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DEMOCRATIC GOVERNMENTS IN EUROPE

by

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INTRODUCTION

SINCE the first edition of this book appeared three years ago, the governments of democratic England and France have undergone increasing strain. Britain has survived the abdication of King Edward, once more demonstrating its unique capacity for meeting internal crises by constitutional means. Likewise it has wrestled with serious imperial problems, such as the status of Ireland, now definitely settled by agreement, the new constitution for India, and the future of Palestine torn by war between Jew and Arab. France, too, has struggled with internal difficulties, but without abandoning its democratic regime. The last three years has seen the rise to power of the Popular Front, the enactment of far-reaching social reforms, the attempt to return to "normalcy," and the virtual dissolution of the left coalition.

Had Britain and France merely to meet internal problems, one need have little concern for the future. But they are wrestling with an even more difficult international situation, caused by the ambitions of the totalitarian states of Germany and Italy. It is becoming more and more evident that Mussolini is a threat to the position of both France and Britain in the Mediterranean; and if Germany succeeds in dominating Central Europe, the imperial interests, if not the home territory, of the two great democracies inevitably will become imperilled.

To meet this challenge both Britain and France

have been feverishly rearming during the past several years. Their budgets already carrying heavy social charges, these countries have been obliged to follow the example of the totalitarian states and embark upon deficit financing. A totalitarian state, based upon a closed economy, has the power virtually to force private capital to invest in rearmament or any other purpose; it can mobilize as it pleases the resources of the nation. But a democracy can hardly resort to these methods, without abandoning the principles upon which it rests. Fearing inflation as a result of deficit financing, resenting the demands of labor, and apprehensive over the prospect of war, private capital under a free economy is unwilling to invest; and confronted by declining production, democratic governments may be obliged to follow the example of the totalitarian states and extend state control over economic life. The question of the next few years is whether the great democratic governments of the world can meet this problem of rearmament without abandoning the principles of liberalism upon which democracy has rested in the past. As Professor Chase points out, Britain has enacted a series of measures, such as the Official Secrets Act, Incitement to Disaffection Act, and Public Order Act which impose restrictions upon the liberty of the subject which normally would not be compatible with democracy. If France is obliged, as some observers predict, to impose exchange control during the next few months, it will be interesting to see whether to make such control effective France will not have to establish some form of police-state. The democracies will probably win out in the present war of attrition with

totalitarian Germany and Italy; but whether in the process they will have to abandon at least temporarily many aspects of political and economic liberalism is the great question of the future.

RAYMOND LESLIE BUELL

September 15, 1938.

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By Eugene P. Chase

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ENGLISH GOVERNMENT AND POLITICS

CHAPTER I

THE BACKGROUND

IN THE nineteenth century the British Empire attained a position unequaled by any political community since the days of Rome. Ruling a population one-fourth that of the entire world and a proportionate area almost as large, Great Britain possessed unsurpassed wealth and economic power. Isolated by her own desire from the troubles both internal and external of her neighbors, she possessed the prestige of being the oldest and most successful government in the world. But the early part of the twentieth century saw Britain step down from her isolated position, to form political alliances and to recognize the growing economic strength of other nations who were beginning to push themselves into the position of competitors. In the war of 1914 the British Empire played a great part. After the war, Britain suffered a slow decline, in wealth, in power, and in prestige. The financial crisis of 1931 called attention to the growing weakness of her position. From this crisis she rallied ably, restoring her financial position, and strengthening (if rendering less popularly responsive) her government. But 1937 marked, at least temporarily, the peak of her re-

stored prosperity, and meantime her international position grew less happy.

During the nineteenth century, Great Britain took the world left eager for change by the French Revolution and made it over, politically, in her own image. She presented an example of popular and free government in which, nevertheless, order, tradition, and efficiency were preserved. In a world of nations becoming gradually safer for democracy she and her dominions (and her eldest child America) were the most democratic. Then, in the disorganization that followed the war, dictators arose and a new fashion in politics began. In this time of the breaking of nations, the English people remain unchanged and undaunted. They prefer the older democratic road.

Uninvaded since 1066, still center of a great commonwealth of nations, with a language and a culture so varied, so complex, and so highly integrated as to deserve the adjective imperial, is Britain now to disappear as Rome disappeared leaving only a great name behind—her heritage divided and her peculiar institutions only a memory? Will England's wealth decline, her factories become heaps of recalcitrant rubbish, her population diminish? Will the green which once receded before the tide of stone and steel and brick creep back again, until houses are replaced by gardens, and gardens are hemmed in by forests in which wolves and foxes once more range freely? Or do the British people retain their resilience and their political skill? Have their institutions still possibilities of development and of adaptation?

England, unlike Greece, could hardly grow in cultural influence if she should fall under the rule of a

barbarous Macedon, for English culture is essentially political. To a world which measures things in terms of power, England has commended herself because her government has been a success. This study of the present situation in Great Britain must, therefore, consider four things. First, it must sketch very briefly the distinctive physical conditions under which the British live. Then it will examine the nature of the political constitution which is the framework of their common activity. Third, it will describe the structure and working of the British government. Finally, it will survey the development of British politics in the difficult conditions of recent years. "The virtue of prosperity is temperance, the virtue of adversity is fortitude," wrote a great English philosopher, Bacon. England has met prosperity with equanimity; she now faces adversity.

GEOGRAPHY

The political institutions of Great Britain are conditioned to an unusual extent by her unique geographical position. The first element is her physical separation from the rest of Europe. The British Isles lie off the northwestern coast of Europe, twenty-one miles from the Continent at its nearest point. The narrow stretch of sea between has been for many centuries a psychological rather than a practical barrier to intercourse between England and the Continent, especially since England's excellent Channel and North Sea ports face great Continental ports. But the existence of the Channel has given England traditional and effective isolation, both in cultural and political realms. Unlike most of its Continental neighbors England has developed in peace. Except in border warfare with Scotland,

no foreign army has fought on English soil since 1066, and though England has taken part in every European war of importance, and has fought many wars of her own in all parts of the earth, she has managed to do her fighting where other lands would suffer the material damage. Air raids during the war of 1914 suggested that her geographical isolation is less complete in the twentieth than it was in the nineteenth century; her present governors are convinced that she is more vulnerable from the air than any other great country.

One Roman historian spoke of Britain as *ultima Thule*, and for centuries she lay on the rim of civilization. The discovery of America put her athwart the great trade routes of an expanded world. From the time she defeated the Spanish Armada in 1588, she has sufficiently controlled the seas to protect herself and to prevent the rise of any other equally widespread world empire. Sufficiently isolated to be independent, during the nineteenth century at least, she was the center of the world.

The British Isles are small, both absolutely and in proportion to their population. With an area of about one hundred eighteen thousand square miles, they are a little more than half as large as France, with an area of two hundred twelve thousand square miles. Yet in 1931 they had a population of forty-nine millions of people, against France's forty-two millions. England, which contains three-fourths of the population, occupies only five-twelfths of the area. And England is almost exactly the same size as New York state.

When England was agricultural, pastoral, and sea-faring, its population lived in the south, which contains the large rivers and the fertile lowlands.

Iron and coal in quantities suited for industry are found almost entirely in the north and west of England, in Scotland, and in South Wales. The Industrial Revolution moved the center of gravity of population to the north. It also caused the population to increase with great rapidity. England contained five and one-half million persons in 1700. By 1831 Great Britain contained fourteen million. The 1931 figure of forty-nine million represents more than a tripling in just a century. For some years, however, the rate of increase has been slowing down. The birth rate is declining, and though the death rate still tends to decline, the average age of the population is now so great that the death rate is bound to rise. At present the population of Great Britain is essentially stationary; it seems certain that it will begin to diminish. But as long as it remains at its present figure, England is one of the most thickly populated countries of Europe.

Along with the great increase in population has come an urbanization of what was once a rural country. Eighty per cent of the English people live in areas classed as urban, and many of them live in large cities. With the decline in the rate of increase of population, urbanization seems to have reached its limit everywhere except in London. The economic changes which have followed the war of 1914 have tended to draw industry and people to the south again, and especially to the London area. The concentration of the financial, professional, and business life of the country in the capital is increasing. To-day one-fifth of the total population of England lives, if not under the administrative sway of the London County Council, at least within the built-up area of metropolitan London.

The climate of the British Isles is insular, and the warm ocean currents coming from the southwest moderate the temperature of a land which, situated well north in the temperate zone, would naturally be cold. The climate is equable, and for the most part cool. The mean annual temperature in southern England is about forty-nine degrees Fahrenheit. Variations between summer heat and winter cold are slight. The rainfall is constant rather than excessive. The result is a country in which more kinds of out-of-door activity are possible more months in the year than anywhere else. The activities of the countryside are never completely suspended. Lambs are nurtured in the open fields of Dorset in January and February. An energetic people engage in field sports and games out-of-doors winter and summer alike. Heat for houses is still supplied largely by open coal fires.

THE PEOPLE OF ENGLAND

The ancient Britons were Celtic. The Teutonic invaders, Angles and Saxons, who came into Britain after the Romans withdrew, entered at the southeast and pushed the Celts back before them. In time the Teutons dominated most of England, though an older strain is noticeable in the north, and the Celts were relegated to Cornwall, Wales, and Scotland. The cultural differentiation between the English on the one hand and the Welsh and Scotch on the other has, then, a racial basis, and is a fundamental element in the political life of the entire community. Since Ireland (except for later plantations of Englishmen near Dublin and in Ulster) was never reached by the Teutonic invaders, it has remained Celtic, and the difficulties between England and Ire-

land start with a difference between peoples. The only racial question in the British Isles is this rivalry between Celt and Saxon. No recent migrations have affected the British Isles; the proportion of resident foreigners is very small; and in the long untroubled years since the Norman Conquest the population of England has grown to be homogeneous to an unusual degree, in race as well as in culture.

CULTURE

Like all western-European cultures, that of England is essentially a product of the Renaissance, but it has become differentiated from that of continental Europe. It is clearly not Latin, but neither is it as strictly Teutonic as that of Germany, the Low Countries, or Scandinavia. To France it owes much, but it owes much also to a constant desire not to resemble the French. On one side it is closely akin to the practical and orderly culture of modern Germany. On the other side it has many of its roots in the civilization of Italy.

For several centuries after the Renaissance English formal education was based on the classics. The educated upper classes still continue the practice of an education based on Greek and Roman models, and the less educated middle classes cherish that education as an ideal and try to gain its supposed benefits. The Hellenization of this northern people has never been completely achieved, and, as Matthew Arnold pointed out, there has always been a strong counterforce, the Hebraism of Protestant Christianity.[1] But the forces of Hebraism are less strong today, and the humanistic Greek ideal of

[1] See the chapter "Hellenism and Hebraism" in his *Culture and Anarchy.*

the development of the complete man grows increasingly more dominant. To be honest and honorable in relations with others, to preserve a sound and energetic body both as a means and as an end, to develop one's intellectual powers enough to do one's work efficiently and happily, has been the lowest ideal which the English upper classes have set before themselves. The chief characteristic of the educated "English gentleman" is a high degree of mental cultivation which has not been allowed to spend itself completely in specialization, but is required to be flexible and varied enough so that its possessor is an attractive social being. To produce this type the great universities of England have tried, and with success, to preserve exact scholarship and learning, to encourage investigation, and at the same time to provide for their members an agreeable and healthful life in historical and beautiful surroundings. Up to the present generation, the less fortunate classes have been given inferior opportunities for development, but their honesty, energy, and steadfastness have been as admirable a contribution to the character of the English people as the subtler qualities of their economic superiors.

It is a quality of a powerful and integrated national culture to spread beyond the bounds of a nation and to influence other nations. Limited at first to England, English culture has spread (with the English people) to the United States, to Canada, Australia, and New Zealand, and in a lesser degree to other parts of the British Empire. But the more delicate aromas of a civilization suffer on exportation. In its impact on the world at large England has stood for order, material efficiency, self-government, and the ability to dominate others. The gen-

eral disposition of continental Europeans to deny the Englishman's claim to be civilized can be understood if he is judged by the aggressive empire-builder abroad rather than by the Englishman at home. But in a world in which many ruling classes have recently been expropriated, the "English gentleman" survives as an influential, if limited, ideal. And for the generality of mankind, perhaps England's greatest gift has been her admirable constitution—the gradual product of the living together of generations of Englishmen of all classes, who have shared a common ideal of social and political well-being.

CHAPTER II

THE ENGLISH CONSTITUTION

A CONSTITUTION in the political sense is the ordering of the essential institutions of a government and the determination of the relations between the government and the people.

The special peculiarity of the English constitution is that the term refers not to a written document but to a whole framework of political institutions as a complete, integrated, and functioning whole. It is unwritten and flexible. It possesses great stability of principle together with the habit of incessant minor change, reflecting changes in social habit and thought, so that it is at the same time the most conservative and yet the most up-to-date of constitutions. It need not wait for a revolution to change it. Since it is a developing system, perfection is never claimed for it at any given moment.

Admiration and reverence for the English constitution is not necessarily the admiration of any particular institution as it exists at any particular instant of time, but of a framework and a system spacious enough to include the life of an entire people. It is the result of a long historical development.

THE DEVELOPMENT OF THE CONSTITUTION

The English government of to-day can trace its origin back to that normal primitive pattern which Homer records of the Greeks at the walls of Troy, or Tacitus observed in the barbarian ancestors of the English when they lived on the banks of the Rhine. There were three organs of government, the leader or king, the council of old or wise men, and the assembly of the warriors or people. To-day there are king, cabinet, and Parliament, the same three organs more highly developed, but historical continuity connects the two stages so many centuries apart.

The development of the English constitution can be divided into periods. The first is that of the Anglo-Saxon kingdom. When the Teutonic invaders became established in England and the Anglo-Saxon kingdom took form, the government was a monarchy, and the king was advised by his Witanagemot or council of wise men. The balance of power shifted from time to time. A powerful king might dominate his council, and a weak king be dominated by it. But it is clear that the existence of the Witan prevented the Anglo-Saxon king from being an absolute monarch. The third organ of government did not exist on a national scale. There was no assembly of the people. When the tribe grew into a nation, the

nation ceased to meet together as such. But in local government, that is the government of the shire or county, the assembly of free men still existed, in the form of the shire-moot—an institution important as preserving the conception of popular sharing in the work of government and making possible a later growth of popular institutions on a national scale.

No immediate change was made by the Norman Conquest of 1066 in the English system of government. But before long the king's council (as the Witan was now called) developed into two councils, one administrative in nature which came later to be known as the privy council, and a larger advisory council which later became the House of Lords.

The great change in the middle ages in the English constitution was the addition to the machinery of government of a body representing the common people of England—the House of Commons. In its origin the House of Commons was medieval rather than modern in principle. That is, it was not a body representing the entire people, but an assembly of two "estates," the lesser landowners of the country side, and the burgesses or citizens of the towns. Since the House of Lords represented spiritual lords and the great temporal nobles, the creation of the House of Commons completed the representation of all who mattered financially, which was important to monarchs who wished to levy money on as many sources as possible. In its development, however, the House of Commons soon grew to be a body which in some sense represented the community as a whole, and was prepared to take over wide powers as soon as the king relinquished them. Throughout medieval times, however, the king was the center of the government. His officials managed the affairs

of the kingdom, his judges administered justice. Parliament existed to grant money to him, though it often first secured redress of grievances. The king was not an unchecked autocrat, however, for he was under the law. And the law was not something that was "made" but something which was believed to exist in the nature of things, and to which all persons were subject, even the king.

The Reformation, which began shortly after Henry VIII came to the throne in 1509, had a marked effect on the English as well as on other European governments. The Reformation created the national state, self-contained and independent. It elevated the position of the monarch, and (in Protestant countries) freed him from any supervision by the pope who had always claimed and sometimes exercised a suzerainty. (The pope, for instance, excommunicated and professed to depose Queen Elizabeth. A similar action before the Reformation would have had more serious political effects.) The Reformation made possible the development of a theory of law-making, and this also elevated the position of monarchs. For since kings made the law, they could no longer be considered subject to the law. In England, however, in contrast to the Continent, there existed a powerful parliament, and the scene was set for a struggle between two highly placed authorities.

The effect of the Reformation in raising the position of the English monarch culminated at the time of the Stuarts, when not merely the kings but their subjects as well held the theory of divine right. If a king succeeded to the throne by divine Providence—and James I succeeded Elizabeth in 1603 contrary to statute law and merely because he was

her legitimate heir—and if the king receives his authority from God alone, he rules by divine right and must be unquestioningly obeyed. It is a theory of absolutism, and was widely accepted in the seventeenth century. But Parliament was too entrenched in its power to allow itself to be done away with without a struggle. The seventeenth century, then, which was England's great century of revolution, was one in which fundamental constitutional issues were determined, for it saw incessant struggles between king and Parliament for supremacy. After fifty years of civil wars and political experimentation, the struggle was won by Parliament. With the Revolution of 1688 England's "constitutional" or limited monarchy began. Ever since, the king of England has held his throne by a parliamentary title, and in any conflict between the two authorities, Parliament is supreme. The foundation of the modern English government had been laid. And from this moment the king increasingly lost power.

The next step in the development of the constitution was to determine which authorities (now that the king was ruled out) should be superior to the others. Ministers had been responsible to the king, in the sense that he chose them and gave them orders. Henceforth they were to be responsible to Parliament, which consisted of the House of Lords and the House of Commons. The eighteenth century determined two things: first, which house of Parliament should be superior to the other; and second, who should direct policy now that the king had ceased to do so.

The first question was settled in favor of the Commons. For a generation after 1688 the House of Lords, that is to say a rather small and limited

oligarchy, had been arbiter. Then gradually the House of Commons claims to be superior to the Lords, and substantiates its claim. Just as the king is kept, but in a secondary capacity, with functions which are important but in the last analysis subordinate, so the House of Lords is kept as essential, but as secondary to the House of Commons, which controls the ministers of the Crown.

The second constitutional accomplishment of the eighteenth century was to create a new directing authority, the cabinet. The cabinet has two aspects. With power now centering in Parliament, a large assembly, the cabinet, from one point of view, is a small group of members of the two houses of Parliament whose business it is to direct parliamentary activities. On its other side, the cabinet is an organization of ministers who determine the policy of the executive and administrative government, instead of the king who has ceased to perform that function. Essentially, then, the cabinet system presumes that the king's chief ministers shall be selected from Parliament and shall guide its deliberations, and also that they (who act individually in the king's name) shall collectively give orders to themselves. So arose cabinet government.

In the next stage in the development of the constitution, Parliament took on its modern character. The cabinet system in the eighteenth century rested upon a parliament which was the creature of a small and wealthy ruling class, an oligarchy which had little consideration for the welfare of the country as a whole or the feelings of their fellow-citizens. For the House of Commons, though more representative than the House of Lords, was dependent on the wealthy classes. It was the province of the

nineteenth century to transform oligarchical England into an England which, politically, was as democratic as any of the great powers. This process took place through a series of reform acts, beginning with that of 1832 and culminating in that of 1928, which gave the power of electing members of the House of Commons to an increasingly greater number of persons. Before 1832 the possession of the vote for a member of Parliament was almost an accident, and a few great magnates were able to control its membership. The Reform Act of 1832 put the franchise on a rational basis, which was the same all over the country; in other words it made the House of Commons actually representative, though representative only of the upper and middle classes. Later acts gave the vote to successively lower social and economic levels of the population, until the principle was accepted in 1918 that all adult citizens should possess the franchise. Instead of representing a small and irresponsible oligarchy, the House of Commons has come to represent the people at large. As a consequence, the cabinet and the other organs of government that are dependent on Parliament have come to govern in the popular interest.

The latest and contemporary stage in the development of the constitution reveals two tendencies, one even more democratic, the other a reaction from democracy. No sooner had cabinets become responsible to a House of Commons elected by the mass of the people than the cabinet showed a tendency to overlook Parliament and to depend for its support on direct appeals to the mass of voters. This development is characteristic of the twentieth rather than of the nineteenth century, and such political

leaders as David Lloyd George and J. Ramsay MacDonald have taken particular advantage of it. The other tendency is autocratic. As soon as cabinets began to feel themselves backed by a House of Commons majority which had the electorate behind it, the cabinets tended to become dictatorial and to domineer over the House of Commons. The tendency began to be noticeable in the Asquith government before the war; to-day it is a commonplace that the House of Commons fears the cabinet more than the cabinet fears the House of Commons. Side by side with this growth of cabinet autocracy has come the widening of the sphere of activity of the civil service and the intrusting of more power, by Parliament and ministers alike, to the permanent officials. Thus in a purely structural sense the contemporary government of England is less democratic than it was a generation ago, though there seems no ground for believing that it is less democratic in its spirit.[1]

THE INTERPRETATION OF THE CONSTITUTION

The English constitution is perhaps unique in that no attempt has been made to provide it with an official interpreter or guardian. The Swiss Constitution of 1874, for instance, states that the National Assembly may interpret it. The German Constitution of 1919 is to be interpreted by a special court. Though officials of all branches of the United States government take an oath to support the constitution, the legislative and executive branches have re-

[1] The best brief histories of the English constitution are still F. W. Maitland, *The Constitutional History of England* (1908) and G. B. Adams, *Constitutional History of England* (1921).

linquished to the courts the power to decide, in the last analysis, what the constitution means. In England, to be sure, the king and Parliament may by an act of legislation make any changes they like, and in so far as "legal" means "constitutional" any valid act of Parliament is constitutional. But the question is far deeper than it appears. For the concept of constitutionality is one which guides and restrains legislators and administrators in England, quite as effectively as anywhere else in the world.

The interpretation of the English constitution is in the hands of the people who use it. To understand the constitution, there must be taken into consideration acts of Parliament, judicial decisions, and "the current interpretations of acknowledged principles" as shown in "the deliberately expressed opinions of eminent statesmen belonging to all political parties, the casual manifestation of strong and decided public feeling, the comments of scientific writers of repute, and above all the reports of executive acts of all sorts, and of their reception by the Legislature and the public."[2] As a matter of fact, a common conception of the constitution is held by all educated Englishmen, is found in history books, is taught in schools and universities, and is shared not only by those whose daily work deals with politics and government, but by the mass of people as well. Differences in detail exist, and they are sometimes of vital importance. But if the English constitution may be described as a code of action for a people living a common political and social life, the interpreters of the code are in greater

[2] Sheldon, Amos, *Fifty Years of the English Constitution: 1830-1880* (1880), pp. 10-11.

or lesser degree all those persons who live the common life together.[3]

THE LAW AND CUSTOM OF THE CONSTITUTION

It was Dicey who first emphasized the fact that the English constitution is partly law and partly custom. Although it is true that "in Constitutional Law the existence of a statute at all is exceptional,"[4] such statutes as do exist are of great importance. Among them are the Petition of Right (1628); the Bill of Rights (1689); in certain of their aspects the Reform Act of 1832 and the other great parliamentary reform acts; the Parliament Act of 1911; and the Statute of Westminster of 1931 which deals with the constitution of the British Empire.[5]

[3] For practical purposes a good many of the rules of the English constitution are written down, and treatises of greater or lesser persuasive force have always existed. The great eighteenth-century treatise was Blackstone's *Commentaries on the Laws of England* (1765). Walter Bagehot's *English Constitution* published as a series of articles between 1865 and 1867 was the first and most important discussion of the fully developed nineteenth-century constitution. A more legalistic and specialized treatise, of great authority, was A. V. Dicey's *Introduction to the Law of the Constitution* (1885). Sir William R. Anson's *Law and Custom of the Constitution* (1886-1908) admirably fulfilled its purpose as a careful summary of contemporary practice. The early twentieth century produced one brilliant sketch, Sir Sidney Low's *The Governance of England* (1904), which serves as a modern corrective to Bagehot; and A. Lawrence Lowell's *The Government of England* (1908), a great work of descriptive and interpretative political science, though essentially historical and descriptive, is authoritative as to its statements of constitutional practice. D. L. Keir and F. H. Lawson's *Cases in Constitutional Law* (2d ed., rev., 1933) contains valuable introductions, though largely limited to the legal aspect of the constitution. Mr. Lawson is one of the authors of the section on Constitutional Law in Halsbury's *Laws of England* which in the revision supervised by Lord Hailsham may be considered as authoritative as any contemporary summary. Mention may also be made of Sir Maurice Amos's *The English Constitution* (1930).

[4] Halsbury's *Statutes of England* (1929), vol. III, p. 7.

[5] With these is often classed Magna Carta (1215) which may more properly be classed with the French Declaration of the

If there are few great English statutes which are explicitly and intentionally constitutional, many rules of the constitution are to be found incidentally in statutes dealing primarily with ordinary matters of government or administration. Judicial decisions have sometimes made constitutional law, as Lord Mansfield's decisions against slavery and against general search warrants.

The other part of the British constitution is custom—rules which are nowhere authoritatively written down, which are perhaps subject to change without notice, and yet which are no less valid and binding than the most explicit act of parliament. Many, perhaps most, of the more important general principles as to the interrelations between organs of government, and the working of the whole machine, are matters of custom rather than of law. The rules (on the whole admirably observed) governing ministerial responsibility, the office and powers of the prime minister, the functions and privileges of the parliamentary opposition, the rules governing dissolutions of Parliament—such are a few of the important matters controlled entirely by custom. There may be a slight tendency to implement custom by law. Half the Parliament Act of 1911 was merely the crystallization of the nineteenth-century conventions as to the relations between Lords and Commons. The Statute of Westminster of 1931 enacted in detail an understanding in regard to intra-imperial relationships which was stated in the Balfour declaration of 1926. It is still safe to say, however, that

Rights of Man or the American Declaration of Independence. For text of statutes see C. Grant Robertson, *Select Statutes, Cases and Documents to illustrate English Constitutional History, 1660-1832* (rev. ed., 1913).

the English constitution retains the peculiarity that it consists largely of customary rules, enforced by public opinion, rather than of legal rules, enforceable only by courts.

The modern English constitution is then the result of a gradual development, in contrast to the constitutions of so many countries, which are the products of revolution. Germany, Italy, Spain, Russia, even France, owe the present nature and organization of their governments to a sudden and comprehensive overturn. The constitutions of those countries must by that very fact embody the ideas of the revolution and of the classes benefiting by it. The English constitution, on the contrary, reflects many ideas shared by all classes in the community and embodies many of the joint aspirations of the whole people whom it unites.

CHAPTER III

THE KING, THE MINISTERS, THE DEPARTMENTS OF STATE

In his *English Constitution* Walter Bagehot, the first man to take a modern view of the English government, says that there are two parts to the English constitution, "first, those which excite and preserve the reverence of the population—the *dignified* parts . . . and next, the *efficient* parts—those by which it, in fact, works and rules."

It is in the administration of the English government that the separation (which is of course not absolute) is most clearly seen. And at the top of the pyramid is the king.

The Succession to the Throne

Three centuries ago English kings held their throne if not by divine right at least by a title superior to that conferrable by any earthly authority. Three centuries ago English kings governed as well as reigned. But after half a century of revolution the struggle between kings and parliaments had ended in a defeat for the kings; the monarchy became "constitutional" or limited, Parliament made the final decision in all matters, and the succession to the throne was settled by Parliament.

Now, though the English king is descended from distinguished ancestors many of whom were kings and queens, he owes his title to the throne to two acts of Parliament. The Act of Settlement of 1701 bestowed the throne upon a particular branch of the royal family of England, with the limitation that sovereigns should neither be nor marry Roman Catholics. From 1701 until 1936 succession to the throne continued according to the medieval principle of inheritance within the designated branch of the royal family, and monarchs' reigns were interrupted only by death. In 1936 another act of Parliament changed the succession again. "His Majesty's Declaration of Abdication Act of 1936" gave Parliamentary authority for the diversion of the succession from Edward VIII (who had just renounced the throne) and his heirs and descendants, and bestowed it upon George VI and his heirs and descendants. It would seem that Parliamentary authority over the succession is, since 1936, doubly assured.

Until 1937 no satisfactory or permanent arrangement had ever been made for cases in which the sovereign is incapacitated by youth, illness, or in-

sanity, or is absent from the country. The Regency Act of 1937 provides that when the sovereign is under eighteen years of age or is incapacitated by infirmity of body or mind, a Regent, who is the person next in succession to the throne, shall perform all the royal functions. In case the sovereign or regent is ill or absent from the United Kingdom, his powers may be delegated to Counsellors of State, but the delegated powers shall not include those of dissolving Parliament or granting a peerage.

The present royal family of England (who took the surname Windsor in 1917) are part of that international royal cousinhood which only a generation ago ruled over most of Europe. The present English sovereign is closely related to the Kings of Norway, Denmark, Greece, and Roumania, the ex-emperor of Germany, the ex-king of Spain, and to the last Russian emperor. But after the war, members of the English ruling family who were close to the throne have married outside the royal caste. Only one of the five married children of George V has married within the limits of the royal caste. George VI's consort is the daughter of a Scottish earl.

The Powers of the King

The whole constitutional structure of present day England implies that the king must exercise his authority through ministers, in accordance with the will of his people as represented in Parliament. In some ways it might seem that his only duty today is, as Bagehot put it, "to excite the reverence of the population." But though the king is limited in his actual influence on government, such influence exists. His actual position in the government of his country

can hardly be explained except by an enumeration of his functions. They fall into four groups: his normal powers of government, his actual powers of government, his ceremonial functions as head of the state, and his political powers.

Nominally the king is not so much head of the government as the government itself. Almost all things are done in his name. He enacts laws, makes appointments, grants honors and pardons, commands the armed forces of the country. Not only is he head of the secular life of the country, but he is "supreme governor" of the Church of England, which means that he appoints to high places in the church, and that the making of church or canon law requires his authorization and consent. But he does none of these things nowadays on his own initiative, or by the use of his own judgment. In every public act he must act through his ministers, and since his ministers are responsible not to him but to Parliament, it is they who decide what is to be done and he who takes their advice and does it. He may, it is true, argue the matter with them. But it is inconceivable that he should ever refuse to take their advice.

One actual power of government is possessed by the king. So long as there are ministers he must take their advice. When ministers resign, there is no one who can constitutionally tell him what to do, and he must exercise his own judgment in choosing new ministers, or rather in commissioning someone to serve as his prime minister and to form a ministry. The amount of discretion the king may exercise in this matter depends entirely upon circumstances. Ordinarily he must choose the leader of the majority party in the House of Commons, unless

the majority has just been defeated in the House or at the polls, when he chooses the leader of the most important opposition group. Only in 1931 in recent years has a sovereign had occasion to exercise a discretion that was more than nominal. In 1931, two things happened. The Labour ministry which was in power was divided as to policy, and would probably have to resign. If it should do so, the king would naturally call upon Mr. Baldwin, leader of the largest opposition party, to form a government, and there is no doubt that the latter would have received the support of a parliamentary majority. But the difficult situation was thought to call for a coalition government based upon the support of all parties in Parliament. There is reason to believe that the king and Mr. MacDonald agreed in wanting a coalition, and there was no effective opposition to the idea on the part of Mr. Baldwin or of the Liberal leaders. The unusual course was then taken of commissioning Mr. MacDonald, who had not yet submitted the resignations of his own Labour cabinet, to form a coalition ministry. The immediate ratification of the scheme by a sufficient majority in the House of Commons indicated that in time of crisis at least, the choice of prime minister and the character of the ministry may be a matter of negotiation, and that in such a negotiation the king may take a part.

It has been suggested recently by some statesmen that the king possesses another actual governmental power—that of determining upon or refusing to grant a dissolution of the House of Commons. But this discretion has not been exercised for more than a century, and could probably be reassumed only in a crisis revolutionary in character.

The chief functions of the monarchy to-day are

ceremonial. Over a massive palace in the west end of London, over a vast neo-Norman castle that towers above the water meadows of the Thames at Windsor, over a Victorian Castle in the Highlands, over a country gentleman's residence-de-luxe in East Anglia, the royal standard will float from time to time. Majesty is resident there. Before crowds at the Derby where millions of his subjects cover the Epsom downs to watch the races; before a less democratic assemblage at Goodwood; on the royal yacht at Cowes; at St. Paul's on great days of national commemoration; at the cenotaph in Whitehall, a figure appears—it is the king. Because of him, judges wear their ermine in small market towns. It is the changing of his guard that crowds love to watch at Buckingham Palace or St. James'. In his honor men stand at attention in Singapore, Cape Town, or Halifax while bands play "God Save the King." For him in person prayers are said wherever Britons call themselves Christians. Couriers and packetboats, aëroplanes and cruisers, cross continents and part the seven seas On His Majesty's Service. Many years ago, the greatest state that the world has ever known kept a barbarian world in awe of the Senate and People of Rome. Much more of the earth's surface and many more of its people, enjoying the modern instrumentalities of a technically perfected civilization, acknowledge allegiance to "George VI by the Grace of God of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India." In the British empire, the British commonwealth of nations, power is visible in the person of a man.

Finally the king inevitably exercises a certain political influence. This influence is not exercised over

the day-by-day conduct of the government. It does not even apply to grave questions of political policy. In regard to these matters the English sovereigns of the last two centuries have learned to tolerate gracefully their subordinate position, and though Queen Victoria in her later years dabbled in politics, her son and grandson accepted willingly the conditions under which they reigned. Of the present generation Edward VIII was a constitutional monarch in the strictest sense, and George VI neither can nor would be other.

But the monarch still has a political—one might almost say a constitutional—influence. The king is above politics, in a sense possible to no elected president. Whether England is conservative or liberal, capitalistic or socialistic, even should it become fascist, the king remains, above parties, above factions, above creeds. All parties and groups whatever their political or social creed, agree in supporting the monarchy. There is one exception. Monarchy is incompatible with Communism. But the existence of monarchy naturally consorts better with some political theories than with others. The Labour party, even the more socialist part of it, accepts the monarchy as part of any English system of government. But it does not feel loyalty to monarchy as an institution as the Conservative party does. When the government is Conservative, government and monarchy support each other. When the government are members of the Labour party—even if only their opponents call them socialists—the government and the monarchy can hardly flourish by supporting each other. Between two worlds, one certainly still full of vitality, even if the other is crying to be born, the monarchy will naturally support the older world. So

long as there is monarchy in England, it is an unavowed, almost an unconscious, support for the conservative policy rather than for a policy of change. That is, unless by some accident, the English monarchy, like the surviving monarchies on the European continent, should become democratic.

In still another way, the monarchy has assumed a function of indirect political significance. Victoria enforced a standard of manners, bourgeois rather than aristocratic, for so many years of such a long reign that the English middle classes, under her influence, became the guardians of respectability. And the monarchy stood for respectability, propriety, and security, which people tended to treat as identical. Vested interests sought shelter in the monarchy—change of one sort might lead to change of another sort. In a trying and insecure post-war world, George V as an exemplar of the substantial virtues was a comforting and a satisfying emblem.

When George V died, his son Edward ascended the throne. Much beloved as Prince of Wales, Edward was expected to become a great king. A century earlier or later he would have become so. Unlike any other English sovereign of the house of Saxe-Coburg-Gotha, he was an aristocrat. The petty responsibilities and shams, the prompt arrivals and the formal graciousness of the Victorian monarchy were inconvenient and silly in his sight. He was not a good king if a good king is a perfect figurehead. Again, though he neither professed nor possessed political sympathies, he had a real affection for his subjects as individuals, whatever their class—a characteristic which is called "democratic" in a class-conscious country like England; and his choice of friends was personal rather than official. The ele-

ments in British political life who had helped George V to be a model king found Edward hard to influence and feared lest the monarchy, become whimsical, should no longer serve as a bulwark for the structure of vested interests supporting themselves in its shade. The point of attack was Edward's eventual desire to marry a lady, English only by a marriage which she had caused to be dissolved, who was twice divorced. When the monarch was persuaded to see his position as a dilemma between marriage and abdication, he gave up the throne in favor of his brother the Duke of York, who was prepared to assume the royal responsibilities in the sense in which they were interpreted by his father and his great-grandmother.

England, unlike Japan, does not officially recognize a small circle of old and experienced statesmen who are arbiters in great national crises. But the history of the abdication of Edward VIII shows the influence possessed by the Archbishop of Canterbury, by experienced statesmen of whatever party, and by "the court," which means the royal household.

THE MINISTRY

If the sovereign, though retaining certain residual political powers, is essentially the "dignified" part of the government, the ministers are the "efficient" part.

Originally ministers were persons who carried out the king's commands, and gave him advice. Gradually, in the development from an absolute to a constitutional monarchy, ministers became persons whose advice was more and more important, until it must be taken; and ministers now make decisions

and rule the kingdom, responsible only to Parliament. To determine policy is the distinctive characteristic of a minister, though most ministers are in charge of administrative departments and possess administrative functions as well. The number of ministers varies; to-day "the ministry" includes about sixty-five persons. Ministers are appointed by the king, on the recommendation of the prime minister. Though the ministry as such never meets, certain characteristics unite all members with one another. They all belong to one party, or to one conscious coalition. They come into office and resign together. Though each is individually responsible in law for his acts as a minister, they are jointly responsible politically for the policy of the government. The ministry is responsible to the House of Commons, which means that if a majority of the House votes against it, it goes, collectively, out of office. Inevitably, therefore, the ministry is the most closely coordinated voting block in the House, always voting for itself. In the reign of Anne a statute was passed intended to prevent the chief ministers from controlling the House of Commons by appointing too many members of the House of Commons to office. This statute has been, in the course of time, repealed. But the danger of ministerial control of the body which controls the ministry is by no means over. Mr. Lloyd George in 1916-18 had such a large ministry that their individual votes in the House of Commons could turn many issues for the coalition of which they were members. The National government of today includes over sixty out of the 615 members of the House and undoubtedly in a close division ministers will decide.

THE CABINET

The cabinet is part of the ministry; it includes the chief ministers, and it makes all the decisions of policy for which the ministry is responsible. This relationship between the two groups is possible because the cabinet includes all the chief ministers, both the holders of the high offices and the persons of great political leadership, and the non-cabinet ministers are younger or less important men who are willing to allow their political fortunes to be dependent upon the decisions of the cabinet.

But the cabinet is more than an inner circle of ministers. It is the chief policy-determining body in the entire government, and because of its influence over the House of Commons, which hesitates to dispute its decisions, it often is what it is commonly called, the government of England.[1]

[1] The *collective* responsibility of the cabinet is important, indeed essential, and is usually maintained. But there are a sufficient number of exceptions to justify the opinion that a politically powerful cabinet will sometimes permit attack on individual members in order to protect the cabinet as a whole. Two illustrations can be given from recent events of the proper and improper bounds of collective responsibility. In the spring of 1936, Mr. J. H. Thomas was informed, as a member of the cabinet, of the budget proposals of the year. Friends of his, gaining information from him, speculated on the forthcoming budget and made money. After an investigation which brought forth these facts, Mr. Thomas resigned from the cabinet. This was clearly a case of individual responsibility where the erring member of the cabinet took the blame for his own mistake, and the cabinet was held blameless. Another case illustrates a principle gone wrong. In 1935 Sir Samuel Hoare, the Foreign Secretary, gave consent to the notorious Hoare-Laval scheme for satisfying Italy at the expense of Ethiopia in violation of obligations previously assumed by the government of which Sir Samuel was member. The prime minister (and presumably the cabinet) was informed of the scheme and appeared to have accepted it, at least tacitly. When the House of Commons, to whom the cabinet is responsible, collectively, objected to the scheme, the rest of the cabinet allowed Sir Samuel to take the entire responsibility and to resign alone.

As the result of generations of logical development the cabinet has come to be a small group of political associates who can come to one common mind on all questions that need decision. Usually they belong to one party. They stand and fall together, and are jointly responsible for what any one of their number does. Their political responsibility is to Parliament. Collectively, they exist as a cabinet because a majority of the House of Commons wishes or at least tolerates their existence. Individually, they must be members of either the House of Lords or the House of Commons, and in their places in their own House they are subject to the scrutiny and criticism of their fellow-legislators.

The size of the cabinet results naturally from its functions. It is a deliberative body forced to take many and rapid decisions, and made up of men who have other duties to perform. Its procedure is informal. So far, it can and should be small. A century ago cabinets numbered about a dozen men, perhaps the ideal size for efficient deliberation combined with the representation of varying points of view within the dominant political scheme. Contemporary cabinets usually have just over twenty members. For parties now have many factions that must be represented in a cabinet, and there has been an increase in the number of first-rate administrative offices whose heads must be included.

The departments and offices represented in the cabinet are those which for the moment are of first-rate importance. Certain persons always belong to it. The prime minister occupies the titular position of First Lord of the Treasury; his real function is to be a coördinator of cabinet activity.[2]

[2] Mr. MacDonald when prime minister in 1924 was also For-

Another office with no departmental responsibilities, the Lord Presidency of the Council, is usually given to an important elder statesman. The Lord Chancellor, who holds the chief judicial position in England and presides over the House of Lords, is also a member of the cabinet. The Chancellor of the Exchequer, always a member of the House of Commons, is head of the most important government department, the Treasury, and usually occupies a political position second only to that of the prime minister.

The heads of the "defense" departments, the Secretaries of State for War and Air and the First Lord of the Admiralty; the Secretaries of State for Foreign Affairs and Home Affairs; the three secretaries of state who manage imperial matters (those for the Dominions, the Colonies, and India) and the Secretary of State for Scotland are always included in the cabinet. Usually the cabinet contains the heads of certain departments whose activity is primarily concerned with economic and social matters: the President of the Board of Trade, the Minister of Health (whose department has largely the functions indicated by its older name, the Local Government Board), the President of the Board of Education, the Minister of Agriculture, and the Minister of Labour. Other possible cabinet ministers are the Postmaster General, the First Commissioner of Works, the Lord Privy Seal, and the Chancellor of the Duchy of Lancaster.

Two recent experiments have been tried. In Mr.

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eign Secretary, but he is the only twentieth-century prime minister to take permanent charge of a department, and it is generally admitted that the position of prime minister is in itself enough even for an exceptionally active man.

Baldwin's government of June, 1935, two cabinet members were appointed without even a sinecure office. Mr. Anthony Eden was made Minister without Portfolio for League of Nations Affairs, and acted as a sort of assistant foreign secretary until he replaced Sir Samuel Hoare later in the year and became foreign secretary himself. Lord Eustace Percy was appointed Minister without Portfolio with no designated responsibility but with the understood duty of doing constructive thinking, for which departmentally burdened ministers had no time. Lord Eustace represented that group of "young" Conservatives who were sympathetic with the more refined practices of the corporative state. After about a year, he resigned. This latest experiment has confirmed previous conclusions, that the English Cabinet must be made up of men who have clearly defined administrative responsibilities.

Another experiment was initiated in 1936. After the cabinet decision for rearmament, the question arose as to the organization of the armed forces of the crown. There was great demand for one cabinet minister who alone should be politically responsible for "defense." The vested interests of the three "defense" departments, each represented in the cabinet, prevented. Consequently, though the cabinet continues to contain a First Lord of the Admiralty, a Secretary of State for War, and a Secretary of State for Air, each of them responsible for the work of his department, Sir Thomas Inskip, a lawyer and a staunch low churchman, was appointed to a cabinet position as "Minister of the Crown for the Coordination of Defense" and given the salary of a secretary of state.

Two striking experiments with the size and nature

of cabinets have been made in recent years. From late in 1916 to early in 1919 Mr. Lloyd George presided over a "War Cabinet" of five (later six) men, most of them ministers without portfolio. This cabinet for over two years supervised the conduct of the war and exercised control over the departments of government generally. Again, from August to November, 1931, Mr. MacDonald presided over a coalition cabinet of ten ministers, who held the chief administrative offices but whose primary work was to join in making arrangements for meeting the financial crisis.

The cabinet meets at least once a week while Parliament is sitting, ordinarily on Wednesday afternoon at the private residence of the prime minister, 10 Downing Street. Its sessions are informal. It makes decisions not by vote but by weight of influence. The privy councillor's oath is traditionally supposed to cover its deliberations with secrecy. For centuries no records were kept; since 1916 it has had a "secretariat" and formal minutes are made now of its decisions. These minutes are for the use only of the cabinet itself and of the king; they are kept in such a way as to give no indication of the individual opinions of members on matters which have been discussed.[3]

According to well-established theory, the cabinet is jointly responsible for all acts of its members and of subordinate ministers, and its decisions have the supreme value that they are the result of the de-

[3] Though some persons are a little lacking in appreciation of the supposed need for perpetual secrecy, the tradition is so well established that in 1934 a prosecution was started under the Official Secrets Act against a son of the Rt. Hon. George Lansbury who published a life of his father giving an account of deliberations in the Labour cabinet of 1929.

liberations of a group and not the wishes of one man. An equally strong tradition dictates that there shall be no "first minister" of the crown, since that would lead to tyranny. The prime minister is first, but only first amongst equals. During the twentieth century, however, the prime minister has grown more and more important and dictatorial. The tendency was first noticeable under Mr. Asquith; it developed from his unusually long term of office as prime minister (from 1908 to 1915 he was head of a strong party cabinet) and his extraordinary administrative gifts. Mr. Lloyd George's peculiar prestige and the circumstances of war time made him almost supreme. Mr. Ramsay MacDonald as head of two Labour administrations secured a similar preëminence. Mr. Lloyd George and Mr. MacDonald illustrate the tendency of the modern prime minister to become a great popular leader whose prestige is much greater than that of the government as a whole. Two peculiarities of the prime minister's position also give him exceptional opportunities to dominate his cabinet. He and he alone speaks to the sovereign for the cabinet; he is the channel of communication between the king and the rest of the ministry. And he chooses the other members of the cabinet and may request the king to dismiss them; in 1931 Mr. MacDonald dismissed an entire cabinet. In recent years the position of prime minister has tended to become quasi-presidential; chosen by popular acclaim he holds his office independent—or largely so—of his colleagues and even of parliament.[4]

[4] The Privy Council is a group of several hundred men, the historical descendant of a Council which once acted as actual adviser to the king, as the cabinet does now. To-day the Privy Council as a body has only honorary duties, but all cabinet ministers, and many other ministers and ex-ministers belong to it.

THE ENGLISH PRINCIPLES OF ADMINISTRATION

It is the business of the cabinet to make decisions and of the government departments to carry them out. But such a simple statement does not explain the actual administrative practices of to-day.

The basic principle of English government is that government is the joint product of the activities of "amateurs" and "experts," of politicians and professional administrators, with the amateur rather than the expert always in final control. Behind the English system as it now exists is a long tradition that English government should be in the hands of "gentlemen," that is, persons of education and position. Since England has never had a revolution, the tradition has been continuous, though nowadays the group of citizens who share in the work of government is much larger than it used to be. The country gentleman who held the commission of the peace and sat in judgment in the quarter sessions became (as local government was reorganized) a poor law or highway commissioner, or a county councillor. He performed in the local sphere the same sort of functions as the gentleman who sat in parliament and made laws, or was appointed to a government post. Such service was not badly performed, and the wider group of Englishmen who take part in government to-day exhibit a high degree of patriotism and competence. But as the work of administration grew more specialized, and came to involve the use of particular techniques, the English gentleman began to supplement his efforts by employing the services of persons who could supply the requisite special knowledge or training, under his direction. Justices of the peace, assembled as a court

in quarter sessions, had a clerk of quarter sessions to inform them as to the law. The town clerk advised the borough council. A permanent staff in Whitehall began to develop the requisite accumulations of knowledge, and the practice in special methods, which would facilitate the carrying out of decisions. To-day the arrangement has become universal.

The professionalizing of the government service has gone less far in England than in many other countries. Legislatures full of lawyers, war departments headed by generals, education controlled by professional educators, roads constructed where engineering convenience rather than popular demand dictates—such phenomena are characteristic of a world where mechanization and industrialization have created an exaggerated reverence for the more specialized techniques. But in England, however numerous and able the experts, they are still subordinate. At the top is always the amateur. The cabinet is the supreme example, for it includes the heads of the great central departments, yet previous knowledge of the work of a department is never required from the man who is to head it.

