or conditional; the only condition to which its idealized reality is subject being that the civil war of the two enemy brothers, Eteocles and Polynikes in the present family of nations, be halted either by third forces between them or by a greater third force, the common sense of the common cause, dawning finally on them.

The Preliminary Draft would still be a utopia of sorts if it had been proposed as the intellectual fiat raising a world community from hate and fear, or recommended as a seamless garment ready for the World Republic, when it is born, to wear.

In both these respects the skepticism of the proponents was entire. Neither now nor while the Draft was being elaborated does or did this author disown the prudence which years earlier had dictated to him that "a world organism cannot be born as the result of abstract regulations" or that "the task of bringing together universalism and individualism—which is the same as mediating the dilemma of equality and liberty," and is "by far the most intricate and delicate that ever faced the race"—"cannot be accomplished by flat regulations prior to the spiritual event."[1]

"But neither," he was quick to add, "can it be evaded." Nor, he had written, are constitutional projects "exposed to scorn or jest." For, since the spiritual event, the oneness of the world community, is inchoate but active already, the time is now, already, for a quest of the shape in which the power of that community may become law.[2] Surely enough, no world constitution

1. *Common Cause* (New York: Duell, Sloan & Pearce, 1943), pp. 391, 405, 393, and *passim*.

2. "We stand in need of some durable plan which will forever put an end to our hostilities and unite us by the lasting ties of mutual affection and fidelity." Thus the

will procreate a world; it may nevertheless, even should any generative efficiency in it exaggerately be denied, render services of the kind which in Socratic language would be called "maieutic"—midwifely—helping what is aborning to be born.

Of all things uncertain one is certain: that no preliminary constitution, this or other, will be final: the law of man when his world state is there. "He starts to make an amphora; what comes out is a jar." Thus Horace derided a surprising potter. Yet evolution and history are that type of potter.

But no potter's wheel will turn cups of bronze; amphora or jar, it is earthenware. In the same way when a new force of nature is found, the engines that could be built on it are, in the mind, as many, so to speak, as there are engineers; but the one, automobile or bomb, that will be tested, and win the test, against the attrition of the real, will not be built chimerically in contradiction to the nature of that force of nature. In the same way, the constitutional mechanisms eligible for the World Republic, when it comes, are hypothetically many; their variety, however, is contained in a frame of intents whose identity is one.

A detailed analysis, therefore, of the Chicago Draft might seem undesirably to imply an ambitious adhesion of its authors to particular norms and contrivances which in their view were, more or less, opinable matter; while it certainly would seem premature at this time and to be left for a time when, in a UN or popularly elected assembly, constitutional speculation enters the stage of positive formulation. Sufficient for this time are the credentials coming from consent in various lands and schools of thought, and the widely held appraisal that this document, "the most mature thinking on the subject"[3] when first published

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Athenian, Isocrates, *ca.* 400 B.C. His appeal, unheaded by the Greek city-states, was vindicated by the Macedonian sword of Philip and Alexander; ours, and of such as think like us, may be taken care of by a *Führer* or czar A.D. 2000, or earlier (in George Orwell's Apocalypse it is Nineteen Eighty-four).

3. This phrase captions an article by John Jessup in a magazine (*Life*, June 21, 1948) not susceptible of addiction to political daydreaming. The *Saturday Review of Literature* had advertised the Draft as "may be the most important document of our time." A leading jurist, Piero Calamandrei, in his Introduction to the Italian edition, limelighted the realism and credibility of the structure; another one, Friedrich Glum, in his Introduction to the German edition, stressed the coherence of the juridical context. Exponents of progressive rationalism, like Thomas Mann, and of liberal Catholicism, Maritain, joined in singling out this design from among the crowd of less finished attempts. A large material of analytical comment and debate is collected in the four

(1947–48), has not yet been superseded by a more convincing design.

In a perspective exceeding a constitution as mechanism, subject to option and change, and reaching for its essential intents, the dogmatism of the ends is substituted for the skepticism as to the means. Seven pillars of that inner structure—or "entelechy," the shape of the shape—should be listed for reviewal at the close of these pages which have been, all in all, a commentary on the Preamble to the Preliminary Draft. There, in a briefest nuclear syntax, the substance of the law is irreplaceably set; therefrom to fan out into the forty-seven articles of that text or into those, fewer or more, of any other text that any other engineering might contrive.

SEVEN PILLARS OF SOCIAL AND POLITICAL PLANNING

The first and all-sustaining pillar is Democracy, regardless of the guilty conscience that overcasts the use of the word at the present hour,[4] no matter what the deadlocks and defaults of the yesterdays and possibly the total obscuration of a passing tomorrow. For Democracy—as first prefigured in Athens and Rome, postulated by the Stoics, demanded by the prophets,[5] then seated in the inner man and his other world by the Christian revolution, then spelled down, so to speak, step for step from the transcendence of the spirit to the juridical and economic body politic—is a jealous religion not admitting of alternatives. A religion, self-evidently, it is: made of faith and hope, not of uncontestable experience; yet, and precisely on account of its creedal character, the only political doctrine which can with logical consistency proclaim and promote the (anything but self-evident) equality of men.

The second, closely related to the first, re-establishes the sub-

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years of the monthly magazine, *Common Cause* (July, 1947, through July, 1951). In the last issue this writer's "Constitution 111," which was the main source of the final Draft, provides in a number of instances an explanatory expansion of norms strictly condensed in the latter.

4. On "The Keyword Democracy," its discrepant and defective uses and conceivable integration, cf. this writer's essay in *Common Cause*, November, 1949, or in the UNESCO symposium, *Democracy in a World of Tensions* (Chicago: University of Chicago Press, 1951), pp. 29–45.