Even if one could combine the qualities of the amateur with those of the expert, it would be contrary to English tradition. Sir William Harcourt, once asked whether the government of England would not be improved by being intrusted entirely to the permanent officials, replied, "For six months England would be the best governed country in the world. Then you would see every permanent official hanging to a lamppost in Whitehall." It is the old struggle between good government, and self-gov-

ernment, and the English have always chosen self-government.

THE ORGANIZATION OF ADMINISTRATION

At the head of each government department in London is a minister whose duty it is to transmit to the department the decisions of the government, to represent the department publicly and in Parliament, and to supervise the work of the department. He is assisted by at least one parliamentary undersecretary, who is a member of either the Lords or the Commons.

Subordinate to the political heads of the department are the permanent officials. Of these the permanent undersecretary is chief; he is the active and continuous head of the department. He actually directs the work of the department, and if he is in any wise fit for his post, he exercises enormous influence. His immediate subordinates, comparatively few in any department, belong like himself to what is now called the "administrative" class of civil servants.[5] This class is composed of gentlemen of high intellectual capacity who have usually entered the service at the end of a brilliant career in one of the older universities. This class exercises the power of making important decisions.[6] Subordinate to the "administrative" class is an "executive" class of less highly qualified and less well-educated persons who fill posts of minor responsibility[7]; and beneath them are clerical assistants of various kinds, often

[5] Formerly it was called the first division.

[6] The higher positions in the civil service are now open to women.

[7] In some departments, e.g., the Ministry of Labour, this class is large; in some, e.g., the Treasury or the Board of Trade, rather small.

numerous. The organization of the departments is hierarchical, but abuse of power is prevented first by the supervision exercised over the permanent staff by the political officials, and second by the traditions of the service, especially that which prevents action affecting the status of a civil servant being taken except on the decision of a board.

The method of examinations for entrance distinguishes the English civil service from many similar services in other countries. Examinations whether for the higher positions or the intermediate ones, are tests of general education and intelligence, and not of specific types of knowledge. This arrangement is based on the principle that the best general education, allied to the keenest intelligences, will furnish the best material from which administrators can be made. Entrance to the service is the privilege of those initially and generally qualified. Training in the work to be done is given after admission. To-day entrants to the higher ranks of the civil service are persons of as high ability as in any walk of life in the community. The intermediate ranks draw upon that vast reservoir of energy, loyalty, and skill which is found in the English middle classes. Promotion is awarded as a result of achievement and adaptability. It is not limited to promotion within the class to which the entrant belonged, but may be from one class to another; recently four heads of divisions in one great department had started as office boys.[8]

The English civil service has a deserved reputation for competence. It was the first civil service to be organized in accordance with the principle that

[8] About one-quarter of the officers serving in the administrative class have been promoted from other classes, 289 H. C. Deb., 5s., 918-919.

the work of carrying out the decisions of the policy-forming agencies of a government shall be performed by persons who are entirely removed from politics and are chosen and promoted for competence alone. This principle was accepted for government servants in all administrative departments in 1870. In 1920 the various departmental services were united into one civil service, under the very acute supervision of the Treasury, whose permanent under-secretary is officially the head of the civil service.[9] One carefully supervised group of persons thus performs the actual administrative work of the British government. It is an admirable administrative machine, not extraordinarily large, for there are about three hundred thousand civil servants in the whole, of whom two-thirds are in the postoffice. Of the remainder about half, that is fifty thousand, are engaged in London in the work of the central administrative departments. The reorganization of 1920 confirmed the principles on which the civil service is based; namely, that any member of the community is eligible to all positions in the service, that entrance is to be secured on the basis of examination, and that the civil service is a career which men and women enter when they finish their education and which they leave, duly pensioned, only when they have reached the normal limit of competency. The only restriction is that they serve the Crown and not a party.[10]

The local government service presents a some-

[9] The present occupant of that position, Sir Warren Fisher, has exercised an enormous influence over the development of the service. The immediate direction of the civil service is in the hands of three commissioners.

[10] An admirable account of the organization of one great department is "The British Foreign Office," *Foreign Policy Association Information Service*, February 6, 1929.

what different problem. With its tradition of local self-government England has left a great deal to be done by the councils of the boroughs, the counties, and the lesser districts in which local government is organized. These authorities employ large numbers of persons, entirely at their own discretion. There has been little accusation of politics or corruption in the management of local government service. But in recent years the efficiency of local services has come into question; and an investigation has recently been completed for the Minister of Health by a departmental Committee on Qualifications, Recruitment, Training and Promotion of Local Government Officers. Their report suggests means for reorganizing local services to secure professionalism and efficiency while keeping local supervision and control. The aim is to establish local services as competent as the national service.[11]

PROBLEMS OF THE CIVIL SERVICE

The English civil service manages to avoid obvious dangers. It is competent because of the method of recruiting and promotion, and the conditions of service. It is honest because it offers a well-paid career. It avoids partisanship partly because its members are forbidden to take part in politics, but chiefly because its members through long tradition think of themselves as administrators, have intentionally embraced an administrative career, and pride themselves on their ability to carry out the decisions of any government whether of the right or of the left. Complaint was made, it is true, of an unfriendliness on the part of permanent officials to the first Labour government, that of 1924. It was

[11] The report is published by the Stationery Office, 32-306 (1934).

said, especially, that the War Office and the Foreign Office, both of which had a Conservative tradition, were lacking in coöperation with their socialist heads. Indeed, Mr. MacDonald's difficulties over the Zinovieff letter, a supposed communist document which if authentic seemed to discredit the English Labour party, have been blamed on unfriendly subordinates in the government department over which Mr. MacDonald presided.

Undoubtedly a departmental tradition pervades the permanent officials of some of the older departments. In a sense it is a professional tradition. The colonial office, for instance, might be expected to believe in "the empire"; the admiralty would hardly include many opponents of navies; the Indian office could not be expected to feel that the Indians would govern themselves better than Whitehall can govern them. Certainly the Treasury has had some influence on monetary policy. But in each case the prevailing tone of the department is very largely what would be expected to pervade its high officials, who are always a group of intelligent and highly educated persons, most of them of the upper classes. They are naturally conservative, though not reactionary, and liberal, though not inclined to radicalism. Barring a definitely discernible Conservative tone in the defense departments and the Foreign Office, it is fair to say that the tone of most of the government departments is, if anything, mildly Liberal, with as time goes on, more and more belief in planning.

The great danger of a competent and coördinated administrative machine is that it shall step out of its sphere and direct the policy of the government. This danger is especially great in a time of political

uncertainty, such as the post-war years. And in England, as in other mature and self-conscious countries, there are certain indications that the situation feared has partly arisen. As a result, the civil service has been under constant and sometimes bitter attack, as subversive of the liberties of Englishmen and the parliamentary control of policy-making.

The roots of this attack lie in a curious wartime situation. From 1914 to 1918 the government had to work at increased speed and to perform new functions. Since the civil service was not easily expanded, it was necessary to import outsiders in considerable number into the government service. Because of the traditionally unostentatious way in which civil servants had always performed their functions, the sound of their excellence did not penetrate the din of wartime; it was questioned, therefore, whether outsiders might not be more competent in the emergency than trained government employees. And it happened, at the same time, that the state of maturity which English industrialization had reached had produced a large class of men who had become successful in the performance of many exploitatory and managerial functions in trade and commerce, and whose resulting power and wealth had given them and the whole world of trade a sense of their importance. It was men of this sort who were imported into the service of the government. The action was natural, but was based on a fundamental fallacy. Private business, seeking private and individual ends, especially dividends, is essentially a different sort of enterprise from public business, whose successful performance cannot be tested by its financial results. Therefore if administrative competence is wanted, it is hardly to be found amongst

those who have been entrepreneurs in private business. But industrial and commercial leaders were introduced into the government, especially while Mr. Lloyd George was prime minister; and though many of them failed to be successful, their failure was largely concealed by the fact that no specific and immediate test of their success could be applied.[12]

In the period of industrial expansion after the war, when England felt for the moment rich and prosperous, there was a great tendency for able young men to go into business rather than into the professions or the civil service. Some of the less enlightened newspapers of large circulation engaged in an attack on the government departments on the ground that they were bureaucratic and tyrannical. The result was a decline in the prestige of the service. At the same time the problems of government had ceased to be as largely political as formerly, and had become economic and administrative. There naturally resulted an increase in power on the part of permanent officials, since the political heads of departments were less capable than formerly of understanding the work of their departments. There

[12] There were two tests of efficient wartime administration. First, was the war conducted with economy in the expenditure of goods, money, and lives? Second, was the structure of English life and government changed as little as possible? Of recent years a good deal has been said and written on the first point. Mr. Lloyd George received his great popular support on the ground that he was essential to the winning of the war. His *War Memoirs* give his own justification. It is frequently suggested, nowadays, that the conduct of the war before he became prime minister was at least as competent as his conduct of it. On the second point, it is generally admitted that the period during which England was preoccupied with the war was one in which many old and valuable principles of English government were disregarded. Mr. Francis W. Hirst in *The Consequences of the War to Great Britain* (1934) gives a good deal of evidence in support of this contention.

is no indication that permanent officials desired to increase their power, but circumstances forced new duties upon them.

The dissatisfaction with this new, if unavoidable, situation resulted in a concerted attack on the civil service. It was led by Lord Hewart, Lord Chief Justice of England, in a book published in 1929 called *The New Despotism.*[13]

Lord Hewart attacked the government departments on the ground that they were presuming to exercise power some of which belonged to Parliament and most of which belonged to the judiciary. It is the function of Parliament to make laws, i.e., to lay down rules of conduct to which individuals must conform. It is the function of the judiciary to examine the application of the rules in individual cases, and to protect private rights against government encroachment. Lord Hewart called attention to the great growth of the practice of implementing acts of Parliament by orders in council, provisional orders, and departmental orders. This use of subordinate legislation seemed to him overdone, by any test. But he objected particularly to the practice, under such orders (which are ordinarily drawn up by administrative departments), of leaving many questions affecting private rights to the determination of administrative tribunals or single administrative departments. The use of administrative instead of judicial determination for setting a limit to private rights seems to have offended him as a lawyer and as the custodian of the traditions of the law of England. But he was particularly offended by those

[13] He was ably seconded by Mr. C. K. Allen, professor of jurisprudence in the University of Oxford, in *Bureaucracy Triumphant* (1931) and by Mr. Ramsay Muir, the chairman of the central Liberal organization in *How Britain Is Governed* (1930).

statutes (few in number, but, he felt, of growing significance) which authorized administrative officials to make *final* decisions, and forbade appeals to the courts.

The problem is undoubtedly a real one, and Lord Hewart's statement of its importance was useful in calling it to popular attention. It is quite true that town-planning acts allow the Minister of Health, after a hearing judicial in form but conducted by administrative officials belonging to the Ministry, to take action which may affect even private rights in property. Recent road transport acts have left the making of detailed rules to the Ministry of Transport without requiring them to be submitted to Parliament. There is exactly the same complaint against the tyranny of the tax collector as all countries both ancient and modern have always made. And undoubtedly the practice of government by administrative orders, made and applied by administrative officials, is growing.

Lord Hewart's attack was emphasized by the fact that it is most unusual nowadays for a lord chief justice to step down from his high judicial position to write what is essentially a political pamphlet. But the attack had no effect on the actual course of affairs, for the reason that if government was to be carried on, under modern conditions, it must follow the lines to which he objected. Persuaded, however, that there might be abuses in the working of the system, the government, through the Lord Chancellor, appointed in 1929 a Committee on Ministers' Powers. The report of this committee, made in 1932, with the published evidence taken before it, is both a complete answer to Lord Hewart's contentions, and an admirable exposition and explanation of

administrative practice in the English government to-day.[14]

Briefly, the committee found that the habit of using delegated legislation was less new than Lord Hewart seemed to think, and that though delegated legislation had increased in importance there had been no change in principle or in method. The committee was sympathetic with Lord Hewart's contention that statutes were bad which contained a clause giving "a power of delegated legislation in such general terms that it was in effect unlimited, or so vaguely limited, that the control of the Courts over its exercise was either wholly or partially ousted."[15] But it pointed out that the delegation by Parliament of powers to legislate on matters of principle was an unusual practice, of which the striking recent examples (occurring after Lord Hewart wrote) were the emergency acts of 1931[16] which "were all treated by Parliament as occasioned and justified by the emergency."[17] It analyzed the normal types of delegated legislation, using as a "good example" the Road Traffic Act 1930 which prescribes the rate of speed for motor vehicles, but also confers on the Minister of Transport "wide powers of further restricting or even prohibiting the driving of motor as well as other vehicles or of any specified class or description of vehicles on any specified road. . . ." And the Report comments, "No one who has ever

[14] The report is Cmd 4060 of 1932.

[15] Report, p. 13. This type of legislation is analyzed in section 8 of the Report.

[16] They included the *Gold Standard (Amendment) Act 1931*, the *National Economy Act 1931*, the *Foodstuffs (Prevention of Exploitation) Act 1931*, the *Abnormal Importations (Customs Duties) Act 1931* and the *Horticultural Products (Emergency Customs Duties) Act 1931*.

[17] P. 34.

been in a motor car would desire Parliament to undertake this task itself, and the staunchest upholder of the British Constitution is unlikely to maintain that it is seriously threatened by delegation of such a type."[18]

The committee also inquired into and analyzed the behavior of departments in making "quasi-judicial" decisions, and found the system in use to be essentially just, as well as efficient. In general, the committee commended, where Lord Hewart blamed, and the controversy resulted in a restoration of popular confidence in the government department and the permanent official.[19]

PUBLIC CORPORATIONS

The work done by government departments has grown in amount and complexity. The variety of duties laid upon government departments has also increased. So much is easy to understand. But, in addition, in the last twenty years, the government has assumed new duties, not suited to regular departmental performance, and has created the "public corporation" to perform them.

Though the public corporation existed to a slight extent previously, it was not until 1926 that the first great public corporation was created,—the British Broadcasting Corporation. The B.B.C., whose charter was renewed almost unchanged in 1936, was set up to manage the business of wireless broadcasting. It was granted the power of collecting fees for the licensing of wireless receiving sets, and of financing its activities by retaining most of the fees, a part

[18] P. 30.

[19] Cecil T. Carr, *Delegated Legislation* (1921) and John Willis, *The Parliamentary Powers of English Government Departments* (1933) are useful discussions.

going to the national Exchequer. Control of the B.B.C. is entrusted to a board of governors, and management (under the board) is in the hands of a director-general. The intention was a non-partisan and non-political monopoly of the business of broadcasting, managed in the public interest. Under the first director-general Sir John Reith, a prosperous and influential institution was brought to maturity. Legally, the Postmaster General is responsible, though not very definitely, for the activities of the B.B.C.

The same parliament which set up the B.B.C. established the Central Electricity Board. The members of this Board are chosen by the Minister of Transport. Their duty is to plan, and gradually to carry into effect, a comprehensive and unified national system of electricity supply. In so doing they coordinate the activities of private power companies, but they are also suppliers of power themselves. Indeed they act partly like a great public utility company and partly like a government department supervising private enterprises.

The third great public corporation, set up in 1933, is the London Passenger Transport Board. This corporation has taken over and owns and manages all local transportation, by tram, bus, or railway, in greater London. The private owners of the facilities it acquired were compensated, not illiberally, by bond issues. Its financing is government-guaranteed. It is controlled by a board, indirectly appointed but responsible to the Minister of Transport, and the board chooses the management.

In none of these corporations are the employees servants of the Crown or civil servants, but in all of them there is a strong tendency to apply civil service

principles to the staff. So successful has the public corporation been, and so adaptable does it appear to be, that Agricultural Marketing Boards, set up under acts of 1931 and 1933, are being organized to control the production and distribution of foodstuffs of national importance. The Milk Marketing Board (1933) is the most widely active of these Boards.

ADMINISTRATIVE PRACTICE

A shift of emphasis is taking place, in every normal government to-day, from problems of politics to problems of administration. In England the shift has been particularly noticeable. From a preoccupation with such problems as the franchise and home rule, which characterized the nineteenth century, England has come to be concerned with such questions as how to administer relief to the needy or how to reorganize agriculture. Any such shift has two obvious effects. It diverts attention from parliamentary debates to the less public workings of the administrative departments. And it adds to the activity and influence of the administrative departments.

The English government is now accused of being a bureaucracy. If the term be used in its proper sense as meaning a government in which administrative officials determine policy, England is probably as far from being a bureaucracy as any country in the world. For in no other is there so effective a check on permanent officials by political heads of departments and by the Parliament. Moreover, the political heads of the departments—the ministers and parliamentary secretaries to ministers—act as buffers restraining the naturally bureaucratic tendencies of the permanent officials, and the cabinet

as a whole restrains the departmentalism of the ministers as such. In a sense, too, the monarchy which is essentially political in its nature, preserves a political freedom in the system which may be lacking where, as in some non-monarchical systems, the head of the government is primarily an administrator. In England, too, the administrative machine is not purely administrative. It shades down from largely political persons like the sovereign or the prime minister, through officers who are partly political and partly administrative, to minor officials whose functions are purely administrative.

But if more and more power is passing into the hands of the administrative officials, how in fact do they exercise it? How are the departments organized to meet the increasing claims on their intelligence and industry? The answer is to be found in the practices of the "administrative class" of civil servants.

This class, which is small in numbers, is most carefully selected. Entrance rests on examination, and the examinations are not qualifying but competitive. Only as many men may pass the examination in any year as there are places to be filled. And since the candidate must be between twenty-two and twenty-four years old, his opportunities for entrance are still more narrowed, for he must compete at one single point in his career. Most of the candidates are graduates with high honors of the older universities, Oxford and Cambridge, and many of them spend months in extra preparation. The examinations (prepared by a board, usually with university professors as assessors) are on subjects which are part of the ordinary liberal education at a British university. They include general-knowledge

papers and essays, and certain highly specialized subjects may be offered as options; but the heart of the examination is the subjects which ever since the Renaissance have been considered the basis of a liberal education: the classics, history, philosophy, mathematics. Whatever department the candidate may be going to enter, whether the Air Ministry, for example, or the Office of Works or the Ministry of Health, what is required is a liberal education successfully pursued. The written papers count for about three-fourths of the examination, but a personal interview by a board is held, and in some cases the points awarded by the board will be sufficient to give an advantage to a candidate of exceptional personal qualities.

Once appointed and past a brief probationary period, the candidate is sure of an adequate (though not luxurious) living as long as he does his duty. At first he will be used in minor positions, learning the routine of the department, watched and directed. If his gifts are specific, he will be assigned to work which suits them. Otherwise he will be tried in a variety of positions. He is an apprentice, with a good opportunity—unlike so many modern apprentices—of becoming a master.

In six months or a year, just as soon as he has found himself, and without waiting until he has become gray in routine, he will be used in conference with members of other departments. If some implication of unemployment legislation is in question, for instance, a new man in the Treasury may find himself in consultation with men from the Ministry of Labour and the Ministry of Health. This principle of consultation between departments now pervades the entire civil service; and the officials sent

to confer will be those whose maturity and experience are suited to the importance of the matter in question.

Consultation goes on also between permanent officials and ministers. In the old days the chief business of the civil servant was to see that the political heads of his department were well briefed, and then to await the results of a conference of ministers. To-day the political heads and the chief permanent officials of a department are in constant consultation with one another on equal terms. And in an important matter affecting several departments, it is not rare to find decisions taken by a conference of eight or ten persons, perhaps half of whom are ministers (including ministers of cabinet rank) and half of whom are permanent officials in the relevant departments. Matters of administrative routine will be determined in such ways; so will proposals for legislation, or the determination of policy. The permanent official has entered into policy-making, to-day, on equal terms with the political heads of his department.

Outside the hours in which he is specifically engaged in the work of his department, the associations of the permanent official are those of any educated and serious-minded men of the professional classes. With economists, political scientists, experts of all sorts in the employ of private enterprise, he is on friendly terms and often in close association. The official often becomes an expert in his own right; he also has the benefit of numbering a variety of specialists among his friends. And since England still possesses, if not one ruling class, at least one dominant group, the civil servant has been to the

same schools and universities, belongs to the same clubs, and moves in the same circles as do not merely other professional men but ministers, members of Parliament, and gentlemen of leisure. The English "socio-political class" as Sir Sidney Low called it, is wide enough to include the permanent official. It may be educated opinion which he knows best, but it is the opinion of a large educated class refreshed constantly by persons who have made successes in every respectable walk of life. The civil servant is one of the rulers of England.

CHAPTER IV

PARLIAMENT

THE SUPREMACY OF PARLIAMENT

THE British Parliament is distinguished even amongst the legislatures of democratic nations by its unlimited control over the entire sphere of government. This supremacy of Parliament may seem to be limited by the authority of the king, by the discretion of the judges, by the power of the cabinet, the ministry, and the civil service. But in fact Parliament controls all these other agencies of government. The king is a parliamentary sovereign. George VI owes his very position to statutes, the Act of Settlement of 1701 and the Abdication Act of 1936. And he can act only through ministers whom parliament has made subject to its will rather than his. The judges may use the prestige which a medieval conception of the common law gave them, to interpret the law as they see fit, but Parliament may and

does overrule their decision by statute.[1] The ministers, who exercise great power can exercise it only with the approval, or at least consent, of the House of Commons, and the permanent administrative officials derive their authority from statute and must exercise their power under ministerial supervision and subject to parliamentary criticism. The supremacy of Parliament is an ever-present fact.

What is Parliament?—the King, Lords Spiritual and Temporal, and Commons, "in Parliament assembled." The king is presumed to represent his whole realm, and the peers to represent great interests lay and ecclesiastical. The Commons represented originally the lesser landowners and people of the towns, and now represent the mass of the people of Great Britain and Northern Ireland. It was largely through chance that England came to have a parliament of two houses, but that chance has been glorified into a constitutional principle, and the British Parliament consists immemorially of two houses.

From the point of view of formal action, when we say Parliament, we mean "the King in Parliament." Laws are "enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons." But the part played by the king has almost reached the vanishing point. In case of all bills, whether introduced into Parliament by a minister on behalf of the cabinet, or by a private member on his own behalf, the royal assent, which is the last stage in the enacting of statutes, is the only

[1] The most famous example is the Trades Disputes Act of 1906 which counteracted the Taff Vale decision of 1901 holding that trades unions could be made responsible for damages.

stage when the king must legally be consulted. Following a practice of many centuries, the royal assent is given by lords commissioners acting for the king, and is entirely nominal.[2] Not since 1707 has a monarch instructed the commissioners to refuse his consent and, in spite of the romantic notions of reactionaries who long for a "patriot King," it seems unlikely that the royal "veto" will ever be exercised again. At one end of the gilded chamber occupied by the House of Lords is a throne. Once upon a time kings and queens used to appear amongst the Lords to take council with them, though the last king to do so, Charles II, usually stood informally in front of the fire. To-day the king takes his place on the dais under the canopy for a few formalities at the opening of Parliament. For the rest of the time (except when the king is present by proxy during a royal commission) red dust-covers alone keep the smoke of London from settling on the tall chairs gorgeously embroidered with the lions of the royal standard.

THE HOUSE OF LORDS

The House of Lords is the older of the two Houses of Parliament; it is the most spectacular, it was once the more powerful, it is now the less powerful.

[2] The typical statute has title, preamble, and enacting clause as follows: "*Administration of Justice (Scotland) Act. (23 & 24 Geo. 5.)* An Act to amend the law of Scotland relating to the Court of Session and procedure therein, to the appointment of Officers in the said Court and the High Court of Justiciary, to criminal jury trials and to the Sheriffs and procedure in the Sheriff Court, and with regard to law agents' fees; and for purposes connected therewith. *Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows. . . .*" Then follows the substance of the statute.

Membership

On the red benches in the huge gilded chamber, even to whose galleries strangers are admitted only by special permission, sit—or may sit—over seven hundred and fifty men. They are peers of the realm; they have a status peculiar in the law, though no longer specially privileged;[3] they are possessed of dignity and surrounded by honor. In pageantry, in historical suggestiveness, no English institution surpasses them.

Each peer has exactly the privileges of every other peer, but the peers as a whole can be divided into five groups on the basis of the reason for their summons to the House: bishops; hereditary lay peers; royal princes; Scottish and Irish representative peers; and law lords.

The oldest group in the House of Lords is the "lords spiritual," that is, the two archbishops of Canterbury and York, and twenty-four bishops of other English dioceses of the Anglican church, who possess the right of summons because of the ecclesiastical position they hold.[4]

Coeval with the bishops are the lay peers. Most of them are descendants, according to the rule of primogeniture, of former peers. Others have themselves been elevated to the peerage by the king. In either case, only one person (and for summons to the House of Lords it must be a man) can sit in virtue of one peerage; and a newly enrolled peer transmits the privilege of summons to his heirs.

[3] The trial of peers for felony by their "peers" i.e. the House of Lords, was abolished by statute in 1936.

[4] The two archbishops and the bishops of London, Durham, and Winchester are always summoned. From the remaining thirty-one English dioceses the twenty-one bishops are summoned by virtue of their seniority in office.

Newly created hereditary peers are chosen from amongst those British subjects who, the government of the moment thinks, are capable of supporting the expensive position of a peer, and who have been or will be useful to the government.

A third small group in the House of Lords are the royal princes who are given peerages as such.

Before the acts of union, both Scotland and Ireland had peerages possessing political privileges. In 1707 it was provided that the Scottish peers should choose sixteen representatives to sit in the Parliament at Westminster, and in 1801 the Irish peers were empowered to choose twenty-eight representative peers. The sixteen Scottish representative peers still hold their places. Since the creation of the Irish Free State there is no longer any machinery for the choice of Irish representative peers; their number is now only sixteen; and within a generation Irish representative peers will cease to exist.

The fifth group of peers is entirely unlike the rest. After the reforms of the judiciary in the late nineteenth century, it seemed desirable to strengthen the House of Lords for its judicial functions. A statute now provides for the choice of seven "law lords," men of legal training who are given peerages for life only, and whose chief function is to serve in the House of Lords when it acts as a court. The "law lords" have all the privileges of other members of the House, including that of taking part in its legislative activities.

POWERS OF THE HOUSE OF LORDS

For centuries after parliamentary government became established in England, the two houses of Parliament were equal in power, the consent of both being necessary to any act of legislation, or any

financial proposal. Indeed at first the House of Lords was more important, practically, because of the greater individual importance of its members. During the nineteenth century, as the theory that Parliament is to represent the people became more and more generally accepted, and as the House of Commons began to have back of it, as electors, a greater and greater number of people, the Lords more and more refrained from exercising its legal power to resist the will of the people as represented by the Commons. Towards the end of the century the House of Lords started to exercise its legal power again, refusing a bill providing home rule for Ireland which the Commons had passed. When the budget for 1909 was rejected by the Lords—their exercise of financial power having been given up, by custom, a very long time ago indeed—a struggle began between the Lords who represented a minority of the people of the United Kingdom but were men of great personal power—and the Commons who represented the majority of the people. The result was the Parliament Act of 1911 which altogether took away the Lords' power to modify financial proposals, and which allowed the Commons to pass an ordinary statute without the consent of the Lords, provided the Commons passed the same bill three times in three successive sessions within not less than two years.

To-day then, the legal power of the Lords is limited. It has vast powers of obstruction and a suspensory veto.

House of Lords Reform

As the parliamentary system has become more and more democratic, the House of Lords appears more and more to be an obsolete anomaly in the English

system. Yet the same tendency towards democracy (especially when the democracy seems socialistic) causes many conservative persons to cling to the House of Lords as the only safeguard against revolution. These two strongly held points of view have caused the problem of the House of Lords to be a perennial one. The problem has two phases.

What should be the composition of the House, and what should be its powers?

The great majority, about seven hundred, of the members of the House of Lords to-day are hereditary peers—an obvious anomaly in a government which professes to be representative. Many attempts have been made in the last sixty years to change the make-up of the House of Lords. It has been proposed to limit the size of the House as to hereditary element, since most of the seven hundred hereditary peers never attend, and the House with a legal quorum of three has a normal daily attendance of thirty or forty persons. To increase the number of life peers is another favorite proposal. It is occasionally suggested that the House should be made imperial by including representatives of the dominions and colonies. More thoroughgoing reformers want to do away with the House of Lords altogether and replace it by a wholly elected senate.[5]

In 1927 the Conservative government of the day, profiting by the authority it had as a result of Labour's defeat in the General Strike, introduced reform proposals. They suggested limiting the number of peers who might sit in the House and adding a new type of member elected from outside. But since they also proposed to limit the members of the

[5] *House of Lords or Senate?* by Cuthbert Headlam and A. Duff Cooper (1932) is the most carefully reasoned proposal for a senate.

House, they would have taken away the only weapon a progressive government has against an obstructive House of Lords—the power to recommend an unlimited creation of peers. The resistance to these proposals was so great as to kill them even before they were embodied in a bill, and no subsequent Conservative government has consented to allow time for the Commons to consider a similar reform bill.

The general conclusion is that as long as there is a House of Lords, its traditional composition will be satisfactory to most people.[6]

With a practical certainty that the House of Lords will retain its present form, there still remains the question of the balance of power between the two Houses. The Parliament Act of 1911 tried to retain a House of Lords which would have all the powers of initiating, discussing, and delaying legislation, but which would have to yield entirely to the will of any House of Commons which had come to a firm conclusion. But the Conservatives, who fought the Parliament Act, have never become reconciled to its provisions. They wish to restore the House of Lords' veto, which would make the Lords the stronger of the two houses, since the House of Commons can be dissolved but the House of Lords cannot. And when a Liberal or Labour government is in power, the Conservative party uses its huge majority in the Lords to defeat measures it disapproves, however much the Commons may desire them.[7] It is not

[6] House of Lords reform is one question on which division of opinion is to a remarkable extent geographical. The people of the north of England, even conservatives, dislike the sort of personal privilege for which the House of Lords stands, and would never consent to increase its powers.

[7] Such measures could, to be sure, be passed over the Lords' veto, but the first defeat is likely to be final. For a House of Commons' majority can be kept faithful for two years only to the most vital and spectacular measure.

surprising that the Labour party has finally come to the conclusion that the total abolition of the Lords may be necessary. "The Labour Party, given a majority, would interpret the mandate as conferring upon it the right, particularly if the House of Lords seeks to wreck its essential measures, forthwith to proceed to the abolition of that chamber."[8] Less democratically inclined observers see the House of Lords as a useful mediator between democracy and that degree of autocracy which is inevitable in a monarchical country. The fact that commoners are constantly added to the peerage prevents the peerage from becoming a caste and at the same time strengthens it by adding new talent and new wealth.[9]

While the problem of House of Lords reform will be perennial, the peculiar virtues of the House of Lords as it exists since the Parliament Act are being appreciated. The House of Commons must nowadays spend its time as the government sees fit; the tyranny of a timetable overshadows its debates. The House of Lords, on the other hand, always finds time to talk at length upon important subjects. From the beginning of the war of 1914 its debates have often been more unrestrained, more realistic, and better informed than those of the lower house.

THE HOUSE OF COMMONS

The House of Commons and the necessary lobbies and ministers' rooms, tea and dining rooms, library

[8] *For Socialism and Peace. The Labour Party's Programme of Action* (London, July, 1934), p. 27. The ideal of the Labour party is a single-chambered parliament. The Liberal party, in its latest statement of policy, wants a reconstituted House of Lords, but one which shall be "unmistakably a *second* or subordinate Chamber" (*The Liberal Way*, London, May, 1934, p. 31).

[9] Lord Eustace Percy in *Democracy on Trial* (1931), pp. 57-58, has some interesting remarks on the failure of all reform proposals. See also E. P. Chase, "House of Lords Reform since 1911," *Political Science Quarterly*, Vol. 44 (December, 1929), pp. 569-590.

and reading rooms, occupy the northern part of the Royal Palace of Westminster (usually called the Houses of Parliament) as the House of Lords occupies the southern part. But the room allotted to the House of Commons itself is small and dingy, and will not seat all the members of the House who crowd onto its benches. At one end is the speaker's chair, in front of him is the clerk's table, at the speaker's right hand rise parallel rows of benches occupied by the supporters of the ministry of the day. At the speaker's left hand, facing the government benches, are the rows of benches on which the opposition members sit. "Below the gangway" or aisle, part way towards the distant door, are "cross benches" for those members who are satisfied with neither the government's policy nor that of the official opposition. Non-members of the House are not allowed on the floor of the House, and members are not provided with space or conveniences for reading or writing, nor may they chat with each other except occasionally in a whisper. The scene has an intimacy, and a simplicity without lack of dignity, which befits an earnest and busy governing body.

Members of the House of Commons number 615; their quorum is however, only forty. They come and go incessantly, but except in a vital debate or when a minister or an attractive speaker is addressing the House, the debate often has only a few handfuls of listeners. Since the room is small and the acoustics remarkably good, speeches are brief and businesslike and often witty, issues are joined, statements of policy are telling. The public galleries are small and remote and (though open freely to all) difficult of access.

Parliament meets for a few weeks in the autumn, and from the end of January until the end of July,

with Easter and Whitsuntide recesses. The House of Commons sits on Monday and the three following days, from quarter to three in the afternoon until eleven or half past at night, and on Friday from eleven in the morning for a few hours.

The Franchise

For many centuries the House of Commons was chosen on a very limited franchise. In the counties, members were elected by forty-shilling freeholders, that is landowners whose holdings were valued at an income of forty shillings a year. In the towns, the privilege of electing representatives to the Commons was sometimes widely and sometimes very narrowly held. To generalize, the House of Commons before 1832 represented a plutocratic oligarchy. Since the reform act of that year a succession of statutes has widened the parliamentary franchise by stages, until the House of Commons is now a democratic assembly, as much so as any legislative body in the world. During the generation from 1832 to 1867 members of the middle classes could vote. From 1867 to 1918 most male householders could vote. By acts of 1918 and 1928 the franchise became the privilege of all adult citizens, and fails to be completely democratic only in that while most voters have only one vote, a few voters possess two.[10] At present all British subjects resident in a parliamentary constituency are eligible for listing on the parliamentary register, if they are twenty-one years

[10] It is interesting to note that the local government franchise is now much more limited than the parliamentary franchise. The local government franchise is limited to householders and the wives or husbands of householders. For local government elections, therefore, such persons as servants living in someone else's house, and children or other relatives living with parents or relations are not qualified to vote.

of age. Residence for three months is required, either in the constituency of residence or in a geographically contiguous constituency. Only one register a year is made; the qualifying period ends June first, and the register is effective from October fifteenth. Place of birth does not matter; any resident British subject may vote, no matter in what part of the empire he was born. There is no longer a discrimination on the basis of sex. Since 1918 women over thirty have been eligible to vote. Since 1928 women over twenty-one are equally qualified with men. Recipients of poor relief are not disqualified. Only persons inhabiting asylums, prisons, etc. (and thereby not "resident" in a constituency) are incapable of voting, except that peers (who themselves have seats in the House of Lords) may not share in the election of members of the House of Commons. Names are normally placed on the register of voters by the appropriate official, without requiring the initiative of the individual concerned, who may, however, make application if he is overlooked.

The parliamentary electorate of Great Britain and Northern Ireland (in 1936) numbered almost thirty-two million persons out of a population of forty-six millions—almost seventy per cent, a very high proportion.

The franchise is complicated by the fact that some voters possess more than one vote. In addition to their residence vote, two classes of persons may exercise one additional vote. Three months' occupation of land or other premises, worth at least ten pounds a year, for the purposes of business, profession, or trade, gives the occupier a second vote, as long as his two votes are not cast in the same constituency. Secondly, the possessor of a university

degree or its equivalent[11] may cast a vote in the constituency of his residence, and a second vote for representative of his university. But no person may exercise both business and university votes. The principle of "one man one vote" has not been accepted, but the number of votes that any elector can cast is limited to two.[12]

Since the great majority of constituencies elect one member of parliament apiece, and since no automatic provision exists for keeping the size of constituencies uniform, each major reform in the franchise has been accompanied by a redistribution of seats and a redrawing of the boundaries of constituencies. The last such act was part of the reform of 1918. In redrawing the boundaries of constituencies, it has always been thought best to preserve the unity, as far as possible, of old areas such as boroughs and counties. The result has been that constituencies, though they approach equality of population, have never been equal. Even in 1918 great inequalities were preserved. Since that year tremendous movements of population have occurred in England, flooding parts of certain rural constituencies with new inhabitants; and to-day the need for a new redistribution act is very great.

Elections

English election campaigns are short—the statute allowing only twenty-one days from the moment one House of Commons is dissolved until the newly

[11] The equivalent takes care, e.g., of women who receive at Cambridge "titles" to degrees but not degrees themselves. Women are granted degrees at Oxford and at all the other universities.

[12] The law of elections is summarized in *Rogers on Elections*, Preface to Vol. I. See the Representation of the People Act, 1918; Representation of the People (Economy Provisions) Act, 1926; Representation of the People (Equal Franchise) Act, 1928.

elected one comes into existence. The process of nomination is extremely simple. The candidate, who need not be a resident of the district, must file his name, address, and occupation, with the returning officer, together with the names of ten registered voters of the constituency who support him; and one hundred and fifty pounds must be deposited, which he will receive back if he polls one-eighth of the vote cast. The real check on innumerable nominations, however, is the fact that candidates cannot hope to make any sort of showing without the backing of a party, so that usually there are no more than three candidates for one seat, since there are only three major parties. If only one candidate is nominated, as happens in some safe seats, he is forthwith declared elected. Otherwise a balloting takes place on the polling day, which is now the same day all over the country. Parliamentary elections (which may come at any time in the year) are held separately from all other elections. The voter receives a very simple ballot, containing merely names, addresses and occupations of the candidates, though not their party affiliation. He marks it with a cross, and deposits it in the ballot box which is taken with the other ballot boxes to be counted in one central place for the constituency.

According to the Parliament Act of 1911 the life of no House of Commons can exceed five years. Since the House may be dissolved by the king on the advice of the prime minister, the ministers will not let a House expire, but as the end of its term approaches, will choose a moment for dissolution which seems politically favorable to them.[13]

[13] The Parliament which passed the act of 1911 lengthened the life of its own House of Commons by successive extensions to 1918. The excuse was the war, but there is no legal guarantee that a future parliament might not do the same thing.

Corrupt Practices

A noteworthy characteristic of the English election system is the corrupt-practice acts—the most skillfully drawn, honestly administered, and therefore the most effective in existence. Corruption in parliamentary elections was normal in the eighteenth century, and it required a series of progressively ingenious measures in the nineteenth century to begin its abolition. Though it is far from nonexistent to-day, it exists in England in a smaller degree than in any other large country in the world. The particular means by which the corrupt-practice legislation secures this end is by making each candidate choose one agent through whom all electioneering expenditures must be made. The candidate is then legally responsible for the acts of his agent to the extent of voiding the election if illegal means have been used to secure it, or even to the extent of disqualifying the candidate for seven years if he was cognizant of the irregularity. The purposes for which money may be spent in elections are clearly stated by law, and the amount that may be spent is limited to sixpence a voter in county (rural) and fivepence a voter in borough (urban) constituencies.

Reform of Representation

For many years before the war of 1914 the Liberal party was pledged to the abolition of plural voting —a program successfully opposed by the Conservatives. The Labour party, whose members were so poor that few of them qualified for the business or university vote, desired the same change. If it should be made, complete numerical democracy would be achieved in one sense.

In the old days of two parties, when the voter

in a single-member constituency chose between two candidates, one of them was bound to get a majority. Taking the country as a whole, the parliamentary majority was likely to follow the popular majority. Since the advent of a third party, however, there are likely to be three candidates, and the man elected very often gets only a minority of the total vote. The resulting disproportion between popular vote and parliamentary representation has sometimes been extraordinary. In 1935, for instance, the result was roughly as follows:

	Popular Vote	*Parliamentary Seats*	*Number of Votes to Elect One Member*
Government.....	12,300,000	432	30,000
Opposition.....	10,300,000	183	56,000

Such a result is a parody on democracy.

Though it is easier to demonstrate the evil than to supply the remedy, an attempt was made, by the Ullswater Conference on Electoral Reform which met in 1930, to suggest new electoral methods.[14]

Essentially there are two possible changes. One is the "alternative vote," the other the "single transferable vote," or "proportional representation" as it is generally called.

Under the alternative vote the single-member district would be kept, but each voter could express a second choice, so that if his first choice was third in the count, his ballot would then be counted for his second choice. The weakest candidate would be eliminated, and his supporters would be divided between the two stronger candidates so that in the final count one would get a majority.[15]

[14] The *Report* is Cmd 3636 of 1930.

[15] This system is similar in result to the second ballot used in French parliamentary elections and the "run-off-primary" system used in some Southern states of the United States.

The other proposal, perhaps the most popular especially with the Liberal party which has suffered most from the present system, is the single transferable vote. In this system the country would be divided into larger electoral districts, each electing from three to eleven members of the House of Commons. The voter would express as many choices on the ballot as there were members to be elected. By a system of counting difficult to explain but easy to practice, each voter's ballot would count for some one candidate, and no voter's ballot would count more than once.[16] The result would be to represent, as accurately as possible in view of the physical impossibility of having half- or quarter-members, the party strength in a district. If there were twice as many Conservatives as Liberals, the Conservatives would get two members for each Liberal member. But the Liberals would be sure of their proportion. Every minority of any size would be represented. Each party would be represented in the legislature in proportion to the total vote it could cast in the country.

The only attempt to carry any of these suggestions into law was made in the Representation of the People Bill of 1931, on which the Labour and Liberal

[16] For example, there might be a five-member constituency with 200,000 ballots cast. The "quota" that elects a candidate is found by dividing the number of ballots by the number of seats plus one, i.e., 200,000 ÷ 6 = 33,333⅓, which is rounded off to 33,334. This means that the quota 33,334 is the smallest number of votes which five and only five candidates can receive. Starting with the candidate receiving the largest number of first choices, each candidate getting the quota is declared elected, and his surplus votes are redistributed according to the voters' second (or next valid) choices. When all surpluses have been redistributed, the candidate then having the smallest number of votes is eliminated, and ballots accredited to him are redistributed. This process is continued until five candidates each have the quota. For complete explanations see C. G. Hoag and G. H. Hallett, *Proportional Representation* (New York, 1926).

parties agreed but which the House of Lords refused to pass. But even in this bill the Labour ministry had refused to propose proportional representation, which has been a particular wish of the Liberals, who are second choice in many constituencies though first choice in few.

As the years pass since the redistribution of 1918, the distribution of seats is getting more and more unequal. Which party suffers most from this inequality it is hard to tell, but it seems altogether possible that a National government will sometime carry through another redistribution of seats, though it is fairly certain that it will never help the Liberal party by introducing proportional representation or the Labour party by doing away with plural voting.[17]

THE POWERS OF PARLIAMENT

Lawmaking

Though Parliament possesses a variety of powers, most of its actions are put in the form of laws.

The business of law-making is conducted by the English Parliament according to forms which it originated and which it has taught to the other legislatures of the world. Laws of general importance are first introduced into Parliament—nowadays usually by ministers on behalf of the cabinet which has sanctioned them in advance. After an introduction, the bills undergo a series of discussions, the most important being the "second-reading" discussion on the general principles of the bill and the "report stage" on the bill as amended in committee. After the House has accepted the general principles of the bill, it goes to a committee. In the House of Com-

[17] The classical discussion of possible methods of voting is the *Report of the Royal Commission on Systems of Election*, Cd 5163 and Cd 5352, both of 1910.

mons, finance measures and other important bills are considered in the committee of the whole house; other bills go to one of a number of standing committees which are political cross sections of the house, but about one-tenth its size. There is little chance of a government bill's failing to pass the House of Commons, since the government (which has a majority in this House) will "put on the whips" for its bills, that is, instruct its supporters how to vote and require their attendance. The Commons discussions and amendments are far from useless, however, since they indicate to the government the varying attitudes of parties and interests. Hardly a bill of importance passes the House of Commons, even on occasions when the government, as to-day, has a huge majority, without considerable change in its content or form, though it is the practice of governments to save their prestige by concealing their concessions.

Private bills, that is bills dealing with local or special interests, are not left to the political determination of the Houses of Parliament as such, but undergo a special procedure essentially judicial in character, before officials and committees of the Houses. This arrangement avoids even the suspicion of corruption or political favoritism, and frees the time of Parliament itself for matters of general importance. Private-bill legislation, which is slow and expensive, is supplemented by the power of government departments (acting under general laws) to make "provisional orders" on matters affecting private interests. A collection of these provisional orders is confirmed from time to time by Parliament.[18]

Originally the two Houses had coördinate and

[18] See *Standing Orders of the House of Commons* (1932) and *House of Commons: Manual of Procedure in the Public Business* (1924 with addendum of 1927).

equal power over legislation. Since 1911, by the Parliament Act of that year, the legislative power of the Lords is less than that of the Commons. Nowadays any bill passed by the Commons three times in the same parliament within not less than two years becomes law without the consent of the Lords. In proposing, discussing, amending, and rejecting bills, the Lords are still coördinate with the Commons. But their rejection (or their insistence on their own amendments) is only a suspensive veto if the majority in the Commons continues and is persistent. In its actual working, the Parliament Act has caused very little change in the relation between the Houses. Only one bill, the Welsh Church Disestablishment Act, has become law under the Parliament Act without the consent of the Lords.[19] The willingness of the Lords to oppose the House of Commons, and its success in so doing, was well illustrated during the Labour ministry of 1929-1931. The government bills concerning trades disputes, education, and electoral reform, were all amended ruthlessly by the Lords, and the government saw no prospect of repassing them twice, in their original form, under the provisions of the Parliament Act.

The Use of Committees in Legislation

The committee stage on a public bill in the House of Commons is simply the stage when the bill, already approved in principle by the House, is subject to a scrutiny of its details.[20] Under a very informal

[19] The Home Rule Act of 1914, whose passage was one of the motives behind the Parliament Act, was finally passed over the veto of the House of Lords, but only when supplemented by a Suspensory Act, and the Home Rule Act of 1914 never went into effect.

[20] The essential difference between French and English committees is that the English cabinet by use of its parliamentary majority can force the acceptance of a bill in its original form, even if the committee should amend it. English committees are

procedure, the bill is talked over, clause by clause, and amendments are made. Till recently the committee stage used to be taken in the House itself sitting as "Committee of the Whole." For many years, however, smaller committees of the House have existed to which public bills may be sent for the committee stage. Since 1907 there have been enough of these standing committees—there are now six—so that unless the House orders otherwise, all bills except financial measures go to a standing committee. This leaves the use of the Committee of the Whole House for financial measures, and for bills of special significance. The Standing Committees, with the exception of one devoted to Scottish affairs, are undifferentiated as to the subjects of the bills which they consider. Any bill may be sent to any committee which happens to be free. The committees, which are chosen by a Committee of Selection (elected by the House) contain thirty or more members and are political cross sections of the House, except that the Committee of Selection may add ten or more members for the consideration of any particular bill; these added members are presumably experts. The chairmen of Standing Committees are chosen from a panel; like the speaker of the House they are nonpartisan. The Standing Committee gives the same sort of consideration to a bill that is given by the Committee of the Whole House.[21]

Committees are certain to be used more widely in the future. A proposal which appeals rather widely

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thus strictly limited to minor changes within the framework of the government's plan. On financial questions the government permits no amendment of any sort.