5. Pledged by the Psalmist: "Arise, O Lord; O God, lift up thine hand; forget not the humble" (20:12); "For the needy shall not always be forgotten; the expectation of the poor shall not perish for ever" (9:18).

ordination of politics to ethics, whatever the contributions to historical and psychological inquiry from the Machiavellian schism which severed might from right and specialized the state as a mere amoral power. The philosopher-king, as eminent in the purity as in the strength of his will, Trajanus or Asoka, had been the model, whether for emulation or at least for lip service of the statesman's action before the deed which enfranchised the lawgiver from the law and made politics a law unto itself; a rule of war even when its name is peace; and the restoration of the synthesis has been demanded with increasing intensity afterward.[6] As democracy rose and corporate opinion gained more control, the successes of evil met with diminishing returns in the public conscience; the Kantian and American identifications (both neo-Stoic and Christian) of republic and virtue were not necessarily a scandal to the sophisticated; and the directive, commanding to Washington as it was to be to Lincoln and Wilson, was marked also in the two greatest monarchies, the Roman church and the British crown, where authority and morals are joined in the exemplariness of the person and no double standards are any longer allowed to a King George IV or a Borgia pope.

The third pillar assigns to the ethics of power the administration of justice, understanding justice under the sign of charity, both as Platonic Eros, and sublimated Desire which calls man upward, and as Pauline Agape, the logic of the heart, Benevolence which lends a hand.

The fourth extends the equality of justice to all areas of discrimination, not of racial color and social class alone, but also of nations big and small: a classification, often taken for granted and tacitly condoned, discriminatory between citizenships of first and second rank in the citizenry of the world. Hence, as long as nations, though no longer fully sovereign, live, the need for continental and transcontinental unions of nations—electoral "regions,"[7] or Internations flexibly co-ordinated in the

6. "For strength from Truth divided and from Just,
Illaudable, naught merits but dispraise
And ignominie, yet to glorie aspires
Vain glorious, and through infamie seeks fame. . . ."
(*Paradise Lost*, VI, 381 ff.)

7. Nine in the Preliminary Draft: Europa, Atlantis (the nations of British origin), Eurasia (the Russian orbit), India, Asia Major (Far East), Austrasia (Southeast Asia and South Pacific), Columbia (Latin America), Afrasia (Mediterranean Islam and Middle East), and Africa.

supranational order—conferring on any one, whether big or small by national birthright, Russian or Liechtensteiner, American or Iranian, the dignity of membership in a great tradition and power.

The fifth is the intent to countenance and continue in its vital essence the representative shape of government, with its "checks and balances" and its conveyor belts through the various degrees of delegated power. This shape, as worked out prevalently under English-speaking inspiration and example, in the republics and republican monarchies of the modern centuries, is a legacy worthy of devotion—though not without awareness that the clear-cut distinction between the legislative, the executive, and the judiciary branches of government cannot be, as it never was fully, transplanted from ideation to practice; and that the expansion in space and the wear and tear in time of the British-born parliamentary rule have exposed it to perilous disfunctions, more or less anywhere. The gerrymandered representations, the usurped delegations of power, the oligarchic preemption of the voter's choices by the politicos' "machines," the crudely arithmetic count which delivers majorities of absentees to minorities of "present and voting," the tumultuous or deserted assemblies, the pressure from the lobbies, the insecurity of the executive, the too-slow responsiveness of the two-party system to the changing social conditions in the democracies of single constituencies and the confusion of "particracy" in those of many parties and proportional vote—all these and suchlike occasions for demogogic disorder, and for its killing cure through tyranny, point, for a global order, to the need of a deep-going, though not starry-eyedly perfectionist, revision and recast.

The sixth, in close context with the fifth, while insisting on the limits of tenure and controls through constitutional force needed for any chief executive to be detained, and if need be, deterred, from usurpation of power, proposes nevertheless that the head of the World Republic be lifted above the rank of a figurehead and vested with what prestige and force is needed for him to symbolize and incarnate in the majesty of his office the conscience of mankind.

The seventh pillar restates that the purpose is peace.

THE PURPOSE OF THE PURPOSE AND TRANSITION TO A FURTHER BOOK

What is the purpose of the purpose—peace for what?—is a question tantamount to asking what is the purpose and meaning of man's coming enterprise in the cosmic order. Physically he is currently pictured as poised for an interplanetary—in due course why not interstellar?—exploration. His spiritual itinerary in his next evolution may be perhaps adumbrated by some *Hagia Sophia*, holy sapience. It certainly exceeds, except for groping references, a political inquiry.

All that can be done at this moment is a reference, not quite so groping, with reverent consent to the last words in the last book of the noblest announcer in our age. "Mankind groans," wrote Bergson in his *Two Sources* (1932), "half crushed under the burden of the progress it has made. It does not know enough as yet that its future depends on itself. First it must decide whether it wishes to survive. Up to it is then to ask itself whether its wish is mere survival or whether it will provide, besides, the effort needed for the fulfilment, even on our refractory planet, of the essential function of the universe; which is a machine for the making of gods."

Deliberately the syllable "God" was left out of the Preliminary Draft: not certainly in contempt of what it meant and should mean, and not as a passive concession either to the vast sections and cross-sections of mankind today, in whose ears that syllable sounds deceitful and divisive; but rather in modernized observance of the norm which made the name of Yahweh unutterable.

Equally beyond the scope of a concrete search in politics and law is the calculus of probabilities: whether the present wounds, Korean or others, will scar, whereafter the integration of the UN in a world order might become the order of the day, or whether the infection, gangrene and fire, will grip the globe. Prophecy in the undeterminable is legitimate, because it is inevitable to the human mind; fortune-telling is swindle.

It may well be that the "devastations, overthrows and even complete internal exhaustion of their powers" through which the nations are bound to pass before they touch, according to the prophecy of Kant, "the goal which Reason might well have

impressed upon them, even without so much sad experience," are bound to be longer and darker than we might like to contemplate. It may well be that violence will win the day—and the century; that despotism, not a constitution, will be the first government of the world.

Castigating his friend's impatience, a friend of mine, now dead, said: "There will be in some future a new Christianity and a new liberty; but you will not see them." This was in the early 1930's. I do not know whether he meant that the phoenix we call justice and liberty will take for a new birth the five hundred years which the fabulous bird takes in its fable to be reborn of its ashes.

"This tree," says in a different figure the much-quoted dictum of General Lyautey, "takes a thousand years to grow? Well, there's not a minute to lose; let it be planted at once!" The dictum blunts the point of the no less famous quip of Clemenceau, who said that war is too important a business to be intrusted to generals; if, as it seems, generals on occasion can say notable things even on business more important than war.

Appendix

Preliminary Draft of a World Constitution

DECLARATION OF DUTIES AND RIGHTS

A

The universal government of justice as covenanted and pledged in this Constitution is founded on the Rights of Man.

The principles underlying the Rights of Man are and shall be permanently stated in the Duty

of everyone everywhere, whether a citizen sharing in the responsibilities and privileges of World Government or a ward and pupil of the World Commonwealth:

to serve with word and deed, and with productive labor according to his ability, the spiritual and physical advancement of the living and of those to come, as the common cause of all generations of men;

to do unto others as he would like others to do unto him;

to abstain from violence,

except for the repulse of violence as commanded or granted under law.

B

In the context therefore of social duty and service, and in conformity with the unwritten law which philosophies and religions alike called the Law of Nature and which the Republic of the World shall strive to see universally written and enforced by positive law:

it shall be the right of everyone everywhere to claim and maintain for himself and his fellowmen:

release from the bondage of poverty and from the servitude and exploitation of labor, with rewards and security according to merit and needs;

freedom of peaceful assembly and of association, in any creed or party or craft, within the pluralistic unity and purpose of the World Republic;

protection of individuals and groups against subjugation and tyrannical rule, racial or national, doctrinal or cultural, with safeguards for the self-determination of minorities and dissenters;

and any such other freedoms and franchises as are inherent in man's inalienable claims to life, liberty, and the dignity of the human person, and as the legislators and judges of the World Republic shall express and specify.

C

The four elements of life—earth, water, air, energy—are the common property of the human race. The management and use of such portions thereof as are vested in or assigned to particular ownership, private or corporate

or national or regional, of definite or indefinite tenure, of individualist or collectivist economy, shall be subordinated in each and all cases to the interest of the common good.

GRANT OF POWERS

1

The jurisdiction of the World Government as embodied in its organs of power shall extend to:

a) The control of the observance of the Constitution in all the component communities and territories of the Federal World Republic, which shall be indivisible and one;

b) The furtherance and progressive fulfillment of the Duties and Rights of Man in the spirit of the foregoing Declaration, with their specific enactment in such fields of federal and local relations as are described hereinafter [Art. 27 through 33];

c) The maintenance of peace; and to that end the enactment and promulgation of laws which shall be binding upon communities and upon individuals as well,

d) the judgment and settlement of any conflicts among component units, with prohibition of recourse to interstate violence,

e) the supervision of and final decision on any alterations of boundaries between states or unions thereof,

f) the supervision of and final decision on the forming of new states or unions thereof,

g) the administration of such territories as may still be immature for self-government, and the *declaration of their eligibility for self-government within ten years of the establishment of the World Republic*,

h) the intervention in intrastate violence and violations of law which affect world peace and justice,

i) the organization and disposal of the federal armed forces,

j) the limitation and control of weapons and of the *police forces* in the several component units of the World Republic.

k) The establishment, in addition to the Special Bodies listed hereinafter [Art. 8 and 9], of such other agencies as may be conducive to the development of the earth's resources and to the advancement of physical and intellectual standards, with such advisory or initiating or arbitrating powers as shall be determined by law;

l) The laying and collecting of federal taxes, and the establishment of a plan and a budget for federal expenditures,

m) the administration of the World Bank and the establishment of suitable world fiscal agencies for the issue of money and the creation and control of credit,

n) the regulation of commerce affected with federal interest,

o) the establishment, regulation, and where necessary or desirable, the operation of means of transportation and communication which are of federal interest;

p) The supervision and approval of laws concerning emigration and immigration and the movements of peoples,

q) the granting of federal passports;
r) The appropriation, under the right of eminent domain, of such private or public property as may be necessary for federal use, reasonable compensation being made therefor;
s) The legislation over and administration of the territory which shall be chosen as Federal District and of such other territories as may be entrusted directly to the Federal Government.

2

The powers not delegated to the World Government by this Constitution, and not prohibited by it to the several members of the Federal World Republic, shall be reserved to the several states or nations or unions thereof.

THE FEDERAL CONVENTION, THE PRESIDENT, THE LEGISLATURE

3

The sovereignty of the Federal Republic of the World resides in the people of the world. The primary powers of the World Government shall be vested in:
a) the Federal Convention,
b) the President,
c) the Council and the Special Bodies,
d) the Grand Tribunal, the Supreme Court, and the Tribune of the People,
e) the Chamber of Guardians.