[21] The House has other committees for special purposes: the Committee of Selection, select or sessional committees for bills presenting special problems, and committees on private bills.

is to increase considerably the number of Standing Committees and to intrust to each one legislation dealing with a particular type of subject-matter. The good result anticipated from the change is that private members of the House would have greater usefulness, since however silent they might be in the House itself, they would have their word on matters in which they were especially competent. It is further suggested, especially by certain members of the Labour party, that committees of the House of Commons should be organized to familiarize themselves with the work of each administrative department, and to act as consultants with it.[22]

Legislation by Order

Public bills must go through a lengthy and time-consuming process before they can become law. Private bills are extremely expensive to promote, and take an entire session for their enactment. A simpler method of enacting lesser rules of law is needed; the English have improvised such a method and are using it. At the same time they are critical of it.

In many matters which historically needed private bill legislation, for instance the extension of the powers of a public authority or a public service

[22] An early analysis of this proposal is in Harold J. Laski, *A Grammar of Politics* (1925). See also the evidence of F. W. Jowett, M.P., and others in the *Special Report from the Select Committee on Procedure on Public Business* (Stationery Office 161 of 1931). The 1934 Liberal program makes a similar suggestion. "It is also essential that the estimates of the Departments should be more closely scrutinized, and their detailed work brought under more effective criticism, by the constitution of strong committees with access to full knowledge, and with competent expert assistance" (*The Liberal Way*, p. 32). Certain Labour theorists would go even further, and use small committees of the House of Commons (or of the members of its majority party) to serve as local assistants in the administration of laws in different parts of the country.

such as a tramway line, government departments have been given the power to make a "provisional order," taking the place of the private bill. The order is issued after a departmental investigation. It may be acted on at once. But it will come before Parliament sometime during the session for confirmation, along with a group of similar orders. Parliament seldom refuses to confirm such orders. The fact that it may refuse if it wishes keeps Parliament in control. To this type of subsidiary legislation there seems to be no objection, and very properly the sphere of the private bill is being restricted to matters which are innovations of either principle or practice.

Many public bills to-day deal with subjects which are complicated and not primarily political. The administration of these bills is in the hands of government departments. Traditionally English laws are detailed and specific, and the administering authority is left with only a narrow discretion. But increasingly in recent years Parliament has had to legislate about matters of great complexity, touching people's activity in many ways. The practice has developed of outlining principles in a statute and granting to the appropriate government department the authority to make "statutory" or "departmental" orders which fill in the details.[23]

Some of the recent examples are the most striking. In the matter of town planning, for instance, the act of 1932 lays down very general principles, and allows the Ministry of Health, after consultation with local authorities, to promulgate planning schemes. The tariff legislation of 1932 goes even

[23] In some cases orders are made by the Privy Council (which means by the cabinet as a whole) and are known as "Orders in Council."

further. It creates a tariff board to investigate all requests for changes in tariffs, and allows it (if the Board of Trade agrees) to fix tariffs almost entirely at its own discretion. The Unemployment Insurance Act of 1934, which sets up a commission to advise as to scales of relief payment, empowers the Ministry of Health to make changes in relief payments by order. In all these cases no parliamentary sanction is required.

Those who dread bureaucracy are naturally afraid that by the increasing use of statutory orders the people's representatives in Parliament are giving up their power to legislate to the officials in the permanent departments in Whitehall. And there seems some justification for this fear. Yet it must be noted that the practice has commended itself to almost all types of political thought. The National government carried out its emergency legislation of 1931 through the medium of a few general laws implemented by a series of Orders in Council. The Socialist League and the Fascists alike, though in differing degrees, have proposed that Parliament should devote itself solely to considering the broad principles of great measures, and leave to the government the business of settling all details by order. Even the opponents of the method have been unable to suggest an alternative.[24]

With the inevitable shift in English government from questions of politics to questions of administration, a shift in importance is inevitable from political organs like Parliament to administrative organs such as the permanent departments.

[24] The fundamental problem is how to secure parliamentary control over delegated authority. See Chapter III.

Finance

The levying of taxes and the appropriation of money to be spent by the government have long been assimilated to legislation in form. Money bills must be introduced in the House of Commons and undergo a slightly modified legislative procedure there. Until 1911 they also needed the approval of the House of Lords, an approval which the Parliament Act rendered unnecessary.

For many centuries the distinctive function of the House of Commons has been its control of finance. Legally, that control still exists. In fact, no bill is less likely to be amended in the House than a money bill. Moreover, all motions to spend money must, according to standing orders of the House, be made by a minister of the crown. To-day the Treasury draws up all money bills; the Chancellor of the Exchequer, and perhaps the cabinet, have something to say about them, but the House of Commons must pass them unchanged unless it wishes to bring down the government. In no popularly governed country has the body which must approve financial arrangements so little control over either the principles or the details of financial measures.

Do then the Commons still exercise that greatest of all powers, the power of the purse? Indirectly, in two ways. First, they control the very existence of the cabinet which proposes the money bills. Second, the annual reports of the Comptroller and Auditor General go to a committee of the House for review.

THE CONTROL OF ADMINISTRATION

However important the work of legislation and finance, Parliament has quite different and equally

vital functions, which legislatures of other great countries do not always possess.

Parliament supervises and controls the administration. In accordance with English principles, some minister, a member of one or the other Houses of Parliament, is responsible for every administrative act of the central government. Parliament therefore may inquire into matters of administration, investigate, rebuke, and even punish, with the responsible person present.

The simplest and most general means of supervising administration is through questions asked of ministers in the House of Commons. For three-quarters of an hour each day, four days in the week, ministers answer questions concerning the work of their departments. Questions are asked partly for information, partly for partisan reasons, and partly to bring abuses to light. They are the best day-to-day check on the work of the government, for no person or issue is so obscure as not to succeed in finding a member to ask a question about it, and the implications of the answers if not the answers themselves give the trained observer information about the conduct of the departments. The House of Commons may go further than mere questions. If some irregularity is revealed, the adjournment may be moved, which means that later on in the same evening the matter can be discussed at length, with the government on the defense and obliged to justify its actions. The House of Lords equally scrutinizes the work of the government, but with a slightly different technique. The usual procedure in the upper chamber is for a member to move that "papers be laid on the table," concerning a particular matter.

This motion offers an opportunity for a full discussion.

Regular opportunities for discussion of general policies of the government exist in the debates on the king's address at the opening of Parliament and the debates on adjournment. Any considerable opposition group can always secure a special discussion of the policy of the government by moving a vote of censure. On "supply days" when the votes for the financing of particular departments are passed, the work of the particular department is the subject of discussion in the Commons. It seldom happens to-day that even a vote of censure results in a government defeat, but however secure the government may be in its parliamentary majority it cannot neglect criticism that is justified.

THE CHOICE OF RULERS

The final and not least important function of Parliament is the choice of the country's rulers. Under the cabinet system, in which all ministers are members of one house or the other, the nominal apprenticeship for office is parliamentary service as a private member. Appointments as ministers usually come to men in whom the House has confidence. New ministers are under constant scrutiny by Parliament, and receive promotion partly because of their parliamentary standing, and only partly because of their usefulness in the departments to which they are attached. (On the latter subject, as a matter of fact, the House of Commons usually has an opinion and a fairly good one.) When it comes to the choice of prime minister, the House of Commons is practically supreme. Not only must he have the support of a majority in the House, but

he must be a good speaker and a good House-of-Commons man, acceptable to all parts of the House. Other ministers are chosen by the prime minister, but they too must be able to satisfy their fellow M.P.'s of their ability. By its opponents, the English system of choosing ministers is supposed to emphasize oratorical ability at the expense of administrative skill. In fact, however, the English House of Commons, while not overlooking the orator, has a special interest in other skills, especially administrative ability. Two post-war prime ministers, Bonar Law and Lord Baldwin, have commanded the confidence of parliaments in which other speakers far outshone them.

CRITICISM OF PARLIAMENT

The peculiar virtue of the English parliamentary system has always been its ready adjustment to new circumstances. The great rapidity of recent changes in the material world, occurring in conjunction with the political doldrums which have affected the world since the late war, have necessitated unusually prompt readjustments on the part of governments. But the English parliamentary system, unlike the machinery of many other governments, was mature when the twentieth century began. Unless, therefore, it was to be entirely reconstructed, the only adjustments possible were bound to be gradual, and one can understand how impatient observers have failed to realize that large adjustments have actually taken place.

Certain complaints, to be sure, have been rather general. It is suggested that a House of Commons elected from geographical districts may have suited an older and less fluid nation, and one in which eco-

nomic groups were less highly organized, but that some form of functional representation is necessary to-day. Again, it is suggested that elections by majority (or plurality) vote under present conditions return a House of Commons which is not really representative even of the people as grouped in the geographic districts, and that some form of proportional representation is necessary.[25] Other critics suggest that the quality of members in the House of Commons has degenerated, amongst the reasons being the subservience to parties, payment of members, the decline of public spirit on the part of the leisured classes, the counter-attraction of other careers, especially those in "the City" (the financial and business part of London), and the growing insignificance of the private member. The lessened quality of membership is supposed to be indicated by a decline in oratory, and by a growth in disorder in post-war parliaments. Still other critics complain of the inefficiency of Parliament and its cumbersome machinery. And even Parliament's most ardent champions regret its loss of power to the cabinet and the electorate, and lament its loss of general prestige.

Most of these criticisms are older than their sponsors realize. The House of Commons probably never represented the electorate more than very roughly. "Virtual" representation used to suit past generations; the present generation is the first to require something more equalitarian. As to the quality of members, there will always be difficulty in comparing the notable men of the present with the statesmen of the past whom history has agreed to recognize as great. Whether the leaders to-day are less

[25] See above under "Reform of Representation."

able than the leaders of the past, it cannot be doubted that the ordinary member of parliament to-day is as competent, as interested, and as faithful, as at any time in history. Though oratory in the old-fashioned style survives only in such men as Winston Churchill and David Lloyd George, a new and equally artful kind of persuasive speech has replaced it. As to disorder, even debates between Lady Astor and the Clydesiders are restrained compared with the Irish rows of old Home Rule days.

The inefficiency of Parliament is a more colorable criticism. It comes largely from an illogical attempt to compare the methods of Parliament with the methods of business organizations. The comparison is unreasonable, for Parliament is engaged largely in a consideration of matters in which discussion must continue until some general agreement in principle is reached. Private business organizations, in contrast, are engaged largely in an attempt to act efficiently on matters in which the principles have already been decided. Under the parliamentary system this part of the business of government is performed by the administrative departments.

Moreover, however dilatory and discursive Parliament may seem when it has not yet reached the stage of agreement, no body could act more quickly when it has made up its mind, as can be seen in the speed with which the emergency legislation of 1931 became law.

The Ministers and the House

A serious problem concerns the relationship between the ministry and the House of Commons. A House of Commons is elected for five years, but

it may be dissolved at any time by the king on the advice of his ministers. When any ministry ceases to have the support of the House it may choose either of two alternatives. It may resign, or it may advise dissolution of the House. Until the end of the nineteenth century, ministers often resigned. More recently, they cling to power, and are likely to advise dissolution. Now that elections have increased in expense, and many members of parliament are not rich men, the threat of a possible dissolution is held over the House as a club by the ministry. If, however, the House should try to dismiss a ministry, as it did those of Mr. Lloyd George in 1922 and Mr. Ramsay MacDonald in 1924, ministers will dissolve if they believe they have any chance of getting a new House favorable to them. In 1922 Mr. Lloyd George did not dissolve; in 1924 Mr. MacDonald did. The problem at present unresolved is what would happen if a rapid succession of short ministries failed to keep the confidence of the Commons and recommended one dissolution after another. Must the king accept the advice as to dissolution of any ministry, whatever its chances of getting a majority in the forthcoming election? There is thought to be a feeling in high places that a dissolution should not be asked for within a year after the previous dissolution. Yet as long as there is any doubt as to the power of the Commons to force the cabinet either to resign or to dissolve, the Commons fails to retain its essential control over the cabinet. It has been widely suggested that a fixed term for the House of Commons would solve the difficulty and redress the balance in favor of the legislature.

Devolution

Only one remedy has ever been proposed to help Parliament as at present constituted to do its work more easily. This is the "devolution" of some of its authority to subordinate legislatures. Regional legislatures could be created, having jurisdiction over local affairs. In fact, one such legislature came into existence in 1920 for Northern Ireland. Legislatures for Scotland and Wales and regional legislatures for parts of England would relieve the British Parliament further.[26]

More revolutionary is the suggestion for functional devolution. The best-known proposal of this sort was made in Sidney and Beatrice Webb's *Constitution for the Socialist Commonwealth of Great Britain* in 1920. They proposed that the present geographically elected Parliament, dealing with political matters, should be supplemented by a social parliament created to deal with industrial and other economic matters. Such a supplementary parliament would be chosen by organized economic groups as such. The idea of a functional parliament (subsequently made an essential part of Italian fascism) had some influence in bringing into existence a National Economic Council, created by the Labour government of 1929. Though this Council never meets as a whole, its committees are useful in advising government departments.

THE FUTURE OF PARLIAMENT

Since the coming of the National governments, criticism of Parliament and proposals for its reform have been less general than in the post-war period

[26] See *Conference on Devolution. Letter from Mr. Speaker to the Prime Minister,* Cmd 692 of 1920.

immediately preceding. The changes which might be expected if a more democratically-minded cabinet were in power are all of them comparatively minor. Conservative governments will keep Parliament as it is. Under critical conditions it has played its part well.

The severest critics of the English Parliament are those who share the dislike of parliamentary institutions as such, which has produced such striking results on the continent of Europe. In England, Parliament is an institution highly developed through centuries of adaptation to the political needs of the country, and essential to the constitutional system as it exists to-day.

CHAPTER V

THE PARTY SYSTEM

POLITICAL parties are an English invention. They are characteristic of a free government which is to be directed by the will of a large enough part of the people so that differences of opinion will exist as to what the government should do. They are characteristic of a stable community, in which difference of opinion is possible without causing the ruin of the political system. They are characteristic of a mature government, in which the basis of political life is sufficiently sure and sufficiently permanent so that citizens and groups of citizens can formulate policies which are more than personal. Many of the popular governments which exist or have existed in the European state system lack parties in any true sense, though there may be personal followings of leaders,

as in Roumania or Japan. Many governments, such as those of Italy or Germany to-day, feel so unsure of the stability of the regime that they dare not permit opposition, and without opposition there can be no parties. In the unfree or despotic governments of the past, as in similar surviving communities in the present, there can be no parties since the government is not in the hands of the people or any considerable number of them, but in the hands of a small group of rulers.

THE TWO PARTY SYSTEM

When English political parties came into existence in the seventeenth century, there were two important and conflicting views as to constitutional questions, and consequently two parties. For many years to follow there continued to be two parties, and the assumption has often been made that a mature party system will provide for two parties and no more. The multiplicity of parties in Switzerland, Sweden, France, Belgium, and other countries, has led commentators to the conclusion that these countries are not yet politically mature; when they reach maturity they will have two parties and two alone.

This theory fails as an explanation of the facts. Switzerland with a long tradition of a multiplicity of parties is a country of marked political maturity, where political parties show all the correct characteristics in a striking degree. The United States, on the other hand, which is usually offered as an example of a politically mature country with a two-party system, was during the nineteenth century essentially a one-party country. Before the Civil War the Democratic party had things its own way; from 1860 the Republican party ruled for two generations with-

out serious challenge.[1] In England itself there have usually existed, since 1832, minor parties—the Peelites, the Nationalists, the Liberal Unionists, and more recently the Labour party, so powerful as to interfere with what is thought of as the normal working of the two-party system. Post-war England possesses three major parties.

It is true, to be sure, that many English political arrangements rest on an assumption that there shall be two parties and two only. The physical arrangements of the House of Commons are an example. There most of the benches are divided into two ranks, facing each other across the aisle. On the front government or "treasury" bench sit ministers; on the front bench opposite, sit the leader of the opposition and his associates. The procedure of the House of Commons provides for a definite part to be played by the opposition, and the opposition is assumed to be united.[2]

When the members of the House of Commons in 1923 came to take their seats, there were two opposition parties, each with its leader, each claiming to occupy the front bench, and to perform its allotted functions. By an inconvenient compromise Liberal and Labour leaders had to share a position both physically and politically large enough for only one group. They took turns in leading the verbal attacks on the government, and when necessary they took turns in sitting on the front opposition bench. Since then, however, members of Parliament have adjusted themselves to the situation.

Again, it is assumed that English ministries and

[1] Cf. the illuminating remarks of C. H. McIlwain in his preface to *The High Court of Parliament* (1910).

[2] By an act of 1937 the leader of the opposition receives a salary from the crown.

cabinets must be politically homogeneous. "England does not love coalitions." But however great the distaste or suspicion of coalitions, modern England has known a good many of them. The Peelites and Whigs ruled together in the eighteen hundred and fifties. The Liberal Unionists and the Conservatives were united in a coalition for many years from 1895. The Liberal cabinets from 1905 to 1915 contained a Labour member. From 1915 to 1916, from 1916 to 1918, and from 1918 to 1922 England was ruled by a shifting succession of coalitions, and a coalition formed in 1931 governs the country to-day.

What can be discerned, and what is undoubtedly characteristic of a politically mature country, is a normal division of people and statesmen into a "left" and a "right," whether the two sides of the political field are occupied by single parties or by groups of parties. And in England, the right has usually been more united than the left, which in the nineteenth and twentieth centuries has usually been an alliance or a coalition in itself. The Liberal party of the nineteenth century was formed by a coming together of the Radicals with the Whigs, and the two wings of the party always remained conscious of a semi-separate existence. This situation was recognized in the old days of two-member constituencies when, to please the entire constituency, one Liberal candidate would often be a whig and one a radical. In the first part of the twentieth century the parliamentary "left" consisted of the Liberals and the rising Labour party who worked together; and in recent years a tendency on the part of these parties to common action in Parliament has been inevitable despite the dissatisfaction of Labour organizers with the very existence of Liberalism.

HISTORY OF ENGLISH PARTIES

Parties in the Parliament at Westminster have always been English. The Irish Nationalists of the nineteenth century were recognized, not least by themselves, as an alien party whose only function in an English parliament was to throw sand into its machinery; the later Sinn Feiners demonstrated their alienage by refusing even to attend the House of Commons.

English parties arose from the seventeenth-century struggle between the king and Parliament. The issue was both constitutional and religious. The constitutional question was as to the relative powers of king and Parliament: should the king rule essentially unchecked by law, or making laws on his own authority; or should he be obliged to rule in accordance with law, that is to say in accordance with the will of Parliament? Royalists were Anglicans in religion, and Parliamentarians were Puritans. But with the Restoration of Charles II in 1660 Englishmen found themselves able to agree on a minimum basis for their national political life. They were thenceforth willing to take their chances in a bloodless struggle for power.

In the reign of Charles II, then, parties in the modern sense began. The two groups of nobles and statesmen who alternately served as ministers came to be known as the "court" party and the "country" party; before long nicknames were given that clung, and the Tory and Whig parties came into being.

The Tory party was royalist in the sense that it supported the authority of the king. It was staunchly Anglican in that it backed and was backed by the Church of England; Roman Catholics also supported

it. The greater number of nobles and country gentlemen belonged to it, and carried with them their tenants.

The Whig party supported Parliament against the king. Protestant non-conformists belonged to it. Its great strength was in the middle classes, and the burgesses of the towns, and it dominated London. It represented the trading, commercial, and banking interests. These original differences between the parties are important, for until the war of 1914 the two parties remained modified in unessentials but considerably unchanged in the basis of their power.

At first the Tory party was stronger. It was discredited, however, by the Revolution of 1688, which was brought about by the Whigs and which turned the balance in favor of Parliament as against the king. The Tories discredited themselves for two generations by leaning to the support of the exiled Stuarts; and the Whig party, in control of the government from 1714 to 1760 accumulated behind it the support of many great families, especially a large and powerful group of Whig nobles created after the Revolution of 1688. The conventional pendulum whose swing is supposed to prevent too long continuance in absolute power by any party, however powerful, returned the Tories to power in 1760 and from that year until 1830 they were dominant. With all traces of Jacobitism gone, they had modernized themselves as a party believing in a strong royal government; and because the French Revolution frightened the English ruling class the Tories stood for opposition to all political advance.

During the French Revolution not only did many Whigs, led by Charles James Fox, sponsor liberty, but a small parliamentary group, the Radicals, came

into being. In 1830 the Whigs formed a government, and passed the celebrated Reform Bill of 1832. The first parliament elected under the provisions of that act saw the two great nineteenth century parties in existence: a Conservative party which was the Tories under a new name, and a Liberal party composed of Whigs and Radicals.

The Liberals were the great party of the nineteenth century. They ruled almost uninterruptedly for fifty years. Though they did not repeal the Corn Laws, an act which devoted England to free trade, they were the party which profited by the new economic situation produced by free trade and *laissez faire* economics. The new industrial classes, and the new centers of population in the north, supported Liberalism. The Conservatives, having their great support in the landed interest, were never won over to free trade, and though they affected to repudiate protection, they kept its memory warm in their hearts until Joseph Chamberlain began his protectionist crusade at the beginning of the twentieth century.

A third party, the Irish nationalists, and a new issue, Irish Home Rule, cut across English politics late in the nineteenth century. The Liberal party split, the more strongly Whig elements becoming Liberal Unionists and eventually in 1895 coalescing with the Conservatives to found the Unionist party, which was conservative in the sense of opposing any repeal of the Act of Union of 1800. The split in the Liberal party gave power to the Unionists, who were dominant from 1885 to 1905. But in 1905 the Liberal party returned to power. It had lost the bulk of its wealthy and aristocratic support. The House of Lords, which had never had a Liberal majority, had by 1905

become the closed preserve of the Conservatives. The landed interest and the Church of England remained faithful to Conservatism, and part of the industrial interest was being won over by the Unionist party's protectionist proposals. The Liberal party which received so strong a majority in the election of 1906 was no longer a party of *laissez faire,* but of social reform, and the country seemed strongly behind it. It remained unchallenged in Parliament until after war broke out in 1914.

In 1906 a new group made its first serious appearance in the House of Commons—the Labour party. Allied with the Liberals until the war of 1914, it was to start a vivid independent career after the war. The Labour party had two originating causes, both of which are still efficient in determining its nature. One cause was the introduction and growth of socialism in England, not in any class, particularly, and never with any large group of supporters. Though other socialist groups had existed, by 1906 the Labour party included or was heir to the earlier ones. The second efficient cause of the Labour party was the feeling of working men at the turn of the century that the Liberal party, though headed in the right direction, moved too slowly for them. The Labour party therefore came to be a radical Liberal party, with most of its votes coming from the ranks of laborers, and since the more advanced thinkers among the laborers were usually trades-unionists, the party membership became largely identical with the membership of trades-unions.

PARTY SUPPORT

Each English party has its own bases of power. Six major factors control voters' inclinations to one

party or another. They are tradition, religion, social group or class, economic position, geography, and nationality.

The Conservative party is still the church party. Most English people who take their position seriously as members of the established Church of England are Conservatives; and the official hierarchy of the church works with the leaders of the Conservative party. This alliance is most noticeable in questions of education. The Conservative party is also that of the aristocracy, whether titled or not, and of the plutocracy. Most very wealthy people, whatever the source of their wealth, are Conservatives. The royal household, society, educated persons, and the upper classes generally, are Conservatives; exceptions exist but are always noticeable. On the basis of economic interest, not only the agricultural interest but to-day the financial interests and the industrial and commercial interests are Conservative; the shift of industry and commerce from Liberalism is the chief reason for Liberal decline. Persons living on the income from investments, and the salaried middle classes, are perhaps the most Conservative of all groups. The professional classes, who are allied by birth and education to the upper classes, and who are parasitical upon the economically dominant groups, are mostly Conservatives. The Conservative party is strongest in the older parts of England, that is, in the south and southeast. It is strong everywhere in the countryside of England. It dominates Northern Ireland. It is weak in Wales and Scotland.

The Liberal party has kept as its most faithful supporters the members of the Protestant nonconformist churches. Thus in England (as in many

places on the continent of Europe) the fundamental difference between the older parties was in origin, and continues to be, a religious difference. Nonconformity has grown less powerful, but such strength as it still has is pledged to Liberalism. The urban middle classes are the economic backbone of Liberalism, which receives also some support from the small independent farmer in England, and from the Scottish country dweller. Liberalism is weak in the south of England (though in rural districts it is still the only alternative to Conservatism). It is much stronger in the north. In Wales and Scotland it is seriously challenged only by Labour. Cornwall and neighboring sections of the southwest of England are still a center of its power.

The Labour party exists for economic reasons. Like similar parties elsewhere in the world it came into existence late, because of an economic situation and an economic dogma. It is founded on two groups: industrial workers, and socialists. It is the great party of the urban working classes, strong wherever there are industries, whether extractive, manufacturing, or commercial, and weak in country districts. In so far as it is Socialist, it is generally backed by persons who do not accept any form of Christianity or who dislike clericalism whether Anglican, Protestant, or Roman Catholic. Many members of the Anglo-Catholic group in the Church of England, however, support Labour. And most of the Irish workers who are recent migrants to Great Britain combine a strong allegiance to the Church of Rome with a fervid support of the Labour party. Amongst professional classes the socialism of the Labour party wins it a small but increasing support.

PARTY ORGANIZATION

If a party is a section of the electorate agreeing generally on policies which they wish to force on the government, and attempting to achieve their purpose by electing men to office, the party must be a highly organized group of voters. The organization of English parties is intricate and flexible.

Since England is a country primarily of appointed officials, the only elections on a national scale are the parliamentary elections. Local party organizations came into existence, therefore, to provide for the comparatively rare elections of members of the House of Commons. The local party organization is of the simplest form. Each parliamentary constituency or district has a party committee of local men and women, more or less self-appointed, though they must work in harmony with the central office of the party and with their member of Parliament or their candidate for that position. When their candidate has won his election, he becomes the local leader, and the committee is dependent on him.

The national head of an English party is the leader of the "parliamentary" party. In the two older parties the business of formulating policies for the party both in the country and in Parliament is left to the parliamentary party, which is composed of those members of the party who are actually in Parliament. The Labour party requires that its policies, or at least its platform if not its detailed actions in Parliament, shall be approved by the annual party conference. The parliamentary party elects a leader, or one leader for the Lords and one for the Commons, and the leader in the Commons (who if his party is in power is prime minister) is recognized

as the leader of the party in the country as a whole. It is his voice which is most influential in both policy and tactics, and it is on him more than on any other person that popular attention is fixed.

Such permanent central organization as the older parties have is under the supervision of the parliamentary leaders of the party. To-day all parties have an elaborate central office, with paid officials engaged in research, propaganda, and electioneering. The chief whip of the party in power (who is a minister holding the sinecure office of parliamentary secretary to the Treasury) is the link between the prime minister or other parliamentary leader and the central office, and the central office is the link with the constituency party organizations. Two particular and vital duties must be performed by the chief whip, when necessary in consultation with the party leader. He must scrutinize and approve the party's parliamentary candidates, and as far as possible he must get constituencies to adopt candidates whom the central office suggests to them. (In this connection it is important to note that candidates need not be residents of their constituency.) And he must raise funds for the party, in this last capacity taking care to use the utmost discretion; for though central campaign funds are not large and there is seldom even a hint of overt corruption, much of the money coming to the party in power is not unconnected with the distributions of peerages and other honors.[3]

In the Liberal and Conservative parties, the two important elements of the party organization are the constituency organizations and the central office. Each of these parties has also a national organization of secondary importance—the National Liberal

[3] Cf. the Honours (Prevention of Abuses) Act, 1925.

Federation and the National Union of Conservative and Unionist Associations. These national associations, to which the local party associations belong, are means whereby the parliamentary party and the central office educate and inspire the voter. Through them also, though to a limited extent, the party in the country influences the parliamentary party. These national associations have officers, and councils, and hold annual conferences. The conferences are the scene of speech-making and of making of resolutions. They do not draw up platforms, for in the older parties it is the parliamentary party that does that, nor do they choose candidates for Parliament or for parliamentary office. As a result, both associations are likely to be more extreme in their Conservatism or Liberalism than are their representatives in Parliament. For many years, for instance, the annual conference of the Conservatives used to pass strong resolutions in favor of House of Lords Reform, which the Conservative governments have consistently refused to try to carry out. The National Liberal Association is likewise less fond of a moderate policy than are the Liberals in the House of Commons, and urged that the Liberals should withdraw from the National government long before Sir Herbert Samuel and his followers were willing to do so. Generally speaking, the parliamentary leaders of the party manage to keep an effective control over the associations.

The Labour party's organization is more highly integrated than that of the older parties. As is fitting in a conscientiously democratic party, the Annual Conference of the Labour Party is the supreme authority. It is made up of representatives of local societies affiliated with the Labour party; these soci-

eties are trades unions, socialist societies, and constituency labour parties. The Annual Conference possesses the ultimate power over policy, for proposals on matters of policy prepared either by the central office or by individual affiliated societies, are voted on and are approved or disapproved by the Annual Conference. Since 1931 the research department of the Labour party has prepared a series of policy pamphlets, and in 1934 it issued a summary called *For Socialism and Peace*. When adopted by the party in conference, their proposals become official, and are presumably the basis of action by the party's representatives in Parliament. The party, taking final action through its Annual Conference, likewise gives permission for individuals and groups to affiliate themselves with it, and approves parliamentary candidates. This check on Labour candidates for office is a real one. No member of a communist or fascist group may belong to or represent the Labour party, and the Independent Labour party, once a society within the Labour party, has been disaffiliated, with the result that its members of Parliament and its candidates are often opposed by official Labour candidates. The Labour party, being a membership organization, exercises a real control over its leaders.

On its political side Labour is organized in the Labour party.[4] On its economic side it is organized in the Trades Union Congress. The relations between the Labour party and the T.U.C. are consequently intimate, and a general staff, the Joint

[4] "The British Labour Party, with its federal structure and its big affiliated Trades Union membership, is in the last resort controlled by Trades Union votes." G. D. H. Cole, *A Short History of the British Working Class* (1927), pp. xv-xvi. Since October 1937 the Joint Council has included a greater number of non-trades-union representatives, but Mr. Cole's statement remains true.

Council, directs the activities of the Labour movement as a whole. This Joint Council consists of representatives of the Labour party, the T.U.C., and the Parliamentary Labour party.

The Communist party and the British Union of Fascists are also, as might be expected, membership organizations. The Communist party is theoretically democratic in organization. The British Union of Fascists is autocratic: all authority reposes in the "leader," Sir Oswald Mosley.

The coming into existence of fundamentally dissentient parties like the Communists and Fascists brings into relief a situation which even the rise of Labour had not greatly altered. Twenty-five years ago Hilaire Belloc and Cecil Chesterton published a booklet entitled *The Party System* to show that the leaders of the Liberal and Conservative parties, however much they might be supposed to represent different principles, actually worked together in Parliament. Though the picture was overdrawn, it called attention to facts of significance. The leaders of the Conservative and Liberal parties and, since Labour's rise to influence and respectability, the leaders of the Labour party as well, tend to find a common ground on many matters. Inter-party cooperation is almost as important a fact as party rivalry. With typical English recognition of realities, all successful Conservatives, Liberals, and members of the Labour party are acknowledged to be members of one ruling group—inchoate, unorganized, and diffuse, to be sure, but united by a common attitude toward the affairs of state. During the financial crisis in 1931, for example, as well as during the abdication crisis of 1936, and frequently when foreign affairs were critical in 1938, leaders of the major parties out of

power were called into consultation by the prime minister, and very frequently an agreed policy results from such conferences.[5]

PARTY MAJORITIES

It has been pointed out that two great parties dominated English politics during the nineteenth century, each being in control of the government from time to time. The century ended with a Unionist (or Conservative) government in power, backed by a small majority of Unionist voters in the country, a majority which held in the election of 1900. In the election of 1906, which returned a strongly "left" House of Commons, Liberal and Labour candidates won more than three million votes in contested seats whereas Unionists won less than two and one-half millions. From 1906 to 1931 the electorate showed a consistently "left" majority, though the House of Commons has sometimes, because of the effect of three-cornered contests, had a "right" majority.[6]

The two general elections of 1910, fought on the Budget and the Parliament Act, showed somewhat

[5] *The Constitutional Year Book* published annually by the National Union of Conservative and Unionist Associations, *The Liberal Year Book* published annually by the Liberal Publication Department and the *Labour Year Book* published at intervals by the Labour Publication Department give statistics and information about the major parties. The Liberal and Labour publication departments issue lengthy reports of the annual conferences of their parties; the Conservatives rely for this purpose on the press, especially the *Times* and *Daily Telegraph*. Recent official Liberal and Labour programs are *The Liberal Way* (1934) and *For Socialism and Peace* (1934). *The Labour Party in Perspective* (1937) by C. R. Attlee is a quasi-official statement by the party's parliamentary leader. Conservative programs must be looked for in the speeches of ministers.

[6] I rely for these statistics upon pp. 272-286 of *Constitutional Yearbook, 1938,* published under the auspices of the Conservative central office.

smaller parliamentary and popular majorities for the Liberal and Labour parties, which were acting together, than did 1906. The next election, that of December, 1918, was fought by the Lloyd George coalition, and parties were in confusion. It would appear, however, that Liberals and members of the Labour party outnumbered the Conservatives by about five millions to four millions in those constituencies where contests were held. In the next four elections, those of 1922, 1923, 1924, and 1929, the left majority continued to exist, though it varied in size. The general election of 1922 elected a Parliament which supported a Conservative government, but the estimated Conservative strength in the electorate was about seven millions, and the non-Conservative strength more than nine millions. The Parliament elected in December 1923 supported a Labour government: it contained 258 Conservatives, 159 Liberals, 191 members of the Labour party, and 7 independents. These members were elected by a Conservative electorate of about 6,750,000 and a Labour and Liberal electorate of about 9,500,000. The Parliament elected in 1924 supported a Conservative government, and there was a House of Commons membership of 412 Conservatives out of a total membership of 615; yet the estimated Conservative strength in the country was eight and a half millions against nine millions supporting the parties of the left.

In 1929 the electorate shifted to the left again. There were approximately eight and two-thirds million Conservative voters, eight and one-third million Labour voters, and five and one-third million Liberal voters. They elected 260 Conservatives, 288 Labour members, and 59 Liberal members; there were 8

independents. This House of Commons supported a Labour government. The general election of 1931, fought under emergency conditions, returned a huge coalition majority both of parliamentary seats and popular votes for the National government, and for Conservatives rather than members of other parties. There were about 16,000,000 votes for the National coalition and 7,200,000 against it. In 1935, another great victory for the National coalition, the government won 12,300,000 votes and the opposition 10,300,000.

Since the Armistice, Great Britain has been in the peculiar position of supporting Conservative governments most of the time, though until 1931 there was a constant electoral majority opposed to the Conservative party. As far as parties are concerned, the result has been to make the Conservative party less conservative in policy, and to encourage a leftward tendency in the parties of the left. What might be called a "liberal" majority in the country has resulted in "liberal" policies.

CHAPTER VI

THE LAW AND THE COURTS

THE RULE OF LAW

THE creator of one of the two great systems of law which western Europe has produced, England more than any other modern country is pervaded by the conception of the rule of law. In practice the rule of law in England means two things. First, it has a constitutional significance. In this sense every person in England whether natural or artificial,

whether lord or commoner, whether citizen or alien. whether an official or a private person, is held to the same standard of behavior, is subject to the same ordered rules of conduct, and must appear in the same courts. In past centuries the privilege of living in a community whose regulations were known, and were in the common interest, was looked upon as a peculiar and distinctive privilege. England was such a country, and has continued to be so. In the post-war world where some communities have one law for citizen and another for alien, or one law for "Aryan" and another for Jew or socialist, the privilege re-affirms itself. The rule of law means a stable society where relations between man and man are judged by reference to one and only one principle of justice.

In a second sense the rule of law means that human conduct in all its social aspects is evaluable by some stated standard, that the law extends to everything. Here the "common law," as the law of England is traditionally called, has an advantage over other legal systems because of its power of being applied by analogy to unexpected situations. There are no gaps in the law, to let injustice in. England has never been a country of lawless frontiers, or exempted persons, classes, or areas.

Whether the substantive rules of English law are sensible or not, there is a tremendous advantage in any civilized (which means intricate) community in having the power of the law uniform in its pressure. For centuries the rules of the common law were out of date, and its procedure was antiquated, but the advantages of an omnipresent law and order more than compensated for the fact. In recent decades the enormous amount of statute law passed by Parliament has remedied the defect, and to-day the sub-

stantive rules of English law are constantly re-adapted to modern conditions.

THE HISTORY OF ENGLISH LAW

The English system of law, which is known as the "common" law, originated many centuries ago in the customs that prevailed in various parts of England.[1] When strong Norman kings tried to unify the country, they wanted to unify this law based on custom, and to make it more suited to a strong kingdom. The successive kings sent out judges from the royal court to go on circuit through the country, settling disputes in the king's name, and the old customary law was thus modified greatly by the way in which the king's judges interpreted it.

During the middle ages the accepted theory of law was quite different from that of modern times. To-day law is *made*, whether in the decisions of the courts or by the legislature. In the middle ages the assumption was that law *existed*, and the only problem was to *find* it. The king was supposed to know the law, and he stated it through his judges, who were men learned in the law. In the process of *stating* the law the judges undoubtedly sometimes made it.

The great bulk of the older rules of English law is thus to be found in the decisions of the courts. This system of judge-made law worked admirably

[1] What is said here about English law and courts applies only to England and Wales. Scotland has always had its own legal and judicial system, based on the Roman law and quite different from the English system. Since 1920 Northern Ireland has had its separate courts. The other parts of the empire have their own law and courts. Though the English or common law has influenced the entire empire, nevertheless outside England, Wales, most of Canada, Australia, and New Zealand, the people do not live under the common law but under systems of their own.

until about the middle of the eighteenth century. Then began to occur those changes in society which caused a revolution in English government—the revolution of which the Reform Act of 1832 was the first clear sign. When the nineteenth century began, England had an elaborate and almost changeless system of judge-made common law, largely unsuited to actual conditions. Fortunately, at about this time, the theory that law could be found but never made had been supplemented by the theory that law could be made and that Parliament could make—or amend—it. The theory of legal and constitutional supremacy of Parliament—its sovereignty, to use the word of the moment—lent aid to a society which needed legal change to adjust the law to facts.

When England, then, had to face the social changes produced by the industrial revolution, she based her theory of law on two assumptions—the first that law is to be *found*, by judges with the help of lawyers; the second that law may be *changed* or *made* by Parliament. In accordance with the first theory, many principles of English law are immemorially old and the courts do their best to preserve them. And however whimsical judicial decisions may sometimes seem, or however tedious it may be to look for the law in reports of hundreds of cases, rather than in the lucid paragraphs of a single code, judge-and-lawyer-made law has the advantages of stability and conservatism. But in a modern and changing world this law would be far too unyielding. Here the second assumption plays its part. Modern England possesses a Parliament quite willing to make statutes bringing the law entirely up-to-date, and does so constantly. And though judges and lawyers never like legislative change in the law, when Parliament has spoken, they

take its word as final. Consequently in law, as in so much else, England possesses the advantages of conservatism and stability, constantly corrected by the unquestioned authority of Parliament to make immediate and revolutionary change.[2]

THE BRANCHES OF THE LAW

The English law is divided into three branches—criminal law, civil law, and equity.

The criminal law deals with all situations in which the king (i.e., the community) has been injured by a person or group of persons. Murder, arson, burglary, and other crimes (though causing incidental harm to individuals) are legally supposed to be offenses against the king's majesty, and it is the king who proceeds against the criminal and asks redress and punishment.

The civil law deals with situations in which one individual or group of persons has injured another person or group of persons. If, for instance, one man has failed to live up to his agreement with another, the second man can bring a civil action against the first for breach of contract.

Equity is traditionally the third branch of English law. Centuries ago when the common law procedures and remedies had become so fixed that justice was not really done, the king's chancellor started the practice of intervening—as keeper of the king's conscience—in cases where justice was not done because the strict law did not apply. The procedure of cases "in chancery" as such cases are called, is different from common law procedure; in fact it is borrowed

[2] The Law of Property Acts, 1925, and the new divorce law of 1937, called the Matrimonial Causes Act are examples of acts of Parliament suddenly and radically changing principles and rules of law which were older than the Middle Ages.

from the other great system of law, that of Rome. But in the course of centuries, "equity" has come to be only a supplementary part of the law, dealing with a lot of difficulties between person and person which are not touched by the civil law. Questions of trusts, mortgages, injunctions, and wills are among the best known subjects of equity. To put it in very nontechnical language, equity is now a supplementary sort of civil law.

THE ENGLISH COURTS

Until the late nineteenth century courts for dealing with the three branches of the law were numerous, overlapping in their jurisdiction, and bound by an obsolete procedure. Dickens' *Bleak House* gives a gruesome picture of the court of chancery; the other courts were as bad. After half a century of agitation, in 1873, as one of Gladstone's great reforms, a new system of courts was set up, which is in existence to-day.

In classifying the existing English courts, one must take into consideration two dividing lines. One is between civil and criminal cases, which generally speaking are heard in separate courts. The other is between courts in London and courts in the country.

Criminal Courts

Original jurisdiction in criminal cases in the country is still in the hands of the justice of the peace. The justice of the peace, whose office is rapidly becoming a historic survival, was once the source and maintenance of local law and order. He was a substantial gentleman of the community, appointed by the Lord Chancellor at his discretion, serving without pay, not possessing professional training, and

exercising a great variety of judicial and administrative powers in his own county. In the course of time the justice of the peace in urban areas has lost all of his usefulness, and in rural areas is left only with a limited jurisdiction over criminal offenses. Still today, in the country districts original criminal jurisdiction is in the hands of justices of the peace, sitting either in Petty Sessions (two justices) or in the Quarter Sessions of all the justices of the peace of the county. A single justice may convict for minor offenses; he or a Petty Sessions may bind over a person accused of a serious offense to either the next Assize or the next meeting of the Quarter Sessions.[3]

The person "bound over" by justices of the peace is given his trial at the next Assizes. The Assizes are terms of court held by judges of the King's Bench Division of the High Court in London, who make the rounds of county towns and provincial centers, hearing criminal cases.

So much for original criminal jurisdiction in the rural areas.

In London and in the towns it is simpler. London has a Central Criminal Court (the famous "Old Bailey") which is in almost constant session. Other boroughs have professional judges called either "recorders" or "stipendiary magistrates," who hold criminal courts of first instance.

Until quite recent years no convicted criminal in England had a chance of appeal on the facts, or law and facts together, of his case. In 1907 a Court of Criminal Appeal was established, made up of judges assigned for the purpose from the King's Bench Division of the High Court. The Court of Criminal Ap-

[3] A government bill introduced into Parliament in 1938 makes it possible for a county to employ a paid professional magistrate in place of the Quarter Sessions.

peal is inexpensive, simple in procedure, competent both as to law and fact, and probably represents English justice at its very best. Rarely, leave is given to appeal a criminal case, on a point of law, to the House of Lords.

Civil Courts

Original jurisdiction in civil cases and cases in equity in England belongs to so-called County courts, established in 1846 and to be found in all towns of any size in England. From the County courts lies an appeal to the High Court in London. But if the amount involved is over £100 in a case in law or over £500 in equity, the case goes directly to the appropriate division of the High Court of Justice in London. This court was the great creation of the court reform statutes of 1873-1876.

The Supreme Court of Judicature, an inclusive name, was set up by the act of 1873. It consists of a Court of Appeals, and of the High Court of Justice which contains three divisions: the King's Bench division, the Chancery division, and the division of Probate, Divorce, and Admiralty. Appeals from the County courts go to the appropriate divisions of the High Court, and original cases of importance go also to the appropriate division. From all the divisions an appeal lies to the Court of Appeals. As with criminal cases, a final appeal in cases of civil law or equity may sometimes be taken to the House of Lords.

The Highest Courts

England possesses no "supreme court" in the American sense, for it is a historic principle that any case incapable of settlement according to settled principles of law is one of policy in which the final

decision should be made by Parliament—the "High Court of Parliament" to give it the historic name. But for final appeals on points of law England has two courts, totally different in historical origin but largely the same in personnel. They are the House of Lords and the Judicial Committee of the Privy Council.

Historically, the House of Lords has long been the highest court of appeal on points of law for questions of law and equity in England and Wales. The reformers of 1873 did away with the judicial powers of the House of Lords, but a counter-reformation of 1875-6 restored them. By custom, only judicial members of the House of Lords (present and former lord chancellors, lords chief justice, etc.) sit when the Lords are acting as a court. Since 1876 special "law lords," who now number seven, are appointed life members of the House to serve as judicial members. Consequently the House of Lords when acting as a court is composed of professional judges.

The jurisdiction of the House of Lords as a final court of appeal is limited to Great Britain and Northern Ireland, and to cases in law and equity. For appeals in ecclesiastical cases and from the other parts of the Empire, the final court of appeal is the Judicial Committee of the Privy Council. In theory this Committee is what it appears to be, a body advisory to the king. In fact, its procedure is judicial and its decisions are given the force of law. It is composed of the judicial members of the House of Lords together with additional persons learned in the law of the community from which the appeal comes. The dominions use it less and less, desiring to interpret their own laws at home.

THE BAR

In England, judges are always promoted from the ranks of practicing lawyers. In contrast to the countries of the Continent, the legal and judicial professions are one, and a strong bond of sympathy and a common point of view unite both the advocate and the judge. It can hardly be maintained that the function of presenting a case before an impartial arbiter is the same as the function of the arbiter. But the English emphasis is on the interpretation of the law, and here the joint efforts of judge and advocate are similar in nature. The bar and the bench are merely subdivisions of one legal profession.

In its organization the bar is an anomaly in modern England. No one can practice in the more important English courts who has not been admitted to the bar, and no one may be admitted to the bar who is not a member of one of the four Inns of Court. These Inns of Court—the Middle Temple, the Inner Temple, Lincoln's Inn, and Gray's Inn—are still private institutions. They possess property in the heart of London, much like the property of colleges—with libraries, dining halls, and residential and professional chambers. They administer their own affairs through their "benchers" who are elected by themselves from their own membership. To their membership they admit whom they like, though nowadays a young man or woman possessing the rather large fee, and respectable enough to get the recommendation of persons already members, is seldom refused admission. And the would-be barrister need only pay the fee, "eat dinners" for three years, and take some rather simple examinations, in order,

as a matter of course, to be called to the bar and legally entitled to practice in the English courts.

In no other profession, however, is it quite so difficult to succeed. Admission to the bar is no guarantee of income or success as a lawyer. These things come partly from proved ability, but largely (in the early stages at least) from influence. After admission to the bar the young barrister must "devil" for some successful barrister. That is, he must do the other barrister's work for him (in chambers and even sometimes in court) and without payment. (Indeed the privilege of "deviling" is eagerly sought, and there are not enough opportunities to go around.) The "devil," if he commends himself to his master, will be able to pick up crumbs from the master's table; in such a way are experience and opportunities gained.

The situation is complicated by the division of the legal profession into two parts, barristers and solicitors. The barrister pleads cases in court, and gives opinions on difficult points of law. He has contact with clients only through the solicitor. The solicitor is the man with whom the client must deal. Solicitors are also lawyers, of a nominally though not actually inferior sort. Solicitors must know the law; with them the Law Society takes the place of the barristers' inns of court and sees to it that they undergo an apprenticeship and pass examinations. Solicitors act as direct advisers to their clients, often as their "men of business", advising them on an infinite variety of matters. They also do the preliminary and preparatory work of actions at law, engage the barristers who conduct the case in court, and prepare the "briefs" from which the barristers plead. Traditionally inferior in popular esteem to the bar-

rister, they are equally essential to the business of litigation. The division of the profession of lawyer into two parts increases specialization and presumably makes for competence. It adds to the client's expenses, since he must pay two sets of lawyers. And since the solicitor stands between the client and the barrister, he is another factor in the success or failure of the barrister.

THE JUDICIARY

Judges are appointed from the ranks of successful barristers. They hold office during good behavior, and there is no retiring age, so that English judges are never young and are often very old. They are well paid.[4] Appointments to the three highest positions, Lord Chancellor, Lord Chief Justice, and Master of the Rolls, and of the seven law lords, are made by the prime minister. Other judicial appointments are made by the Lord Chancellor. As a general rule, appointments to the higher positions in the judiciary are offered first to the law officers of the crown, or other successful barristers who are political supporters of the government in the House of Commons, and appointment to lesser positions is not without its partisan flavor. The independence of the judiciary, an English boast, is nevertheless a legitimate boast; it arises from the judges' professional pride, their permanence of tenure, their adequate remu-

[4] Lord Chancellor £10,000 a year, Lord Chief Justice £8,000, Master of the Rolls £6,000; law lords £6,000; judges of the High Court £5,000; county-court judges £1,500. Only the highest judges would be likely to be able to average more than their salary if they remained in private practice. The salaries are a charge on the Consolidated Fund and are not dependent on parliamentary appropriations, so that in theory they are free from political influence.

neration, and the fact that promotion, though not unknown, is rare.

LAW REFORM

The administration of English law, so much admired in other countries, is meeting constant attack in its own country to-day. Proposals for reform may be summarized under three heads.

In the first place, England possesses no system of administrative law, and no administrative courts. Though this means that all officials are subject to the jurisdiction of the ordinary courts, it also means that in numerous cases where the wrong is one for which the "crown" is responsible, the injured subject can get no remedy, since the crown cannot be sued. There is a serious movement to allow actions against the crown to be entertained in the ordinary courts.

But there is a more important problem still than that of the liability of the government for tort. In recent years the government has established its administrative control over many matters affecting individual rights. Who is to determine whether the official who makes an administrative decision acts fairly and with due respect to individual rights? Does the immigration official properly exclude an alien? Has the inspector for the Ministry of Health decided equitably in approving a local slum-clearance scheme? Is an unemployed person receiving his due, or should his rate of assistance be increased? Such questions as these must be settled first by the use of administrative discretion on the part of an administrative official. But somewhere there must be an authority empowered to review his decisions. The decision as to whether administrative discretion has

been properly used might conceivably be left to the courts, though the matters involved are not those historically subject to judicial interpretation. But the English practice is different. The ordinary act of parliament laying new duties on public officials usually provides for some sort of appeal tribunal composed of members of the department concerned, and when Parliament has so provided the ordinary courts have no jurisdiction. Are not the administrative tribunals so created courts as truly as the historic courts of law, and might it not be well to consider them as such? Otherwise, will not more and more matters be transferred from the courts of law to less precedent-bound, less expensive, and less dilatory administrative tribunals?

In the second place the jury, so long reverenced as a palladium of liberty, is under an attack to which it has almost completely yielded. For many years the petty jury has been used only by exception in civil cases. The grand jury, which performs a preliminary inquest in criminal cases, was virtually abolished in 1933. The petty jury in criminal cases still survives, but even its value is being questioned.

In the third place, English justice is too expensive. In part the expense arises from an archaic procedure invented before the days of general literacy, and often resembling too much a trial by battle and too little an investigation of facts. Moreover, to the risk and expense always attendant upon any law suit are added the possible expense of appeals—and under some circumstances three appeals may be allowed in one case.

Other causes of expense are less easily remedied. English law, though often modified by Parliament, is still case law, the most time-consuming to deal

with and not the least unpredictable. The lawyer may be tolerant of the time involved; the client wants speed and certainty. Again, with English lawyers divided into barristers and solicitors, in almost every case the client must pay two fees instead of one. English justice is of a very high quality, but litigation has become an expensive luxury.

As a result, there has been a noticeable decline in litigation in the higher courts.[5] Business men have tended to replace litigation by a legalized form of arbitration. The London Chamber of Commerce has been a leader in the movement for law reform. Its agitation has resulted in a few simplifications of procedure.[6] A Royal Commission on the Despatch of Business at Common Law reported in 1936, but its recommendations dealt mostly with minor matters and were received without enthusiasm.[7]

CHAPTER VII

LOCAL GOVERNMENT

THE strongest tradition in English local government is that it should be in the hands of the people of the local communities. But complete self-government of small areas seems unsuited to modern conditions in a compact and populous country, and for many years the control of the central administrative departments over local administration has become more and more complete and effective. To-day Parliament and the administrative departments in Lon-

[5] *Annual Survey of English Law: 1935*, p. xxxii.
[6] The "new procedure" of the King's Bench Division in 1932.
[7] The Report is Cmd 5065 of 1936.

don determine policy, and supervise its execution; locally chosen authorities carry it out.

HISTORY OF LOCAL GOVERNMENT

Centuries ago began that distinction, which still exists to a considerable extent in local government, between the rural areas and the towns. It was assumed, as it still is, that the countryside and its institutions were the norm whereas the town or borough was an exceptional thing with special institutions of its own. Local government was primarily the government of people living spread out over the countryside, perhaps concentrated in small villages but nevertheless preserving simple ways. Government of rural communities was (until the middle of the last century) the handling of a few simple problems by people on the spot. Though by going back far enough one can find traces of democracy in English rural government, nevertheless for hundreds of years before the reforms of the nineteenth century, most of the business of local government had been done by highly selected persons —the justices of the peace. Each county had its own justices of the peace, who were originally agents of the central government to keep order, and later local judges in both civil and criminal cases. In the eighteenth century the justice of the peace became a local man-of-all-work, with increasing administrative functions. He was chosen by the Lord Chancellor from amongst the substantial gentry of his county and was usually a person of greater information, experience, and wealth, than his neighbors. Always an unpaid amateur, he was available when things had to be done and in his amateur way he did them.

The town was early governed as a separate unit, because the commercial activities of the persons who dwelt in it needed special fostering and care, and because the problems of a large compact population were more numerous and greater than those of the countryside. In early days, towns applied to kings for charters to allow them to set up special governments of their own. The *borough*, to use the technical name for the specially chartered town, valued highly its special privileges. The affairs of the borough were in the hands of a "corporation" which (though perhaps once chosen by the burgesses) came to be not infrequently self-perpetuating and corrupt.[1]

Up to the period of reform introduced by the great Reform Act of 1832, local government remained almost unchanged from generation to generation. The Reform Act of 1832, which was the beginning of modern parliamentary reform, was followed by acts equally revolutionary affecting local government. Three tendencies, still effective, began to control the local government. Local government grew more and more democratic. It became more and more standardized. It fell more and more under the supervision of the government departments in London. The Poor Law Amendment Act of 1834 began the present system of assigning a local function to local authorities and appointing an administrative authority in Whitehall to supervise them. The Municipal Corporations Act of 1835 reorganized the government of boroughs.

[1] "Town" is the name generally used in England for a large urban area; "borough" is the technical name for such an area if it is a municipal corporation. A "city" is usually an old cathedral town. "The City" means the city of London in some one of its aspects. To go to "town" means to go to London.

The form of municipal government in England to-day rests essentially on the act of 1835. This act provided one scheme of municipal government applicable alike to all boroughs. (The only exception is London). The borough is governed by a council. The council was to be elected, according to the act of 1835, by the rate-payers—persons who paid local taxes in the borough. Or rather, three-fourths of the council were elected by the rate-payers and one-fourth, called aldermen, were elected by the council itself. The presiding officer of the council and ceremonial head of the borough is a mayor, elected by the council, and nowadays usually elected annually from the senior aldermen in turn. Such functions as the borough had in 1835 were all entrusted to the council.

For a long time after 1835, local government *outside* the boroughs remained in the hands of the justices of the peace. As the functions imposed by Parliament on rural communities increased in number, the accepted procedure was to set up special districts with special officials (often elected) to manage them. Poor-law commissioners, highway, and sanitary district commissioners, and school boards are important examples. Rural government became more complex. At length in 1888 Parliament passed a Local Government Act extending the principles of borough government to the counties, and giving to the county councils powers of control over the countryside very similar to the control of the borough council over the boroughs. Thus there was restored to the citizens of the county a popular control over county affairs like the control of city dwellers over the city. When, at about the same time, the

parish was restored to its part in local government, it too was given a popularly elected council.

LOCAL GOVERNMENT TO-DAY

To-day the English system of local government has reached almost a limit of simplicity and uniformity. The areas are standardized. The largest and most important area is the county, which for purposes of government may have been subdivided, so that the governmental area is what is called an "administrative county." For example, the historic county of Sussex has been divided into two administrative counties, East Sussex and West Sussex. Next in importance comes the borough. Most boroughs, called "municipal boroughs" have the standard form of borough council and many powers, but they are under the authority of the county council of the county of which they are a part.

Some boroughs, however, the larger ones (the present lower limit for new ones is a population of 75,000), are called county boroughs. These county boroughs, which have the standard type of municipal government, are administratively separated from the county of which they are geographically a part, and have only one council, with the powers of both borough and county councils. Thus Oxfordshire is an administrative county while the city of Oxford is set off to form a county borough by itself. Within the administrative county, outside the boroughs, are to be found urban districts and rural districts. Urban districts, which are areas of comparatively congested population, have rather more powers than rural districts. Everywhere in England, in town and country alike, the lowest unit of government is the

parish which like all the rest of the units has its council, though its powers are few.

Boroughs and county boroughs to-day still have councils as provided under the act of 1835—the voters electing the councillors who are three-fourths of the membership, and the council electing the other fourth, who are aldermen, and the mayor. The councillors are elected for three years, the aldermen for six years, and the mayor for one year.

County councils are made up of five-sixths councillors and one-sixth aldermen, and have a "chairman" instead of a mayor. The chairman is usually a distinguished citizen of the county elected from outside the council. Aldermen in borough and county alike are elected by the councillors together with those aldermen whose terms have not expired, and may be elected from within the council or from without. The council sits as one body, and the powers of alderman and councillor are the same. The system of alderman provides two advantages. First, their longer terms give a certain continuity to the personnel of the council. Second, they may be persons, valuable as members of the council and recognized as such by that body, who would be unable, for some reason, to win in a popular election.[2] The council varies somewhat in size according to the population of the district it serves.

The Local Franchise

The franchise for local government elections is much more limited than for parliamentary elections,

[2] As for example an authority on education, elected as an alderman of the London County Council by the new Labour majority of 1934. Both as a woman and as a Socialist, she could not have been elected by popular vote to the Council in the part of London where she lived.

since it is possessed only by occupiers and their husbands or wives, and since recipients of poor relief are disqualified.[3] Thus in local elections a certain property qualification still exists, and the local government electorate is a trifle more conservative than the parliamentary electorate. This is notably true in the rural areas where sometimes almost half the parliamentary voters are not qualified for the local government vote.

Local Government Administration

Local government areas in England possess no separate executives. Neither the mayor of the borough nor the chairman of the county council has executive authority. Determination of policy and control of administration alike are consequently in the hands of the council. How does the council, especially in a large area, perform these duties?

The councils meet regularly and take their work seriously. They are guided in their deliberations by a "steering committee" (usually called the General Purposes Committee); and for each duty for which the council is responsible it chooses a special committee to determine policy and to control administration. The committees are standing committees. Their membership changes slowly. They may and often do add to their membership from outside the council, by co-option, and the co-opted member is a legal member of the committee though not of the council. The control of a borough police, for instance, is in the hands of the Watch committee of the bor-

[3] The Representation of the People (Equal Franchise) Act of 1928 defines the qualifications as either "occupation as owner or tenant of any land or premises in the area (including occupation by virtue of service, &c., and tenancy of unfurnished rooms)"; or "being the husband or wife of a person so entitled in premises in which they both reside."

ough council. If the borough manages an electric light plant, the control of the plant is in the hands of the Electricity committee. The Education committee controls the schools. The committee is responsible to the council as a whole, and it does not, of course, actually manage schools or produce electricity. It employs experts to perform the duties for which it is responsible. The Watch committee, for instance, engages a chief constable, the Electricity committee and the Highways committee employ plant managers and highway surveyors, and these experts employ the usual subordinates. With the combination of the non-expert council committee supervising the expert service of the trained employee, England retains in her local government, as elsewhere, the supervisory service of the politically chosen amateur and the expert service of the professional.

The committee system of local administration has worked so well in practice that little has been said against it. But it must be noted that as the functions of local government have increased (new ones often being added by act of parliament) control from Whitehall has also increased, so that the popularly elected councils and their committees are responsible in various ways to the administrative departments in London.

Functions of Local Government

Most of the important functions of local government are now performed by the counties or county boroughs. Only minor functions are performed by lesser authorities.[4]

[4] There has been a constant tendency to transfer powers to the larger units; the Local Government Act of 1929 makes many such transfers.

The major subjects with which counties must deal are the administration of poor relief, the provision of public health agencies, town and regional planning, the supervision of housing (and in some cases provision of houses), police, education, and roads and transport. They are also intrusted with a large number of miscellaneous duties. Boroughs have the ordinary duties and privileges necessary to municipal government. It is notable that they are also largely involved in what is known as "municipal trading."[5]

The money spent by boroughs and counties comes largely from two sources, local taxes or "rates," and grants from the Exchequer or national treasury. For assessing and collecting the rates, the counties are divided into rating districts. Rates are levied, according to need, upon property lying within the rating area. Since 1930 certain types of property are "derated." Factories, workshops, mines, and railways, canals, harbors, and docks, pay only one-fourth their local rates, and agricultural land is entirely derated. The theory behind derating is that enterprises represented by these forms of property need special encouragement. The Exchequer compensates the rating districts for losses through derating, by grants of money.

Recently an increasing amount of locally spent money has come from the national treasury because the poorer areas in the country cannot afford to pay, from rates, the cost of the duties imposed on them by Parliament. Local rates have sometimes risen to an almost prohibitive level. Since the Local Gov-

[5] Local authorities in England are responsible for four-fifths of the water supplies, four-fifths of the tramways, two-thirds of the electricity supply, and two-fifths of the gas supplies of the cities.

ernment Act of 1929 Parliament has not only given money to local authorities for special purposes, but has given a grant for the general expense of local government as well. This "block grant," so called, is calculated in a complicated fashion, its chief basis being population. It is in many respects hard to tell what proportion of the total expenses of local government are paid in various ways from the Exchequer, but in 1931 the amount was nearly one-half.

Control over Local Government

The system of control over local government by the government departments in London is old, but it has increased greatly since 1914. It has been greatly promoted by the system of grants-in-aid. A local police force, for instance, is under the control of the borough or the county authorities, and is paid by them. But if a police force meets standards set by the Home Office, in regard to training, members, pay, efficiency, and so on, the Exchequer will pay a proportionate amount of the cost of the force. This system of grants-in-aid, combined with setting of standards, prevails in most of the other social services, notably education. In education, for instance, the Ministry of Education not only contributes to the support of school systems which meet its standards, but may go so far as to insist that a local education authority organize its school system as the Ministry sees fit. In addition to control by grants-in-aid the central government controls local government by making regulations, by control over local by-laws, by control over local officers, by audit of accounts, and by inspection.

The present tendency is in the direction of a rapid increase in the amount of supervision and control

exercised by the central government over local administration. Not only do the departments in London control the things which the local governments do on their own initiative, but Parliament frequently requires local governments to take on new duties and to perform them to the satisfaction of a ministry.

THE GOVERNMENT OF LONDON

The difficulties (which are many) of understanding the government of London come chiefly from a lack of understanding of which London is meant.

One of the earliest and most important of royal boroughs in England was London—a city on the north bank of the Thames at London Bridge, with St. Paul's cathedral in the center of it. This London occupied and still occupies almost exactly one square mile of territory. To-day it is the nucleus of all the greater Londons. It still possesses its traditional overrepresentation in the House of Commons, its involved and undemocratic form of old-fashioned borough government, and a number of quaint and ceremonial officials such as its Lord Mayor. It also possesses its own police. Today its estimated night population of 10,200 persons are mostly servants of the financial and commercial enterprises who make "the City" as it is called, their headquarters. The daytime population of the city is almost half a million people. The franchise is exercised by a few thousands.

Around this original nucleus grew up long ago a vast metropolis, always called London but at first not coordinated at all from a governmental point of view. The first real governmental organization of a greater London was the establishment in 1829 of a Metropolitan Police District in which there is a single police force directly under the control of the

Home Secretary. This district is 692 square miles in area with a population of over eight million people. Residents within this area are ordinarily called Londoners.

In 1888 a consolidation of local government areas and powers in the well built-up part of the greater London area seemed desirable, and Parliament created the Administrative County of London with the London County Council to govern it. The area of the Administrative County of London is 117 square miles, and its present population is about four and a half millions. It is this area which is governed as a unit and is London in the usual governmental sense.

The London governed by the London County Council is a federated city whose units are the old City of London Corporation and twenty-eight metropolitan boroughs—Holborn, Kensington, Bermondsey, and the rest. Some of the most local of powers —such as those over elementary education, street lighting, branch sewers, public libraries, public baths, and so on—are exercised by the individual metropolitan boroughs. The rest of the functions of local government in London[6] are performed by the London County Council.

During the fifty years of its existence, the London County Council has become one of the greatest and most efficient city governments in the world. In organization and working it is almost identical with the government of the ordinary county-borough, except that the L.C.C. is larger and has more powers. The Chairman of the L.C.C. is usually a man of national prominence, but his position to-day is only that of chairman within and figurehead outside. The

[6] Except for a few others for which Parliament has created special authorities having special districts, like the Metropolitan Water Board.

effective leadership of the L.C.C. rests with the leader of the majority party. When, as has been the case since 1934, a party with a definite local program has been in control of the L.C.C., the leader is almost as powerful in his realm as the prime minister of England in his.[7]

POLITICS IN LOCAL GOVERNMENT

At first the members of county and borough councils, who are, it should be noted, the only elected local officials, did not stand for office as candidates of a political party. As years went on, local parties were established in many places. By the time the L.C.C. was formed most local elections were fought under party headings, and though the names might be local, the local parties were in substance allied with national parties. Since the growth in power of the Labour party, it has never been denied that most local elections, though occasionally fought on local issues, are contests between adherents of the great national parties.

The twentieth century has seen an even more rapid growth of Labour power in local elections than in the nation at large. The Liberal party, at the same time, has lost less local than national representation. Boroughs and counties to-day are usually controlled by either a Conservative-Liberal coalition, or by Labour. In 1934 the Labour party won a definite majority of the seats in the L.C.C. and kept its power in the election of 1937. In the London metropolitan boroughs, and in the boroughs outside London, Labour, still so weak in Westminster, is more

[7] An excellent sketch of the subject is *How Greater London is Governed* (1935) by Herbert Morrison, leader of the London County Council.

powerful than at the previous peak of its power in 1929.

CHAPTER VIII

THE EXPANSION OF ENGLAND AND THE GOVERNMENT OF THE EMPIRE

THE history of the English kingdom has been one of expansion. First Wales and then Scotland were united to the larger and more populous England, then Ireland was joined with Great Britain in the United Kingdom, until the entire British Isles were held under the same crown. Finally, in the eighteenth and nineteenth centuries, the English king became ruler over a vast and varied world empire. The assimilation into one kingdom of all nations within the British Isles, and the extension of that rule to non-British areas and peoples have been two of the great problems of modern British government.

WALES

Wales, a thinly settled, mountainous country, was conquered by the English king, annexed to England in 1536 in the reign of Henry VIII, and given representation in the English Parliament. Since from that time it has been one with the larger country in legislative and administrative organization, its peculiar political institutions long ago disappeared. By the end of the nineteenth century even the Welsh language had largely died out. Subsequently, a literary revival began, and developed into a vague and sentimental nationalist movement, of no political importance.

SCOTLAND

Scotland has never been conquered by England; the coming together of the two countries was a matter of convenience and bargaining. As a somewhat weaker but warlike neighbor, Scotland was an obstacle to the peace of England from the time the consolidated English kingdom reached the Scottish borderland. Though the boundary between the two kingdoms now seems to be logically located, for centuries it was fought over. The English kings, moreover, tried alternately to conquer Scotland and to bring about a closer friendly relationship through royal intermarriage. But English attacks on Scotland helped to create an intimate relationship between Scotland and France, both of which were habitual enemies of England. Scotland's differentiation from England (and close association with France) was indicated by its use of the Roman rather than the English law, its peculiar and un-English system of local administration, its parliament which resembled the French estates rather than the English Parliament, its universities which were continental in type, and its adoption at the Reformation of Presbyterianism, a distinctive form of Calvinism, rather than of the English variety of Protestantism. The strength of the Tudor monarchy in England, together with a series of intricate chances, put Mary Queen of Scots in her cousin Elizabeth's power, and caused Mary's son James VI of Scotland to be brought up a Protestant. When Elizabeth died in 1603 James, although not the statutory heir to the English throne, was the heir by hereditary right, and succeeded with the general consent of the English nation. Thus occurred a personal union between

the two countries. But although they henceforth shared a sovereign, they retained their separate legislatures. A century later the legislative union occurred, by the Act of Union in 1707. This act, passed by the two legislatures, stated the terms of a bargain. By it Scotland gave up her legislature and allowed her control of her own affairs to pass into the hands of a parliament of Great Britain, sitting in Westminster, in which she would have a minority. In return she became part of the English economic community. By specific arrangement she kept her law, her own church, her educational system, and her system of local government. After the Jacobite uprising of 1745, the Scottish Highlands were brought into the economic and social system common to the Lowlands and England, and the customs of the two countries became more and more assimilated to each other.

After the union, Scottish administration was directed from London. It remained usual, however, to pass many laws in two forms, one for Scotland one for England. Toward the end of the nineteenth century began the restoration of Scottish administration to Edinburgh. A secretary for Scotland was created to have charge of purely Scottish affairs. To-day the Scottish secretary sits in the British cabinet, and has the rank of secretary of state. Although a Scottish nationalist movement exists, like the similar movement in Wales it is sentimental rather than political.

Perhaps the greatest reason for the harmony between the Scots and the English which followed the union of the two crowns was the decision (in the celebrated Calvins Case) that after 1603 a citizen of one country was a citizen of the other, since both

were subjects of the same king. This opened all positions, official, professional, and commercial alike, to the citizens of the smaller, poorer, and perhaps more energetic nation, and since 1603 they have left Scotland in considerable numbers to make their careers and homes in England to the south. The present and the late archbishops of Canterbury, rulers of the English church, a very recent prime minister, J. Ramsay MacDonald, and one other twentieth-century prime minister, A. J. Balfour, were Scots.

IRELAND

The union of Ireland with England presented much greater difficulties than the Scottish union; for the roots of the Anglo-Irish difficulties lie deep in history. Since the sixth century when Ireland was the center of the most intense civilization that Europe then possessed, she has always retained her cultural individuality. At some distance from England, and across a sea on which England turns her back, Ireland for a long time went her way untroubled by her neighbor. Her internal political life matured slowly. Unlike England, she never came under the sway of a single king or the administration of one kingdom, but was ruled by local chieftains of local clans. Quarrels between Irish chieftains in the late twelfth century caused one of them to appeal to the king of England for help. From that time English kings interfered in Ireland and tried to conquer it. Though they succeeded in getting themselves recognized as Lords of Ireland, it cannot be said that the conquest was more than nominal. The peculiar difficulties in the situation between Ireland and England have arisen because Ireland

is not only distant but different from England. Serious difficulties began with the Reformation. The reformed English religion, officially imposed upon Ireland, did not hold the Irish, who remained persistently and convincedly Catholic. Because religious differences between Protestant and Catholic had political and even military implications, the Protestant sovereigns of England felt it necessary to settle Protestant Englishmen among the Catholic Irish, and to put Catholics under penal disabilities. The result of penal legislation was to exclude almost all Irishmen from official positions, the professions, and landowning. Their places and their property fell into the hands of the Protestant minority. In addition, Ireland was compelled to endure an economic system in which the control of her daily life and the profits of her activities were in the hands of aliens. Three times Ireland fought back, against Cromwell in the middle of the seventeenth century, against William of Orange at the end of that century, and in the rebellion of 1798. Convinced, after this last uprising, that England was unsafe as long as Ireland had any self-government at all, the English bought over a sufficient number of peers and members of the Irish Parliament to pass the Act of Union with England in 1800. The Irish Parliament gave up its life, and henceforth Ireland was represented in the British Parliament.

Legislative union between Great Britain and Ireland in 1801 was essentially as reasonable as legislative union between England and Scotland had been in 1707. But to succeed, like the English-Scottish union, it should have been accompanied by a mutual religious tolerance, which meant "Catholic emancipation," that is, the repeal of restrictions on

the Catholics. Unfortunately the union was not accompanied by Catholic emancipation, which did not occur until 1829. In consequence, the Union merely provoked further difficulties.

The two important developments in Ireland in the nineteenth century were the series of famines which resulted in an extraordinary diminution of population, both by starvation and by emigration, and the rise of a Home Rule movement. Home Rule, sponsored by an almost united delegation of the representatives of southern Ireland in the British Parliament, interfered for a generation with the normal course of English politics. The first two Home Rule bills failed, but the answer of the Unionists (the party who would give Ireland anything but self-government) was to improve the condition of Ireland by administrative reform and by subsidy.

By the time the Liberal party returned to power in England in 1904, the economic condition of Ireland was greatly improved. The Liberals were ready to grant Home Rule, and after almost a constitutional revolution passed the Home Rule bill in 1914. But its going into effect was suspended by the outbreak of the World War, and the war hurried political developments in Ireland as elsewhere. The Easter Rebellion in Ireland in 1916 showed that the southern Irish had advanced to a stage in which a moderate measure of Home Rule no longer satisfied them. Sinn Fein dominated Irish politics, and Sinn Fein was officially pledged to complete independence—an Irish republic. This, England would not tolerate, chiefly because she was at war and feared a hostile Ireland, but also because the Protestants who dominated Ulster dominated the government of Great Britain.

Many efforts were made by a well-meaning British government, Mr. Lloyd George's coalition, to settle the Irish question. Officially the Irish demanded the independence of a united Ireland; the representatives of southern Ireland in the parliament elected in 1918 were Sinn Feiners and refused to take their seats in Westminster. But Ulster, wanting to retain the union with England, rejected independence. An attempted compromise was enacted in the Government of Ireland Act of 1920. This act provided for two Irish parliaments, one in Belfast for Ulster and one in Dublin for the South (with a provision for eventual union.) Ulster accepted it, and the government of Northern Ireland came into existence. The Parliament of Northern Ireland has control of local affairs, and Northern Ireland keeps its representation and its full voice in the Parliament in Westminster. The government of Northern Ireland is an admirable example of geographical devolution.

The Irish Free State

Since southern Ireland did not accept the act of 1920, the civil war in Ireland increased in bitterness. Finally, in 1921, representatives of the Irish Republican forces and of the British government made a treaty, which the British Parliament confirmed by statute. Ireland (outside of Northern Ireland) became the Irish Free State, with powers of self-government and the status of a dominion like Canada. Its practical independence from Great Britain was at last won. Most of the Sinn Fein leaders accepted the treaty, and under their leadership and particularly under the long tenure of office of William Cosgrave as "president" of the Irish Free State, the republican opposition was put down and the eco-

nomic and political life of the country restored and efficiently reorganized.

The constitution of the Irish Free State was one of the most interesting examples of post-war constitution-making. The Free State remained bound to England by a nominal allegiance to the king; in other respects it appeared to be sovereign. It exercised the attributes of sovereignty, such as coining money, using its own flag, imposing customs duties, levying taxes, and raising armies. Its government was of an improved parliamentary type. There was for a time a two-chambered legislature. The lower house was chosen popularly, by proportional representation. The upper house or Senate was elected at large, but because it used its suspensive veto to block measures of the De Valera government, a constitutional amendment wiped it out of existence in 1936. The makers of the constitution took pains to secure that the government should be completely responsible to the lower house or Dail Eirann. The prime minister, or "president" was elected by the Dail. The majority of the other ministers must also be elected by the Dail, which was thus guaranteed a ministry whose majority was in accord with its own majority. A minority of ministers might be chosen by the president for other than political reasons.

In February, 1932, a general election in the Irish Free State put an end to the ten-year régime in which Mr. Cosgrave had governed ably and efficiently with the support of the upper and middle classes. On March 9, Mr. De Valera was elected President of the Executive Council, and a new régime began, backed by the rural population, the republicans (though Mr. De Valera had made no pledge to set up a republic), and many persons who

were tired of the austere policy of the Cosgrave government. The domestic policy of the De Valera government included the removal of the Oath of Allegiance from the constitution, the replacing of the governor-general, Mr. McNeill, by Mr. David Buckley (who was willing to live in obscurity), the imposition of high tariffs, and eventually the abolition of the Free State Senate. The English government, though disapproving, was willing to treat most of these matters as of concern only to the Free State. But Mr. De Valera also announced that he opposed the payment of the Land Purchase Annuities established under an agreement of 1925 between the Cosgrave and the British governments. They amounted to about five million pounds a year, and Mr. De Valera proposed to retain them until the British government could establish its claim to them in an impartial court. The British government, through Mr. Thomas, Secretary of State for the Dominions, expressed its view that the oath was an integral part of the treaty of 1921 and that to retain the annuities was the "manifest violation of an engagement binding in law and honour on the Irish Free State." In the hands of two self-willed persons, the disagreement led to a wrangle. The oath was eventually removed from the constitution, and the annuities remained unpaid. To bring the Free State to terms, Mr. Thomas introduced the Irish Free State (Special Duties) Act, allowing the British Treasury to impose duties on Free State goods to make up for the money withheld, and from July 15, 1932, duties of 20% were levied on the imports of many Free State goods coming into Great Britain, especially animals, meat, and dairy produce. The Free State government retaliated with heavy duties on British

coal, cement, iron and steel, and other imports. In spite of bounties paid by the Free State on exports to England, Anglo-Irish trade diminished heavily.

Contrary to English expectation, Mr. De Valera kept his working majority in successive elections, and the Cosgrave opposition grew progressively weaker. Mr. De Valera initiated and developed a policy of attempting to secure the economic self-sufficiency of Ireland and even its economic independence from England. This policy seemed satisfactory to the Irish; as it continued year after year, it worried the English government more and more. In times of international danger, England wants Ireland friendly to her. Under this new policy Ireland was growing more independent and certainly no more friendly.

The dangers of the situation were brought home to the English government by the Free State's attitude toward the abdication legislation of December, 1936. The Dail, meeting in special session, passed two acts which made a further sharp political breach between the Free State and Great Britain. By the less important of the two acts, it gave legislative effect to King Edward's abdication and designated his successor. By the other act, called the Constitution (Amendment) Act, the King was removed from the Oireachtas (Parliament) and the Governor-General (the King's representative) was deprived of the power of signing bills passed by Parliament, of summoning and dissolving Parliament, and of appointing judges. The intention was to remove the King completely from his authority within the Free State; it was clearly a step toward an Irish *republic* which should remain a member of the British Commonwealth of Nations. The King's authority re-

mained unchanged in relation to external affairs—the making of treaties and the appointment of diplomats and consuls.

The Irish Free State had been represented at the funeral of George V. But neither Edward VIII nor George VI was proclaimed king anywhere in the Free State. The Free State government refused to be represented at the Imperial Conference held after George VI's coronation. When the new King and Queen visited Northern Ireland, ceremonially, in July 1937, they did not cross the border of the Free State.

A New Constitution for Ireland

For several years Mr. De Valera had been suggesting a new constitution for the Free State. On May 13, 1937, his plan was introduced into the Dail, which resolved itself into a constituent assembly and approved the draft, with modifications, and submitted it to the people who approved it on July 1. It came into operation on December 29, 1937.

The most striking thing about the new constitution is that it calls itself a constitution for *Eire*, which is Gaelic for Ireland. Though until the "reintegration of the national territory" takes place, the constitution does not profess to apply to territory outside the twenty-six counties previously known as the Free State, it assumes an eventual reunion of Northern Ireland with the twenty-six counties. And for this Ireland (Eire) of whatever extent, it provides a republican constitution.

The President of Ireland is elected by vote of the people, for a seven year term. His duties seem to be very similar to those of the President of the French Republic; they are many and important, and in form resemble those of the President of the United States,

but in fact they can be exercised only on the advice of a prime minister responsible to the Dail.

The Parliament is comprised of two houses. The lower house, or Dail is elected, as it used to be in the Free State, by proportional representation. The Seanad is partly nominated and partly chosen to represent vocational and cultural interests. The Dail has sole power over financial legislation; disputes between the two Houses on other matters may be settled much as under the Parliament Act in England, or by referendum to the people.

The President, on the recommendation of the Dail, appoints a Prime Minister and other ministers, and their responsibility to the lower house is carefully secured. The constitution also provides for a Council of State, advisory to the President.

At the same election at which the people of the Free State voted on the new Constitution, a general election for the Dail was also held. Neither Mr. De Valera's methods nor his results, in such a politico-constitutional referendum, resembled those of Continental dictators. The constitution was accepted by a majority of about five to four, but Mr. De Valera's party (Fianna Fail) won only just half of the seats in the Dail.[1] But Mr. De Valera was immediately reëlected president of the executive council, or prime minister, by an overwhelming majority which included all the Labour votes.

Reconciliation with England

The new constitution served to create a further separation between England and Ireland. But Mr. Malcolm MacDonald, who had become Dominions

[1] Fianna Fail (De Valera) . 69
Fine Gael (Cosgrave) 48
Labour 13
Independent 8

Secretary, and Mr. De Valera consulted together from time to time so pleasantly that on April 25, 1938, an Anglo-Irish agreement was signed settling amicably the outstanding difficulties between the two countries. This agreement provided for the transfer to Ireland of naval bases which had been reserved by England in the treaty of 1921. It ended the tariff war between England and Ireland. It provided for an Irish payment of ten million pounds in settlement of the much disputed annuities, and an annual Irish payment for damages done during "the troubles." The settlement is a masterpiece of conciliation, for it removes all causes of disagreement between England and the twenty-six counties of Ireland, and reconciles many supporters of Mr. Cosgrave to governments presided over by Mr. De Valera. As a further sign of good feeling, the President of Ireland (Eire), elected without a contest in 1938, was the venerable Dr. Douglas Hyde, a Protestant Irishman, founder of the Gaelic League. Shortly thereafter Mr. De Valera caused the Dail to be dissolved, and in a general election in June 1938 his party won a comfortable majority over all other parties.

DOMINIONS AND COLONIES: GENERAL PRINCIPLES

Outside the British Isles, the possessions of the British crown can be divided into three classes: the dominions, the colonies, and India. Though the governments of the units differ widely amongst themselves, certain common principles give a distinctive flavor to the government of all British territories. The British Empire includes all sorts of peoples; it has to meet all sorts of economic and political problems. Because of its age, it possesses that set-

tled tradition which is so important both for stable administration and for adaptation to new conditions. Because of its extent, it employs innumerable officials, and many men of first-rate ability make careers in its service. Certain characteristics of the natives of Great Britain suit them particularly to the task of colonial administration. Honesty, energy, and efficiency are secured by making appointment to imperial services depend largely on merit. The more flexible-minded and sometimes adventurous Englishmen are those chosen to administer the empire. Finally, the fundamental English love of freedom is allowed considerable play in matters of imperial government. Two not necessarily conflicting principles enter here. For Anglo-Saxons (and other Europeans) the English believe in self-government. In ruling non-Europeans, the English are not afraid of almost any degree of autocracy, though they preserve a general prejudice in favor of a limited freedom. At the present time, much is being done to develop self-government amongst native populations, and no other colonial power approaches Britain in encouraging the use of native institutions as instrumentalities of self-rule.

THE DOMINIONS: GOVERNMENT

Except for India, the larger non-European portions of the British Empire are inhabited largely by persons of European and indeed of British descent, and are known as the self-governing dominions. The term "dominion" was first used when a word of vague meaning was needed for the Canada of 1867; it has come to have a distinct significance. Canada, Australia, New Zealand, the Union of South

Africa, and Ireland (Eire) are considered to have "dominion status."

Canada is the senior and typical dominion. The earliest European settlements in Canada were made by the French, in the St. Lawrence Valley, in what is now the province of Quebec. Upper Canada or Ontario originated in English settlements made after the English conquest of New France in the French and Indian Wars which ended in 1763.[2] Difficulties within and between the provinces, especially difficulties caused by the difference of nationality and religion between the French and the English, have existed ever since the English conquest. Up to 1840 British government of Canada was of the sort which had so definitely failed in the thirteen colonies to the south. In 1840 Lord Durham's commission made the epoch-making report which converted Englishmen to a belief in colonial self-government. This principle is one of the two bases of dominion government to-day. Subsequent difficulties in Canada suggested federation to supplement self-government. In 1867 the Parliament in Westminster passed the British North America Act creating a federation of all the Canadian provinces in the Dominion of Canada. This act, which established a constitution for the Dominion, was the precedent for the making of other dominion constitutions by act of the Parliament of the United Kingdom, and for the use of the federal principle, subsequently adopted in Australia and in South Africa. The nineteenth

[2] The other old parts of Canada are the maritime provinces—New Brunswick, Nova Scotia, and Prince Edward Island, which the English conquest and the migration of Tories from the United States at the time of the American Revolution made English in population. The three prairie provinces—Manitoba, Saskatchewan, and Alberta—and British Columbia have been organized since the formation of the Dominion.

and early twentieth centuries saw the continued and successful development of self-governing British communities outside the British Isles, and the Statute of Westminster of 1931 confirmed by statute the practical independence from the government of the United Kingdom which the dominions had come to possess.[3]

Newfoundland, a large, thinly populated island off the coast of Canada,[4] achieved responsible government in 1855 and from then until 1933 was self-governing. In that year an act of the British Parliament (approved by the legislature of Newfoundland) relieved the island from the burden of difficulties arising from political corruption and economic depression by suspending the constitution of Newfoundland and putting the island in the hands of a commission responsible to the British government. By the same act the British Treasury has taken over financial responsibility. Although efforts to unite Newfoundland with Canada have hitherto failed, the result of the present situation may be such a union.[5]

Australia, when first explored by the British about a hundred years ago, was a vast country rather thinly inhabited. Since only the coast and part of the hinterland are suitable for habitation, and the center of Australia is a barren waste, five colonies came into separate existence with their capitals in five coast cities; Tasmania, a separate island, made a sixth when, at the end of the century, confedera-

[3] The Statute of Westminster is analyzed below.

[4] It had a population in 1931 of about one quarter of a million persons.

[5] See Robert A. MacKay, "Newfoundland Reverts to the Status of a Colony," *American Political Science Review*, Vol. XXVII (October 1934), pp. 895-900. The new arrangement is nominally temporary.

tion seemed of economic and political value. The Commonwealth of Australia was created by an act of the British Parliament in 1900.

New Zealand has had responsible government and a parliamentary system since 1856. Up to 1876 the central government competed for power with twelve provincial councils; since that date the government of New Zealand has been unitary.

The Union of South Africa, which came into corporate existence in 1910, is an exception amongst the British dominions in that the population has never been predominantly British. It covers a vast area in the southern, which is the most temperate, part of the continent, and includes the four provinces of the Cape of Good Hope, Natal, the Orange River Free State, and the Transvaal. The original European settlement of the Cape Province was made by the Dutch. When Cape Province was acquired by the British as a result of the Napoleonic wars, the Dutch or Boers "trekked" inland and established the independent communities of the Orange River Free State and the Transvaal. Natal, on the coast east of Cape Province, has always been largely British. As a result of the South African War the two Boer republics were annexed to the British Crown, and by act of Parliament in 1909 the four South African colonies were united in the Union of South Africa.

The governments of all the dominions are modeled on that of the United Kingdom. The executive power resides in the crown, who is represented by a governor-general. Each dominion has a legislature whose house imitates the British House of Commons. Upper houses exist, and in the three federations, Canada, Australia, and South Africa they are federally constituted. Dominion judiciaries have the British char-

acteristics of independence and permanence of tenure. In ways determined by individual conditions, the several dominions struggle with their own peculiar problems, such as racial differences between English and French in Canada, and British and Boers in South Africa, the native problem in South Africa, and the difficulties of federalism in Australia.

THE DOMINIONS OFFICE

British supervision of the affairs of the Dominions was joined with that of the colonies in the Colonial Office until 1925 when a Dominions Office was created. Since 1930 the Secretary of State for the Dominions has been a separate person from the Secretary of State for the Colonies. Becoming self-conscious, the dominions have come to dislike the necessity of conducting all their dealings with the British government through a governor who was responsible to the Colonial Office, and for some years have had their own agents in London. Since the passage of the Statute of Westminster 1931, which acknowledges the independence of the dominions, the Dominions Office has become almost a second Foreign Office. The general initiation of the policies in regard to foreign affairs and problems of defense, which by common consent is left to the government of the United Kingdom, presents problems of technique, for the dominions are increasingly indisposed to follow British lead. The solution is usually full consultation in London by direct representatives of all the governments involved.

THE COLONIES

In contrast to the Dominions, the crown colonies are those possessions of the British crown over which

the British government retains (and often exercises) a real control. They are managed in a considerable variety of ways, with varying degrees of self-government. Some of them, such as Southern Rhodesia, are practically self-governing; others, such as Gibraltar, are administered by military or naval governors with comparatively little view to the interest of the inhabitants.

Certain principles of colonial government are common to practically all the crown colonies. In every case there is a governor who is the direct representative of the crown. He is a member of the Colonial service, which is a career in itself, and is sent from Great Britain. Performing the executive functions of the colony's government, he is responsible to the colonial office for the welfare of the colony and for its holding its proper place in the whole imperial system. He is assisted by a council, which may be more or less representative of the residents of the colony. In the smaller colonies, and those least European in population or type of social and economic development, the council is appointed by the governor (subject to the approval of the colonial office) and is an executive council; and the governor is responsible not only for carrying out local legislation but also for making laws. In a large group of colonies the council is of a mixed sort, partly appointed and partly elected by the citizens, or at least the citizens of European ancestry. Usually there is a property qualification for the exercise of the franchise. In some colonies there is a colonial legislature of two houses: a council and an elected representative house. The general tendency has been to grant an increasing degree of self-government to the more mature colonies, and in a few cases the

legislature has practical control over the finances of the colony. Thus Malta, after the war, was allowed to develop a system of responsible parliamentary government, as independent of the control of the mother country as any dominion.[6] In Southern Rhodesia the British settlers, who are in a distinct minority compared with the natives, have been granted responsible self-government.

Even in the most autocratically administered colonies, the judges act as a check on the governor. Judges are chosen by the colonial office, and not by the governor; they are appointed for good behavior, and are empowered to see that the acts of the governor shall be in accordance with law. The independence of the judiciary is a characteristic of the government of crown colonies, as it is of Great Britain itself.

The supervision of the colonies is in the hands of the Colonial office in London, presided over by a secretary of state for the colonies who is a member of the British cabinet. That is to say, the determination of general colonial policy is in the hands of the British ministry, and the administration of the colonies is supervised by a competent and experienced department of the British government. Questions of defense are under the control of the appropriate departments of government in London.

The great problems of colonial government are, first, the problem of reconciliation of the interests of the colony with those of the mother country and, second, the problem arising out of the mixture of

[6] This system broke down in Malta, and British control was reestablished, only because of local complications arising from the influence of the Fascists and the clericals from the neighboring Italian kingdom; most of the Maltese citizens are Italian in origin and Roman Catholic in creed.

races, and particularly the contact between the Europeans (usually a minority) and the natives who though in a majority are assumed to be in a lower stage of social and economic development. In the first matter, it can hardly be maintained that the colonies are governed completely in their own interest, though the exploitation of colonies in the interests of the British Isles is moderate in degree and comparatively friendly in manner. The second problem remains the greatest question of local administration in many colonies. Within most portions of the British Empire natives are treated well, and there can be no question that they are usually treated more fairly than if they were left entirely to the control of the local British and other European settlers. There seems to be no anticipation on the part of the British peoples that education and economic development will fit natives of the more backward colonies for self-government. In other words, there is no suggestion that crown colonies will ever cease to be subordinate communities, governed in the last analysis by Englishmen resident in London, as dependencies of the United Kingdom.

MANDATES—PALESTINE

By treaties made at the peace conference of Paris in 1919 Great Britain and some of her dominions received portions of former enemy territories to govern, under the supervision of the League of Nations, as mandates. Great Britain's Class B and C mandates, somewhat backward areas, have been governed virtually as part of the British colonial empire and are handled much like crown colonies. Great Britain was given three Class A mandates—territories which presumably would be fitted for self-

government in a reasonably near future and in which sound native ideals and practices of self-government were to be fostered. Iraq, the most important of these areas, was a mandate only from 1922 to 1930. In the latter year it received its independence. Transjordania is an Arab kingdom whose relations with other countries (except Palestine) are not very important, and which is almost as independent as if it were not a mandate at all. Palestine, Britain's third mandate of this class, presents major problems. Palestine, a country sacred both to Jews and to Christians, has for centuries been populated largely by Arabs, most of whom are Moslems. The British conquered it from the Turks in the war of 1914, and the peace conference allotted it to Britain as a mandate. According to the terms of the mandate, Britain is to establish in Palestine a Jewish national home, and the mandate guarantees the rights and position of the people already settled there. Furthermore, Britain is to establish self-governing institutions in Palestine.

The British government approved these difficult instructions which in fact it originated, and sent a number of able governors (particularly Sir Herbert Samuel) to rule Palestine. The difficulties between the Arabs already there, and the Jews who immediately came to establish a Jewish Palestine, have never been settled. The Arabs were numerous, poor, settled in their ways, and traditionally unfriendly to the Jews. The Jews, partly as a result of the Zionist movement and partly because of the persecutions in central Europe, have come in large numbers, often supplied with capital. The difficulties were increased by a very heavy Jewish immigration following the adoption by Germany in 1933 of an official policy of

persecuting Jews.[7] Jewish pressure and example led the Arabs to organize. Italian propaganda amongst the Mediterranean peoples, and Italian success in Abyssinia, lowered British prestige.

In 1935 the government of Palestine made known its plans for a Legislative Council for the country. Half the council was to be elected by the Arabs, one-fourth by the Jews, and one-fourth was to be appointed by the British authorities. Neither Arabs nor Jews were satisfied with the scheme. In April, 1936 broke out an Arab strike and insurrection, which lasted six months. It was directed first against the Jews but soon took on the nature of a rebellion against the British. The rebellion was put down, but disorder continued.

A Royal Commission was immediately sent from London to Palestine to consider the causes of the troubles there and to suggest a solution. The Commission reported in July, 1937. Its brilliantly written report was in tune with the British government's general attitude of the moment. Finding that the mandate had been unsuccessful in spite of England's long efforts to make it work, the Commission suggested the abandonment of the mandate. Instead, there should be created two independent states, one Arab and one Jewish. But to keep Jerusalem and its communications internationalized, and to make

[7] ESTIMATED POPULATION OF PALESTINE

(As given by W. K. Hancock in his Survey of British Commonwealth Affairs (1937), Vol. I, p. 440*n.*)

	Total	*Moslems*	*Jews*	*Christians*	*Others*
1922.....	757,182	590,890	83,794	73,024	9,478
1931.....	1,035,821	759,712	174,610	91,398	10,101
1936.....	1,269,965	781,789	370,483	106,474	11,219

Roughly all the Moslems, and 80% of the Christians and 90% of the Others are Arabs.

the port of Jaffa generally available, a small strip of country from Jerusalem to the coast should remain —as a British mandate. Though a glance at the map accompanying the report indicates that the worst central European problems of small states, "corridors," and minorities, would be reproduced in the new Palestine, the English cabinet was enthusiastic over the Commission's suggestions. The House of Commons was cool, but agreed that the report be sent to the League of Nations for comment. The government thereupon postponed action almost indefinitely by the appointment of a committee to decide where the new boundaries in Palestine should be drawn when the time should come to draw them.