4

The Federal Convention shall consist of delegates elected *every third year* directly by the people of all states and nations, one delegate for each million of population or fraction thereof above one-half million, with the proviso that the people of any extant state, recognized as sovereign in *1950*, and ranging between 100,000 and 1,000,000, shall be entitled to elect one delegate, but any such state with a population below 100,000 shall be aggregated for federal electoral purposes to the electoral unit *beyond its territory with which it has the longest common frontier.*

The delegates to the Federal Convention shall vote as individuals, not as members of national or otherwise collective representations; [except as specified hereinafter, Art. 46, paragraph 2, and Art. 47].

The Convention shall meet in May of every third year, for a session of thirty days.

5

The Federal Convention shall subdivide into nine Electoral Colleges according to the nine Societies of kindred nations and cultures, or Regions, wherefrom its members derive their powers, such Regions being:
1) the continent of Europe and its islands outside the Russian area, together with the United Kingdom if the latter so decides, and with such overseas English- or French- or Cape Dutch-speaking communities of the British Commonwealth of Nations or the French Union as decide to associate (this whole area here tentatively denominated EUROPA);

2) the United States of America, with the United Kingdom if the latter so decides, and such kindred communities of British, or Franco-British, or Dutch-British, or Irish civilization and lineage as decide to associate (ATLANTIS);
3) Russia, European and Asiatic, with such East-Baltic or Slavic or South-Danubian nations as associate with Russia (EURASIA);
4) the Near and Middle East, with the states of North Africa, and Pakistan if the latter so decides (AFRASIA);
5) AFRICA, south of the Sahara, with or without the South African Union as the latter may decide;
6) INDIA, with Pakistan if the latter so decides;
7) China, Korea, Japan, with the associate archipelagoes of the North- and Mid-Pacific (ASIA MAJOR);
8) Indochina and Indonesia, with Pakistan if the latter so decides, and with such other Mid- and South-Pacific lands and islands as decide to associate (AUSTRASIA);
9) the Western Hemisphere south of the United States (COLUMBIA).

Each Electoral College shall nominate by secret ballot not more than three candidates, regardless of origin, for the office of President of the World Republic. The Federal Convention in plenary meeting, having selected by secret ballot a panel of three candidates from the lists submitted, shall elect by secret ballot one of the three as President, on a majority of two-thirds.

If three consecutive ballots have been indecisive, the candidate with the smallest vote shall be eliminated and between the two remaining candidates a simple majority vote shall be decisive.

6

Each Electoral College shall then nominate by secret and proportional ballot twenty-seven candidates, originating from the respective Electoral Area or Region, for the World Council; with the proviso that one-third and not more than one-third of the nominees shall not be members of the Federal Convention; and the nine lists having been presented to the Federal Convention, the Federal Convention in plenary meeting shall select by secret and proportional ballot nine Councilmen from each list, with the same proviso as above.

The Federal Convention shall also elect by secret and proportional ballot, on nominations, prior to the opening of the Convention, by such organizations, of world-wide importance and lawfully active in more than three Regions, as shall be designated [for the first election by the United Nations Assembly and subsequently] by the Council, eighteen additional members, regardless of origin; and the total membership of the World Council shall be thus ninety-nine.

No person holding civil or military office under the Federal Republic shall be eligible for membership in the Council.

If a Councilman dies or resigns before the expiration of his tenure, the Council shall have power to fill the vacancy, giving precedence to candidates representing the same Region and political party as the former incumbent.

7

The primary power to initiate and enact legislation for the Federal Republic of the World shall be vested in the Council.

The tenure of the Council shall be three years.

The Council shall elect its Chairman, for its whole tenure of three years. Councilors shall be re-eligible.

8

Within the first three years of World Government the Council and the President shall establish three Special Bodies, namely:

a) a House of Nationalities and States, with representatives from each, for the safeguarding of local institutions and autonomies and the protection of minorities;

b) a Syndical or functional Senate, for the representation of syndicates and unions or occupational associations and any other corporate interests of transnational significance, as well as for mediation or arbitration in non-justiciable issues among such syndicates or unions or other corporate interests;

c) an Institute of Science, Education, and Culture;

each of the three bodies with such membership and tenures and consultative or preparatory powers as shall be established by law and with no prejudice to the establishment of other advisory or technical agencies in accordance with the purposes stated hereinbefore [Art. 1, *k*].

9

Within its first year the World Government shall establish a Special Body, to be named Planning Agency, of twenty-one members appointed by the President, subject *within sixty days* to vetoes by two-thirds of the Council, for tenures of twelve years, [except that the terms for the initial membership shall be staggered by lot, with one-third of it, seven members, ceasing from office and being replaced every fourth year].

It shall be the function of the Planning Agency to envisage the income of the Federal Government and to prepare programs and budgets for expenditures, both for current needs and for long-range improvements. These programs and budgets shall be submitted by the President, with his recommendations, to the Council, as provided hereinafter [Art. 13].

Plans for improvement of the world's physical facilities, either public or private, and for the productive exploitation of resources and inventions shall be submitted to the Agency or to such Development Authorities or regional subagencies as it may establish. The Agency shall pass judgment on the social usefulness of such plans.

Members of the Planning Agency shall not be re-eligible nor shall they, during their tenure in the Agency, have membership in any other federal body.

10

The executive power, together with initiating power in federal legislation, shall be vested in the President. His tenure shall be six years.

The President shall not have membership in the Council.

The President shall not be re-eligible. He shall not be eligible to the

Tribunate of the People until nine years have elapsed since the expiration of his term.

No two successive Presidents shall originate from the same Region.

11

The President shall appoint a Chancellor. The Chancellor, with the approval of the President, shall appoint the Cabinet.

The Chancellor shall act as the President's representative before the Council in the exercise of legislative initiative. The Chancellor and the Cabinet members shall have at any time the privilege of the floor before the Council.

But no Chancellor or Cabinet member shall have a vote or shall hold membership in the Council, nor, if he was a member of the Council at the moment of his executive appointment, shall he be entitled to resume his seat therein when leaving the executive post unless he be re-elected at a subsequent Convention.

No one shall serve as Chancellor for more than six years, nor as Cabinet member for more than twelve, consecutive or not.

No three Cabinet members at any one time and no two successive Chancellors shall originate from the same Region.

The Council shall have power to interrogate the Chancellor and the Cabinet and to adopt resolutions on their policies.

The Chancellor and the Cabinet shall resign when the President so decides or when a vote of no confidence by the absolute majority of fifty or more of the Council is confirmed by a second such vote; but no second vote shall be taken and held valid if less than three months have elapsed from the first.

12

The sessions of the Council, as well as those of the Grand Tribunal and the Supreme Court, shall be continuous, except for one yearly recess of not more than ten weeks or two such recesses of not more than five weeks each, as the body concerned may decide.

13

The budget of the World Government, upon recommendation by the Planning Agency, shall be presented every three years by the President to the Council, which shall pass it, or reject it in whole titles, by majority vote; the same procedure to apply when at other intervals the President requests additional appropriations or approval of changes.

14

Any legislation of the Council can be vetoed by the President within thirty days of its passage. But the Council can overrule the veto if its new vote, by a majority of two-thirds, finds support, within sixty days of the President's action, in the majority of the Grand Tribunal; [and no such support shall be required during the tenure of the first President].

15

The President can be impeached on grounds of treason to the Constitution, or usurpation of power, or felony, or insanity, or other disease impairing permanently his mind.

The vote of impeachment shall be final when three-quarters of the Council and three-quarters of the Grand Tribunal concur and the majority of the Supreme Court validates the legality of the proceedings.

If a President is impeached or resigns or dies in the interval between two sessions of the Federal Convention, the Chairman of the Council shall become Acting President until the new Convention elects a new President; and the Council shall elect a new Chairman.

THE GRAND TRIBUNAL AND THE SUPREME COURT

16

The supreme judiciary power of the World Republic shall be vested in a Grand Tribunal of sixty Justices, with the President of the World Republic as Chief Justice and Chairman, and the Chairman of the Council as Vice-Chairman ex officio.

The President as Chief Justice shall appoint the Justices of the Grand Tribunal and fill the vacancies, subject to vetoes by the Council on majorities of two-thirds. He shall have power to overrule any such veto if he finds support in a two-thirds majority of the Justices in office, [except that no such power shall be vested in the first President].

No one, except the Chairman of the Council, shall hold membership at the same time in the Council and the Tribunal; nor shall a Chancellor or Cabinet member hold membership in the Tribunal or be eligible to it until six years have elapsed from the termination of his executive office.

17

The tenure of the Chief Justice and Chairman and of the Vice-Chairman of the Grand Tribunal shall be the time of their tenure of office respectively as President of the World Republic and as Chairman of the Council.

The President shall have power to appoint an Alternate, subject to approval by the Grand Tribunal, for the exercise of such of his functions in the judiciary branch and for such a time within his tenure as he may decide.

The tenures of the sixty Justices shall be fifteen years [except that the terms for the initial membership shall be staggered by lot, with one-fifth of it, twelve Justices, ceasing from office and being replaced every third year].

Justices of the Grand Tribunal shall not be re-eligible, except that a Justice appointed as Chancellor or Cabinet member, having resigned his membership in the Tribunal, shall be re-eligible to it for the unfulfilled portion of his tenure when six years have elapsed from the termination of his executive office.

18

The sixty Justices shall be assigned twelve to each of five Benches:

the First Bench to deal with constitutional issues between the primary organs and powers of the World Government as well as with all issues and cases in which the Tribune of the People shall decide to appear in his capacity of World Attorney and defender of the Rights of Man;

the Second Bench to deal with issues and conflicts between the World Government and any of its component units, whether single states or unions thereof or Regions, as well as with issues and conflicts of component units of the World Republic among themselves;

the Third Bench to deal with issues and conflicts between the World Government and individual citizens or corporations or unions or any other associations of citizens;

the Fourth Bench to deal with issues and conflicts among component units, whether single states or unions of states or Regions, and individual citizens or corporations or unions or any other associations of citizens when such issues and conflicts affect the interpretation or enactment of federal law;

the Fifth Bench to deal with issues and conflicts, when they affect the interpretation and enactment of federal law, either among individual citizens or among corporations, unions, syndicates, or any other collective organizations of citizens and interests.

Each Region shall be represented in each Bench by at least one member and not more than two.

19

The Supreme Court shall be of seven members: five representing one each Bench, with the Chief Justice as their Chairman and the Chairman of the Council as their Vice-Chairman ex officio; and the active membership of the Benches *of the Grand Tribunal* shall thus remain of eleven each.

No two members of the Supreme Court shall originate from the same Region.

The representatives of the Benches in the Supreme Court shall be elected by secret vote of the Grand Tribunal in plenary session, with each Justice casting a ballot for five candidates, one from each Bench, and with those candidates elected who have obtained the largest vote, except that any presumptive electee shall be held ineligible whose assignment to the Court would duplicate the representation therein of any one Region or Bench.

If the first vote fails to fill all seats, the *balloting for the vacant seats* shall be repeated according to the same regulations.