INDIA

India is an anomaly within the British Empire. For many years it was a vast empire under its own rulers. It possessed a culture or cultures of its own, of a highly developed but non-European sort. In the eighteenth century France and England fought for the privilege of controlling and exploiting it. The British won the fight, and since that time it has been under an increasingly complete and comprehensive British control. For many generations this control was exercised by the British East India Company, a powerful private corporation exercising quasi-sovereign powers in India and under the very limited supervision of the British government at home. After the Mutiny of 1857 the British government took direct control of the Indian government. An Indian office in London, headed by a Secretary of State, has supreme authority over British India. But the size and complexity of British India have always required a vast and largely independent local

administration. The viceroy, a British subject of high standing and political experience appointed by the crown for a term usually of five years, has been the mediator between the government at home and the Indian government. Large (though decreasing) parts of India have remained under the nominal rule of native princes, but the influence of the government of India over the native states has increased until the principles if not the details of their administration have come to be entirely dictated by the British.

British rule in India has produced many effects, not all of which have been foreseen or willed. The country has been reorganized economically, and freed largely of famine and to some extent of disease. Intercommunication by rail, road, air, telegraph and telephone has been established. A community originally rural in character (though always possessing large cities) has been considerably industrialized, until the cotton mills of Bombay, for instance, compete with those of Manchester. The asperities of Indian social and religious organization have been somewhat softened. The British have encouraged the education of Indians along modern European lines by the establishment of institutions of higher education. And in a country divided between a large number of native languages, English has become the medium of intercommunication.

India has thus been brought into the sphere of modern Western economic life. At the same time, she has learned to accept as normal European ideas of social and political organization, and particularly English ideas of freedom and self-government. The result has been a conclusion on the part of the educated Indians that India should manage her own

affairs, and a corresponding conclusion on the part of an increasing number of Englishmen that she should have self-government. Though there were small and tentative steps in that direction earlier, the Government of India Act of 1919 marks the turning point in both theory and practice. Before that date India was a vast subordinate area and population. Since that date, the underlying assumption of Indian government has been that India should increasingly govern herself. Because the great English-speaking dominions have been securing their formal as well as practical independence from the British government, many persons have assumed that a steadily increasing degree of self-government for India would eventuate in "dominion status" for India. If so, the British Empire would contain a vast and important dominion controlled by citizens who were not British and who could not be counted upon to think and act along British lines. Such a situation would be new, and perhaps impossible; a completely self-governing India would perhaps not remain British. But though "dominion status" is the logical outcome of increasing grants of self-government, it is not to be assumed that the British themselves will draw logical conclusions from the premises, especially in matters of government.

India after 1919

In the system of government set up by the act of 1919, power was shared between the British rulers responsible to the British Parliament and governments in the provinces which were in some matters responsible to a narrowly limited native electorate. According to the act of 1919 the British-controlled

officials still had the final authority in all emergencies.

Since the act of 1919 the British problem of India has been two-fold. First of all the British must keep order (even if it meant, as it did, putting down rioting by force and taxing India heavily to support a British army) and see that the country was as well governed as possible. But at the same time, the British rulers of India were under a moral obligation to prepare persons and institutions for a rather rapid Indianization of the government of India and a large degree of autonomy with eventual dominion status. These objectives partly contradicted each other. Moreover, two native movements made the position of the English particularly difficult. Mr. Gandhi from time to time led millions of Indians in a movement for non-coöperation, and the Congress Party, which was strongly nationalistic and looked toward independence as its goal, grew increasingly powerful. In the years after 1919 the government of India provided much less freedom and maintained less order than earnest students of its problems desired.

It was the understanding, in 1919, that in another decade the government of India would be modified even further in the direction of native rule and freedom from Whitehall. A Royal Commission, headed by Sir John Simon, and composed of members of all political parties, was appointed in 1927 to suggest changes. The Commission reported in 1930. It proposed an all-Indian federation to include both the provinces of British India and the native states, but with the viceroy as agent of the British government retaining his existing emergency powers. An Indian parliament would be elected on the basis of population. The provincial governments would become

largely autonomous, their executive councils becoming provincial cabinets responsible to the provincial legislatures.[8]

The Simon commission's recommendations were much more conservative than English opinion expected, since the ordinary Englishman had become converted to the idea of an India with something approaching "dominion status." A number of the staunchest political supporters of the National government, on the other hand, looked upon the proposals as dangerously radical. The government wisely took its time. A Round Table Conference was held, attended by Englishmen and Indians, lasting from November 12, 1930 till December 1, 1931. The government then outlined its policy, which won the approval of a majority of the members of the House of Commons. 1932 was spent in trying unsuccessfully to convert the "die-hards" of the Conservative party to approval of the policy.

In March, 1933, the government issued a White Paper outlining its plans in further detail.[9] In addition to provincial autonomy, it proposed a federal government with considerable responsibility, the federal government to be set up as soon as the native princes agreed to it. The executive was to be a governor-general who should be viceroy for relations with outside states and internally the head of the federal executive. In the latter capacity he would be advised by ministers responsible to the legislature in dealing with all subjects but those of defense, external affairs, and ecclesiastical affairs. He would be given emergency power to secure peace and tranquillity.

[8] *Report of the Indian Statutory Commission* (1930).

[9] *Program for Constitutional Reform in India,* Cmd 4268 of 1933.

safeguard the financial credit of India, and protect minorities.

In this scheme the government was proposing a compromise plan which essentially represented the moderate conservative views of the National government and was reasonably acceptable to the Liberals and the Labour M.P.'s. Some supporters of the Labour party, however, were dissatisfied with the proposals, for they had come to the view that the continued dependence of India on England was a hindrance to the development of completely democratic government in England itself, and that the economic exploitation of India by the British was not unrelated to the exploitation of labor at home. On the other hand, an increasing weight of English conservative opinion was coming to feel that to give even this much autonomy to India was really to relinquish India altogether, and that a Britain without its Indian empire would no longer be the Britain of the glorious past. Since a free India would be an even more successful economic competitor of Britain than it is at present, ardent "tariff reformers" lent their strength to the "die-hard" cause on India.

Because of the danger of splitting the Conservative party, the government tried another conciliatory expedient. It appointed a Joint Select Committee of sixteen lords and sixteen commoners to conduct hearings on the White Paper proposals and to report before the government should introduce legislation. The committee represented all parties, but a majority of the House of Commons members were in favor of the White Paper plan, and Lord Lloyd, Mr. Churchill, and Sir Henry Page Croft the leading die-hards refused to serve on it.

Eventually a bill based largely on the White Paper

of 1933 was introduced into Parliament, and given the royal assent on August 2, 1935. It was in two parts. Part I created legislatures in eleven provinces of British India; they were to be elected by a fairly wide franchise, and seats were designated for special groups of voters (e.g. Hindus, Mohammedans, resident Englishmen, etc.). The cabinet of a province was to be responsible to the legislature, though the governor, who was responsible to the viceroy, might exercise a veto on its acts when questions of peace and tranquillity, minorities, or finance was concerned. Part II of the act provided for a federated central government of India of which the parts were to be the provinces of British India and the native states still ruled by their native princes. This all-Indian federation was to come into existence only when enough native princes had approved it. The Viceroy or Governor-General is to occupy the same position in relation to the cabinet of the federation as do his subordinates the governors in relation to the cabinets of their provinces. Elections to the federal legislature are to be indirect. The indirect election of the federal legislature, together with the reactionary influence of the native princes, seems to be a considerable obstacle to popular native control over the all-Indian federation.[10]

In January and February, 1937, elections were held for the provincial legislatures. On April 1, 1937, Part I of the Act went into effect. The Congress Party, by this time pledged to a boycott of the act, got majorities in six provincial legislatures and pluralities in three others. The Congress Party refused to form ministries; the first cabinets, then, in

[10] The Act separates Burma from India and gives Burma a government after the Indian model, but unitary rather than federal.

nine out of eleven provinces, were minority governments. A compromise arrangement was soon made between Mr. Gandhi and the viceroy Lord Linlithgow, by the terms of which governors of provinces with Congress cabinets would refrain from captious interference, and the Congress party took control of the governments of seven provinces. Provincial autonomy and responsible government seems on the way to successful working.

Part II of the act, setting up the central legislature, is not in effect, nor are the British likely to force it so long as the Congress party maintains its complete opposition.

Though there is a greater amount of native government in India today than ever previously since the British conquered it, the achievement falls so far short of Indian demands that tension continues. George VI's Coronation Durbar, planned for 1938, has been indefinitely postponed.

IMPERIALISM AND IMPERIAL ORGANIZATION

If it is true that England acquired its empire in a fit of absence of mind, it is equally true that she has now become extraordinarily conscious of her empire and its meaning. She shares this almost morbid consciousness with the other European nations, with the United States, and with Japan. All great and mature nations to-day are affected by the movement called "imperialism," and no discussion of the British Empire is complete without some consideration of the ideas of imperialism which have been prevalent in England for more than fifty years.

For several generations after the loss of the thirteen American colonies, it was the general belief in England, held by all parties, that with political

maturity all colonies would separate themselves from the mother country. This expectation caused no one any discomfort, and the policy of the British government during most of the nineteenth century was in accordance with this idea. A change came, however, noticeable as early as the 1870s, and England began to desire to dominate, and to acquire rather than to release, subject communities.

This movement in thought was shared by all the mature countries of Europe. Its bases were numerous. There were powerful economic factors. England and other industrialized countries needed markets for their goods, and sources of supply for raw materials. It was easier to use colonies for those purposes than to buy and sell from competitors, for in a world in which all nations were hastening to industrial maturity, they tended to look on one another as rivals. The great industrial developments of the nineteenth century, combined with a resultant increase in the standard of living for the working classes, and an understanding of hygiene which prolonged the average life of the population, made mature nations conscious also of a problem of overpopulation. The world was getting filled up, and surplus population (which must go somewhere) would find an easier refuge in areas under the flag of the mother country.

A racial element entered into the matter. There came to be prevalent in many countries (especially perhaps Germany, France and England) the idea that "races" or nationalities differed in quality and (what is more) that there was a sort of hierarchy of races in which one was superior to another. Anthropologically, the idea was false. But obvious differences such as of color of skin began to impress the

unthinking, and with the natural prejudice which has always existed in favor of one's own kind, each nation began to feel superior to all others. The feeling of superiority was more easily justified apparently, on the part of those peoples which has been most successful politically or culturally. It was easy for the British, with their great wealth, renowned institutions, and vast empire, to feel themselves superior to all other races. The great past of France, and its cultural preëminence, encouraged Frenchmen to believe in France's *mission civilisatrice*—her duty to remake the world in her own image. The sudden success of the newly created German Empire encouraged similar feelings amongst the Germans. But few nations were exempt. And even if scientific anthropologists pointed out that all peoples were mixed, and that "nationalities" were not "races," the differentiation of languages, and the spread of education in the national tongue, seemed to prove the contrary. Where members of the white race came in contact with members of other races—especially the black—the success of the white race in the techniques of European civilization gave whites a feeling of superiority to "natives."

The final motive in the development of imperialism was the desire for prestige. In the late nineteenth century the European nations were intensely conscious of their rivalry, and if one possessed a colonial empire the others felt a need for similar possessions.

Under such conditions it is not surprising that the British, who had been ready to give up their colonies early in the century, now meditated expedients for keeping what they had and even adding to them. The division of Africa between the European nations was the culmination of the imperialistic movement

of the nineteenth century. England with her usual luck and enterprise got the largest share of the valuable territories. At the end of the Boer War she emerged predominant in Egypt (nominally self-governed), with all of South Africa and a considerable portion of central Africa under her flag, and with almost all the territory between the Cape and Cairo in her possession. In America, Canada, the only great area not an independent nation, was British. Australia, New Zealand, and many of the islands southeast of Asia were hers. In Asia she possessed India, and also Ceylon, Burma and Beluchistan. Siam and Afghanistan were under her influence, and Tibet was entered by her alone.

British imperialism did not limit itself to the acquisition of new areas; it included in its program the consolidation of the empire that existed. In 1887 was held the first conference in which representatives of the dominions met in London. Similar conferences, later called "imperial," were held at intervals, and sponsors of what was called "imperial federation" hoped for a closer political integration of the empire.

The war of 1914 hastened developments in this field. Citizens of the dominions showed a gratifying eagerness to volunteer for service in France. The Imperial War Council and other wartime organizations were instruments of actual coöperation for purposes of the emergency. In 1916 Mr. Lloyd George achieved the prime ministership of Great Britain, and instituted a War Cabinet of six members, to perform the usual functions of government in England; it contained a representative of the empire in the person of General Jan Smuts of South Africa, who combined military experience and ability with a gift for statesmanship. The same War Cabinet included

Viscount Milner and Sir Edward Carson, two Conservative statesmen who had been imperialist leaders, one in Africa and the other in Ulster. Mr. Hughes, prime minister of Australia, spent many months in England lending his great reputation to the cause.

In the Peace Conference in 1919 the dominions were represented by large delegations. They had their appropriate share in the deliberations, and when the peace treaties were signed the dominion representatives signed them side by side with the British representatives, as separate plenipotentiaries of the same English king. In the League of Nations the four self-governing dominions, Canada, Australia, New Zealand, and South Africa, became members, as did India and, after its establishment, the Irish Free State. The result of the events from 1914 to 1919 was to secure to the dominions greater recognition of their equality with the mother country, and their actual independence from her, and at the same time to bring about greater coöperation between the statesmen of the empire. It was directly after the war that the phrase, "British Commonwealth of Nations" began to be used as a synonym for "British Empire."

Those imperialists who hoped that the Imperial War Cabinet would continue in a modified form as an instrument of imperial government were disappointed when the exigencies of English politics caused Mr. Lloyd George (after the election of 1918) to return to a cabinet of normal size and make-up. Some sort of an imperial legislature had been dreamed of, but was impracticable, since it would be powerless unless composed of representatives of the governments of the dominions, and yet such

representatives would lose their authority at home if they spent the necessary part of their time meeting together at London or traveling between London and such distant capitals as Ottawa, Cape Town, Wellington, or Melbourne. Imperial conferences continued, however, and were held in 1923, 1926, 1930 and 1937.

The Imperial Conference of 1926 was signalized by a great pronouncement of constitutional importance. Its committee on interimperial relations, presided over by Earl Balfour, issued a statement explicitly recognizing the independence of the dominions from control by the mother country. It was agreed that henceforth the governor-general must take advice (on behalf of the king whom he represented) only from the government of the dominion. As a corollary, the choice of a governor-general has come to be made by the dominion government. The privilege of appeal to the judicial committee of the privy council, as a supreme court, was retained with the expectation that a more definitely imperial body should presently be created. And it was agreed that the British government should have primary and initial responsibility for the foreign policy of the empire, and for its defense. Treaties would be binding on the dominions, however, only if ratified by them, and dominions could possess (as they already did) their own independent armed forces. The Declaration of 1926 was an admission that the Dominions, like the mother country, were "autonomous Communities within the British Empire, equal in status, in no way subordinate one to another in any respect of their domestic or external affairs, though united by a common allegiance to

the Crown, and freely associated as members of the British Commonwealth of Nations."[11]

Certain technical and legal problems, particularly that of the legislative competence of the dominion parliaments, could hardly be settled by such a declaration of policy. Negotiations continuing over several years resulted in the drawing up of the Statute of Westminster of 1931 which put the Declaration of 1926 and its implications into statutory form. The Statute of Westminster deals with the powers of dominion legislatures, the title and succession to the throne, and the conduct of foreign affairs. By it, the jurisdiction of the Parliament of the United Kingdom no longer extends to the dominions, and no law made by the Parliament of the United Kingdom may extend to a dominion without the dominion's consent. Each dominion Legislature is sovereign within its territory, and over its citizens wherever they may be. The title and succession to the throne, determined by an act of the English Parliament of 1701, are now dependent not on that parliament alone, but on the joint action of the parliaments of the United Kingdom and of the several dominions. The governor-general of a dominion, who represents the king, is no longer chosen by the king on the advice of the government of the United Kingdom, but by the king on the advice of the government of the dominion concerned. Finally, the conduct of the foreign affairs of a dominion is in the hands of the dominion government, the dominions may make treaties in their own right, and no treaty is binding on a dominion unless approved by it. The Statute of Westminster was passed by the

[11] The report is in Cmd 2768 of 1926. It will be found in *Annual Register for 1926*, pp. 93-106.

Parliament of the United Kingdom and the dominion parliaments in identical form. From December 1, 1931, the dominions are legally as well as politically on terms of complete equality with the United Kingdom.

Two conflicting forces have been working within the empire—one for governmental disintegration, the other for economic coöperation. The first had triumphed. But the triumph of the second was only delayed. An economic emergency in Great Britain brought into existence a parliamentary majority that believed in protective tariffs, and an Imperial Economic Conference in Ottawa in 1932 saw the making of tariff agreements between dominions and mother country which went a long distance to satisfy the proponents of an economically integrated empire, segregated by tariff walls from a non-British world.

And yet this triumph for the proponents of imperial autarchy was only temporary. When the original five years' life of the Ottawa agreements came to an end, most of them were considerably modified, with the idea of facilitating world trade rather than of restricting British trade within the Empire.

In 1937 an Imperial Conference held its sessions immediately after the coronation of George VI. The conference was consultative rather than legislative; it served merely as a forum for the exchange of ideas. England was pleased at the general support for her foreign policy expressed by the conference after hearing a speech by Mr. Anthony Eden; and there was unreserved approval of the English rearmament program. The Irish Free State, which was not represented at the coronation, did not attend the Imperial Conference.

CHAPTER IX

PARTIES AND POLICIES, 1918-1931

BEFORE the war, England was an advanced and progressive community, essentially *laissez faire* in her economic life, and aristocratic (with a large admixture of democracy) in her political affairs. As a result of comprehensive changes since 1919, she has become a "social service" state, more and more highly integrated economically, with greater and greater powers of initiative and control centered in the government. This development continued more or less smoothly until 1931, when a severe financial and political crisis arose, and since 1931 a second series of important changes have occurred.

THE LLOYD GEORGE COALITION

The four years of war, from 1914 to 1918, were a period of strain, in which traditional governmental practices were much modified "to win the war." When the war was over, what was England to become?—"a land fit for heroes to live in," answered the prime minister, Mr. Lloyd George. Mr. Lloyd George had for two years presided over a coalition government. As soon as the armistice was signed, he called a general election, to give him a free hand for making peace and for domestic reconstruction.

The wartime parliament had had a Liberal majority. The parliament elected in the "khaki" election of 1918 contained a large coalition majority, and through the exertions of the Conservative organizers the new coalition was dominated by a Conservative

bloc consisting of a clear majority of those members of the House who took their seats.[1] The Liberal party had split, largely over the question of leadership; of its two groups the "coalition" Liberals supported Mr. Lloyd George and the "independent" Liberals followed Mr. Asquith. The Labour party, which had once been represented in the coalition, was in opposition and in 1918 won a much larger number of seats than ever before. In the new parliament it was the largest opposition group.

In January, 1919, Mr. Lloyd George announced a peacetime government which included most of those who had been in office during the latter part of the war. Until October, 1922, England continued to be governed by Mr. Lloyd George's coalition, in which the oil and water of Liberalism and Conservatism were strangely intermingled, and only constant agitation by the prime minister himself secured even momentary cohesion between the particles.

Peace was made in 1919, and it was considered a satisfactory and victorious peace. The task of social reconstruction was badly done—though one might ask what country did it better. For constructive work of any value, the House of Commons elected in 1918 was useless. As one of its members said, it

[1] The 1918 results:

Coalition Unionists	334
Coalition Liberals	136
Coalition Labour	13
Unionists	50
Liberals	29
Labour	59
Nationalists	7
Sinn Fein	73
Others	6
	707

The Sinn Feiners, who included Madame Markievicz, the first woman elected to Parliament, did not take their seats.

was full of hard-faced men who had done well out of the war. Referring to this situation and also to the greatly enlarged Labour opposition, the prime minister himself is said to have referred to his own place as one where he had the Federation of British Industries at his back and the Trades Union Congress opposite him.

A government with such backing naturally concerned itself first with order. England did not return completely to the *laissez faire* system of pre-war times. And in certain respects new controls were imposed. The Aliens Restriction Act passed in 1919 and the Aliens Orders based on it became a charter of privileges for the Home Secretary and of limitations for aliens, and transformed England from a place of free immigration and refuge to a country in which aliens are admitted only on sufferance and at official discretion. The Emergency Powers Act of 1920 authorized the proclamation of an English equivalent of the "state of siege" so familiar to continental Europeans but previously unknown to English law. By this act the government in case of emergency could, by proclamation, assume a large number of unusual powers and impose a great many restrictions on the freedom of members of the community. The only check on the government was to be that Parliament must be called into session and must approve regulations under the act, and that such regulations would expire within a month unless renewed with parliamentary approval. In 1920, 1921, and 1926 this act was the major defense of the government against the strikers.[2]

The chief domestic problem after the war was that

[2] In 1926 resolutions under the act were kept in existence for eight months.

of labor. With the end of the war began a period of tension between the working classes on one hand and the upper classes and the government on the other. During the war labor had been paid well and worked hard; it could not be expected to return to the condition of stolid poverty which had been the traditional lot of the urban working class. In addition, the army was being demobilized, inevitably causing economic maladjustment and flooding the labor market with war-tired and often untrained men who must be assimilated if the community was to survive. The resulting labor unrest came to its greatest crisis in March, 1919, when uprisings in the army over delay in demobilization, and threats of police, railway, and transport strikes combined with the beginning of the trouble over the coal mines. Concessions to the railway and transport workers were made, though not too soon to prevent a serious railway strike from September 26 to October 6. After a police strike, in August, the Police Act of 1919 was passed, radically improving the condition of the police and organizing a Police Federation through which grievances could be adjusted.

The question of the mines remained unsolved. The government appointed a commission presided over by Mr. Justice Sankey to examine the problem, but when a majority of the commission recommended nationalization, the government refused to act on its recommendations. Two serious miners' strikes resulted, one in October, 1920, and another in 1921. In both cases the miners just failed of having the actual support of a Triple Alliance including railway and transport workers, and the favorite Labour motto of the day, "direct action," just failed of being tried. In both strikes states of

emergency were proclaimed under the Emergency Powers Act of 1920. Though the major credit for conciliation in these labor troubles belonged to the prime minister, Labour learned a distrust of him from which he was to suffer later.

The problem of unemployment began to be serious with the depression of 1921. In 1920 an Unemployment Insurance Bill made a great advance on the act of 1911 by extending insurance to all trades except agriculture and domestic service and by increasing the amount of contributions and of benefits. Supplementary acts of 1921 and 1922 made conditions of obtaining benefit easier, extended benefits to dependents, and began the practice of borrowing for the insurance fund.

Financially, England was suffering from the war. Taxes were high, the national debt greatly increased, and expenses of government higher. The coalition accomplished a little in the way of retrenchment. High and general tariffs as a source of the needed increase of revenue (and also to protect industries) were a remedy of which Conservatives were beginning to think seriously.

In imperial affairs, the Lloyd George coalition made two successes. It gave a new constitution to India in 1919, and made peace with southern Ireland in 1921.

The weakness of Mr. Lloyd George's coalition lay largely in the fact that he, nominally a Liberal, was head of a government in which Conservatives had a majority. Most Liberals distrusted Mr. George who, they felt, had improperly ousted Mr. Asquith in 1916. Labour preferred to oppose both older parties. When, therefore, the Conservatives, who were a majority in the House of Commons, met at the

Carlton Club on October 19, 1922, and voted no longer to support the coalition, Mr. Lloyd George at once resigned, and went into the political wilderness almost alone. The Conservatives elected Mr. Bonar Law their leader, the king appointed Mr. Law prime minister, Mr. Law dissolved parliament and won a striking success at the polls. With representatives of the Irish Free State no longer sitting at Westminster, the House of Commons consisted of 615 members. Of these 344 were Conservatives. Labour greatly increased its representation, to 142 members. The Liberals were divided into a group of 61 National Liberals who followed Mr. Lloyd George and a group of 53 Liberals who acknowledged Mr. Asquith's lead.[3]

BONAR LAW AND BALDWIN

Mr. Law's cabinet omitted the names of some Conservatives (such as Lord Birkenhead, and Mr. Austen Chamberlain) who had been peculiarly close associates of Mr. Lloyd George. Otherwise, it was a thoroughly representative party cabinet, including such elder statesmen as Lord Curzon, who kept his position as Foreign Secretary, and Viscount Cave who was made Lord Chancellor; such typically old-fashioned Conservatives as the Marquess of Salisbury and the Duke of Devonshire; and amongst the new men reactionaries like Colonel L. C. M. S. Amery, First Lord of the Admiralty, and liberals like Mr. Stanley Baldwin who became Chancellor of the Exchequer. Mr. Bonar Law himself had been Conservative leader since before the war, and though closely associated with Mr. Lloyd George during

[3] There were also 12 independents, 2 (Irish) Nationalists, and 1 Sinn Feiner.

most of the latter's term as prime minister, had always typified a thoroughly partisan Conservatism. Many of the members of the cabinet were under the disadvantage of occupying such a position for the first time, but the government as a whole had the great advantage of being the first party government since 1915. With the restoration of party government, the House of Commons resumed its traditional position as careful critic of the ministry, and began to regain the prestige which had been lowered if not lost during the parliament of 1918.

Mr. Bonar Law's service as prime minister lasted only seven months; he was forced to resign through illness. The question of his successor indicated the coming of a new era. Lord Curzon, who had served his party faithfully, was its leader in the House of Lords and had every expectation of becoming prime minister. But the king accepted Lord Balfour's suggestion, that the prime minister must be in the Commons, since the Labour opposition was not represented in the Lords. Mr. Stanley Baldwin, who had been a popular Chancellor of the Exchequer, succeeded Mr. Law.

The Bonar Law-Stanley Baldwin government, though backed by a sufficient majority, did not find the conduct of affairs easy. Unemployment reached a temporary peak early in 1923, and there was a Hunger March on London in which, for the first time, an interest was taken by the Trades Union Congress, hitherto too conservative to approve hunger marches. The government continued unemployment relief under the presumably temporary arrangements of previous legislation. The government had great difficulty in its foreign relations and lost popularity thereby. It had to yield to Turkey in the

Near East. Worst of all, when united and pacific efforts failed to force Germany to pay reparations, the French occupied the Ruhr in January, 1923, against the opposition of the British. Perhaps the occupation of the Ruhr did more than anything else to turn British sentiment against the French policy of harassing Germany and toward a policy of encouraging German recovery. The British government was divided in sentiment, at first, and did not quickly enough adjust itself to the feeling of Parliament and of the country, which grew steadily more anti-French.

In spite of a rapidly decreasing popularity, the government might have stayed in office for a long time, but for its inept handling of the question of protection. Ever since Joseph Chamberlain's protectionist campaign had split the Unionist party in the first decade of the twentieth century, Conservatives had been divided between free traders and believers in tariffs. Wartime restrictions on trade had encouraged protectionist sentiment in the party, and most of the more energetic Conservatives had adopted a belief in protection. When Mr. Bonar Law dissolved Parliament in 1922, he pledged his party not to change the fiscal system during the life of the new parliament. Mr. Baldwin, himself an opportunist on the question, felt bound to honor the pledge.

But in the autumn of 1923 the dominion prime ministers, who were in London for an Imperial Conference, appealed to the English government to aid them by protectionist legislation. Too honorable to pass tariff legislation in the existing parliament, Mr. Baldwin dissolved the House of Commons.

In the general election of 1924 most of the Con-

servatives followed Mr. Baldwin's lead. He proposed a moderate protectionist program, presenting it as the only remedy for unemployment. The election was undesired by all parties. The Conservative party lost its majority, though its group in the House of Commons remained the largest. The Liberal party, strongly free-trade and reunited by the tariffs issue, gained considerably. The Labour party benefited by two things, its definite opposition to the tariff proposals of the government, and the strong drift to the left which had been shown during the year. Mr. Baldwin met Parliament, but was at once defeated on a free-trade motion supported by both opposition parties, and resigned.

Much conservative feeling was opposed to the Labour government, and would have supported a Liberal-Conservative ministry led by Mr. Asquith, to "save society" by opposing socialism. Mr. Asquith, however, determined to give a Labour ministry a "fair chance," and both he and Mr. Baldwin exhibited marked parliamentary courtesy to Labour during its brief term of office in 1924.[4]

THE FIRST LABOUR GOVERNMENT

The important thing about the Labour government of 1924 is not its accomplishments, but the fact that it existed. Though third parties had sometimes influenced affairs, never previously in the history of English parties had a third party taken office. Moreover the Labour party as a party was very young. An admirably organized and directed Par-

[4] The results were:

Conservatives	258
Labour	191
Liberals	159
Independent	7

liamentary Representation Committee had been working for the election of Labour members of Parliament since the beginning of the century. But as recently as January, 1910, the first year for which statistics of party votes are available, Labour had polled only half a million votes in an election where the total votes amounted to more than six and one-half millions. In December, 1923, Labour had polled four and one-half million votes. This tremendous increase was either of persons who before the franchise act of 1918 had not voted at all, or who had previously been supporters of one or the other of the older parties. In its origin the Labour party had been almost entirely a working-class party; only since 1918 had its constitution encouraged the affiliation of persons of all classes and occupations.

The leadership of the party was divided between trades-union officials and professed socialists (most of the latter members either of the Fabian Society or the Independent Labour Party).[5] Harmonious in opposition, these two groups had never worked together in power. With a definite sense of unpreparedness, therefore, the Labour leaders in Parliament spent the Christmas holidays of 1923-1924 considering how best to meet the unexpected opportunity to form England's first Labour and Socialist government. They made an honest attempt to solve infinite difficulties, but the tone of the whole project remained provisional.

The nucleus of the Labour government of 1924 and its "inner cabinet" were the veteran Labour leaders in the House of Commons—J. Ramsay Mac-

[5] See E. R. Pease, *The History of the Fabian Society* (2d ed., 1925) for an admirable explanation of the origins of the socialist groups that later became so effective. See also R. H. Tawney, *The British Labour Movement* (1925).

Donald, their parliamentary leader since 1922, Philip Snowden, a professional socialist, J. H. Thomas, the popular secretary of the National Union of Railwaymen, J. R. Clynes, and Arthur Henderson, the party secretary. Added to these were former Liberals who had migrated to Labour—notably Lord Haldane, Mr. Noel Buxton, and Colonel Josiah Wedgwood. The cabinet was completed with a few non-party radical thinkers, Mr. Sidney Webb, Lord Olivier and Lord Parmoor, several non-party men of distinction, and for the rest, trades-union leaders. The members of the cabinet had personal distinction and ability. But their control of the House of Commons depended on support given by the Liberals—a situation which so greatly annoyed the prime minister that he often made it impossible for the Liberals to support him.

In domestic affairs the Labour ministry pursued a moderate and non-committal policy, in no sense socialistic. In finance, the government was almost excessively orthodox. The chancellor of the exchequer, Philip Snowden, was an old-fashioned believer in free trade and in economy, and his budget was immensely popular in "the City." In foreign policy the government made both its greatest success and its final failure. The success was a reconciliation with France, after which Britain was able to resume her lead in international affairs and specifically to persuade the French to accept the "Dawes plan." The failure was related to one of the government's chief aims—a reconciliation with the Soviet Union including recognition and a trade treaty. This aim was bitterly opposed by Conservatives generally. MacDonald, who was foreign secretary as well as prime minister, allowed himself to become entangled in a dispute over alleged Soviet propaganda, and in anger

over the discussions in the House of Commons, he dissolved Parliament.

The election of 1924 was fought largely on the anti-communist issue, though Labour suffered for its ineptitude in office and the Liberals for having supported Labour. The parliament elected in 1924 had a large Conservative majority.[6]

MR. BALDWIN AND THE NEW CONSERVATISM

On November 4, 1924, Mr. Stanley Baldwin took office as prime minister for the second time, heading a large parliamentary majority. He remained in power for almost five years.

In his new government Mr. Baldwin included great coalition Conservatives who had been left out in 1922. Mr. Austen Chamberlain became Foreign Secretary and deputy leader of the House of Commons. Mr. Winston Churchill, who had returned to the Conservative party, became Chancellor of the Exchequer. Lord Birkenhead became Secretary of State for India. Mr. Neville Chamberlain became Minister of Health. These ministers, and most of the others in the cabinet, were not only men of experience and ability, but of distinction. The party was united, under a leader whose popularity continued to grow. In the House of Lords it was supreme. In the House of Commons its large majority faced a small and divided opposition. Moreover, it ruled during years of comparative prosperity.

The general impression of unsuccess which this government left behind it (and which caused its defeat in 1929) is hard to understand without an

[6] Conservative ... 412
Labour ... 151
Liberal ... 40
Independent ... 12

appreciation of the changed conditions of post-war politics. When critics complained that the government should do more, they might have been met with the argument that the traditional ideal of the Conservative party was to let well enough alone. Not being dogmatists, Conservatives seldom feel sure that an innovation will turn out to be an improvement. They aimed at sound and conservative administration, rather than reform.

But the Conservative party of 1924 was not a merely Tory party. Being the only party in which an ambitious young man of the upper or upper middle classes could find a career, now that the Liberal party was so plainly out of power, they had attracted a large number of persons—not all of them young—whose name the "young" Conservatives, indicated a less complacent point of view. Moreover, in difficult post-war England, many Conservatives were dissatisfied with existing conditions. Some of them wanted government action which would help them individually. Others had an ideal of change in the public interest. It was for the latter group that Mr. Baldwin spoke shortly after his victory at the polls, when he said that Conservatives also (as well as Liberals and members of the Labour party) were dissatisfied with things as they existed and wished to improve them. The "new Conservatism," as this doctrine was called, promised an active policy, for the benefit of the entire community. And it was in the light of this pronouncement that Mr. Baldwin's second government was judged.

Mr. Baldwin had not, of course, dissociated himself altogether from the traditional wisdom of Conservatism. In fiscal policy Conservatism (while of course desiring general prosperity) has consistently aimed

to secure the privileged economic classes in their position of comparative privilege. More specifically, it has aimed to protect invested capital in whatever form it exists. For the rest, Conservative domestic policy is perhaps summed up in the preservation of existing institutions in the face of attacks, and the assiduous maintenance of public order. As applied to matters outside the British Isles, Conservatism means the maintenance of the empire, or perhaps imperialism, and a "strong" foreign policy, that is to say the preservation of Britain's prestige and influence in the world.

The "new Conservatism" meant less a change of doctrine than a change of emphasis. Even "new Conservatives" did not desire a classless and equalitarian England, deprived of its empire. But they approved of a readjustment of the national income and a rearrangement of national institutions for the benefit of the lower classes, even though the rich might become somewhat less well off. They were not in the least averse to increased governmental activity, even of a collectivist sort. They were willing to look forward to a more democratic empire, though not to the loss of England's primacy within that empire. They believed in international peace and friendship. They did cling, however, to the English tradition that things are best done if they are done slowly, and under the guidance of the traditional rulers of England, the upper classes.

Financial Policy

During most of the life of the second Baldwin Government, England was prosperous, and little objection was raised to the budgets of Mr. Winston Churchill, a brilliant and experienced chancellor of

the exchequer. He had three policies. In 1925 he brought about a return to the gold standard. This measure pleased the bankers, and would have had a generally useful effect if world prosperity had continued to increase. But as it turned out, the measure was deflationary, and one of the causes of later trouble. As to protection, Mr. Churchill pursued a compromise policy. He restored the old special duties on automobiles, watches, and other selected articles, and sponsored the Safeguarding of Industries Act of 1925 which allowed special protection for any industry which could persuade the Board of Trade that it suffered from foreign competition. This act was not widely applied; "safeguarding" won in principle but not in practice. Mr. Churchill's third budget policy was that of meeting increased expenses without increased taxation, by "raiding" government funds segregated for special purposes. This policy, like that of the return to gold, would have been successful if the country had continued to grow more and more prosperous; but when prosperity declined it caused trouble to the budget makers of succeeding governments.

The General Strike

At first the second Baldwin government was not ungenerous toward the unprosperous classes. But in 1925 a new crisis arose in the coal fields. After a temporary boom in the demand for coal, caused by the stoppage of mining in the Ruhr, the British coal industry, still completely unreformed, found itself faced with much decreased demands. Unemployment suddenly rose to an alarming figure. The owners announced a large cut in wages. The government flew to its usual resource, an investigation, and a Royal

Commission presided over by Sir Herbert Samuel was empowered to investigate the situation. Meantime, from July, 1925, the government paid a subsidy in order to prevent the wage cut.

The report of the Samuel Commission, like that of the Sankey commission six years before, was on the whole favorable to the miners, but again the government was under the influence of the owners. The government found its possible action stultified. It could continue the subsidy indefinitely, which was too expensive. It could act on the report of the commission and antagonize its political supporters. Or it could satisfy its supporters at the expense of the miners, who were—from all evidence that a royal commission could gain—in the right. This time the miners were not friendless. The Trades Union Congress decided that the issue involved the interests of all trades unionists, and backed the miners.

The Royal Commission reported March 10, 1926, insisting on the rationalization of the industry, and the consultation with the miners, by the owners in any new arrangements, including the new wage scale. The government weakly announced that it would accept the report if the other interests involved accepted it. The miners were agreeable to acceptance; the owners were not. No conferring could bring owners and miners together. Work in the mines stopped with the end of the payment of the government subsidy, on April 30. The Trades Union Congress continued to negotiate, but on May 1 the government took the provocative step of proclaiming an emergency under the Emergency Powers Act of 1920. The Trades Union Congress replied by announcing a general strike for May 3, but continued negotiations with the government until Mr. Baldwin

suddenly broke them off because compositors on the *Daily Mail* had refused to set up an article which they thought unfair to trades unionists.

The "general strike" began on May 3. It was a strike of railway and transport workers, printers, and the iron and steel and building trades. Under emergency regulations under the act of 1920, the government, aided by volunteers, transported food and necessities of life. The upper and middle classes considered the "general strike" not so much a threat of class war as the class war itself. The working classes looked upon it as essentially an industrial dispute. The government, quite naturally, accepted the point of view of the upper classes. Mr. Baldwin yielded the reins to the more intransigent of his colleagues, who had a very good time saving society.

The government announced that the labor strikers must yield unconditionally. The Trades Union Congress, having no revolutionary or subversive purpose in mind, was uncertain what it wanted, and only too eager to follow an impartial lead. When Sir Herbert Samuel, the chairman of the Royal Commission, returned to the scene with mediating proposals, the T. U. C. overhurriedly accepted them. They called off the general strike before they were sufficiently sure that the government had accepted Samuel's mediation; and the government had the satisfaction of announcing that the strikers had yielded unconditionally. On May 12 the general strike was over.

The general strike was followed by persecution of the working classes. In spite of Mr. Baldwin's request that there should be no retaliation, the strikers were left to the tender mercies of their employers, who took advantage of their opportunities.

A direct parliamentary result of the general strike was the Trades Disputes Act of 1927. The employers now felt able to do away with the Trades Disputes Act of 1910 which exempted trades union from legal liability for the harm done by strikes. The act of 1927 was intended to outlaw future political strikes, and perhaps even prohibit almost all sympathetic strikes. It also modified the system by which a levy for political purposes was made on trade-union members. The levy was not made illegal, but whereas previously a contribution for political purposes was required from every trades unionist unless he "contracted out," it was made illegal for the union to collect a political contribution from the member unless he specifically authorized it, i.e., "contracted in."[7] In spite of criticism—in which the Liberals played a leading part—that the act was vague and unduly repressive, the Conservative majority passed it with acclaim.

In any country but England, the result of so many-sided an attack on long-established rights might have been serious. As it was, the conviction grew that the government had overplayed its hand, and if labor was defeated in the industrial field, its constantly increasing political strength in the country and its parliamentary victory in 1929 can be traced directly to the reaction to the Baldwin government's attempt to discredit Labour as seditious. In the jockeying for political advantage which took place even during the general strike, Labour had two allies, one of whom at least was unselfish. The Archbishop of Canterbury, acting for the leaders of all the churches, ap-

[7] The result was to decrease political contributions, but not to decrease the political strength of the trades-union movement. For many men would either not join, or not "contract in," yet they would vote Labour.

pealed for industrial peace; his appeal was denied space in the official publication, the *British Gazette.* And though most of the Liberal leaders, including Lord Oxford, Viscount Grey, and Sir John Simon, opposed the general strike, Mr. Lloyd George indicated his sympathy with Labour.

Though the general strike was over, the coal stoppage continued. The leaders of the churches tried mediation—the second time within a year in which they had taken the part of labor, and the second time in which the government had refused to listen to organized Christianity. While the government was proposing a succession of solutions all in the interests of the owners, the public sympathy was increasingly engaged on the side of the miners.[8] By December 1, economic pressure had forced the miners to go back to work, on what were essentially surrender terms—no reorganization of the industry; no national control of wages; in many cases the old wages, but for a lengthened day, seven and one-half or eight hours instead of the previous seven.

Constructive Measures

During the years from 1925 to 1929 the government produced certain constructive measures which indicated the lines along which the "new Conservatism" would prefer to work. Two great public corporations were created—a form of socialized activity (without confiscation) which hinted at a Conservative rivalry with socialism. The Electricity Board, created in 1926, was an organization for providing a national system of electricity supply. The British

[8] The Prince of Wales openly showed his sympathy by sending a contribution to the relief of the striking miners.

Broadcasting Corporation, established in the same year, was a public corporation whose directors were chosen by the government and which was to provide another national necessity by the same sort of government-supervised monopoly. In the Representation of the People Act of 1928 Mr. Baldwin redeemed a promise, unpalatable to his more conservative supporters, to give the vote to women over twenty-one, instead of perpetuating the age limit of thirty imposed at their admission to the suffrage in 1918. The Road Transport Bill of 1928 and the Local Government Bill of 1929 were comprehensive charters in their respective fields. The latter, particularly, modernized the areas and working of local government, simplifying this difficult field of administration.

In the affairs of the empire, too, the government was constructive and conciliatory. In 1925 the autonomy of the dominions and their permanent differentiation from anything in the nature of colonies was recognized in the creation of a new Dominions Office, though for the time being its head was also Secretary of State for the Colonies. The Imperial Conference of 1926 adopted the "Balfour report" of its committee on inter-imperial relationships, which stated that the dominions, like the mother country, were autonomous parts of a community of nations, and relegated the primacy of Great Britain in the empire to an initial responsibility for the conduct of foreign affairs and for defense.

Toward India also, the government showed a great reasonableness, sending out in 1926 as viceroy Lord Irwin (now Lord Halifax), the most conciliatory viceroy of the twentieth century.

Foreign Affairs

Foreign affairs were a perpetual problem to the Baldwin government. A high-minded and stiff aloofness from the rest of Europe, was the Conservative tradition; Mr. Austen Chamberlain, the foreign secretary, admirably represented it. But because of the entente with France, which antedated the war, Conservatives had a tendency to be pro-French. At the same time, the old popular respect and sympathy for Germany, so marked in the years just before 1914, was reëstablishing itself, and was buttressed by a very real interest in Germany as a market for British goods and a sympathy for the difficulties undergone by the German republic. Many of Mr. Chamberlain's difficulties arose from the fact that he and the government remained inalienably pro-French.

As a result the government brought home a mixed bag. The Locarno treaties of 1925, which reconciled Germany and France, were a success for the government. So also was the admission of Germany to the League of Nations in 1926. But the Geneva naval conference of 1927 was a failure. And Sir Austen's strong inclination to follow the lead of the French in Europe, and his friendship with Signor Mussolini not only caused Britain to lose prestige in the eyes of the world, but displeased the English people generally. The government's coldness toward the United States and toward disarmament were other policies which caused its popularity to waste away.

The greatest virtue of any English government is to endure. The second virtue is to be successful in an election at the end of its term. The government of 1925 to 1929 was not a bad government, but the judgment of the country, indicated clearly in the

general election of 1929, was that it had wasted its opportunities.

THE SECOND LABOUR GOVERNMENT

The election of 1929 is the latest fought in England under normal party conditions.[9] The Conservatives had lost their popularity, and naturally lost seats in the House of Commons, though they remained slightly the largest party with the electorate. The Labour party gained immensely in both seats and votes, becoming the largest party in the House and almost equal to the Conservatives in votes. The Liberal party had long been in difficulties. For one thing, though reunited in 1923, it was not completely happy in being led by Mr. Lloyd George. Again, it had been out of power so long that it had lost voters and especially young voters, by the millions. In 1929 it made a great effort, put forth hundreds of candidates, actually cast over five million votes, but won only fifty-nine seats because so often, in three-cornered fights, its candidate was second in the poll. Since it still had unquestioned principles differentiating it from the other two parties, the party had to choose between an isolated position in which it would have both other parties against it, or a policy of cooperation with either Labour or the Conservatives. In 1924 the Liberal party had supported the Labour ministry, and in 1929-1931 was to do the same, not to its own advantage.

[9] The results were:

	Estimated Popular Votes	*Seats*
Labour	8,400,000	288
Conservative	8,800,000	260
Liberal	5,300,000	59
Others	400,000	8

On June 8, 1929, Mr. MacDonald took office again as prime minister. Mr. Henderson became Foreign Secretary. Mr. Snowden was Chancellor of the Exchequer once more. Mr. Thomas became Lord Privy Seal, with a roving commission to remedy unemployment. Mr. Clynes became Home Secretary. The new Lord Chancellor was Mr. Justice Sankey, the chairman of the coal commission of 1919. Mr. George Lansbury, a veteran socialist agitator, could no longer be excluded from the cabinet. Miss Margaret Bondfield, as Minister of Labour, became England's first woman cabinet minister. Of the younger new men Mr. William Graham as president of the Board of Trade was to win the greatest reputation. The ministry was able, but perhaps represented all elements in the party less accurately than that of 1924. It was in no sense a working-class ministry, and Mr. Wheatley, the most radical member of the 1924 cabinet, was omitted from the cabinet of 1929.

Again Labour held office only because of Liberal support, and again the attitude of ministers toward their Liberal supporters was unfriendly and often contemptuous. The Liberal party, which had gone to the left since 1924, was in the curious position of being impatient with the government for the slowness with which it moved. The second Labour government was a good progressive government, to be sure. But it fell far short of being socialist. Early in the life of his second ministry Mr. MacDonald appears to have yearned for a national government, a moderate coalition which should command a House of Commons majority in its own right.

In actual accomplishment, the record of the government of 1929-1931 is slight. Again it was conciliatory in foreign affairs, and Arthur Henderson re-

mains in history as a great foreign minister. To India, it gave promise of further approach towards autonomy. It was able to carry through a few moderate measures of social reform, but most of its important reform measures, notably the Electoral Reform Bill, were stopped by the House of Lords.

The government of 1929-1931 had to deal with the depression. National income was decreasing; unemployment was growing enormously. All that the government could do for the unemployed was to liberalize the requirements for unemployment relief; the result was repeated borrowing of money to refill the depleted insurance fund. Snowden, with his conservative financial principles and his very real sympathy with the workers, was in a dilemma. He could not decrease expenditure. His only solution was to increase taxation. He raised the standard rate of income tax in 1930 from four shillings to four and sixpence in the pound, increased the surtax and estate duties, and raised the tax on beer. By 1931 the depression was worldwide and the fiscal year showed a deficit. Like his predecessor, Mr. Churchill, Snowden could only improvise a budget and hope for a trade recovery.