The tenures of the members of the Supreme Court shall be: for the Chairman and Vice-Chairman the same as their tenures of office respectively as President of the World Republic and as Chairman of the Council, and for the other members six years, at the end of which each of the five elected by the Grand Tribunal may be re-elected or shall be restored to the Bench whereof he was the delegate; but no Justice shall sit in the Court beyond his regular term of membership in the Tribunal; and when the latter term expires before the regular six-year term in the Court is completed, or when an elective member of the Court resigns or dies, the Grand Tribunal shall fill the vacancy for

the unfulfilled portion of the term by secret partial election in plenary session, with the same proviso as above in regard to the representation of Regions.

Regions which have not been represented in the Supreme Court for two successive six-year terms *must be assured representation in the subsequent term.*

20

The Supreme Court shall distribute the cases among the five Benches of the Grand Tribunal according to competences as specified hereinbefore [Art. 18].

Cases where competences overlap or are otherwise doubtful shall be referred to such Bench or Benches jointly as the Supreme Court shall decide.

The Supreme Court shall have power to modify the rules of assignment for the five Benches as specified in Art. 18, subject to approval by the majority of the Council and by a two-thirds majority of the Grand Tribunal concurrently.

21

It shall be the office and function of the Supreme Court to review the decisions of the Benches, within three months of their issuance, said decisions to become effective upon registration by the Court, or, when annulled, to be returned for revision each to the Bench which judged the case, or to another, or to others jointly as the Court may decide; annulment to be pronounced in cases of unfair trial or faulty procedure, and also for reasons of substance when final appeal was filed by the losing party, if the Court at its own discretion choose to take cognizance thereof, or by the Tribune of the People, whose demand shall be mandatory.

22

Within the first three years of the World Government, the Council on proposal by the Grand Tribunal shall establish, with the approval of the Supreme Court, Lower Federal Courts in such number and places as conditions in the component units of the World Republic shall require, and a Federal Appellate Court in each Region. The Grand Tribunal shall determine the rules and competences of such courts, and appoint their officials on the basis of competitive examinations.

[*Prior to the establishment of permanent courts by the Council, the Grand Tribunal with the consent of the Supreme Court shall have power to organize transitional courts, which must either be approved or replaced after the expiration of the first three years of the World Government, in accordance with paragraph 1 of this article.*]

23

The President or his Alternate and the Chairman of the Council shall not sit as judges in cases affecting the solution of conflicts between the President and the Council.

The President or Acting President or Alternate, or a Justice or the Chairman of the Council in his capacity of Justice, shall not sit as a judge in cases involving his appointment or impeachment or demotion or tenure or in any other way affecting his particular interest.

24

No member of the Council or the Grand Tribunal shall be liable to removal from office until a criminal sentence on charges of felony or grave misdemeanor is final. But he shall be suspended from office, pending last recourse to the Grand Tribunal, when a sentence of guilty, issued by a lower court, has been confirmed by a Federal Appellate Court.

The Supreme Court shall pronounce final judgment on the legality of the proceedings. It shall also pronounce final judgment on the legal validity of elections and appointments to the Council and the Tribunal, and to the offices of President and of Tribune of the People.

25

The President in his capacity of World Chief Justice shall have power of pardon over sentences passed under federal law.

THE TRIBUNE OF THE PEOPLE AND THE WORLD LAW

26

After the Federal Convention has elected the Council, each of its Electoral Colleges shall nominate by secret ballot not more than three candidates, regardless of origin, for the office of Tribune of the People as a spokesman for the minorities; ineligible to the office of Tribune being any candidate having also been nominated by any Electoral College for the office of President in the current Convention, or having been a President or Acting President or Alternate or a member of the Grand Tribunal at any time in the nine years preceding said Convention, or originating from the same Region as the President simultaneously in office. *The Federal Convention in plenary meeting shall then elect by secret ballot one of the twenty-seven candidates as Tribune of the People, this office to be vested in the candidate obtaining the second largest vote among the eligible candidates.*

The Tribune of the People shall not have membership in the Council.

The tenure of the Tribune of the People shall be three years. He shall have power to appoint a Deputy, subject to the same ineligibilities as above, with tenure to expire not later than his own.

He shall not be re-eligible, nor shall he be eligible to the office of President or Alternate or Justice of the Grand Tribunal, until nine years have elapsed from the expiration of his present term.

The Tribune, or his appointed Deputy, shall have the privilege of the floor before the Grand Tribunal and, under such regulations as shall be established by law, before the Supreme Court; but no vote in either; and he shall not be present when a vote is taken.

The Council, when approving the budget for the Grand Tribunal, shall set aside a fixed proportion of it for the office of the Tribune, such proportion to be determined every three years when the budget of the World Government is presented to the Council by the President [*Art. 13*].

27

It shall be the office and function of the Tribune of the People to defend the natural and civil rights of individuals and groups against violation or neglect by the World Government or any of its component units; to further and demand, as a World Attorney before the World Republic, the observance of the letter and spirit of this Constitution; and to promote thereby, in the spirit of its Preamble and Declaration of Duties and Rights, the attainment of the goals set to the progress of mankind by the efforts of the ages.

28

No law shall be made or held valid in the World Republic or any of its component units:

1) inflicting or condoning discrimination against race or nation or sex or caste or creed or doctrine; or

2) barring through preferential agreements or coalitions of vested interests the access on equal terms of any state or nation to the raw materials and the sources of energy of the earth; or

3) establishing or tolerating slavery, whether overt or covert, or forced labor, except as equitable expiation endured *after legal conviction* in state or federal controlled institutions and intended for social service and the rehabilitation of the convicted criminal; or

4) permitting, whether by direction or indirection, arbitrary seizure or search, or unfair trial, or excessive penalty, or application of ex post facto laws; or

5) abridging in any manner whatsoever, except as a punishment inflicted by law for criminal transgression, the citizen's exercise of such responsibilities and privileges of citizenship as are conferred on him by law; or

6) curtailing the freedom of communication and information, of speech, of the press and of expression by whatever means, of peaceful assembly, of travel;

paragraphs 5 and 6 to be subject to suspension according to circumstances, universally or locally, in time of emergency imperiling the maintenance and unity of the World Republic; such state of emergency, world-wide or local, to be proposed by the Chamber of Guardians and proclaimed concurrently by a two-thirds majority of the Council and a two-thirds majority of the Grand Tribunal for a period not in excess of six months, to be renewable on expiration with the same procedure for successive periods of six months or less but in no case beyond the date when the time of emergency is proclaimed closed, on the proposal of the Chamber of Guardians by simple majority votes of the Council and of the Grand Tribunal concurrently or, if the Guardians' proposal is deemed unduly delayed, by three-quarters majority votes of the Council and of the Grand Tribunal concurrently.

29

Capital punishment shall not be inflicted under federal law.

30

Old age pensions, unemployment relief, insurance against sickness or accident, just terms of leisure, and protection to maternity and infancy shall be provided according to the varying circumstances of times and places as the local law may direct.

Communities and states unable to provide adequate social security and relief shall be assisted by the Federal Treasury, whose grants or privileged loans shall be administered under federal supervision.

31

Every child from the age of six to the age of twelve shall be entitled to instruction and education at public expense, such primary six-year period to be obligatory and further education to be accessible to all without discrimination of age or sex or race or class or creed.

Communities and states unable to fulfill this obligation shall be assisted by the Federal Treasury with the same proviso as in Art. 30.

32

All property or business whose management and use have acquired the extension and character of a federal public service or whereon restrictive trade practices have conferred the character and power of a transnational monopoly, shall become the property of the Federal Government upon payment of a just price as determined by law; *such action to be initiated by the Planning Agency* [*Art. 9*] *and approved by the Grand Tribunal.*

33

Every individual or group or community shall have the right of appeal against unjust application of a law, or against the law itself, gaining access through the inferior courts, local or federal, to the superior and the Grand Tribunal, and securing the counsel and support of the Tribune of the People when the Tribune so decides; and, if a law or statute is found evidently in conflict with the guarantees pledged in the foregoing articles or irreparably in contradition with the basic principles and intents of the World Republic as stated in the Preamble to this Constitution and in its Declaration of Duties and Rights, the Grand Tribunal shall have power to recommend to the Supreme Court that such law or statute be declared, and the Supreme Court shall have power to declare it, null and void.

34

The Tribune of the People cannot be impeached except on the same grounds and with the same procedure as specified for the President in Art. 15.

If the Tribune of the People is impeached or resigns or dies, his substitute for the unfulfilled portion of his tenure shall be the candidate to the Tribunate who was next in line in the last Federal Convention, with the same provisos in regard to eligibility as in Art 26, first paragraph.

THE CHAMBER OF GUARDIANS

35

The control and use of the armed forces of the Federal Republic of the World shall be assigned exclusively to a Chamber of Guardians under the chairmanship of the President, in his capacity of Protector of the Peace. The other Guardians shall be six Councilmen elected by the Council and the Grand Tribunal in Congress assembled, for terms of three years. [But the Grand Tribunal shall not participate in the first election.]

One former President shall also sit in the Chamber of Guardians, *the ex-President who has first vacated his office having precedence;* he shall have the privilege of the floor in the deliberations of the Chamber, but no vote in its decisions.

Civil servants of the Federal Republic and officers holding professional or active rank in the armed forces of the Federal Republic, or in the domestic *police force* of any component unit thereof, shall not be eligible as Guardians.

36

The election of the six elective Guardians shall be by secret and proportional vote, with each Elector casting a ballot of six names or less; but no three Guardians of the seven, including the President and excluding the ex-President, shall originate from the same Region; and any presumptive electee whose election would contravene this norm shall be declared ineligible and replaced by the candidate fulfilling the norm and having obtained the next largest vote.

Regions which have not been represented among the seven Guardians referred to above for two successive three-year terms, *must be assured representation in the subsequent term;* but the Guardian or Guardians originating from a nation or Region where sedition against the World Republic is actual or, according to the majority of the Chamber, imminently expected, shall cease from office and be replaced; unless the other Guardians decide unanimously otherwise.

No Guardian can be impeached or in any way suspended or removed from office for any other reason, except on such grounds and with such procedure as specified for the President and the Tribune of the People hereinbefore [Art. 15 and 34], and for the Guardians hereinafter [Art. 38].

If a Guardian resigns or dies or is in any way suspended or removed, his substitute for the unfulfilled portion of the term shall be chosen by partial election, with the same rules and provisos as in the first two paragraphs of this article, each elector casting a ballot of one or more names as the number of vacancies may be.

37

The Chancellor shall have access to the Chamber of Guardians as Deputy of the President, whose vote he shall cast by proxy if the President so decides.

38

Appropriations for the budget of Peace and Defense, under control of the Chamber of Guardians, as proposed by the Chamber at the beginning of each term for the whole duration thereof, shall be submitted by the President to the Council, in conformity with Art. 13. But if a state of emergency is declared, in the manner and limits as specified hereinbefore [Art. 28, last paragraph], the Chamber shall have power to demand and appropriate such additional funds as the emergency demands, subject to auditing and sanction by the Council when the emergency is closed; whereafter, if sanction is denied, the Guardians responsible shall be liable to impeachment and prosecution for usurpation of power with the same procedure as specified for the President and the Tribune of the People hereinbefore [Art. 15 and 34].