As it happened, the life of this government was to be cut suddenly short by the financial and constitutional crisis which occurred very soon after Parliament's adjournment for the summer holidays of 1931. But it is important to note how nearly a stalemate had occurred in the political management of the nation. Things were going very badly indeed. But ordinary Conservatives could hardly oppose the Labour government very bitterly, for it accomplished nothing that could displease them. The Liberals in the House of Commons continued to uphold the gov-

ernment rather than run the risk of letting the Conservatives in, but the Liberals had a passion for social reform which Labour seemed to have lost, and the Liberal scheme of public works to relieve unemployment was at least better than Labour's no scheme at all. The more conservative members of the Labour party were dissatisfied with a government which could not help the unemployed; the advanced members were disgusted with a "Socialist" government (as its opponents called it) which never proposed a single socialist measure. The leaders of the government, perhaps, were content (as men usually are in high office) but the prime minister himself seemed to have wearied of socialism and to long for leadership of a coalition, rather than a Labour, government.

CHAPTER X

THE CRISIS OF 1931

No GREAT country in the world has remained untouched by the atmosphere of change which has prevailed during the last twenty years. Some countries have undergone revolutions attended by that destruction of political systems and that disregard for the lives and liberties of individual human beings which have been the components of the great revolutions of history. In other countries changes that might be called revolutionary have taken place, under the guise of the ordinary behaviour of everyday life. England has been as little affected by the revolutionary atmosphere as any country, but even England has suddenly changed the direction of her

political development. These changes began in 1931, a date which the future may compare—or perhaps more probably contrast—with 1832.

To understand the events of 1931 and their consequences, it is useful first to describe the social scene, then to summarize the economic situation, and finally to narrate the events of the crisis itself.

PLUTOCRACY AND DEMOCRACY

England, which before the war was still strongly tinged with aristocracy, had become both plutocratic and democratic.

By 1931 the redistribution of incomes caused by the war and its results was no longer a matter of comment. Society had become used to the "new rich," those persons whom the war had enriched and who had thereby achieved an economic position higher than that for which their education or former experience had fitted them. The phenomenon was not unfamiliar in English history. This particular period of the rise of a group "*quasi de pulvere*" was accompanied, however, by an unprecedented impoverishment (not so much comparative as absolute) of many members of the upper classes, the "new poor." Perhaps for the first time in modern history the dislocation of classes was so great that the aristocracy and the upper classes were not able to assimilate the "new rich," and the upper reaches of English economic, social, and political life ceased to be an aristocracy and became a plutocracy.

The change had been foreshadowed ever since the accession of Edward VII. The change in membership of the House of Lords, theoretically one preserve of the aristocracy, is typical. Between 1906 and October 31, 1937, three hundred and sixty-one new

peerages have been created, in a house containing seven hundred and twenty-two members who are summoned because of hereditary right.[1] In less than a generation almost half of the House is new; most "old" peerages to-day result from early nineteenth-century creations. And since peerages are granted only to men of wealth, because they are "expensive to keep up," the peerages granted to men of long-continued standing are few. The House of Lords continues to include men of great wealth and great influence, but the decline in its prestige comes partly from the fact that it has ceased to be an aristocracy. By 1931 England, which was accustomed to being ruled by rich gentlemen, had come to be ruled by rich men.

At the same time, shifts occurred in the middle class. Comparative prosperity for members of the middle class allowed many of them to push their way into the upper middle class, and comparative prosperity on the part of skilled workmen put many of them into the middle class. The traditional point of view of the English "working classes" has almost ceased to exist; few English men or women who came to maturity after the war take pride in "knowing their station," if that station is a definitely inferior one. A highly stratified society had become fluid, and shot through with the middle-class ideas (always held simultaneously) of trying to improve one's worldly position and at the same time maintaining a belief that one is already as good as anyone else.

ADVANCE IN EDUCATION

The result of such a leveling or "democratization" of a previously autocratic community is supposed to

[1] See *Constitutional Year Book, 1938,* pp. 94 and 147.

be a lowering of standards of excellence and achievement. Two forces successfully opposed this lowering of standards. The first was the control still exercised by the senior members of the professions and the public services over entrance into these occupations. The second was the improvement of the national system of education.

Before the great education act of 1870 there was no national system of education in England. Such elementary schools as existed were private schools charging fees, or schools set up for charitable reasons by religious agencies. There were two types of secondary schools: the "public" school, providing at considerable expense an excellent old-fashioned education for children of the upper and upper middle classes, and the grammar schools, in towns, educating children of the middle classes. University education was almost a monopoly of the ancient universities of Oxford and Cambridge; it was a luxury.

By the act of 1870 the state started to build up a national system of elementary education, not replacing but supplementing the private system which existed. The result was that twentieth-century England has been a literate if not an educated community. Further great acts of Parliament, those of 1902 and 1918, elaborated and consolidated the system, and secured a national provision of secondary education. From 1918, the school leaving age has been fourteen, and up to that age increasingly competent and varied instruction has been provided for children of the poorer classes. The later nineteenth and early twentieth centuries saw the establishment of many so-called provincial universities, which are now to be found in most great centers of population and which have put a university education within the reach of the more capable children of the poor.

Private education, in the "public" schools and "grammar" schools and the older universities, was not abolished. It has maintained a good deal of its prestige. But after 1918 it fell into financial difficulties. Many previously self-supporting secondary schools took advantage of the provisions of the act of 1918 to put themselves under the supervision of the local education authorities and the national government, in return for subsidies; and even the ancient universities yielded to financial pressure and began to receive contributions from the national treasury. In return, these older schools and universities accepted an obligation to receive able students of the poorer classes on scholarships, and since the war all state-aided secondary schools were obliged to provide at least twenty-five per cent of free places for able students who could not pay the usual fees. Since 1918, also, the provision by the county and borough councils of good secondary schools has been accepted as a duty, and the national Ministry of Education has been empowered to set standards and to control through subsidy. Probably the secondary education given to-day in county and borough schools is usually as good as that in the schools of the older system; sometimes it is better. A generation ago, England was a country in which facilities for advanced education for the middle and working classes were extremely limited. By 1931 almost a revolution had taken place in education. In 1901 an influential Fabian tract had stated the goal. "What the national well-being demands . . . is that every child—dull or clever, rich or poor, should receive all the education requisite for the full development of his faculties. For every child, in every part of the country, at least a 'national minimum' of educa-

tion must be compulsorily provided." The goal had not been reached in 1931 but it was within sight.[2]

The result of this spurt in public education was the phenomenal increase of well-educated young men and young women, many of them from uneducated backgrounds, capable of satisfying the demands of professional, technical, and commercial positions of considerable importance. Another result, satisfying to those who desired a more democratic community, was the great shifting of persons from class to class, and indeed the partial obliteration of the traditional class distinctions. The old "ruling classes" did not cease to exist, but were enormously widened in extent, and entrance was less and less by birth and more and more by competence and achievement—or by the adventitious acquisition of wealth.

At times since the war the relations between economic groups or classes in the community had been strained. The general strike of 1926 left intense bitterness behind it. But by 1931 the strike had been forgotten, and in the economic distress that had fallen, in different ways, upon all classes, the normal feeling of national solidarity and tolerance had reasserted itself. This internal harmony helped the country to bear both the economic and political difficulties of 1931 without disruption.

THE ECONOMIC SITUATION

The economic situation was far from happy. England found herself in what seemed to be a permanent depression. The post-war slump, followed by a temporary revival, had led into a general if slow decline.

[2] The annual reports of the Ministry of Education are a full record of the extraordinary development of a system of modern up-to-date education in England. See also J. Dorr Wilson, ed., *The Schools of England* (1928).

Unemployment, usually taken as a criterion, for it is as nearly as possible an objective test, was still increasing. A certain amount of unemployment is to be expected under a system of free enterprise. Before the war it had averaged about half a million workers or, for the years 1900-1914, 4.4 per cent. During the war it had shrunk to the irreducible minimum, sometimes under 1 per cent. From 1920 to 1922 it increased greatly with the post-war depression. From 1923 to 1929 it remained almost constant at a little over a million persons, or about 10 per cent. In the winter of 1929-30 a world-wide depression began, and unemployment in Britain increased to 16.1 per cent in 1930, 21.3 per cent in 1931, and 22.1 per cent in 1932. In December, 1931, the figure of unemployed was 2,574,000; in December, 1932, 2,796,000.[3] The efforts to relieve the situation may have been fumbling, but it was possible to lay most of the blame for the increase to world conditions; the situation was just barely tolerable; it could be borne because it was nobody's fault in particular. But it was the greatest and most depressing problem before the country.

At the same time taxation had remained, if not constant, almost unbelievably high; and world prices were falling. National expenditure was still on the increase.

The one local remedy which had been applied, though only in some industries, was "rationalization." Rapid technological developments of wartime and after made it possible to increase greatly the efficiency of industry. For a long time English industrialists seemed restrained by an innate conservatism

[3] These figures are from F. W. Hirst, *The Consequences of the War to Great Britain* (1934), bk. 3, ch. 2.

from replacing machinery, reorganizing management, and recasting methods. Eventually, however, and largely in the years from 1927 on, "rationalization" took place on a wide scale. It probably added somewhat to the amount of unemployment, but it prevented the total disappearance of profits; and it provided a basis for an adaptation to the new fiscal system which was to come after the crisis of 1931.

England was still a rich country, and felt only that she must decide upon the proper solution for her ills, to regain her old position of preëminence. Three differing solutions were in the back of people's minds; they may be called the conservative, the socialistic, and the liberal, though the different groups holding them were not confined within the limits of the three political parties.

THREE POSSIBLE SOLUTIONS

The socialistic solution may be considered first, since it had been latent in the practices of the Labour government of 1929. It is brilliantly summed up in Mr. R. H. Tawney's lectures delivered in 1929 and published in 1931 with the title *Equality*. This solution was based essentially on a theory of redistribution of wealth. Taxes on wealth should be increased rather than decreased, and social services of all kinds elaborated and made more numerous. Social insurance of all sorts, and provision for health, education, better living conditions, would benefit the large mass of poorer members of the community. It was assumed that private enterprise (though increasingly regulated) would continue. As a scheme for producing a more democratic state without either revolution or rapid overturn, the program had its merits. Its great weakness was that it premised a

general economic recovery that had not occurred, and suggested no means to bring about the recovery. It assumed a stability if not an increase in that part of the income of the country which could be collected in the form of taxes. The capitalist, in other words, must accept a position in which his profits are held down by severe taxation. The practical difficulty in the situation was that capital was ceasing to be satisfied with the profits left to it in view of the situation of the time; England's actual decline may have been due partly to the reluctance of the possessing classes to work hard for a limited profit. This refusal of the capitalist to do his best under conditions which did not satisfy him, however socially helpful they might be, may have been the major reason for the difficulties which England was facing.[4]

The conservative solution was that of the capitalists, entrepreneurs, and rentiers. England, like other industrial countries, had become plutocratic during a war which created sudden wealth and gave it an unreasonable importance. An attention, likewise, to the morbid aspects of industry had emphasized the part played in the industrial scheme by those in charge of business and trade. The class of rentiers (which had always been large in England, for England had never expropriated invested wealth) was growing steadily larger and stronger. While rentiers in France, Germany, and all other European countries which had depreciated their currency had suffered, English rentiers had not been expropriated, and with the return to the gold standard in 1925 had been made even more prosperous than before.

[4] It may properly be maintained that Mr. Tawney's program is not socialism at all. But no one in England would have gone further, with the exception of a few Communists.

When, about 1929, industry and incomes dependent on industry began to decline, and prices fell, the rentiers were relatively even better off, and more and more influential. The capitalist, and with him the rentier, had become a convert to protective tariffs as the one sure means of salvation for industry and for a country which he assumed was dependent on industry. The great virtue of this proposed solution was that it had never been tried in modern England and so had never failed, and that it could be tried merely by passing an act of Parliament.

The Liberal solution was more complicated than either of the other two. Liberals suggested economy in government, not by cutting down on necessities, but by increased efficiency. They suggested—especially those belonging to the Lloyd George following in the Liberal party, and the large group of persons who accepted the economic theories of J. M. Keynes—the expenditure of a large sum of money (to be borrowed) on public works. And they believed that real recovery would come only in a peaceful world in which freedom of international trade could be restored. The first liberal suggestion, economy through efficiency, was a counsel of perfection for any government. The second, a large expenditure on public works, had practically been agreed to by the Labour government. The great difficulty in its way in 1931 was that any borrowing, however worthy the purpose, was too great a strain. The third liberal suggestion, a revival of international trade, was dependent largely on the good will and right thinking of other nations.

The troubled international situation was one great obstacle in the way of any solution of British difficulties. And while the country hesitated between

schemes for improvement, the international crisis turned England's financial difficulties (which though real were far from desperate) into a great financial crisis.

THE DEMAND FOR ECONOMY

The crisis began simply. A cloud not much bigger than a man's hand was in the sky when Parliament adjourned at the end of July, 1931. The reports of the Macmillan and May committees had been received.

The Macmillan committee had been appointed in November, 1929, to examine into the fundamental problem of the relations between finance and industry. It reported on June 13, 1931, that the whole financial structure of England was unsound. In order to restore the prosperity of industry prices must be raised—by joint action of central banks in all countries—and, for England, there must be a "managed" currency, controlled by the Bank of England. Six members of the committee recommended a "revenue" tariff on all imports, and bounties on exports. No immediate lesson was to be drawn from the report except that things as they existed were very wrong.[5]

The May committee on economy, appointed in February, 1931, reported on July 30, and its report was of immediate importance. It found that the next budget would have a deficiency of at least one hundred and twenty million pounds, and not only that, but the deficit would not be a temporary matter; the country was living beyond its means. In the judgment of the committee, the only remedy was

[5] See *Report of the Committee on Finance and Industry*, Cmd 3897 of 1931.

economy, and the most notable of its proposals was a reduction in unemployment benefits.[6]

The two reports read together presented a picture almost too cheerless to be credible. But the May report with its simple and direct suggestions caused serious concern, not only in England but abroad. A cabinet committee on economy was appointed, consisting of Mr. Snowden, Chancellor of the Exchequer, Mr. MacDonald, Prime Minister, Mr. Henderson, Foreign Secretary, Mr. Thomas, then Secretary of State for the Dominions, and Mr. William Graham, President of the Board of Trade (who was considered, next to Mr. Snowden, the best economist in the government). Parliament adjourned, to meet again October 20, but with the likelihood of being called together earlier.

The idea of interparty coöperation to meet the need for economy seems to have been present in the minds of opposition leaders, for Mr. Baldwin and Sir John Simon both publicly offered their assistance, early in August. It was also in the mind of the prime minister, whose public and private statements alike, for some months, had suggested that he would be happier as head of a coalition than of a Labour government.

Meantime the Bank of England had to withstand a drain on its resources, caused partly by increased financial difficulties on the Continent and partly by the repercussions of the May report. On August 1 the bank borrowed twenty-five million pounds from the Bank of France and the United States Federal Reserve Bank, but on August 5 there was a break in sterling. The pound was in danger, and the finan-

[6] See *Report of the Committee on National Expenditure*, Cmd 3921 of 1931.

cial interests of the City of London were convinced that England's whole financial position depended upon the security of the pound. It seemed obvious that an immediate balancing of the budget was necessary. The prime minister returned to London; so did Mr. Baldwin, Mr. Neville Chamberlain, and Sir Herbert Samuel, "who were also in touch with the bankers."[7]

When Mr. MacDonald discovered that the leaders of the opposition would not give specific aid, since they were not members of the government, he tried at first to work through the economy committee of his cabinet. A subcommittee consisting of Mr. MacDonald himself and Mr. Snowden drew up plans for balancing the budget by a fairly even balance between economies and increased taxation; the cabinet met on August 18 and approved the plan. Two days later the prime minister submitted the plan to the Executive Committee of the Parliamentary Labour Party, to the General Council of the Trades Union Congress, to the opposition leaders and to representatives of the bankers. The first two groups approved it; the leaders of the opposition and the bankers refused their approval and demanded a cut in unemployment benefit; this the Trades Union authorities refused to accept. Subsequently Mr. Graham, a member of the cabinet committee, stated publicly that the New York bankers had insisted upon unemployment cuts before they would give further assistance. Mr. MacDonald and Mr. Snowden as categorically denied the truth of the statement, which Mr. Graham was not the first to make, saying that the bankers merely required a balanced

[7] *Annual Register, 1931,* p. 63.

Mr. Lloyd George, the leader of the Liberal party, was in bed, recovering from an operation.

budget, but Mr. MacDonald had given away his case by explaining to Parliament that though the bankers had made no political proposals they had given expert advice as to the "effect of the proposals on the yield of the loan"—the loan which the Bank of England needed.[8]

From that moment the division in the cabinet was serious. Mr. MacDonald, Mr. Snowden, and Mr. Thomas, three of the four men who were accustomed to dominate the cabinet, held that coöperation with the Bank of England and acceptance of its proposals were essential. The great majority of the cabinet, led by Mr. Henderson, its fourth great figure, and supported by Mr. Graham and by Mr. Pethick-Lawrence, financial secretary to the treasury, opposed the prime minister and agreed with the trades-union authorities in rejecting the proposed cut in unemployment benefit. Since the cabinet could not agree, Mr. MacDonald asked them to place their resignations in his hands. They did so, assuming that he would resign on their behalf, and expecting that Mr. Baldwin would be asked to form a government. All this occurred in the evening of Sunday, August 23.

THE FIRST NATIONAL GOVERNMENT

Early that morning the king, who had been in Scotland, had arrived at Buckingham Palace. During the day he had, with Mr. MacDonald's approval, interviewed opposition party leaders. He had heard the advice of his personal financial adviser, a director of the Bank of England.

That evening Mr. MacDonald went from the un-

[8] Cf. Mr. MacDonald's speech in the House of Commons, 256 H. C. Deb., 5s., pp. 13ff.

satisfactory cabinet meeting to the palace, where he saw the king. A further royal interview was arranged for the following day. Mr. MacDonald returned to Downing Street, and before he slept received Sir Herbert Samuel, Mr. Baldwin, and Mr. Neville Chamberlain. Next day the cabinet were informed by the prime minister that their resignations had been accepted by the king and that Mr. MacDonald had already kissed hands as prime minister of a "National" government. Within twenty-four hours the names of the new ministers were announced. Mr. MacDonald stated that the National government was not a coalition, but a government of coöperation for the one purpose of meeting the financial emergency, after which the political parties would resume their normal positions. Parliament would meet on September 8.

The "National" cabinet consisted of ten members. The prime minister, the Lord Chancellor, Lord Sankey, Mr. Snowden, Chancellor of the Exchequer, and Mr. Thomas, Secretary of State for the Dominions, retained the positions they had held in the Labour government. Two Liberals were included: the Marquess of Reading as Foreign Secretary and Sir Herbert Samuel as Home Secretary. Four Conservatives made up the total: Mr. Stanley Baldwin, Lord President of the Council; Mr. Neville Chamberlain, Minister of Health; Sir Samuel Hoare, Secretary of State for India; and Sir Philip Cunliffe-Lister, President of the Board of Trade. All other ministerial offices were outside the cabinet; they were filled mostly by Liberals and Conservatives.

If Mr. MacDonald seriously expected to secure the support of his own party, the largest in the House of Commons, for his National government,

he greatly miscalculated, for not only did most of his former colleagues refuse to join the ministry, but the Labour party both in Parliament and in the country lost no time in declaring its disapproval. On August 26 a joint meeting of the General Council of the Trades Union Congress, the National Executive Committee of the Labour Party, and the Consultative Committee of the Parliamentary Labour party, resolved on a united opposition to the government and its proposals, and outlined an alternative policy to meet the emergency.[9] A full party meeting on August 28 supported the decisions of the Labour leaders, and elected Mr. Henderson chairman of the parliamentary Labour party in place of Mr. MacDonald.

The antagonism of the Labour party to the new arrangements had several reasons behind it. First, they sincerely disliked the proposals for curtailing unemployment relief. Secondly, they were unconvinced that the crisis was quite so pressing as the prime minister, Chancellor of the Exchequer, and the bankers said it was. This reason is allied with a third, the distrust, accumulated over a period of many years, which the second rank of Labour party leaders felt for Messrs. MacDonald, Snowden, and Thomas. Now that the breaking point had come, the labor movement found a real satisfaction opposing its quondam leaders. It is significant that Mr. Henderson, the great organizer of the Labour movement, continued with it.

A fourth reason for labor's dislike of the National

[9] It is interesting to note what they suggested: chiefly "the mobilization of foreign investments, the temporary suspension of the sinking fund, and the increased taxation of fixed interest-bearing securities and other unnamed income." *Annual Register, 1931*, p. 67.

government was the curious and unprecedented series of events which brought it into being.[10] The prime minister, though he had consulted the leaders of other parties frequently, had not consulted his own party until the crisis was over. Nor had he consulted the House of Commons, though he was a professed believer in parliamentary institutions. Indeed, he had barely consulted his own cabinet, and when he found an almost unanimous cabinet against him, instead of resigning, he let his colleagues go, and stayed in office himself. If the Labour ministry could not continue, why should not the king have been advised to call upon Mr. Baldwin, the leader of the opposition, to form a Conservative ministry, for the Conservatives believed in the proposed cuts in unemployment benefit?[11]

Finally, the comment has been made that in a

[10] After reviewing some of these events, Lord Snowden remarks: "Taking all these things together, I think they give ground for the suspicion expressed by Mr. Henderson and other Labour ministers that Mr. MacDonald had deliberately planned the scheme of a National Government, which would at the same time enable him to retain the position of Prime Minister and to associate with political colleagues with whom he was more in sympathy than he had ever been with his Labour colleagues. He had always entertained a feeling of something like contempt for the Trades Union leaders. His mind for a long time before this crisis arose had been turning to the idea of a new party orientation and government by what he called a Council of State. Something of this sort had not altogether been absent from the mind of Mr. Baldwin, for I remember a statement he made two or three years before, that probably the time was not far distant when he and Mr. MacDonald would be sitting in the same Cabinet. This observation was probably due to Mr. Baldwin's shrewd appreciation of Mr. MacDonald's political temperament." *An Autobiography* by Philip Viscount Snowden (1934), II, 954.

[11] Labour was not alone in its view of the situation. In its issue of August 29, 1931, the *Law Journal*, official organ of the Law Society, i.e., the organized body of solicitors, called the formation of the national government "the greatest Constitutional experiment since party government was introduced some two hundred years ago." It further referred to the National government as "formed without any Parliamentary sanction."

crisis, indeed almost exactly the sort of crisis which Socialists were supposed to look on as giving them their opportunity to bring into existence the Socialist state, the Socialist rulers of Great Britain refused the opportunity and fell back upon capitalist methods and capitalist associates for national salvation.[12]

The bankers were pleased with the formation of the National government, and the Bank of England easily secured a loan, on August 28, of eighty million pounds, half from France and half from the United States. On September 7 the Trades Union Congress met and gave voice to the theory of the "bankers' ramp"—the idea that the whole crisis was a plot of the bankers in league with industrialists to cut unemployment benefits and thus to facilitate the lowering of wages and the starvation of the social services.

When Parliament assembled on September 8 it granted the new government a vote of confidence by a majority of sixty.[13] The government's emergency legislation included a new budget with increased taxation, and an Economy Bill. The tax proposals were to raise the normal rate of income tax by sixpence to five shillings, lowering exemp-

[12] "When the day arrived which they had awaited ever since Karl Marx put pen to paper, Labour had the unique advantage of being in office. When the great moment came, they had the whole resources of the state at their command. The day dawned, but Labour resigned! What were they to think of a Salvation army which took to its heels on the Day of Judgment?" Sir Oswald Mosley in Trafalgar Square on September 31, as quoted by James Drennan in *B. U. F., Oswald Mosley and British Fascism* (1934), p. 238.

[13] The majority included:
243 Conservatives
53 Liberals
12 Labour
3 independents

The minority:
242 Labour
9 independents

tions and increasing surtax. A few taxes on consumption were added. This proposal met no opposition. The position of the Economy Bill was different. Largely following the proposals of the May committee, the government proposed (1) to cut the salaries of public servants and members of the fighting forces. Ministers of the crown were to be cut ten per cent to twenty per cent, teachers fifteen per cent, insurance doctors and dentists eleven per cent, the police five shillings a week, (2) to reduce unemployment relief by ten per cent, to limit it to twenty-six weeks in the year, and to increase the contributions, (3) to impose a "needs" or "means" test for the recipients of transitional benefit. Moreover, it proposed to do these things in a constitutionally novel way. Parliament was to pass an authorizing act permitting economies, and the government would decide details and procedure by Order in Council.[14]

The result of these proposals was mutiny and disorder. The fleet at Invergordon had to be recalled from maneuvers. The teachers, doctors, and police protested. The cuts of the fighting forces, the teachers, the doctors, and the police were consequently lessened to not more than ten per cent. The unemployed rioted at Salford and Glasgow but accomplished nothing, since these disorders were ascribed to communist influence. But harm had been done. The Bank of England found its reserve increasingly depleted. On September 21, at its request, an act of Parliament absolved the bank from the necessity of paying in gold—in spite of all efforts, England had been forced off the gold standard. The budget and the Economy Bill were passed, by majorities which

[14] See *Memorandum on the Measures proposed by His Majesty's Government to Secure Reductions in National Expenditure*, Cmd 2952 of 1931.

hovered around sixty; an act was passed to prevent profiteering in food;[15] the government urged economy on local government agencies; the Ministry of Education demanded a ten per cent cut from all local authorities;[16] Englishmen were urged for motives of patriotism not to invest in foreign funds and to winter in Devonshire rather than on the Riviera; a wave of earnest patriotism swept over England.

THE GENERAL ELECTION

With the new budget and the Economy Bill the National government had done its work. It is true that the pound had not been saved. But, pleasantly enough, the pound remained stable at about sixteen shillings, and the depreciation gave an immediate encouragement to Britain's foreign trade, while internal prices remained unchanged. The National government instead of resigning, decided that the country still needed it.

But should the government be reconstituted with or without a general election? The greatest reason for dissolving Parliament was that though the government had a steady majority, the opposition was large, intelligent, and vocal. The Conservatives wanted an election, for they saw an unparalleled opportunity to campaign for their panacea, tariffs. The Liberals were doubtful about an election, for they feared tariffs as much as the Conservatives wanted them. Half the Liberals to be sure, under the lead of Sir John Simon, had accepted completely the lead of Mr. MacDonald, and pledged themselves to agree to anything he proposed. But the attitude of Sir Herbert Samuel and his followers mattered,

[15] Foodstuffs (Prevention of Exploitation) Act, 1931.
[16] See Circular 1421 of the Board of Education.

and Mr. Lloyd George, though ill, was still the official Liberal leader. It was decided by the cabinet that if the election were held, tariffs should not be part of the official policy. The government should merely go to the country asking a "doctor's mandate," i.e., the right to do anything it thought best. On this basis Sir Herbert Samuel agreed to the election. Mr. Lloyd George at this point parted company with the official Liberals, and thenceforth opposed the government.

Parliament was dissolved on October 7. The campaign was one of extraordinary bitterness. The tariff issue caused feeling between Conservatives and Liberals, since the Conservatives fought on an out-and-out tariff basis and suggested that free-trade Liberals could not be loyal to the National government. Mr. Ramsay Muir, Chairman of the Executive Committee of the National Liberal Federation, described the election as "a wild gamble with the nation's fortunes." The speeches of Mr. MacDonald and Mr. Snowden caused unusual surprise and considerable resentment, Mr. Snowden in particular condemning unmercifully his former Labour colleagues, whom he blamed for the country's troubles, and calling the Labour program "Bolshevism run mad."

The middle classes voted "National" with fervor; many workers were honestly frightened at Mr. MacDonald's and Mr. Snowden's threats as to what would happen if England were governed by socialists. Two-thirds of the voters cast their ballots for anyone with the "National" label, and many weak candidates were surprised at their own success at the polls. For the first time in British parliamentary history the House of Commons contained five hundred and fifty-eight government supporters and an opposition

of fifty-six. Mr. MacDonald himself referred to the result[17] as embarrassing.[18]

THE SECOND NATIONAL GOVERNMENT

A cabinet of normal size was formed, including the four members of the National Labour party surviving from the first National government, three Liberals led by Sir Herbert Samuel, two National Liberals, Sir John Simon and Mr. Walter Runciman, and eleven Conservatives. Mr. Snowden took a peerage with the position of Lord Privy Seal, and Mr. Neville Chamberlain, whose protectionism was both inherited and personal, became Chancellor of the Exchequer. The presidency of the Board of Trade was given to a National Liberal and former free trader, Mr. Runciman.[19] Though all types of Con-

[17]

Government		*Opposition*	
Conservatives	470	Labour	52
National	3	Independent Liberal (Lloyd George)	4
Liberal (Samuel)	33		
Liberal National (Simon)	35		
National Labour	13		
Independent	5		

In municipal elections held a few days after the general election, Labour lost most of its recent gains.

[18] In his Autobiography already cited Viscount Snowden gives a detailed account of the formation of the first National government—the only account in print from a member of the inner circle of the cabinet. His point of view and emphasis are naturally different from those of the present writer, whose account was originally written before the Autobiography was published. But I find between the two no real difference as to fact, and very little as to interpretation.

[19] Prime Minister and First Lord of the Treasury ..... Mr. Ramsay MacDonald
Lord President of the Council ... Mr. Stanley Baldwin
Lord Chancellor ..... Lord Sankey
Lord Privy Seal ..... Lord Snowden
Chancellor of the Exchequer ..... Mr. Neville Chamberlain
Secretaries of State:
Home ..... Sir Herbert Samuel
Foreign ..... Sir John Simon

servative thought were represented, certain important die-hards were left out, notably Mr. Winston Churchill and Mr. L. C. M. S. Amery. Mr. Baldwin continued to be Lord President, leader of the House of Commons (which Mr. MacDonald seldom attended), and deputy prime minister.

Mr. Lloyd George, being in opposition, resigned from the leadership of the Liberal parliamentary party, and Sir Herbert Samuel was elected. Sir John Simon continued leader of the National Liberal group. The Labour opposition, shrunk enormously in size, had lost most of its front benchers; even Mr. Henderson failed to be reëlected to the House of Commons. In his place Mr. George Lansbury, former First Commissioner of Works, was made chairman of the parliamentary Labour party; his only experienced colleagues were Major C. R. Attlee former postmaster-general, and Sir Stafford Cripps who had been solicitor-general for a year. But the size and leadership of the Liberal and Labour groups made very little difference. Though the formalities of considering the rights of opposition were nominally observed, and though the Labour remnant did

Colonies	Sir Philip Cunliffe-Lister
Dominions	Mr. J. H. Thomas
War	Lord Hailsham
India	Sir Samuel Hoare
Air	Marquess of Londonderry
Scotland	Sir Archibald Sinclair
Presidents:	
Board of Trade	Mr. Walter Runciman
Board of Education	Sir Donald Maclean
First Lord of the Admiralty	Sir Bolton M. Eyres-Monsell
Minister of Health	Sir E. Hilton Young
Minister of Agriculture and Fisheries	Sir John Gilmour
Minister of Labour	Sir Henry Betterton
First Commissioner of Works	Mr. W. Ormsby-Gore

its duty faithfully, the large and jubilant majority of Conservative protectionists knew that they had all power in their hands.[20]

THE COMING OF PROTECTION

The first steps toward protection were immediate, but were made to seem tentative, for the benefit of the Liberals in the government. To prevent dumping, an Abnormal Importations Bill was passed, allowing the Board of Trade to levy a duty of not over one hundred per cent on such manufactured goods as it saw fit.[21] A little later a Horticultural Imports Bill was passed, to prevent the importation of early fruits and vegetables from abroad. In both cases the method of procedure followed the precedent of the Economy Act in that the government department concerned was allowed to determine both the amount of duty and the articles on which it was to fall.

After Christmas protection proceeded apace. A cabinet committee reported in favor of a ten per cent general tariff. The cabinet agreed, with four dissentients, Lord Snowden, Sir Herbert Samuel, Sir Donald Maclean and Sir Archibald Sinclair—one former Socialist and the three Liberals. The prime minister and Mr. Baldwin did their utmost to moderate the disaffection of the Liberal party, whose moral support they considered essential to the conception of a "national" government. The cabinet meeting of January 27 which decided to adopt tariffs agreed that cabinet dissentients would be entitled

[20] Thirteen members of the cabinet of 1929-31 and twenty-one other ministers failed of reëlection in 1931. Mr. Henderson was reëlected at a by-election in August, 1933.

[21] The duty levied was actually fifty per cent.

to oppose the rest of the cabinet on that question. The doctrine of cabinet solidarity was publicly and officially abolished by Mr. MacDonald, who described the new practice as a constitutional innovation. However impracticable the innovation was in the long run, it worked for six months, and secured Liberal support during a crucial period for an anti-Liberal policy.

The Import Duties Act, promptly carried through Parliament, provided for a general tariff of ten per cent on all imported goods. A short free list included wheat and meat. "Safeguarded" articles, subject to a high tariff already, were left untouched. And—perhaps most important—an Import Duties Advisory Committee was created on whose recommendation, approved by the Board of Trade, the Treasury might at its discretion impose duties higher than the basic ten per cent, on any article. The committee might also add articles to the free list. Sir George May (now Lord May), formerly chairman of the so influential economy committee, was made chairman of the tariff committee. The creation of the committee was an expedient to keep tariffs out of politics. It holds hearings, and publishes reasoned statements to justify its recommendations. Though containing one member who was at least nominally a believer in free trade, its recommendations have been in the direction of imposing rather than remitting duties. It would appear to have done its work honestly, and to have accumulated prestige, for the Board of Trade has not ventured to disapprove any of its recommendations.

On March 1, 1932, the Import Duties Act went into effect; England became a protectionist country.

The Budget

The new budget was opened on April 19 by the new Chancellor of the Exchequer, Mr. Neville Chamberlain. Accounts for the year ending March 31 had shown a slight surplus. The financial crisis was over, though financial stringency continued. The budget consequently was essentially one of repetition —continuing economies and taxes. No provision was made for receipt of reparations or war-debt payments, nor for debt payments to the United States. An Exchange Equalization Fund of one hundred and fifty million pounds was set up to secure sterling against fluctuation though not against depreciation. A further protectionist provision was included. Import duties on most manufactured goods were to be normally twenty per cent. This was an increase over the ten per cent of the Import Duties Act, but it was a decrease from fifty per cent applied to some important articles under the emergency Abnormal Importations Act.

Conversion of War Loan

Before Parliament adjourned for the summer Mr. Chamberlain was able to carry through a great act of financial retrenchment—the conversion of the war loan. War loan paying five per cent and legally subject to redemption was to be called on December 1 and replaced by an issue of three and a half per cent not redeemable until 1952. A bonus was given for immediate conversion, and holders of the stock responded with alacrity. By reason of a generally lower rate of interest, and the restored stability of English finances, the budget was saved twenty-three million pounds a year.

THE OTTAWA CONFERENCE

Ever since the days when Joseph Chamberlain began the reconversion of the Conservative party to tariffs, a system of protection for England was intertwined with the idea of imperialism and the securing of an economically coördinated British empire. Lord Beaverbrook's Empire Free Trade movement, though an immediate failure because it involved an attack on the Conservative leader Mr. Baldwin, had prepared the country to assume that "imperial preference" was an essential part of tariff protection for the British Isles. Through imperial preference the ardent protectionist would secure two things which he cherished: not only tariffs but an integrated empire. Now that dominions were politically and legally free, by the Statute of Westminster, they must be drawn back into the arms of the mother country by economic measures. All the dominions were high-tariff countries. The final stage in the organization of Great Britain's tariffs was to coördinate them with dominion tariffs.

To this end an Imperial Economic Conference was held in Ottawa in August, 1932. The British delegation, led by Mr. Baldwin and Mr. Chamberlain, was fairly representative of the protectionist feeling of the British cabinet. The method of procedure used by the Conference was the making of individual agreements between the national units represented, these agreements to be ratified by parliaments. From the British point of view the substantive problem was to satisfy the British protectionist demand for imperial preference; at the same time the dominions felt that their own economic

life depended on their maintaining their own tariffs at a high level.

The British delegation came home bearing agreements made with India and with all the dominions, except the Irish Free State, whom they refused to deal with because of its refusal to pay the land annuities. By these agreements, Great Britain granted increased preferences to dominion goods; this meant that Great Britain must impose higher duties on some things. In return Great Britain got certain tariff advantages in exporting iron and steel to the dominions. From the point of view of any but rabid protectionists, the agreements were unsatisfactory because they meant a general raising rather than a lowering of tariffs, and because they benefited the dominions rather than the mother country. It is true that dominions tariff boards were obliged within a reasonable time to lower their rates, but the expectation that they would do so was finally shattered in the summer of 1934 when Australian and New Zealand boards persisted in raising tariffs rather than lowering them.

The Ottawa agreements were discussed by the British cabinet on August 27. Sir Herbert Samuel's proposal for modifications was rejected, and on September 28 the free traders resigned from the cabinet. Viscount Snowden withdrew into a semi-retirement from which he directed his talent for invective against his latest associates, accusing them of betrayal of the basis of the National government. Sir Herbert Samuel and Sir Archibald Sinclair, the two surviving Liberal ministers (Sir Donald Maclean having died) resigned more in sorrow than in anger, and the group which they led in Parliament con-

tinued for a year longer in general (though seldom specific) support of the government.[22]

The new ministers imported into the cabinet were protectionists. Sir John Gilmour, a Conservative, became Home Secretary, Major Walter Elliot, a Conservative (though once a Fabian), became Minister of Agriculture, Sir Godfrey Collins, a National Liberal, became Scottish Secretary.

The Ottawa Agreements Bill was presented to Parliament as soon as it reassembled on October 18. The agreements were defended less in themselves than as securing the unity of the empire. The bill was rapidly enacted into law, and the agreements undoubtedly had some effect in shifting British foreign trade from other countries to countries within the empire.

CHAPTER XI

RECONSTRUCTION AND DEFENSE

In 1932 the National government ceased to retain the support of all non-socialist parties. The National government was to continue, but on a changed basis. Henceforth, it was to be under the control of the Conservative party, obliged to please a huge party majority in Parliament. At the same time the creators of the National government had appealed to

[22] The 1932 conference of the National Liberal Federation, which had met at Easter, had foreseen the difficulties of the Liberal parliamentary party more clearly than the party itself, and had desired the Liberal ministers to resign, though it had refused to force them. The "National Liberals," on the other hand, had emphasized their allegiance to the government and completed their severance from the Liberal party by the formation, in July, of a separate party organization, the National Liberal Council.

electors who were not Conservatives, on the ground that problems wider than mere party issues needed settlement. Consequently, as long as MacDonald and Baldwin (of whom the latter was always the chief artificer) controlled the government, its policy was planned to please the whole country. The strong liberal elements in the National policy resulted partly from a desire to give the people what they had voted for, and partly from a feeling that a liberal policy would render the opposition completely impotent.

The National government, therefore, became a government of national reconstruction, and, later, of national defense.

PERSONAL ASPECTS

After 1932 there were only five pre-war statesmen left to exercise authority. Two of these, the Liberal leaders Sir Herbert Samuel and Mr. Lloyd George, were in opposition, where they remained.[1] Mr. MacDonald, the third, though he continued to be prime minister until 1935, had become so old and confused that he was hardly more than a figurehead.[2] Mr. Winston Churchill, who held high office before the war, and in the course of a long career has occupied more offices and held more political views than any other man, and who recently has been a strong Conservative, has not been in office since 1929. Sir John Simon, the remaining pre-war statesman, occupied a unique position both as leader of the Liberal Nationals and because of his ability. Astonishingly

[1] Sir Herbert lost his seat in the House of Commons in 1935 and went to the Lords.

[2] He then took over the Lord Presidency of the Council, exchanging offices with Mr. Baldwin. In May, 1937, he resigned altogether, and died in November.

unsuccessful as Foreign secretary, he left that position for the Home office at the cabinet reconstruction of 1935.

The Conservative Party

But for the rest it was new men, new ways, and to some extent new ideas. The Conservative party has in it three important groups. At the right of the Conservative party is the group (of whom Mr. Neville Chamberlain eventually became the spokesman) representing "City" interests—the great financiers, industrialists, and business men—won over to tariffs, worshipers of sound finance, opposed to social legislation and to spending money on social services, mild imperialists but more interested in the safety of "the City" than the glory of the empire. Always feeling contempt of France and jealousy of America, they had forgotten their natural hatred of Germany and were reverting to their pre-war admiration of her.

In the center of the Conservative party—and always the most numerous of all groups—are the true conservatives. Usually belonging to the classes that are well off (if only taxes be not too high), generous-minded but rather ingenuous, they are satisfied pretty much with things as they are. Loyal and patriotic, proud of England and her free institutions, proud of the Empire, they like stability combined with just a little progress, and can be led by a trusted leader to support almost any policy. It is this large group which was led in such different directions at different times by Baldwin, Eden, and Chamberlain.

At the left of the Conservatives is a group (which always exists in Conservative parties) of men who

are not conservatives at all, but who for reasons usually both honest and adventitious are members of the Conservative party. This group was particularly large and particularly important in the National government because it contained so many young men who a generation previously would have been Liberals. This group, unlike the middle group, were strong believers in reform, in "planning," in increasing social services, even in socialization. The left of the Conservative party is composed of men who believe in change. "The rebuilding of Britain is the task which history has allotted to our generation."[3] In many practical respects their policies differ little from those of the Labour party; indeed it is sometimes frivolously said by Conservatives that they do not object to socialism as long as it is put into effect by themselves. One fundamental difference between "young" Conservatives and Socialists exists, however. The Conservatives accept reorganization and state control, but not the elimination of the capitalist. Their doctrines are sometimes described as "state capitalism." They tend to emphasize national efficiency rather than the interests of the people as individuals.

Mr. Walter Elliot is the cabinet minister who has been most clearly a member of this group. The group has been less strong in the cabinet than either of the other groups, but in the House of Commons it has had such spokesmen as Mr. Harold Macmillan, Mr. Robert Boothby, and Mr. Vyvyan Adams. In everything but name, members of the National Labour party belong to this group—as for instance, Mr. Malcolm MacDonald, and Mr. Harold Nicolson.

[3] Harold Macmillan, M.P., in *The Observer*, July 15, 1934.

Leadership in the National Government

The electoral success of 1931 was a triumph for Mr. MacDonald and Mr. Baldwin. Mr. MacDonald, who had come to look upon the continuation of the National government as a national necessity, was allowed to stay as its nominal head as long as he wished. Mr. Baldwin, as leader of the House of Commons and of the Conservative party with its huge majority, kept himself loyally second. Up to 1935 the coalition, though composed of ministers of diverse views carrying out doubtfully consistent policies, was satisfactorily managed, except in foreign affairs where Sir John Simon won disapproval at home and abroad.[4]

Mr. Baldwin Takes Over

On May 6, 1935, King George V celebrated the silver jubilee of his accession to the throne, amidst great demonstrations of loyalty on the part of his people. Mr. MacDonald let the jubilee serve as the culmination of his own career, and a month later retired from the position of prime minister, which was filled by Mr. Baldwin. In the reconstructed cabinet, liberalizing changes were made. Amongst other things, Sir John Simon went to the Home office and Sir Samuel Hoare, an enlightened member of the center of the Conservative party, took his place at the foreign office, supplemented by Mr. Eden who was now given a place in the cabinet. At this same time occurred the only political step made by the opposition which came to have any effectiveness. Mr. Lloyd George set up a non-partisan Council for Action for Peace and Reconstruction which was to

[4] Early in 1934 Mr. Anthony Eden was made a special minister to manage League of Nations affairs and retained this position under various titles until he became Foreign Secretary himself.

swing its support, powerful in some constituencies, to whichever candidate best supported its views.

England's policy in regard to Italy's aggression toward Ethiopia was the first question that seriously concerned the Baldwin government; the difficulty is described below, but the effect on the government as such was to strengthen it. At the same time the Labour party split on the issue of sanctions, and both Lord Ponsonby its leader in the Lords and Mr. George Lansbury its leader in the Commons, resigned when the majority of their party proved less pacifist than they. With the parliament of 1931 in its fifth year, and the government peculiarly popular in the country, Mr. Baldwin dissolved parliament, and a general election was held on November 14, 1935.

No better moment could have been chosen. A vote for the government meant a vote for security and for a League of Nations policy. The opposition remained weak, though of course it gained on the results of 1931, and the National government was given five years more of possible life.[5] The Labour and Liberal parties both had to elect new leaders; Labour chose Major C. R. Attlee, and the Liberals, Sir Archibald Sinclair.

Hardly had the government won its famous victory than it passed from popularity to the depths of unpopularity through its approval of the Hoare-Laval plan for presenting part of Ethiopia to Italy. On the personal side, the House of Commons was

[5] The results were

Government		*Opposition*	
Conservative	387	Labour	154
National	3	Independent Labour Party	4
Liberal National	34	Liberal	20
National Labour	8	Communist	1

and 4 Independents.

satisfied by Sir Samuel Hoare's resignation and his replacement by Mr. Eden, and by Mr. Baldwin's reassurance that the ministry would follow a League policy after all. Confidence was not restored, and the government met a number of difficulties in 1936. On January 20, 1936, George V died, and was succeeded by his eldest son who took the title Edward VIII. With the old king Mr. Baldwin's relations had been perfect; indeed the royal family and the National government had been of mutual support. Edward, however, a much younger man, might not occupy the same position as far as the ministry was concerned. The government lost popularity rapidly in 1936. Mr. J. H. Thomas had to resign from his distinguished office because he had been the channel through which budget secrets had leaked out. Sir Samuel Hoare was readmitted to the ministry, and at the same time the government ceased to support League sanctions.

Mr. Baldwin might have ended his career with little esteem. But late in 1936 occurred the abdication of the King. Edward's successor George VI was thought to be more like George V, and was crowned, with his Scottish queen, in May, 1937. Lord Baldwin retired after the coronation, with an earldom and a vast popularity.

Mr. Neville Chamberlain's Government

Succession to high office in a party unshakeably in power is a matter of satisfying the party leaders, rather than the voters, and Mr. Neville Chamberlain had long been marked out as successor to Lord Baldwin. On May 28, 1937, Mr. Chamberlain became prime minister. He was little known in the country, but he had been Chancellor of the Exchequer since 1931, and as such was reasonably popular in the

House of Commons. A more complete change from Lord Baldwin could hardly have been made. Lord Baldwin had been a liberal open-minded politician, with a keen sense of what the constituencies would put up with. Mr. Chamberlain, who had not entered Parliament until he was almost fifty, and became prime minister only at sixty-eight, was by training a business man and an administrator. As for the cabinet, so many changes were made in 1937 and 1938 that it had become quite a different group from that which won the election in 1935. The most startling change, Mr. Eden's resignation in March, 1938, indicated that Mr. Chamberlain had policies of his own on which he would insist, and was by nature a prime minister in the autocratic rather than the democratic tradition.[6]

[6] After the changes in the spring of 1938 the cabinet was as follows:

Prime Minister	Mr. Neville Chamberlain
Chancellor of the Exchequer	Sir John Simon
Lord President of the Council	Viscount Hailsham
Secretary of State:	
Home	Sir Samuel Hoare, Bt.
Foreign	Viscount Halifax
Lord Privy Seal	Earl De La Warr
Secretary of State:	
Dominions	Lord Stanley
India and Burma	Marquess of Zetland
Colonies	Mr. Malcolm MacDonald
Minister for the Co-ordination of Defense	Sir Thomas Inskip
First Lord of the Admiralty	Mr. A. Duff Cooper
Secretary of State:	
War	Mr. Leslie Hore-Belisha
Air	Sir Kingsley Wood
Scotland	Lieut.-Col. D. J. Colville
President of the Board of Trade	Hon. Oliver Stanley
Minister of Agriculture and Fisheries	Mr. W. S. Morrison
President of the Board of Education	Earl Stanhope
Minister of Health	Major Walter Elliot
Minister of Labour	Mr. Ernest Brown
Minister of Transport	Mr. E. L. Burgin

NATIONAL RECONSTRUCTION

National reconstruction of a mildly collectivist sort was carried out by the National government in many fields.