39

The Chamber shall have power to propose by absolute majority, subject to approval by two-thirds majority votes of the Council and of the Grand Tribunal concurrently, extraordinary powers, world-wide or local, to be conferred on the President beyond those assigned to him by this Constitution, when a state of emergency, as provided in Art. 28, is proclaimed; such powers not to be granted for periods exceeding six months each and to be relinquished before the expiration of any such period as soon as the state of emergency, in conformity with Art. 28, is proclaimed closed.

40

The Chamber of Guardians shall answer interrogations from the Council on its general and administrative directives, but no vote shall be taken after discussion thereof, except as otherwise provided in Art. 28 and 39; and the decisions of the Chamber in matters technical and strategic shall be final, and withheld from publicity when the Chamber so decides.

41

The Chamber of Guardians, assisted by a General Staff and an Institute of Technology whose members it shall appoint, shall determine the technological and the numerical level that shall be set as limits to the domestic militias of the single communities and states or unions thereof.

Armed forces and the manufacture of armaments beyond the levels thus determined shall be reserved to the World Government.

THE FEDERAL CAPITAL AND FEDERAL LANGUAGE AND STANDARDS

42

Within one year of its foundation the World Republic shall choose a Federal Capital, or a site therefor, with eminent domain over it and an adequate Federal District.

43

Within three years of its foundation the Federal Government shall designate one language, which shall be standard for the formulation and interpretation of the federal laws; and for analogous purposes, relative to communication, taxation and finances, it shall establish in its first year a federal unit of currency with a federal system of measures and a federal calendar.

THE AMENDING POWER

44

Amendments to this Constitution, recommended concurrently by a two-thirds majority of the Council and of the Grand Tribunal, shall be in force when approved by a two-thirds majority of the Federal Convention in the Constitutional Session following the recommendation.

Constitutional Sessions, of thirty days or less, as the discussion may require and the majority may decide, shall be held immediately after the ordinary electoral session in the third Federal Convention and thereafter every ninth year.

[But no amendment altering the electoral units as listed in Art. 5, or the assignment to them of seats in the Council and the other federal bodies, shall be recommended to the first of such Sessions.]

[RATIFICATION AND PRELIMINARY PERIOD

45

The first Federal Convention shall be the Founding Convention.

The ratio of representation therein shall be based on the world population figures as ascertained or authoritatively approximated in 1948.

The ways and means for the convocation of the Founding Convention, and the regulations for its inaugural and voting procedures, shall be determined by the General Assembly of the United Nations.

46

The thirty-day electoral session of the Founding Convention shall be preceded by a preliminary session of thirty days or less for the discussion and approval of this Constitution, such preliminary session to be extended for thirty additional days or less as the discussion may require and the majority may decide.

The delegates to the Founding Convention shall vote individually, and not by delegations; except on the assignment to the nine Electoral Colleges or Regions of such optional states or zones as listed hereinbefore [Art. 5]; in which matter the vote of the majority, within the delegation from the state or zone concerned, shall be binding upon the minority; and Art. 5 shall be adjusted accordingly.

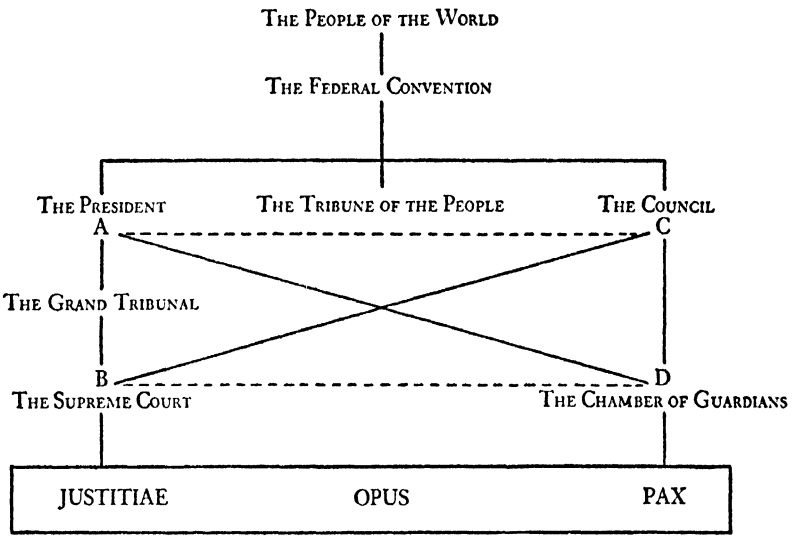
47

The Founding Convention having discussed and approved by individual majority vote this Constitution, ratification by collective majorities within

as many delegations of states and nations as represent two-thirds of the population of the earth, shall be sufficient for the establishment of the Federal Republic of the World.]

THE COMMITTEE TO FRAME A WORLD CONSTITUTION

ROBERT M. HUTCHINS, *President*
†G. A. BORGESE, *Secretary*
MORTIMER J. ADLER
STRINGFELLOW BARR
ALBERT GUÉRARD
†HAROLD A. INNIS
ERICH KAHLER
WILBER G. KATZ
CHARLES H. McILWAIN
ROBERT REDFIELD
REXFORD GUY TUGWELL



Dotted line *AC* symbolizes intervention of Council in tenure of the President's Cabinet and Acting Presidency of the Chairman of the Council during vacancies in the Presidency.

Diagonal *AD* symbolizes Chairmanship of the President in the Chamber of Guardians.

Diagonal *CB* symbolizes Council's veto power on appointments to the Judiciary and membership of the Chairman of the Council in the Tribunal and Supreme Court.

Dotted line *BD* symbolizes intervention of the Judiciary in elections to the Chamber of the Guardians.

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