Town Planning and Housing

Ever since 1919 the subsidization of housing had been a national policy. Partly to relieve the unattractive appearance of the countryside produced by ill-planned housing projects, and partly in restraint of the individualistic speculative builder, a Town and Country Planning Act was passed in 1932. The Act grants to local authorities wide powers to plan and replan not only congested districts but areas of any sort. To the Ministry of Health it gives the power to require that any part of Great Britain be adequately protected by a town or regional plan. The Ribbon Development Act of 1935 goes further, and allows the prohibition of building along main roads. These acts, though avoiding all expropriation, differ from earlier laws in putting their emphasis on preserving the social value of an area rather than the property rights of private individuals. The Housing Act of 1935 touched other aspects of the problem. It is directed toward the abolition of overcrowding and provides for subsidies for that purpose.

Planning of Transportation

The London Passenger Transport Board, so far the greatest of English public corporations, was created by an act of 1933. This Board has control of all tubes, trams, and buses in greater London. Thus proper management and expansion of transport

for the most complex and fastest growing English community is arranged.

The other great problem of transportation was that of motor roads and motor traffic. A new fundamental law was passed, the Road Traffic Act of 1934, giving the Minister of Transport vast powers (to be exercised in concert with local authorities). Basically, the bill imposed a speed limit of thirty miles an hour in built up sections, with no limit elsewhere, but it also allows a high degree of other regulation and restriction. The government also announced a plan to take over construction and maintenance of all first-class national highways.

Other Social Planning

In many other fields social planning was continued. The Education Act (1936) raises the school leaving age from fourteen to fifteen as of September, 1939, though it leaves a large loophole by permitting the exemption of children who are to engage in "beneficial employment," i.e., employment beneficial to the child. The act also gives needed aid to church schools, and further assimilates them to national schools.

The government was long preoccupied with the problems of those parts of the country where the death of industry had caused especial hardship to the residents. These "distressed"—or to use the official euphemism—"special" areas, stood out so desolately in a prosperous country that their relief was not a party issue. No comprehensive remedy has been attempted, but they are partially helped by special funds which can be used to reëstablish industry.

Perhaps the most striking private bill which ever

succeeded in Parliament was an essay in the revision of institutions. Mr. A. P. Herbert, the politically independent M.P. for the University of Oxford, sponsored the Matrimonial Causes Act of 1937. This law for the first time added to the grounds for divorce, including (beside adultery the only previous ground) incurable insanity of five-years standing, cruelty, and desertion for three years. Though only a slight break in the walls of rigor, it made divorce potentially an honest affair, and readily accessible to other than the well-to-do.

Agricultural Planning

The most varied and intensive economic planning under the National government has been in agriculture. The fall in world prices affected agriculture severely in England, as elsewhere, and it was reasonable to expect that relief would be sought through government aid. Especially was this true since the agricultural interest had always been a favorite of the Conservative party. These factors combined with an energetic Minister of Agriculture, Major Walter Elliot, and unusually determined permanent officials, to make the agricultural policy of the National government both definite and radical.

For many years England had of necessity imported much of its food, and the price of English produce depended on the world price. The plan of the ministry of agriculture was to make England more self-contained, and to raise the price of agricultural products. An Agricultural Marketing Bill had been passed in 1931 by the Labour ministry. A supplementary act was passed in 1933. Under these acts marketing schemes were organized by home producers, under the auspices of the ministry. Milk and

bacon, pigs, hops, and potatoes, were the first subjects to be dealt with, and in spite of individualist objection—for agriculture had always been individualistic—producers of certain essential products now find themselves in a position where the quality, markets, and price of their produce are determined for them. For each industry affected, a supervisory board was set up, representing the government and the producers, with large discretion in determining conditions of production and sale, and price. Homegrown wheat was put under a quota arrangement, with a subsidy by the Wheat Act of 1932. A subsidy to producers of beef was created by the Cattle Industry (Emergency) Act of August, 1934. Beginning in 1933 fisheries, under the supervision of the same government department, were similarly organized for the regulation of production.

The inevitable effect of such arrangements was to raise the price of certain staple foods. In effect, the food taxes which protectionists had been unable to get written into tariff laws were secured indirectly, and there was an appreciable effect on the price and consumption of certain staple foods. The price of bacon and of herrings (traditional breakfast dishes) rose. Under the Milk Marketing Board the production of milk tended to increase, but the consumption failed to keep pace, because of the artificially high price.

Combined with a "Buy British" agitation which the government sponsored in 1931, and of which the effects have not yet disappeared, a definite advance has been made in causing England to move in the direction of self-sufficiency. That Mr. Elliot not merely willed the end but accepted the incidental results was indicated by his statement in 1934 that

before his purposes were achieved English people would have to eat a great deal more "dear and nasty food."

Industrial Planning

Only by subsidy has the National government ventured far in industrial planning. Protective tariffs are in the broadest sense subsidies. The government experimented, with uneven success, in other types of subsidy, especially for ships (the *Queen Mary* and the *Queen Elizabeth*, for example), and for the production of beet sugar.

The government continued its half-hearted attempts to help the coal mining industry, which was in distress even during the period of prosperity which ended in 1937. Eventually it introduced an act, in 1937,[7] to meet two of the greater problems. Mines royalties were to be nationalized, the government paying compensation to the owners. And the amalgamation of mining operations (for which machinery had long since been provided) could be compelled by government pressure.

PUBLIC FINANCE

In its pursuance of a varied, if moderate, policy of reconstruction, the National Government was helped by a trade recovery which was well under way in 1933 and which continued until the autumn of 1937.

Owing to the Ottawa agreement, an unusual proportion of the external trade of the United Kingdom has been with the other parts of the empire. Up to the end of 1933 the total amount of both import and export trade of the United Kingdom had contracted, owing to the general contraction of international

[7] Not yet passed in any form by July, 1938.

trade. During the first half of 1934, Britain's external trade began to increase, and showed an appreciable growth over 1933. The value of imports was greater, however, than the value of exports.

The reason for the increase in imports, and the greatest element in the changed business situation, had been the business recovery within the United Kingdom. This recovery was of a particular sort. The older heavy industries lagged behind. Coal mining, iron and steel, engineering, cotton, ship building, and building construction still showed the largest block of unemployment. It is significant that these (except the last) are those industries which have been organized to thrive on exports. Other industries increased their prosperity; they were the industries manufacturing goods for internal consumption, and particularly those articles (such as motor cars, cosmetics, domestic conveniences like electric refrigerators) which previously were either imported or not used at all. Though the heavy construction industry had been hurt by the decline in public works, there came a boom in speculative building of houses. In other words, business recovery within the United Kingdom was the result of internal readjustments, and the readjustment was possible because of cheap money, confidence in the government, and a willingness to spend. International trade recovered comparatively little, and the domestic boom based chiefly on housing must cease sometime. By 1936 the question was acute, especially since prices were beginning to rise rapidly. In 1936 the government adopted a policy of rapid expansion of armaments, and it appeared that the depressive effects of a dying housing boom would be counteracted by the stimulating effects of an armaments boom.

Budgets

Mr. Chamberlain as chancellor of the exchequer introduced National government budgets until that of 1938 introduced by Sir John Simon. By the spring of 1934 a certain trade recovery made it possible to reduce the standard rate of income tax from five shillings to four shillings and sixpence, to restore the cuts in unemployment benefit, and to restore half the cuts in salaries. (The rest of the cuts were restored in 1935.) In 1934-35, 1935-36, and 1936-37 the budgets were balanced, at least nominally, and in all these years national expenditure was allowed to increase.

A change came about when the budget of 1936 was introduced. Owing to the new defense plans, much more money was needed. The income tax was increased from four shillings and sixpence, to four shillings and ninepence, and the tax on tea by twopence a pound. Supplementary naval estimates threw the budget calculations out, and no subsequent year has seen a balanced budget. In 1937 the income tax went up to five shillings. Mr. Chamberlain proposed in addition a "national defense contribution" to be made from extra profits caused directly or indirectly by rearmament; but the form which the "contribution" had assumed by the time it was enacted into law made it harmless to most potential profiteers. In 1937 Parliament approved the principle of a five-year loan of about £400,000,000 for defense —eighty millions to be borrowed, if needed, the first year.

In 1938 the income tax was again raised to six shillings and sixpence, but industry was helped by a more generous allowance for depreciation. Tea and petrol were further taxed. The budget was unpopu-

lar, but was received quietly, since no alternative could be imagined.[8]

UNEMPLOYMENT RELIEF

The need of giving relief to the poor is one which all English governments have recognized. Up to 1929 it had been the duty of the local boards of guardians; after 1929 it was handed over to the counties and county boroughs each of which works through a Public Assistance Committee. This system of relief for the needy has long been supplemented by a system of unemployment insurance which relieved the local Public Assistance authorities of a good deal of their burden. Even so, during the long-continued depression, many local governments had found the burden of public assistance to the uninsured too great, and Parliament had lightened this burden by extending relief from the national insurance fund beyond the time when it was legally obligatory or, from an actuarial point of view, safe to do so.

As part of its economy program of 1931-32 the National government had cut unemployment benefits ten per cent. Since prices had fallen, this cut was fair, except that unemployment benefits had always been below an actual subsistence minimum, and in the winter of 1933-34 the results of malnutrition became noticeable. But the Economy Act also cut the period of insurance relief to twenty-six weeks in

[8] An idea of the course of recent economic decline in England can be seen from these situations: A generally used index of share prices shows a decline from January, 1937. Wholesale prices started to drop in March, 1937. Business activity declined from August, 1937, and dropped rapidly from February, 1938. The percentage of unemployed insured (between 16 and 64) at its height in 1932 was over 22%. At its lowest in 1937 it was about 10%. In May, 1938, it was increasing and was already over 12½%.

the year. What about the unemployed whose statutory benefit was exhausted?

For a good many years relief had been paid to unemployed persons whose payments on a purely insurance basis had been exhausted, without forcing them immediately to rely on poor relief for aid. The basis of this "transitional benefit," as it had come to be called, was broadened by the Labour government. A provision of the Economy Act of 1931 made transitional benefit dependent on what came to be known as the "means test." In other words, before granting uncovenanted benefits to anyone, the committee was to take into account any property or income which the applicant possessed. Relief committees interpreted the law with different degrees of severity: some local authorities waived the test altogether, but most of them applied it conscientiously and a few ruthlessly. Many self-respecting workers had to undergo inquisitions into their personal affairs, and saw their little properties or their savings disappearing through conditions over which they had no control, in an emergency which they were told was temporary. And of course, because the covenanted period of relief was shortened, an increasing number of workers fell under the "means test."

In spite of a great deal of hardship and some unfairness, the workers put up with the new system. But opposition to it grew. A Royal Commission on Unemployment Insurance, appointed in 1930, reported on November 7, 1932. The majority report wanted to institute a nationally organized system of relief side by side with insurance. The socialists on the commission wanted unemployment relief handled as a unit, and treated as a national charge. The

greatest legislative achievement of the government in the parliamentary session of 1933-34 was the passage of a comprehensive unemployment insurance bill.

For the first time parties other than Labour admitted that unemployment on a large scale would have to be treated as permanent. The problems were three: to keep the unemployment fund solvent; to provide insurance on an actuarial basis for the temporarily unemployed; and (here was the real difficulty) to care for the employable persons who could not be provided for under an insurance scheme. The first problem was met (against bitter opposition) by making the debt of the "insurance fund" a charge on future insurance contributions. This required a raising of the contributions; and an Unemployment Insurance Statutory Committee was established to keep check on the financial side and to recommend future increases (or if trade improved) decreases in contributions. The second problem presented no real difficulties, when the first and third were met.

The government's answer to the third problem was along the line suggested by the majority report of the royal commission. The age at which relief was to be paid was lowered to cover young people who had left school and could not find work. For all those who could not qualify for relief under the insurance scheme a new system was established. No longer were local assistance committees to give relief at their discretion, supervised by the Ministry of Labour. A national system of relief was organized, in which commissioners chosen by the ministry would administer relief throughout the country. Though local authorities no longer shared in the administration, they were responsible for three-fifths

of the cost. The system was centralized under the control of an Unemployment Assistance Board.

Thus under the new law the temporarily unemployed were, as before, to be taken care of by a contributory insurance system, though its administration was to be centralized under the Unemployment Assistance Board. The able-bodied workers, whose insurance rights had expired, were also to be in charge of the Unemployment Assistance Board. The unemployables, whether sick, too young or too old, or whatever their disability, are left a charge on the local Public Assistance Committees. The burden is still heavy; it is heaviest in the poorest districts.

The opposition in Parliament had objected to the centralization of administration as likely to result in inflexibility and inhumanity. Almost at once the accuracy of their prediction was proved. Just before the Christmas adjournment, in 1934, the Minister of of Labour laid before the House of Commons the scales of relief which the Unemployment Assistance Board had prepared for the "transitional" payments and for the able-bodied unemployed. These scales were to go into effect early the next year. The Speaker ruled that under the act the House had no power to amend the regulations; it could merely accept or reject them. Both the Liberal and Labour oppositions objected to the low rate of payments and to the prohibition against their parliamentary correction, but the scale was approved. However, when the scales were first applied on January 7, it appeared that though many families would be better off, a large number would be worse off than they had been under the previous local assistance arrangements. Protests were made throughout the country, and when the government met Parliament late in

January and could only suggest that the Unemployment Assistance Board would have to consider the matter afresh, demonstrations of the unemployed so alarmed local authorities that they and the government agreed to reestablish the old scales, provisionally. The Board took another eighteen months to prepare its new regulations, which were accepted, and which have been interpreted, as the law allows, with so much local variation that they have been reasonably satisfactory. The "household means test," as a result of which an unemployed man may receive less if the members of his household have been frugal and saving, remains a perpetual source of dissatisfaction and an evidence of the imperfect nature of the law.

After long consideration Parliament brought within the insurance scheme the last great group of workers who had been outside—the agricultural workers—by the Unemployment Insurance (Agriculture) Act of 1936. By the Widows, Orphans, and Old Age Contributory Pensions Act which came into effect in 1938, insurance for white collar workers on a voluntary basis became possible, since the upper limit of income for those insured by the act is as high as £400.[9]

NATIONAL DEFENSE

National defense historically means defense against other nations. But in very recent years, in many countries, including England, the term has come to include defense against dangers from within. During the nineteenth century, when conservative nations feared an extension to themselves of the

[9] National Health Insurance was also opened on a voluntary basis to those with incomes up to £400 for men and £250 for women by an act of 1937.

nihilist activities common in Russia, England remained unperturbed. To-day the English government has become concerned at the success (outside Great Britain) of new systems of political ideas, and has begun a policy of limiting England's traditional freedom of speech and her historical protection of many other liberties of the subject. The success of the Communist revolution in Russia caused in Englishmen and particularly the English government a state of apprehension which lasted for years, and which extended to the point where anyone associated with a Communist was held to be a danger to the community. Later came fascism both in its Italian and its German forms. Italian fascism has always been more scorned than feared in England, but the rise of Herr Hitler in Germany caused sincere apprehension in England.

Communism

So far as one can judge from objective evidence, England has little to fear from either of these dogmas and systems of government. Communism, claiming to be a remedy for the ills of the proletariat, naturally appeals to the workers, and a Communist party has existed in England for many years. It has taken an earnest part in parliamentary elections since 1924; in that year and again in 1935 one Communist won a seat in the House of Commons. In 1924, 100,000 votes were cast for Communist candidates in Great Britain and Northern Ireland; in 1935, 27,000. The Labour party has taken great care to prevent Communists from becoming candidates for Parliament under its auspices, or from belonging to constituency Labour parties, and has continu-

ously opposed any suggestion of a "popular front" which should include Communists.

Fascism

Fascism in England has had an even stranger history. The British Union of Fascists is the only fascist organization which has been of any importance. Its leader, Sir Oswald Mosley, formerly a Labour minister, formed the B.U.F. on September 30, 1932, with fourteen followers. At first they followed the Italian model, and Sir Oswald appropriately visited Rome. But the B.U.F. has also imitated German National Socialist methods, and in the later stage of its development its chief campaign has been against Jews as being "not British." The B.U.F. has always refused to reveal membership figures, but at the end of 1933 it was thought to have 100,000 members. The disorder and bloodshed which accompanied its meeting at the Olympia in June, 1934, lost it most of the upper-class support it had had. The B.U.F. subsequently gained in nuisance value through its anti-semitic demonstrations, and undoubtedly stirred up anti-semitic feeling, previously almost non-existent amongst the English.

If the local fascist movement failed in England, however, a feeling that fascism was internationally helpful to the rich caused the growth of a noticeable amount of sympathy for German and Italian policies and leaders in upper-class English circles.

Special Legislation

The presumed dangers of foreign ideas, taken together with the strong desire for "order" even at the expense of "liberty," which is characteristic of all but the most liberal governments, have caused the Na-

tional governments to strengthen the laws against seditious activity. The Emergency Powers Act of 1920 and the Official Secrets Act of 1920 antedate the National governments; though the first has been latent since 1926, the second was widened by interpretation in 1938 so that it can be used to censor the press. Two acts of Parliament have been passed by the National government, curtailing liberty but justified by ministers on the ground of national necessity. The Incitement To Disaffection Act (universally called the Sedition Act) was passed in 1934. This bill was intended to make it easy for the police to search premises and to convict persons not merely for using but for possessing material which might be used to cause disaffection in the armed forces of the crown. The powers it granted were great; it would legislate out of existence most of the safeguards for the expression of opinion which had been carefully built up over the course of almost two centuries. So broad was it that one of its critics stated, unchallenged, that the law would subject to prosecution anyone who, having pacifist literature in his bookcase at home, bought a railway ticket to Aldershot. The opposition to the bill was widespread and intense. As a result, it was greatly amended in committee, but not enough to quiet an opposition which included many Conservative lawyers, amongst them Sir William Holdsworth, the historian of the English law.[10]

[10] See his "The Dangers of the Sedition Bill" in the *Spectator* of June 29, 1934. Though socialists and pacifists would be inevitably affected by the passage of the bill, the prime minister denied that it was directed against them; the service departments are known to have sponsored it because the Admiralty discovered Fascist groups in the navy. It is useful to note that though ministers defended the act on the ground that it would not be used against moderate dissenters of the left, the first prosecution under it (and

In 1936, stimulated by disorders caused by fascist demonstrations, the Public Order Act was passed. This act prohibits the wearing of uniforms in connection with political objects, and prohibits the maintenance of private military associations, but it authorizes the police to restrict parades, and to enter public meetings and dissolve them on suspicion that there is danger of breach of the peace. The prohibition of uniforms has hurt the fascist movement; the power to enter meetings has been used against socialists and pacifists, and the power to prohibit processions was used to shut off all political processions in the East End of London for three months in 1937, though Fascists were permitted to parade in other districts where their presence was just as provocative.

In addition to passing restrictive legislation, the government has allowed or encouraged the police and the magistrates to use their powers more ruthlessly. And the organization of the Metropolitan Police has been made more military and less democratic.

The Metropolitan Police

The Metropolitan Police have always been a problem. Their jurisdiction extends over one-sixth of the population of Great Britain. Since their organization over a hundred years ago they have been frequently accused of the sort of intolerance of civil liberties which is characteristic of a militarized force.

the only prosecution up to July, 1938) was of an eighteen year old boy who talked pacifism to a much older man, a corporal in the air force, and wrote him a pacifist letter. The boy was convicted of endeavoring to seduce a member of His Majesty's Forces from his duty of allegiance to His Majesty, and was sentenced to twelve months' imprisonment. The Home secretary allowed the boy to be sent to prison and released him after a few months.

Chief commissioners, it is true, had usually been brought in from high positions in the armed forces of the crown. But the accusations against the police had always been met satisfactorily by the realization that the mass of the police were drawn from working-class backgrounds, and owed a large part of their ability to perform their duties without offense to the fact of their natural sympathy with the mass of the people. In the days at the end of the war when unionization was spreading and police conditions were bad, the police had formed a union, and gone on strike. The union was abolished, but a Police Federation was created by authority of Parliament, to act as agent of the rank and file in their dealings with higher authority.

In 1933 the government passed an act reorganizing the Metropolitan Police. It acted on the recommendations of the Commissioner, Lord Trenchard, who before his appointment in October, 1931, had been a marshal of the Air Force. The significant portions of the act were the provision for the recruiting of a special class in the metropolitan police, and the provision that henceforth no one above the rank of inspector could belong to the Police Federation. The officers were to be trained in a new police college, and were to be recruited to a considerable extent from the upper middle class.[11]

Though the desire for a more highly educated constabulary was laudable, the commissioner clearly aimed at a police officered by men whose sympathies would not be with the working class. During the hunger march of 1932 the police were accused of fraternization with the marchers. In the hunger

[11] When the regulations for the police college were made public, they were found to include the requirement that each cadet provide himself with four dress shirts.

march of 1934 the efforts of a newly created Council of Civil Liberties were directed to preventing police oppression of the hunger marchers. In the disorders resulting from Fascist propaganda, accusations have been general that the police have been more lenient to the radicals of the "right" than to the radicals of the "left."

Foreign Policy

National defense from external attack is an old problem but one still unsolved. Since 1919 England has no longer been an aggressor nation, even in spirit. For some years her possible enemies were all impotent, and national defense presented no problem at all. Gradually, however, Russia, Italy, and Germany became more aggressive and more powerful. The marked change (from an international communist policy to an anti-fascist policy) that occurred in Russian international policy when National Socialism conquered Germany in 1933 crossed Russia off the list of actual threats to Britain, but did not conciliate those Englishmen who feared Communism more than anything else. To Italy, England had always been a friendly patron; Mussolini and his policy roused antagonism and dislike, but no fear. Not until 1933 did England begin to experience fear, for since then she has recognized Germany's power, and feels doubtful of National Socialist methods. The English position in regard to France has been a dual one. As co-authors of the settlement of 1919, the English and French governments have worked together: under French lead when Conservatives have been in power; under British lead when Labour has been in power. The British Foreign Office has been traditionally pro-French. But the people of England

have never liked the French, who are not only the historic enemy of England but a Latin people whose ways are hard for an Englishman to understand. In contrast to fascist Germany and Italy, France seemed a sensible democratic friend until in 1936 the French elected a "popular front" Chamber of Deputies. The resulting situation antagonized the British Foreign Office without pleasing the English people.

For many years after 1919, British governments pursued a policy of working with and through the League of Nations, but this policy was unnatural to the old-fashioned Conservatives brought up on the pre-war politics of imperialism, navalism, and isolation. The mass of English people came to believe in the League of Nations; many of their rulers paid only lip service to it.

A "National" government as such must follow the people or at least carry them with it, in foreign affairs. A government with a large Conservative backing is bound to lean toward a reactionary foreign policy. From its origin the National government included three groups: those who wanted to work with the League of Nations in a policy of peace and collective security; those who did not believe very strongly in any special end or means, but were opportunists; and those who felt that the League was a hindrance to the well-being of Britain.[12] The second and third groups predominated in the cabinet and in the House of Commons; the Peace Ballot of 1935 showed that the first group predominated in the country.

The clue to the understanding of recent English

[12] Mr. Eden represented the first group, Lord Baldwin the second, Mr. Neville Chamberlain the third; there is no indication that any of those men ever changed their basic views.

foreign policy is the realization that the government, up to 1938, was trying to carry out two contradictory policies at the same time; a policy of collective security based on active League membership, and a policy of rearmament accompanied by refusal as far as possible to take part in European affairs.

As early as 1934 a five-year air armament program was announced, and in July of that year Mr. Baldwin made his celebrated remark that the British frontier was no longer the cliffs of Dover but the Rhine. A "white paper" issued by the government in March, 1935, went so far as to say that collective security was not enough, but that Britain must rearm generally. Lord Londonderry, the Air Secretary, made the thing more specific by saying that Britain must equal Germany in the air. These were early steps in the direction of rearmament in isolation. No sooner had they been made than the government shifted in the League direction. In June, 1935, the results of the Peace Ballot were made known. During the previous six months the League of Nations Association had collected over eleven and one-half voting papers answering five questions: whether the voter was in favor of the League of Nations, of all-round disarmament, of the abolition of naval and military aircraft, of the private manufacture of arms, of (a) economic and (b) military action against an aggressor nation. The vast majority of answers were favorable to each question. The largest negative vote was 20% unfavorable to military action against an aggressor, and the abolition of air-craft was also comparatively unpopular—it had only 85% of the ballots in its favor. Pacifism modified by a willingness to work with the League was the nation's obvious desire.

Immediately the pro-League policy of the government was emphasized. The particular question of the moment was a settlement of the dispute between Italy and Ethiopia in which the former demanded an overlordship of the latter country. All during the summer and autumn of 1935 the cooperation of the British government with the League satisfied the most ardent, and Great Britain was one of the leaders in the League assembly which determined on the use of collective action against Italy. During this period of harmony, when the cabinet was setting forth a policy which the bulk of Englishmen supported strongly, Parliament was dissolved, and the National coalition campaigned as a unit, with the League of Nations as the keystone of its policy—or so its leaders officially said. Fighting under these conditions, the coalition won handsomely.

Underneath, however, the attack on the League was proceeding. Suddenly, in December, it became known that Sir Samuel Hoare had agreed with M. Laval, the French foreign minister, upon a plan which they intended to push through the League committee, by which Italy would get from Ethiopia a large part of what the League had just decided she should not have. That the British cabinet had agreed to the Hoare-Laval proposals was overlooked in the excitement which followed the revelation of them. The country was roused as a unit against this betrayal of the collective League policy. Sir Samuel Hoare resigned from the cabinet the night before the House of Commons was to debate the incident. He served as a scapegoat, but since he was willing to take the blame, the House and the country were reassured by Mr. Baldwin's statement that the cabinet did really support the League, and by the ap-

pointment of Mr. Anthony Eden in his place—for Mr. Eden, to the popular mind, incarnated a pro-League policy.

While the League's policy of sanctions was being carried out with Britain's help, the cabinet went further with its isolationist policy of self-help. A cabinet Minister for the Coordination of Defense was appointed. Another "white paper" (March, 1936) announced an expensive rearmament program, which was said to be part of a collective League policy. When the point was reached where pressure on Italy through sanctions merely needed to be made stronger to succeed, the British government took the lead in abandoning sanctions, and Mr. Baldwin (in June, 1936) announced that collective security had broken down.

Collective Security Abandoned

From that time on the British government ceased to pursue a League policy, but merely used League machinery, when it could, as a means to its own national ends. But until Mr. Eden's resignation from the cabinet in 1938, most English people believed that, since Eden was foreign secretary, the country's cooperation with the other League nations remained unchanged.

Shortly after sanctions were jettisoned, civil war broke out in Spain. Under the circumstances, it was naturally the policy of the British government to take as little interest in it as possible. When, very shortly, it was clear to unbiased observers that Italy and Germany were sending help to the insurgents and Russia to the loyalists, the British government was the chief organizer of a "non-intervention committee" whose avowed purpose was to prevent men

and munitions from reaching either side—quite contrary to the provisions of the League Covenant, as a matter of fact, but accepted as a working basis since it was not expected that foreign intervention would continue. Though serious efforts were made from time to time to enforce "non-intervention," it was almost entirely ineffective. Furthermore, owing to the large number of Italian troops in Ethiopia and Spain, and the Italian air and sea forces in the Mediterranean, the British government became wary of trying to maintain its traditional control of that sea, and spoke cautiously in regard to Spain, even going to the extent of sending political agents to deal with the unrecognized Spanish insurgent leader, General Franco.

The working theory of the British government seems to have been that until England was sufficiently rearmed, the country was powerless to act, and that an effort to use national prestige or to appeal to international law or justice, unbacked by overwhelming force, would be suicidal. Even when Japan invaded China, causing the loss of much British property and many treaty rights, British policy was to minimize the incidents and the losses. The government's efforts to increase its strength in armaments were unfailing. The budget of 1937 made provision for loans of millions of pounds for defense. An Air Raid Precautions Act (1937) was the text both for planning protection against air attack and for stirring up the people to a sense of danger. Late in 1937 sudden and comprehensive changes were made in the high command of the army, with the intention of modernizing it and making it more energetic. The construction of air machines was a particular subject of concern, for the Air Ministry gave

an impression of being inefficient, if nothing worse, and Mr. Chamberlain was obliged, in the spring of 1938, to get rid of his Air Minister and consent to an investigation of the department.

Conciliation with the Fascist Dictators

Though Mr. Baldwin resigned in May, 1937, and Mr. Chamberlain took his place, no striking difference was at once noticeable in the policy of the government. But in November, 1937, though Mr. Eden was Foreign Secretary, Lord Halifax, who was sympathetic with the German government, was sent on a mission of conciliation to Berlin. This mission appears to have failed, but Mr. Chamberlain also wanted a reconciliation with Italy and started negotiations to that end. The German and Italian press attacked Mr. Eden as the chief obstacle to conciliation. In February Mr. Eden resigned from the cabinet on the ground that England should not make an agreement with Italy without Italy's showing a willingness to deal fairly with all nations and to be bound by ordinary international obligations, particularly in regard to Spain.

Mr. Eden was immensely popular in the country; for a moment it looked as if the ministry would fall. But the official opposition had long since lost hope, and no Conservative revolt occurred. Mr. Chamberlain continued in office, with the country awaiting the success or failure of his policy before making a final judgment upon him. Hitler's invasion of Austria on March 12 startled and antagonized England, but did not end Mr. Chamberlain's desire to conciliate the German government. An agreement with Italy, however, was the test, and on April 16 the agreement was signed.

The Anglo-Italian agreement was eminently reasonable in most of its terms. The Mediterranean and the Suez canal were to be freely open to both countries. In some of the places where their interests conflicted, rights were delimited. The position of Ethiopia was to be clarified by the League (which had found itself constitutionally unable to recognize the Italian conquest). The real difficulty was Spain. As to this problem the two signatories were to arrange a proportional evacuation of foreigners from Spain, and Italy forswore any territorial or political aims in Spain. So vital was the Spanish question, that the agreement was not to go into effect until the Spanish difficulty was resolved. At the time of the agreement, General Franco seemed to be winning rapidly. The tacit Anglo-Italian understanding was that Italy should help him to win as soon as possible.

The Government's handing of Spain over to the insurgents and their allies was unpopular in England. But the mere existence of an agreement was reassuring. As time passed and the Spanish loyalists continued to resist defeat, the unconsummated agreement lost much of its popularity.

Later in April the English and French governments turned their "conversations" of 1936 into a definite military alliance, providing even for the pooling of military supplies and for a joint command in time of war. The French had to agree to give up all support of loyalist Spain, and got no return promise of British aid for Czechoslovakia.

Conciliation with the dictators on the one hand, rearmament on the other—this was Mr. Chamberlain's policy. It was based on the very common assumption that sensible and conservative men in all countries fundamentally agree, and that the logical

basis of European peace is an understanding between like-minded governments in England, France, Germany, and Italy.

THE FUTURE

Englishmen in general are devoted to the continued maintenance of the English structure of government and way of life; England is the leading European example of the liberal-democratic state, with possibilities of progress in any direction which may seem desirable to her citizens. Recently two obstacles have arisen in her path. One is the economic situation. The other is the fear of war.

By accepted capitalistic methods England conquered the depression, and became rich again, only to find that her new prosperity was not so complete as that which she had known previously, and that it was followed by a decline (in 1937) for which there was no proper explanation. Is her controlled capitalism subject not only to painful cyclical fluctuation, but also to some deeper and more fatal ailment?[13] Here of course the answer of Germans, Italians, or even on the other hand the Russians, is that she cannot be truly prosperous until she is wholly fascist, or on the other hand communist. But from her own point of view, can her system survive?

The other question is whether England can, without ceasing to be herself, avoid a war. One can quite understand the apprehensions of a government whose capital is a city containing one-fifth of the country's population, located within one hour's dis-

[13] The question is brilliantly put by Dennis Holme Robertson, reader in economics in the University of Cambridge, and since 1936 member of the National Economic Advisory Council, in his contribution to *Authority and the Individual* (Cambridge, Mass., 1937) at pages 44-45.

tance from a possible base of attack from the air. "Total war" includes the bombing of civilians, and ministers of defense assume that a general European war would be "total war." London might be bombed as Madrid and Nanking have been bombed, and London is more to England than those other cities to their countries. In the long run England would win as she has always won, but is it not worth any sacrifice to prevent a general war, at least until Britain's strength is greater than any other nation's?

Such a "realistic" policy answers every question for those whose vision is limited to the material and the contemporaneous. But frequently, in the past, Englishmen have believed that neither empires nor civilizations can be destroyed from outside; they weaken from within. Farsighted members of a generation in which the Germans have been held captive will not expect to see the British empire fall unless it should say:

"With mine own hands I give away my crown."

Meantime, the National government may properly congratulate itself on progress within the ambit of its chosen aims. England is still of all the European powers the most comfortable country to live in, for mind and body alike. In comparison with herself in the past, as well as with her neighbors to-day, England is orderly, peaceful, prosperous, and free.

FRENCH GOVERNMENT AND POLITICS

CHAPTER I

THE CONSTITUTION OF 1875

FRANCE prides herself on being the first country in Europe to have reached political unity. Nevertheless, it now lives under a system of government which has been in existence for a much shorter period of time than the one which obtains in the so-called young Republic of the United States. For the French system of government is less than sixty years old: it has its charter in the Constitution of 1875.

The fact, however, that France is an old nation, inhabited by an old race and endowed with an old civilization, is evidenced by a study of her seemingly young political organization. For France's republican structure is permeated to the core by institutions coming from a remote monarchic past. Successive revolutions in 1789, 1830, 1848, and 1870 were unable, in spite of all their guillotining, street shooting and banishing, to lay the ground sufficiently bare for the erection of an entirely new political edifice as alien to the royalist and imperial régimes of the past as the U.S.S.R. is to the Russia of the Czars. As is often said, "France is a country with the forms of a republic, the institutions of a monarchy, and the spirit of an empire."

Truly, the same formula might apply as well to Great Britain. For one might say conversely that "Great Britain is a country with the forms of a monarchy, the institutions of a republic and the spirit of an empire." But in Great Britain's case the disappearance of absolute monarchy and its replacement by the principle of ministerial responsibility to Parliament took place progressively after nearly two centuries of struggle. As a result, the British republican institutions and monarchic forms of government have been so harmoniously blended that it hardly seems strange to loyal Britishers that their Socialist prime minister should attend court gatherings at Buckingham Palace in silk stockings and knee breeches.

In France, on the contrary, the process of republicanization which started in 1789 was brutally stopped ten years later when Bonaparte established himself as absolute ruler. The Consulate, the First Empire, the Restoration and July Governments, and then the military dictatorship of the Second Empire would have meant an unbroken seventy-year reaction against political liberalism but for the short-lived Second Republic.

The establishment of a republic was further hindered by the Industrial Revolution which coincided with France's Great Revolution. While Great Britain, during the seventeenth and eighteenth centuries, could concentrate upon the strictly political problems involved in the organization of parliamentary government, France, even after the Revolution of 1789, had to deal both with the building of a new political system and the reorganization of her society. Her nineteenth-century struggle for democracy was hampered at every step by the rising

plutocracy. As the keen French philosopher Alain writes: "There are three powers in France, the people, the rich, and the civil servants."[1] Since the civil servants represent the autocratic tradition of the Old Régime, Alain's statement shows clearly which are the three conflicting currents in the French political-social turmoil: democracy-plutocracy-autocracy.

Finally, to make things worse, the Constitution of 1875, which laid the legal foundation of the Third Republic, was drafted by the so-called "National Assembly" elected by the French people in 1871, an Assembly which had been denied by some the legal power to make any constitution at all, and which moreover had a majority of monarchists.

This early period of the Third Republic has had such a tremendous influence upon its later life that it must be studied in some detail.

It can be divided into three stages: (1) The Government of National Defense, September 4, 1870, date of the overthrow of the Empire, to February 12, 1871, date of the meeting of the National Assembly in Bordeaux. (2) Thiers' dictatorship, February 12, 1871, to May 24, 1873, date at which he was forced to resign. (3) Mac-Mahon's presidency, May 24, 1873, to the vote of the Constitution between February and November, 1875.

THE GOVERNMENT OF NATIONAL DEFENSE

The Second Empire, in spite of all its dynastic pretense, was nothing but a personal dictatorship supported by the army. When, on September 2, 1870, Napoleon III capitulated at Sedan with eighty thousand men, while his only other army under

[1] Alain, *Eléments d'une doctrine radicale*, Paris, 1925, p. 33.

Bazaine was being encircled in Metz, the whole imperial régime collapsed. Empress Eugénie, much hated by the French people for her Spanish catholicity and her feminine frivolity, made a futile attempt to maintain her position as regent.[2] A mob of several thousand people gathered around the Tuileries when the news of the Sedan disaster reached Paris on September 3. The empress had to make a hazardous flight to England with the help of her American dentist. The mob then moved to the City Hall where a provisional government was organized, consisting of the deputies of Paris[3] under the presidency of the military governor of the capital, General Trochu, who enjoyed much prestige with the people and the army.

This provisional government proclaimed its republican character in the declaration of September 4, which read: "The Republic has conquered the invasion in 1792; the Republic is proclaimed." Thus was the republican form of government closely linked to the continuation of the war. Gambetta was the organizer of a gallant but vain resistance against the invading Germans. When Paris was besieged, he left the capital in a balloon to head a "delegation" of the Government for National Defense which had its seat in Tours and later in Bordeaux. This delegation acted as the absolute ruler of that

[2] As a matter of fact, the Imperial Constitution of July 17, 1856, did not provide for a regency in any other case but the case of minority. When Napoleon III went to the front he only gave the empress a delegation of power, which was made void by the emperor's captivity, for it did not provide for such an emergency. The empress, helped by the War Minister, Count de Palikao, proposed to ask the *Corps Législatif* for the constitution of a provisional government that she would head. But events moved faster than Eugénie.

[3] They were: Arago, Jules Favre, Jules Ferry, Gambetta, Garnier-Pagès, Glais-Bizoin, Pelletan, Picard, Jules Simon, Rochefort.

part of France which was not occupied by the enemy.

Once more since the Great Revolution, Paris had overthrown a political régime and organized a national government consisting exclusively of Parisian deputies. The whole country accepted this rule without resistance, even after the capital had been completely encircled by the German armies. Jules Favre, Minister of Foreign Affairs in the Provisional Government, went to the German headquarters to ask for a truce during the election of a national assembly which would have given France a truly national government. He received this blunt answer from Bismarck. "We have no concern with the form of your government."[4] The Provisional Government had no other course left but to carry on.

Jules Favre concluded an armistice on January 28, 1871. But it was clear that Germany, now that the hostilities were at an end, would not sign a peace treaty with a government which did not represent France. Consequently, the Provisional Government agreed at the Armistice Convention to call for general elections to be held on February 8 with the purpose of appointing "a freely elected assembly which would pronounce itself upon the question whether war should be continued or under what conditions peace should be made."

It was sometimes argued on the basis of these words as used in the armistice agreement that the National Assembly thus elected had no power to draft a constitution. True, the armistice agreement did not provide for the election of an assembly endowed with the power to determine the govern-

[4] Quoted by Emil Ludwig, *Bismarck, The Story of a Fighter*, American edition, New York, 1930, p. 355.

mental system to be applied to France, but merely for the election of an assembly which would decide upon war or peace. Yet it cannot be denied that Germany, at the time of the armistice, could not interfere with the internal affairs of France to the extent of imposing on her the drafting of a constitution. The failure of the armistice agreement to provide for the election of a constituent body does not imply that the National Assembly elected in accordance with its terms had no constitutional capacity.

In fact, as early as the eighth of September, 1870, the Provisional Government had issued a proclamation followed by a decree calling for general elections to be held on the sixteenth of October for the purpose of appointing an *Assemblée Nationale Constituante,* the last word indicating the purpose of such a body. The German invasion stood in the way of these elections and a second decree of September twenty-third adjourned the elections until "circumstances should permit them." It cannot be denied that such circumstances are to be found in the January armistice and that the National Assembly elected in February had implicitly the power to draft a constitution.

There is little doubt, though, that the question of a new constitution occupied a negligible place, if any, in the minds of these electors who went to the polls on the eighth of February, 1871. In forty-three departments representing one-half of the national territory, the postal service was under the control of the Germans who had to be relied upon for sending the summons to the electors. To these electors, war with Prussia was the paramount problem to be dealt with, and the question of its continuation or

of the terms of a peace settlement were the only fundamental issues upon which they actually voted. Under those conditions, "the questions of constitutional organization or even of governmental principles had very little importance in the electoral struggle."[5]

The National Assembly had its first meeting on the twelfth of February, 1871, at Bordeaux, in the beautiful theater built by Gabriel in the eighteenth century. The Provisional Government resigned to make place for a regularly appointed government. This was the logical end of Gambetta's rule.

THIERS' DICTATORSHIP

Gambetta could not even expect to receive a reward for his outstanding war service. He was not to have any real influence upon the government by the National Assembly. In fact, the man who during the "terrible year" had been the incarnation of France's faith in her power of resistance was elected in only nine departments.[6] Unlike the Republic of 1792, the Republic of September, 1870, had not "conquered the invasion." As a result, the republicans were defeated at the polls of February, 1871. The republican candidates had as their platform the continuation of the war to the end, hence their nickname of *jusqu'auboutistes*. The conservative candidates wanted peace: their opponents called them *défaitistes*. But the majority of the nation were discouraged and voted *en masse* for the conservatives,

[5] Joseph-Barthélemy and Paul Duez, *Traité de droit constitutionnel*, Paris, 1933, p. 10. Cf. A. Esmein, *Eléments de droit constitutionnel français et comparé*, 8th ed., Paris, 1928, Vol. II, pp. 4-6.

[6] For these elections to the National Assembly, the same man could be elected in several constituencies.

although they did not necessarily share the social, political, and religious ideas of their nominees.

Out of 768 members in the National Assembly (they were reduced to 738 after the deputies from Alsace-Lorraine had left) 450 deputies belonged to the conservative right. Among these there were 200 noblemen and three priests.

Most of the newly elected deputies had no experience with public affairs because, during the eighteen years of the Second Empire, they had passively opposed the régime. They had been elected on account of the social and economic position they occupied in their respective electoral districts. Their opponents named them the "rural" deputies. Most of them proved very mediocre and those who became leaders were generally the few veterans of the political struggles of the previous régimes.

The majority in the National Assembly were in favor of a constitutional monarchy with a parliament and some sort of a cabinet government. Yet it is the same National Assembly which finally gave France the republican constitution which has endured to this day. This strange situation had so much bearing on the subsequent life of the Third Republic that it calls for a close analysis.

The conservative historians of this period have given an *après-coup* explanation for this astounding phenomenon: a monarchic assembly which organized a republic. They contend that, immediately after the war, it was best to impose the responsibility of the disastrous Frankfort peace on a republic. Popular resentment would necessarily follow the government's assent to the surrender of two provinces and to the occupation of half of the country by the German armies until a tremendous war

tribute should be paid. It was better to let the Republic incur the wrath of the people and to proceed later with the restoration of a monarchy.[7]

The truth of the matter is that the monarchic majority of the Assembly was split into three groups, each of which was supporting its own candidate to the throne. The *légitimistes* who supported the candidacy of Count de Chambord, grandson of Charles X, the heir of the elder branch of the Bourbons, formed the largest group. Next came the *orléanistes*, supporters of Count de Paris, grandson of Louis-Philippe, and finally a small group of *bonapartistes*, supporters of the exiled Napoleon III and, after the latter's death, of his son the Imperial Prince.

None of these groups had the absolute majority needed to impose a candidate on the Assembly, and consequently a compromise became necessary. The combined forces of the two royalist groups would have mustered a majority for, at the beginning, there were only seven bonapartist deputies. But it was only in the summer of 1873 that the *orléanistes* agreed to support the *légitimiste* candidate. In the meantime some sort of government had to be organized to conclude the peace, to put an end to the German occupation, and to bring back economic prosperity.

Towering high above the mediocrities of the National Assembly was the personality of Adolphe Thiers, who had been elected in twenty-six departments. As Louis-Philippe's prime minister he had learned all the tricks of the parliamentary game. During the war he had won the gratitude of his fellow-citizens through a good-will tour of the

[7] Cf. Haussonville, "Souvenirs," *Revue des Deux Mondes*, October 19, 1924.

European capitals, undertaken with the hope of getting foreign powers to intercede in favor of France. Although he had failed to accomplish his purpose, he had proved his diplomatic ability, a quality which was to be very much in demand in view of the coming peace negotiations with Germany. It was both for his statesmanship and his diplomacy that Thiers, through the resolution passed on February 17, 1871, was appointed by the National Assembly "Chief of the Executive Power of the French Republic." He was to appoint his own cabinet with the help of which he was to govern "under the authority of the National Assembly."

Thiers was responsible to the Assembly. Yet so great was his prestige that his rule was dictatorial. The Assembly was in favor of administrative decentralization. Thiers made it vote the Act of April 14, 1871, for centralization. The Assembly was for free trade but Thiers forced upon it a protective-tariff bill.

Thiers, furthermore, retained his deputy's privilege to address the Assembly. His persuasive eloquence, his cold logic, won him many a debate.

Finally, Thiers adroitly threatened to resign as a weapon to win his point in the Assembly. He was so indispensable to the peace negotiations that the Assembly preferred to yield to him on secondary issues than to do without him at Frankfort.

Although the expression "French Republic" was used in the resolution of February seventeenth appointing Thiers, no general statement was made as to the form of government to be given to the country. It was made clear in the pact of "Sacred Union" voted on February nineteenth, and known as Pact of Bordeaux, that the settlement of this question

was to be postponed until after the territory should be freed from the enemy.

On March twentieth, the National Assembly moved to Versailles at the very moment the Commune insurrection had broken out in Paris. Although orthodox Marxists regard this movement as the first Communist uprising, its purpose was more political than social, as it aimed to organize France into a federal republic in which the political unit should be the commune. The insurrection was put down in May after a second siege of Paris conducted with provincial troops. For the first time in the revolutionary annals of France, Paris failed to carry away the provinces.

Meanwhile, much progress was being made toward the settlement of the peace. Thiers began to appear less indispensable. The Assembly was tired of his control, especially of his insistence upon the organization of a moderate republican government.

The Assembly, therefore, passed two constitutional laws, the ultimate result of which was to force Thiers' resignation.

The *Rivet Law* of August 31, 1871, had four main provisions: (1) The Chief of the Executive Power assumes the title of President of the French Republic. (2) His powers will last as long as the Assembly's. (3) A council of ministers is created which is responsible to the Assembly. (4) The President of the Republic acts under the authority of and is responsible to the Assembly.

This law is full of contradictions. Thiers' powers were to last as long as the Assembly's, but, since he was at the same time responsible to this Assembly, he might well be overthrown by an adverse vote before the Assembly itself reached the end of its

mandate. Yet Thiers' responsibility before the Assembly could not be engaged as easily as was formerly the case—that is to say, for any act of government. The council of ministers was responsible for every one of their activities, but the president could not be overthrown except in case of a disagreement with the Assembly on a matter of "general policy."

This strange law, which in theory greatly increased the powers of Thiers, actually diminished the strength of his position. Thiers had become responsible only in exceptional cases. He could no longer, at every turn, threaten the Assembly with his resignation.

Yet this law, which was designed to undermine Thiers' dictatorship, did not in fact alter the situation. Thiers continued to dominate the Assembly as virtual dictator.

The Assembly grew more and more impatient at this yoke and voted the "Broglie Constitution" of March 13, 1873, which was directed against Thiers. This law forbade the president to address the Assembly except at the specific request of the Council of Ministers for a special permission, granted only in case of a forthcoming parliamentary debate bearing on general governmental policies. After the president's address, the Assembly had to adjourn and the debate could not be resumed until a later meeting. This postponement was intended to weaken the effect produced upon the Assembly by Thiers' eloquence.

"Thiers loved power, not honors."[8] Although the Broglie Constitution was a definite step toward the traditional system of parliamentary government, in

[8] Joseph-Barthélemy and Paul Duez, *op. cit.*, p. 17.

the sense that it increased the separation between the executive and the legislative power, it did not prevent Thiers from repeatedly playing with his responsibility so as to have his own way. As Clémenceau in 1919, Thiers was not the indispensable man any longer. The country had been freed from the German troops of occupation and the president angered the Assembly by calling himself the territory's liberator, thus claiming the exclusive credit for this achievement.

Now that the immediate problem left by the war had been solved, the conservative majority in the Assembly wanted to restore the monarchy. But Thiers, although he had been prime minister under Louis-Philippe, favored a republican form of government, provided it be very conservative and he, Thiers, be its president.

In the meantime, conservative candidates were defeated in the partial elections held for filling the seats of deceased members of the Assembly. Thiers was held responsible for this republican landslide.

Repeatedly attacked in the Assembly, he was granted the permission to address it on May 24, 1873, on the subject of his general policies. In an eloquent speech which lasted two hours he advocated a conservative program, but within the framework of a republic, because "there was only one throne which three men could not occupy."

The Assembly then adjourned until the following day when, by 360 votes against 334, it passed a motion demanding a "resolutely conservative policy." On the evening of the same day, Thiers sent in his resignation and the Assembly, by 390 votes against one, 330 votes not being cast, elected Marshal Mac-Mahon in his place.

MAC-MAHON'S PRESIDENCY

Unlike Thiers, Mac-Mahon had all the qualities and defects which make a good head of a parliamentary state. His military prestige, won on the battle fields of the Second Empire, gave him real ascendancy over his ministers. At the same time, his lack of political experience prevented him from interfering constantly, as Thiers did, with every detail of the administration of the country, and even with the general orientation of the government's course. Moreover, being a very poor speaker, he felt little inclination to address the Assembly.

Under such conditions, Mac-Mahon seldom put himself in the position of being responsible to the Assembly. For a year, Duke de Broglie, vice president of the Council of Ministers, was therefore the virtual head of the executive and an adverse vote of the Assembly overthrew him without weakening Mac-Mahon's position.

It was chiefly owing to Mac-Mahon's temperament that the concept developed that the head of the state was not accountable to the Assembly and, therefore, could not be removed by that body.

This concept was embodied in the law of November 20, 1873, which intrusted the executive power to Mac-Mahon for a period of seven years without the possibility of his removal.

One of the main reasons for the passing of this law was that the monarchic majority of the Assembly hoped that during Mac-Mahon's "Septenate" an agreement could be reached as to who should be established on the throne. Mac-Mahon was a convinced monarchist and would doubtless be willing to serve as the instrument of restoring the monarchy.

In the summer of 1873 the *orléaniste* pretender, Count de Paris, had given up his claim to the throne, acknowledging Count de Chambord as the only pretender to the crown. Since Count de Chambord was without an heir, the crown would go at his death to the Orléans branch.

After the "fusion" between *légitimistes* and *orléanistes*, it seemed certain that a monarchy would soon be restored in France. Everything was made ready for the coronation, even the court carriages. Count de Chambord traveled to Versailles where he sought an interview with Marshal Mac-Mahon. He unfortunately insisted that he should rule by his own right, and not at the demand of the Assembly. Above all, he stubbornly refused to compromise on the issue of the flag. He would not accept the tricolor flag, as it was the very emblem of the French Revolution. But the Assembly knew that the nation as a whole, and especially the army, would never consent to the white ensign of the Bourbons.[9] Mac-Mahon, although a *légitimiste*, regarded himself first as a delegate of the Assembly, and refused to deal directly with the royalist pretender.

Count de Chambord went back to his place of exile without having consented to any transaction. Yet the Assembly did not give up its hope of restoring a monarchy. It was shortly after the pretender's departure, that it decided upon a seven-year term for Mac-Mahon's presidency in the hope that this would afford sufficient time to reach some agreement with the royalist pretender. Amusingly enough, the fact that Mac-Mahon was a royalist is responsible for

[9] Chancellor Luther's overthrow in 1926 on the issue of the Reich's flag again demonstrated the importance that such apparent trifles as the color of a piece of silk may assume in our supposedly rational world.

the long tenure in office of French presidents of the republic.

In the meantime the Assembly set about creating those institutions which would serve as the groundwork of the coming monarchy. The Republic was to be provisional but, according to a French saying, it is only the provisional which is lasting. In fact, the provisional French republic of the seventies has lasted more than sixty-seven years.

Count de Chambord's stubbornness, his refusal to compromise, discouraged the monarchists of the National Assembly. They were without political principles and they had no sympathy with a royalist pretender who had spoiled his chances on a narrow question of principle. Out of lassitude they finally ratified the republic, but this republic had to struggle for its existence in the narrow framework which had been built for a monarchy.

This monarchic framework of the present French Republic is known as the constitutional laws of 1875.

PREPARATION OF THE CONSTITUTIONAL LAWS OF 1875

The law of November 20, 1873, which laid down the principle of the "Septenate," provided also for the organization of a committee consisting of thirty members of the Assembly intrusted with the task of drafting constitutional laws. The appointment of this committee was the occasion of a heated fight in the Assembly. Owing to a split within the right majority, the monarchists were not as well represented on this committee as they had expected.

The newly elected committee appointed Professor Batbie of the Paris Law School as chairman and started working with singular want of enthusiasm.

For more than a year the Committee of Thirty

achieved nothing. Its impotence resulted from its concentrated efforts to delineate the powers of President Mac-Mahon until a monarchy should be declared. The Count de Chambord could not live forever, and upon his death the Count de Paris would gladly accept the tricolor flag which formerly had been Louis-Philippe's emblem.

The issue of the republican form of government was finally raised on January 21, 1875. On this date, Ventavon, spokesman for the Committee of Thirty, presented to the Assembly a bill for the organization of a government which should have a provisional character pending a royalist restoration. On January 28, Laboulaye proposed an amendment reading: "The government of the Republic consists of two Chambers and of a President." Acceptance of such amendment by the Assembly was to mean an informal but nevertheless positive acknowledgment of the republican form of France's government. An experience of four years, argued Laboulaye, showed that a republic was not an impossibility. The amendment was defeated, however, by 359 votes against 336.

On January 30, another amendment was introduced by Wallon, a Sorbonne professor, which read: "The President of the Republic is elected by the absolute majority of the Senate and the Chamber of Deputies holding a joint session as a national Assembly." This text was very far-reaching in the sense that it provided for the designation of a successor to Mac-Mahon, which meant that, in case it were voted, the continuation of the republican system would be assured. Wallon may have been a good professor, but he was a very poor orator. He defended his amendment amidst the laughter of the

right and the chatter of the left. It was to the bitter astonishment of the monarchic majority that Buffet, who presided at the Assembly, announced the adoption of the Wallon amendment by 353 votes against 352. The Republic was proclaimed with one vote of majority. Wallon was at once baptized the "Father of the Republic."

This vote had been made possible by the shift of twenty-six members of the right center which now supported the Republicans. These royalist deputies belonging to the moderate Lavergne and Target groups realized that this failure of the Assembly to give permanent institutions to the country would soon bring about serious internal uprisings. They felt, therefore, that it was better to support a moderate form of republic than to live on with an impracticable provisional government in the ever less substantial hope of a monarchy. Political radicalism was rampant in the country, and a conservative republic was far better than another "commune."

On February 3, a second vote was taken on the Wallon amendment, and this time it was adopted by 425 votes against 243. Many monarchic deputies had finally succumbed to the idea of a republic. A number of them, it is true, had voted the amendment with the hope that, once formally established, the republic would prove such a failure that a monarchy would impose itself.

After this statement of principle, the Assembly hurriedly passed a few constitutional laws, the sole result of which was to introduce truly monarchic institutions behind a republican façade. Many a deputy hoped that with such a constitution the newly born republic would soon choke to death. As Clémen-

ceau said a few years later: "This constitution is not a constitution; it is a mechanism of war against the republic."

The law of February 24, 1875, organizing the Senate; the laws of February 25, 1875, and of July 16, 1875, on the executive power; the law of August 2, 1875, on the election of senators; and the law of November 30, 1875, on the election of the deputies, are known as France's constitutional laws.

The lack of interest on the part of the Assembly in the framing of a constitution was further motivated by the fear of a new German aggression. France had recovered so quickly from the disaster of 1871 that in 1875 Germany took on once more a threatening attitude. If it had not been for the personal interference of the Emperor of Russia, France might have been the victim of a new aggression. At such a grave juncture, Gambetta justly claimed, "When a country has its full material strength, when its frontiers are intact, there is opportunity for political metaphysics; but such metaphysics would be criminal and sacrilegious in a deeply wounded country." "And since," he added, "you are looking for the reason of the constitutional law of February 25 and of this policy of concord and appeasement, I will give it to you: look at the Vosges."

CHARACTERISTICS OF THE CONSTITUTION OF 1875

The Constitution of 1875 is unlike the previous French constitutions in that it is not a single, systematic and highly detailed legal document. It consists of separate laws, of various fragments which were never aimed at being the material with which a harmonious doctrinal edifice would be erected. These, for instance, contain no provisions for the

judiciary organization of the country, with the exception of the High Court of Justice. Nor is there any provision for public finance, although the Chamber of Deputies had been accorded some privileges in this matter. While the principle of universal suffrage is laid down, there is no specific regulation as to the mode of suffrage; it was an ordinary law of July 17, 1919, which introduced the new system of proportional representation. Constitutional revision was unnecessary for such a far-reaching reform.

The greatest weakness in the French constitution is that it contains no general principle outlining citizens' rights. Under such conditions one wonders what is really the basis of French public law.

This basis is to be found to a very large extent in precedents. The French "Bill of rights" is definitely apparent in the individualistic and liberal principles of the Great Revolution: the Declaration of the Rights of Men of 1789, the Constitutions of 1791, of the year I (1793), of the year III (1795), of the year VIII (1800), of 1848, and especially the Constitution of January 14, 1852, just preceding the Constitution of 1875 which in Section 1, "acknowledged, confirmed, and guaranteed the great principles proclaimed in 1789." Some writers go even further and claim that these principles of individualism and liberalism are to be found in the very nature of man. They are so fundamental that they did not need to be formally stated in the French Constitution.[10]

[10] See Maurice Hauriou, *Précis de droit constitutionnel*, Paris, 1929, pp. 339, 612ff. Serious questions arise in the case of a native from a French colonial possession. There may be a conflict here between the personal, familial, and religious status of the native and what is regarded in France as consistent with good public policy. For instance, how can the Moslem institution of polygamy be reconciled with the fundamental principles of French public laws?

With respect to the actual working of the parliamentary system, precedents have also been relied upon—precedents found in the first attempts at parliamentary government during the Restoration and the July Monarchy. For instance, Viviani in 1914 and Poincaré in 1928 became premiers, but without assuming the direction of any ministerial department on the ground of the Duke of Richelieu's precedent during the Restoration. Thus a customary law has been progressively worked out which supplements the written constitution.

This unwritten law may at times assume a negative character. For instance, the right of the president to dissolve the Chamber of Deputies, a right which is specifically stated in Section 5 of the law of February 25, 1875, has not been applied since 1877. To-day it is an unwritten law that the president shall not dissolve the Chamber. Custom here has become so binding that the question of dissolution has been repeatedly raised in recent years but has never been settled.[11]

As a consequence, it has been decided that a Moslem native from North Africa, although a French subject, cannot become a naturalized French citizen without renouncing his Moslem right to marry several wives. If he does, he becomes an heretic in the eyes of the orthodox Moslems. This was the occasion of serious outbreaks in Tunis in 1933 when orthodox Moslems tried to prevent the burial in "holy ground" of Tunisians who had renounced their personal status in order to become French citizens. On the other hand, there is a great inducement for a cultured North African to become naturalized, because it is the only door to many privileged positions in the professions and in civil service.

[11] In connection with the general question of the influence of customs on the French constitutional system, see Réglade, *La coutume en droit public interne*, Paris, 1919; Gouet, *La coutume dans le droit constitutionnel et dans le droit international*, Paris, 1932; L. Duguit, *Traité de droit constitutionnel*, Paris, 1932, Vol. III, p. 587; Joseph-Barthélemy and Paul Duez, *op. cit.*, p. 35; A. Esmein and H. Nézard, *Eléments de droit constitutionnel français et comparé*, Paris, 1927, Vol. I, p. 603.

Such a lack of systematic approach to the drafting of the Constitution of 1875, however surprising on the part of French lawmakers, was the natural outcome of the half-hearted way in which the National Assembly finally yielded to the republican idea. Yet political theories and dogmas can be dangerous when applied to the complex realities of a nation's government. It is true that the constitutional laws of 1875, loose as they are, have long outlived the specious dogmatic constructions of previous constitution-makers. Casualness here proved better than logical procedure, which in this domain leads to strange results. It was reasoned logic, for instance, which led the makers of the constitutions of 1791 and 1848 to decide against a parliament consisting of two Chambers. They said, reasonably enough, that: "The nation is one, its representation must be one." On the other hand, parliamentary practice in many countries has shown that two Chambers may coexist with good results.

The Constitution of 1875 enjoys the further advantage of not being a cherished child of one political party. It is a compromise which met with no enthusiasm on the part either of the republicans or of the monarchists, but which was generally accepted. This non-partisan character of the Constitution of 1875 may be the secret of its longevity. The monarchists accepted a republican constitution because it was a mere façade for a really monarchic edifice. They hoped that the façade could soon receive a new coat of paint which would give it the proper royalist shade. The republicans, on the contrary, thought that monarchic institutions of government were less important than the nominal existence of the republic and that, once the repub-

lican principle was accepted, it would be easier to introduce truly democratic institutions.

As a result of this compromise between monarchists and republicans, France was given a cabinet government reminiscent rather of the parliamentary régime which existed under Louis-Philippe than of any government system adopted under the First and the Second Republic.

For instance, the President of the Republic, according to the letter of the Constitution, has the same prerogatives as a constitutional monarch, particularly in his not being accountable to Parliament and in his right to dissolve the Chamber of Deputies. The responsibility of cabinet ministers to Parliament had never obtained before in France except under the two monarchic régimes of 1815 and 1830. The organization of two Chambers was against the republican tradition, but in accordance with the monarchic precedents, although two-thirds of the senators were to be elected instead of having an entirely appointive senate as under France's constitutional kings. Similarly, compromises between the monarchic and the republican traditions were worked out for such questions as parliamentary sessions, constitutional revision, and treaty-making.

There was only one point upon which there was complete agreement in the Assembly. Both the monarchists and the republicans meant the Constitution to be a bulwark against personal rule. The monarchists and the republicans alike had kept a bitter memory of the eighteen years of arbitrary dictatorship of Napoleon III. The republican Constitution of 1848 had been the easy channel through which the Great Emperor's nephew had won his way to the crown. The new republican Constitution

was to be drafted in such a way as to prevent another *coup d'état*. The coexistence of two Chambers, with the Senate's approval as a requirement to the Chambers' dissolution, was to act as a check upon the personal ambitions of a strong-willed president. For the same reason, the president had to ask for the Parliament's approval before declaring a war. This rule was intended to prevent a president from winning military glory and thereby dominating the Chambers by his personal prestige. As a result of this *coup d'état* complex, tremendous powers were vested with the Chamber of Deputies and many checks put upon the ministers' authority. If cabinets are repeatedly overthrown in France, it is to a large extent because the fear of a dictatorship establishing itself over the nation has never been outgrown. Although few great statesmen have emerged, they all seem doomed to an ignominious end. Clémenceau, who ruled the country in 1918 with an iron hand, died in bitter solitude. Briand, who so often won the premiership, was brutally thrown out by Laval and died a few weeks later. Poincaré, who saved the franc but lost his wealth, in his crippled old age had to write magazine articles for a living. But the Third Republic has reached its sixty-seventh birthday without a *coup d'état*. After such a test of longevity, many claim that the republic has little excuse for not throwing away the crutches of its early years. The political difficulties of the past five years and Doumergue's vain attempt to introduce amendments into the Constitution have brought to the fore the question as to whether France should redistribute authority between the executive and legislative, so as to achieve a better equilibrium and

a corresponding governmental efficiency.[12] But this raises the question of amending the Constitution.

AMENDMENTS TO THE CONSTITUTION

The monarchists in the National Assembly had reluctantly accepted a republican constitution because they hoped that conditions would soon be favorable to a royalist restoration. To avoid a revolution, however, they managed to make the rules for amending the Constitution so lax that such a restoration could be effected by a mere constitutional amendment. The republicans themselves were in favor of an easy revision procedure because they wanted democratic reforms.

According to Section 8 of the constitutional law of February 25, 1875, it is not necessary to appeal to the people for a revision of the Constitution. First, both Chambers must express their wish for a revision by a majority vote.[13] The Chambers state which specific issue the proposed revision will cover. They may also state in the broadest terms that a constitutional revision is intended. Later, the Chamber of Deputies and the Senate will meet jointly as a National Assembly according to special rules, differing alike from those of the Chamber of Deputies and from those of the Senate. The proposed revision of the Constitution will be discussed and a vote will be taken. The amendment will become a part of the Constitution if the absolute majority of the mem-

[12] See Robert Valeur, *France Cautiously Eyes the Dictator,* The New York Times Magazine, November 19, 1933, p. 8.

[13] Which means here the absolute majority of the votes cast. It means half of the votes plus one when there is an even number of voters; it means but half of the votes plus half a vote when there is an uneven number of voters. For instance, the absolute majority of 621 is 311.

bers of the Assembly, whether they cast a vote or not, are in favor of it.

This procedure of amendment has been criticized because, on the one hand, it is not democratic and, on the other hand, it leaves too little influence to the Senate which is in minority in the National Assembly and cannot play its rôle as a moderating factor where it would be most needed. In practice this system has worked smoothly, especially by comparison with the rigid procedure of amendment under the American Constitution. Yet it is undeniable that the French system cannot bring about far-reaching reforms. The Assembly, being composed exclusively of deputies and senators, cannot be expected to introduce great changes into a system of government, the spoils of which they are the first to reap. Only a constituent assembly directly elected by the people could attempt a thorough reorganization of the régime. But under the present system, nothing short of a revolution can bring about a meeting of such a constituent body.[14]

Since 1875 the French Constitution has been amended three times.

The first amendment, voted on June 21, 1879, abrogated Section 9 of the law of February 25, 1875, deciding that Versailles would be the administrative capital of France. The amendment further decided that the selection of a new capital would be within the jurisdiction of Parliament in its ordinary capacity of law-maker. Accordingly the law of July 22, 1879, provided that Paris would henceforth be the seat of France's government, Parliament, and

[14] Dupeyrou, "Du système français de révision constitutionnelle," *Revue de droit public*, 1931, p. 445.

administrative services. Although Paris was the natural capital of the country, the National Assembly elected in 1871 had decided after much bickering to make Versailles the seat of the government. The monarchic majority remembered only too well that every French republican revolution, with the one exception of the Commune uprising, had spread from Paris to the provinces, and they would have felt ill at ease holding their meetings in a hot-bed of radicalism. Many deputies, feeling that Versailles was altogether too close to Paris, had even proposed Bourges, and the committee appointed to study the question favored Orléans. The Commune insurrection did not predispose the Assembly any more favorably toward Paris. Yet the ministers and administrative services remained in Paris. Most of the deputies and senators lived there too. When the Republic had become more strongly intrenched after Mac-Mahon's resignation, it was natural for the republican majority to vote the return of the government to the great city on the banks of the Seine. This was an accomplished fact in 1879.

The constitutional revision of 1884 was much more important. It meant the embodiment into the Constitution of the final triumph of the republicans over the monarchists. The constitutional amendment of August 14, 1884, forbade the selection of any member of one of the former French reigning families as President of the Republic. It also decided that the republican principle of government could not be the object of a constitutional revision. Of course, this was just an empty phrase, for another constitutional amendment could abrogate this prohibition.[15] Another important step toward the

[15] Joseph-Barthélemy and Paul Duez, *op. cit.*, p. 32.

democratizing of the French government was this amendment which eliminated from the Constitution the section dealing with the membership of the Senate. The ordinary law of December 9, 1884, thus could decide that no more senators would be appointed for life, that all senators would be elected, and that the communes would no longer be on the same footing as far as senatorial elections were concerned.

A third amendment was introduced into the Constitution on August 10, 1926. It was a few days after the franc had crumbled to two cents. This situation had largely been motivated by the heavy indebtedness of the state, resulting from the war. Poincaré, newly appointed head of the government of "National Union," asked Parliament to give complete financial autonomy to the *Caisse d'Amortissement*, an organization intrusted with the task of amortizing the public debt. The constitutional amendment set aside for this organization special revenues, as the tobacco monopoly, and provided that the *Caisse* could not be deprived of such revenues by an ordinary law. This amendment means scarcely more than the intention of France to liquidate her internal debt so as to restore public confidence in the currency.

Such is the historical origin of the French Constitution of 1875. This origin explains its strange character and numerous contradictions. The following chapters will present a picture of the institutions which this Constitution gave to the French Republic.

CHAPTER II

THE EXECUTIVE POWER

Section I: The President

The executive power is vested in one man, the President of the Republic. To have a single person at the head of the state is consistent with the French tradition of many centuries as well as with the practice of most nations.[1] Yet in so far as the Constitution of 1875 aimed at preventing personal rule it would have seemed natural to divide the executive power among several individuals, as was the case under the Directory and the Consulate.[2] It must be remembered, however, that the Constitution of the Third Republic did not create the presidential office, already in existence; it was merely consolidated, and its prerogatives defined by the Constitution. On the other hand, the executive power would have been weakened greatly had it been divided between several individuals. The president is the only element of continuity in the government. A collective presidency would mean shifting majorities which would intensify the conflict of opposing parliamentary groups.

The danger of a *coup d'état* is lessened by the fact that the president is not elected by the people but

[1] The most conspicuous exception is Switzerland which, although it has a president, is actually governed by the Federal Council of seven members.

[2] The collective character of the Consulate existed in appearance only, the first consul having really the whole power.

by Parliament. Were he elected by the people, as is the case in the United States, or as was the case under the French Constitution of 1848, he would feel superior or at least equal to Parliament, and might try to overrule it. The National Assembly well remembered how easily Louis-Napoléon, who had been elected by an overwhelming majority of the electorate, had overthrown the Republic. The deputies decided, therefore, that the president should be no more than their delegate.

The president is elected by an absolute majority of the two Chambers sitting together as a national assembly.[3]

The Constitution takes steps to forestall any vacancy in the presidential office. The National Assembly elects a new president one month before the president in office has completed his Septenate. If the president in office fails to call a meeting of the National Assembly for the election of his successor, the Chambers convene without any formal summons fifteen days before the end of the incumbent's term. When the president in office resigns or dies, the Chambers meet immediately to elect a new president.[4]

[3] Sec. 2, Constitutional Law of February 25, 1875.

[4] A difficulty arose on the occasion of President Doumer's assassination. The murder took place between the legislative election of May 1, 1932, and the first meeting of the newly elected Chamber of Deputies, on June 1. The Constitution required that the National Assembly meet at once for the election of a successor to the murdered president. It was impossible therefore to wait until June 1. Since the newly elected deputies had no legal prerogatives until that date, it was decided under the Constitution that it was the privilege of the *députés sortants* to sit in the National Assembly, although many of them had not been reëlected. The Constitution does not provide for the case of a president who suffers a permanent physical or mental disability during his term. On this special point see Esmein and Nézard, *op. cit.*, Vol. II, pp. 53ff.

HOW PRESIDENTS ARE ELECTED

The joint session is held at Versailles.[5] The vote is taken without nominations or discussion and, so far, no more than two ballots have ever been required to elect a president. This apparent lack of argument in the presidential elections comes from the fact that a great deal of underground work takes place before the session of the National Assembly opens. Alliances between parliamentary groups are concluded beforehand, the competition usually narrowing down to a race between the right and the left. At the election of January 17, 1913, the practice of a preparatory meeting at which candidates would declare themselves was introduced, and discussions would take place leading to a straw vote. This practice was discontinued in 1924. The "cartel of the left" alone had a preparatory meeting at which Painlevé was nominated, nevertheless Doumergue, President of the Senate, was elected on the following day at the first ballot. In 1931 Briand's supporters did not consent to a straw vote. At the first ballot of the regular session he got only 401 votes against 442 to Doumer. Although the latter obtained the absolute majority of the votes cast, he did not command the absolute majority of the National Assembly, on account of many abstentions. A second ballot was required, giving 504 votes to Doumer as against 334 to Marraud, selected by the left parties as a substitute to Briand who had withdrawn from

[5] In a wing of the famous palace which was erected under Louis XV to serve as an opera house. It was rebuilt in 1875 and was used as the meeting place of the Chamber of Deputies until 1879. The same hall is used when the chambers sit together to amend the Constitution. The halls used for the Chamber of Deputies and the Senate would not be large enough to seat the two chambers when they hold a joint session.

the race. Before the presidential election of May 10, 1932, following Doumer's assassination, there was no preparatory session. The tragic circumstances precluded the possibility of a struggle which would have antagonized the people. The President of the Senate, M. Lebrun, was elected by 633 votes out of 826 cast.

Any French citizen is eligible to the presidency unless he has been deprived of his political rights by the judgment of a court. Women are not specifically excluded, but as long as they are not granted the right to vote there is little chance of seeing a woman ascend to the highest French office. The 1884 amendment to the Constitution excluded as candidates to the presidency members of the former French ruling families. The reason for this exclusion is obvious, although it is inconsistent with the great French principle of equality.

There is incompatibility between the presidential office and any other public office. Thus a newly elected president is obliged to resign from Parliament, while a cabinet minister is not.

Although it is by no means a legal prerequisite, all presidents elected after 1875 were members of Parliament: Carnot was a deputy and formerly a cabinet minister; Felix Faure was a minister in office; Poincaré and Millerand were Presidents of the Council of Ministers in office; Grévy, Casimir Périer, and Deschanel were Presidents of the Chamber of Deputies in office; Loubet, Fallières, Doumergue, Doumer, and Lebrun were Presidents of the Senate in office.[6]

[6] In chronological order the French presidents have been: Adolphe Thiers, 1871-1873; Marshal Mac-Mahon, 1873-1879; Jules Grévy, 1879-1886, second term 1886-1887; Sadi Carnot, 1887-1894; Casimir Périer, 1894-1895; Félix Faure, 1895-1899; Emile Loubet,

The President of the Republic is elected for a term of seven years. This term is strictly personal in the sense that, should the former president resign or die during his term of office, his successor will not be president merely for the rest of the term as is the case with members of Parliament, but for a full period of seven years.[7]

A president can be reëlected indefinitely. Only Grévy was reëlected in 1886, but two years later he was obliged to resign on account of a scandal in which his son-in-law, Wilson, had been involved.[8] Four presidents completed their seven-year term, Loubet, Fallières, Poincaré, and Doumergue, but they did not seek reëlection. Carnot was murdered a few months before the end of his term. Casimir Périer remained in office only a few months. Félix Faure died at the Elysée after having been in office four years. Deschanel resigned after a few months because of illness. Millerand was forced to resign after four years in office and Doumer was murdered after one year.

Some presidents have declared in their inaugural message to Parliament that they would not seek reëlection. According to Joseph-Barthélemy, "Such a proclamation is undignified and deplorable, and is, moreover, contrary to the spirit of the Constitution. The presidency is not a fief to be transmitted to someone else after a reasonable tenure of office; it

1899-1906; Armand Fallières, 1906-1913; Raymond Poincaré, 1913-1920; Paul Deschanel, 1920; Alexandre Millerand, 1920-1924; Gaston Doumergue, 1924-1931; Paul Doumer, 1931-1932; Albert Lebrun, 1932-

[7] In most other republics the president's term is shorter: six years in Finland, five years in Greece, four years in the United States, three years in Latvia. But the French seven-year term has been adopted in Germany, Poland, Lithuania, and Czechoslovakia.

[8] The sale of Legions of Honor.

is a post of honor and action which must be held as long as the incumbent enjoys the confidence of the nation as expressed by its constitutional media."[9]

Yet President Doumergue refused to run for office a second time on constitutional grounds. He is supposed to have said: "The President of the Republic is the arbitrator between parties. Can he retain this position once he seeks their support for reëlection?"[10]

THE PRESIDENT'S CONSTITUTIONAL PREROGATIVES

The Constitution of 1875, so monarchic in its essence, gives the presidential office a glamour comparable with that which surrounds constitutional kings. The monarchic majority in the National Assembly thought this would facilitate a monarchic restoration. It was also felt that the democratic Chamber of Deputies should have the counterweight not only of a conservative Senate but of a highly respected president.

The president receives a salary which seems enormous if compared with the highest salaries paid to other French officials. According to the law of December 30, 1928, he receives a yearly salary of 1,800,000 francs plus 900,000 francs for household expenses and another 900,000 for entertainment and traveling expenses.[11] About one million francs go into various taxes, the only advantage that the president has in this respect over ordinary citizens being that the rental value of his residence is assessed far below what it really is. This income does not com-

[9] Joseph-Barthélemy and Paul Duez, *op. cit.*, p. 613.

[10] *Le Temps*, May 18, 1931. Quoted by Joseph-Barthélemy and Paul Duez, *ibid.*

[11] All this put together means about $100,000 at the present rate of exchange.

pare with the yearly 470,000 pounds of the King of England or even with the 9,500,000 Belgian francs of the King of Belgium. It compares even less favorably with the twenty-five million gold francs—meaning more than 125,000,000 paper francs—paid annually to Napoleon III. Yet it is a large salary if compared with the 180,000 franc allowance of the President of the Council of Ministers.

The president has his residence in the Elysée Palace, a beautiful yet unpretentious mansion, and his summer residence at the Rambouillet château which is surrounded with extensive grounds and a magnificent state forest. Wherever he goes he is saluted with guns, surrounded with glittering helmets and bayonets; there is a strange contrast between the dull tail coat and silk hat of the president and all the regal splendor which accompanies his every step.

The Constitution of 1875 not only gave prestige to the president, it also gave him power. He is commander-in-chief of the army and navy and he has the right to assume active command in case of war. He has the privilege of pardoning criminals. He represents his country in all international dealings; he negotiates and ratifies treaties, even secret treaties. He appoints all civil and military officers except those specifically provided for by law. He can compel the Chambers to limit their sessions to a five months' period, and if he disapproves of the demeanor of Parliament, he can send deputies and senators home for a month's vacation, although no more than twice during the same session. He can dissolve the Chamber of Deputies with the assent of the Senate. He can initiate legislation. He has, over any bill, a suspensive veto which the Chambers

may override by a majority. He can also appeal to public opinion by having one of his ministers read messages to the Chambers. He also designates the President of the Council of Ministers and acts as chairman at the most important meetings.

These powers of the French president, great as they are, are made even greater, in appearance at least, by the principle of the president's being answerable to no one. This privilege is really a monarchic attribute which was introduced into the Constitution by the right majority of the National Assembly. It obtains only for presidential activities which fall within the scope of his functions. He could not, of course, claim it for a common-law offense. Even when he acts within the limits of his competence as president, he may be held responsible in case he is convicted of high treason.

THE PRESIDENT'S WEAK POSITION

In reality, the president's irresponsibility has been instrumental in weakening his position, for a man who cannot be held responsible for his actions will sooner or later be denied the very right to act. The result is that all bills and decrees which bear the president's signature have to be countersigned by a minister in office before they are valid.[12] Other government activities require the material assistance of a minister. The presence of a minister is required when, for instance, the president receives a *préfet* or an ambassador. If he receives such officials alone, it is with the tacit or expressed authorization of the

[12] This leads to a serious academic difficulty in case of a decree appointing a new President of the Council. Such a decree has to be countersigned by a minister in office. This minister belongs necessarily to the Cabinet which has just been overthrown and what can be the value of his counter-signature when, as is often the case, he disapproves of the new President of the Council?

President of the Council. If the President of the Council does not expressly disapprove of an action taken by the President of the Republic without the assistance of a minister it will mean that he gave his tacit authorization, and his own responsibility may be engaged on that account. President Millerand, who was forced to resign in 1924 because he had delivered a partisan speech in Evreux in 1923 without the premier's authorization, and had also received *préfets* alone, was not reprimanded for such actions by Poincaré who was then President of the Council. It was, therefore, a mistake to assail him on the ground of unconstitutional activities.

Thus hampered by the need of a minister's assistance for every one of his activities, the President of the Republic cannot actually make much use of his important constitutional prerogatives. For instance, no president has ever vetoed a legislative bill. No president has ever assumed command of the army in the field and it is doubtful whether the general staff would allow him to do so. The right to dissolve the Chamber of Deputies was used just once by Mac-Mahon, and dissolution has ever since been considered synonymous with *coup d'état*. Although the president is given by the Constitution the right to negotiate treaties, it was Clémenceau who, as premier, was the spokesman of France at the Peace Conference in 1919. Poincaré, who was then President of the Republic, disagreed on many points with his premier. His duty was to inform the Chambers through a message. But he could not do so without Clémenceau's permission, who certainly had no intention of granting it.

For all his ordinary prerogatives the president is completely at the mercy of one minister or another.

These prerogatives are important on paper. In reality, the president, sitting alone in his palatial office at the Elysée, cannot know anything of the foreign affairs of the country, anything of the internal political situation except through such reports as the ministers see fit to communicate to him. The minister, without whom the president is powerless, could even shut him off completely from all governmental activities by refusing to let him see any official documents save those he wishes him to sign. And it is this need for the president's signature which makes the minister more amenable.

Yet there is nò doubt that the successive Presidents of the Republic were instrumental in allowing the Cabinet and Parliament to encroach progressively upon their constitutional powers. The presidents themselves must bear much responsibility for the practice of relegating them to the golden isolation of their princely palace.

The first two presidents of France, after the Constitution of 1875 came into effect, contributed more than any others to the development of this practice of depriving the presidency of all but nominal powers.

Mac-Mahon, who was in favor of a monarchic restoration, used the powers given him by a republican constitution in a way that was opposed to the interests of the republic. When he found the Chamber of Deputies altogether too republican, he dissolved it (May 16, 1877). The people reëlected every one of the three hundred and sixty-three deputies who had sat in the republican ranks of the dissolved chamber, showing by their attitude that the head of the state had tried to go against the opinion of the majority. The head of a democratic

state could not, with impunity, oppose the people, and Mac-Mahon was obliged to go. Nevertheless, all true republicans remained suspicious of the presidential office.

After such a precedent, Grévy, who succeeded Mac-Mahon, had no choice but to assume a submissive attitude. He apparently was the right ruler under the circumstances since, as early as 1848, he had introduced an amendment to the Constitution of the Second Republic asking for the suppression of the presidential office. Later, in 1873, he had opposed the "Septenate" as being too long a term. Yet it was only in appearance that he played a passive rôle. A clever politician, he managed to exert real influence over the affairs of the state. He succeeded especially in paralyzing Gambetta's activities and in preventing Clémenceau's rise to power. But he created the tradition of the passive president and this was confirmed by his undignified attitude after the scandal in which his son-in-law was involved.

THE SCARCITY OF STRONG MEN IN THE PRESIDENTIAL OFFICE

If a strong man were elected president, he might, however, attempt to escape the isolation of the Elysée and insist upon using his constitutional powers in full. This would doubtless occur if the president were elected by the people. But the president is elected by Parliament. The deputies and senators are jealous of their authority and they usually see to it that harmless men are chosen as presidents. Grévy was elected rather than Gambetta, Carnot rather than Jules Ferry, Félix Faure rather than Waldeck-Rousseau, Loubet rather than

Méline. But the outstanding instance was the 1920 election in which the gentle Paul Deschanel was sent to the Elysée rather than Clémenceau, although the latter had saved France during the war. This election showed how little Parliament really represents public opinion as far as the designation of presidents goes. Just as Parliament would have designated Cavaignac in 1848 when the people elected Louis-Napoléon, in 1920, Parliament designated Deschanel while the people undoubtedly would have elected Clémenceau.[13] The latter bitterly resented the "ingratitude" of Parliament. Yet "he was a victim of the policy that he himself followed when he supported Sadi Carnot against Jules Ferry and Pams against Poincaré. He formulated this policy in this statement which was supremely unjust to the candidates: 'I vote for the most stupid,' which meant he did not want first-rate statesmen in the Presidency."[14]

Yet three strong men have been president: Casimir Périer, Raymond Poincaré, and Alexandre Millerand. After a few months, Casimir Périer had become so disgusted with the futility of his rôle that he resigned. Poincaré was elected in 1913 largely because Parliament wanted to get rid of such a stubborn premier. They also knew that Poincaré had too much respect for the Constitution ever to attempt a *coup d'état* and they were not afraid to make him president as a means of clipping his wings. In fact, the war gave Poincaré an opportunity of playing a much more important rôle than his predecessors. He was instrumental in bringing about the "sacred

[13] It is probable, too, that in 1925 the Reichstag would have elected Marx as Reich's president whereas the people voted for Hindenburg.

[14] Joseph-Barthélemy and Paul Duez, *op. cit.*, p. 630.

union" between all parties during the armed conflict; he also played an important rôle in many international negotiations. Yet he found himself in chronic conflict with Clémenceau during the Peace Conference and, after he left the Elysée, he repeatedly expressed his views concerning the real powerlessness of the president.[15] Millerand was the only French president who interfered constantly with the government of the country. As a result he was forced to resign in 1924.[16]

A last reason for the weakness of the presidential office lies in the fact that it is easier to agree in the case of a mediocre politician than in that of a great statesman who has inevitably made numerous enemies. This accounts for many "dark horses" being sent to the Elysée as so often happens in American presidential elections.

THE REAL FUNCTION OF THE PRESIDENT

However limited in reality the power of the president may be, the highest magistrate of the French state has still two important rôles to play.

In the first place, when a cabinet has been overthrown, he designates the new premier, who will in turn select his ministers so as to summon a majority in Parliament. This function would have comparatively little importance if the two-party system obtained in France as in Anglo-Saxon countries. But with more than a dozen political groups in Parlia-

[15] " 'The Constitution,' he said, 'only gives the president this moral authority that he derives from his experience, his knowledge of men, and his past service,' " *Le Temps*, August 9, 1920. See also *Revue des Deux Mondes*, March 15 and June 15, 1920. In the little book he published while still president, *How France Is Governed*, New York 1919 Poincaré speaks of the presidential office in a non-committal way. See pp. 147ff.

[16] See above, p. 297.

ment—groups which are ever ready to split into sub-groups and which do not always acknowledge a single chief—the new premier can seldom be designated in accordance with strict parliamentary rules. The president usually has the choice between several men, and may in this way have a real influence on the policies of the new cabinet. If Poincaré had been less of a patriot in 1917 he would not have asked Clémenceau, who insulted him every day in his newspaper, to head the government. By doing so he not only changed the course of French politics, but he also deeply influenced the history of the world.

In the second place the president has an indirect influence on the government of France because he attends the most important cabinet meetings.[17] Although he acts as chairman, his vote is not counted for the final decision, but he has the right to give his opinion. Here, his experience, as well as the longer tenure of his office, adds weight to his influence on the Cabinet's policies.

Thus the French president is not a "*roi fainéant* —a phantom king without a crown."[18] "Between dictatorship and abdication," said Barthou, "between supreme power and impotence, between indiscreet presence and conspicuous absence everywhere, there are a thousand degrees for what I shall term . . . *active advice.*" *Tant vaut l'homme, tant vaut la fonction.*

Section II: The Cabinet

"In the classical political theory, the parliamentary system, such as the one existing under the Constitution of 1875, requires a balance of power:

[17] The king of England is denied such privilege.

[18] As W. B. Munro believes. See *The Governments of Europe*, New York, 1931, p. 418.

on one side, Parliament; on the other side, the head of the state who is not accountable to Parliament and cannot be removed. The government proper, that is to say, the general management of public affairs, must be the result of a collaboration between these two organs. The instrument for this collaboration, the connecting link of the parliamentary system, is the Cabinet, or the ministers as a group. This collaboration is not the offspring of a theorist's brain, but is inherent in the very nature of things: the chief of the state appoints the ministers; Parliament may overthrow them."[19]

This is all well enough in theory. In practice the weakness of the French president upsets the balance between the legislative and the executive powers. Although the president designates the new premier who in turn selects the ministers, although the president gives his advice on the main governmental policies, his influence has degenerated to such an extent that, as will be shown later on, the real head of the executive power now is the President of the Council of Ministers. But the Cabinet's responsibility to Parliament, which is not offset by the long discarded presidential prerogative of dissolution and veto, makes of the French ministers nothing more than the delegates of Parliament. Their main task under such a system is not to govern, that is to say, to manage policies, it is really to control the civil and military servants, to check their activities, and to report to Parliament whether the policies decided upon by the latter are properly enforced by the "bureaus."

It thus appears that the real executive power,

[19] Joseph-Barthélemy, *Le gouvernement de la France*, Paris, 1925, p. 99.

which technically belong to the president, which in appearance is in the hands of the Cabinet, actually lies with the various public services. The French *fonctionnaire* who has inherited the autocratic traditions of Louis XIV and Napoléon, is the only person in France who really knows anything about the technical functions of government. From his fortress of red tape he actually rules the country, holding in check democracy, tyrannizing a grumbling and yet submissive public, indifferent to the merry-go-round of ministers and to the vain chatter of deputies. Whether he be a conservative or a radical, he is primarily a *fonctionnaire*, jealous of his authority, standing by his kinsmen whatever their political creed. As their figurehead, the president, he is answerable to no one and cannot be removed. Yet he is almost always honest and competent. To the average foreign observer the government of France somewhat recalls the anarchy of a Central American republic. To the French citizen, the dethroned Bourbon kings and Bonaparte emperors still rule the country by the iron structure of the offices they created. Since the foundation of the Third Republic, sixty-seven years ago, France has had one hundred and four different cabinets. Yet France has a far more stable internal administration than the United States, a remarkable continuity in its foreign policy, and an economic organization which has proved its stability in spite of the depression.

MINISTERS AND UNDER-SECRETARIES

In theory, the President of the Republic selects the ministers. In practice, he only designates the premier, who will in turn select the members of his

Cabinet—a selection which the president merely ratifies.[20] The president may also remove a minister, although in practice ministers always resign voluntarily, before being forced to do so. The ministers are therefore regarded theoretically as the president's ministers and, as a result, it is the rule for the Cabinet in power to resign when a new president is elected.

In theory, anyone above twenty-one years of age may be appointed minister. In practice, ministers are usually taken from the ranks of the deputies and senators. This increases the Cabinet's dependence on Parliament. There have been a few exceptions to this custom. For instance, Ministers of War and of Marine have often been chosen from among generals and admirals.

The ministers have a modest salary of 180,000 francs ($5,140 at the present rate of exchange) plus an allowance of 40,000 francs for the maintenance of their official automobile. They are also given an apartment in the palace of their department, but they seldom live there on account of the instability of their position. They prefer to keep their Paris apartment, using this official residence only for state functions.[21]

All ministers are theoretically on an equal footing, with the exception of the Minister of Justice, who is automatically Vice President of the Council of Ministers unless, as has been the case in recent cabinets, there is a specially appointed Vice President

[20] When Millerand, who was then premier, was appointed to the presidency in 1920, he selected Leygues as his successor at the head of the ministry, but insisted that he keep all the members of his cabinet.

[21] The budget of some ministries includes what is known as "secret funds," which the minister in charge may use at his convenience, although he is not supposed to spend them on himself.

without portfolio. The Minister of Justice is also invested with the functions of President of the Council of State and of the Tribunal of Conflicts. However, a hierarchy in the Cabinet exists in fact if not in law. The Ministry of Foreign Affairs enjoys the greatest prestige. The Ministry of the Interior has tremendous political importance because it controls the *préfets* whose influence on the elections is paramount.[22] The Ministry of Finances comes next because, although credits are voted by Parliament, funds are actually provided through this ministry. It is a good thing to have a friend on the Rue de Rivoli,[23] because it enables one to pull wires and, as circumstances warrant, to release funds promptly, or constantly to ask for delays under the usual pretext of red tape. The departments of Education, War, Marine, and Agriculture are also important because they control a large number of officials. They have an important budget and a good share of decorations to distribute. The political party which obtains one of these portfolios may therefore grant abundant favors to its supporters. As a result these portfolios are the object of keen competition. The minor portfolios such as Commerce, Labor,

[22] This office was regarded as so important under the *Ancien Régime* that the kings never appointed a Secretary of the Interior for fear that he would be too powerful. They had only four under-secretaries, each commanding one quarter of the country. The Ministry of the Interior exerted tremendous influence during the régime of Napoleon III when the *préfets*, and under them all public servants were the docile instruments of the minister. But the *préfets* have become less docile and the public servants more independent. In fact, the portfolio of the Interior has lost so much of its former importance that, since the war, no premier has taken it, with the exception of Chautemps in his ill-fated ministry; November 27, 1933, to January 27, 1934, and of Larraut in 1936.

[23] The Ministry of Finances is located in a wing of the Louvre on the Rue de Rivoli.

Public Health, etc., are given to members of the lesser political groups.

There may also be ministers without a portfolio. They appeared for the first time during the World War. Viviani, premier at the beginning of the conflict, was relieved from the responsibilities incumbent on the management of a ministerial department, so as to concentrate on the difficult problems arising from the war. At the same time, the desire to have representatives of all parties in the cabinet at a time when "sacred union" was the national slogan, led to the appointment of the socialist Jules Guesde and of the conservative Denys Cochin as ministers without a portfolio. Poincaré, after the reorganization of his National Union Cabinet in 1928, did not take any portfolio. Doumergue followed the same precedent in his coalition cabinet organized after the outbreaks of last February. He himself did not take any portfolio and appointed the radical socialist leader Herriot and the conservative leader Tardieu as Ministers of State without a portfolio. This practice was continued after the Popular Front elections under Blum's first cabinet and Chautemps two successive cabinets.[23a] The lot of these ministers without portfolios is not altogether an easy one. They have no regular office to work in, no bureaus under them, no favors to grant, no decorations to bestow.[24]

[23a] In his second cabinet Blum assumed the Finance portfolio. In his present cabinet Daladier holds the National Defense portfolio.

[24] According to Joseph-Barthélemy and Paul Duez, *Traité de droit constitutionnel*, p. 648, when Poincaré was premier without a portfolio "he could not get so much as a pencil without a minister's permission." One of the first moves of M. Flandin when he became President of the Council without portfolio in November, 1934, was to decide that the former Austro-Hungarian embassy would henceforth be used to house the prime minister and his

Of late years there has been in French cabinets a growing number of under-secretaries of State. This is the Old Régime term for vice minister. Some are appointed to assist the minister in charge of a specially important department. Such is often the case with the premier who appoints a *sous-secrétaire d'état à la Présidence du Conseil,* to relieve him of some of the burdens of his dual function. There have been also frequent appointments of under-secretaries for the Interior and for Foreign Affairs. In most cases, however, under-secretaries are appointed to manage some important branch of the administration which deserves more autonomy than it would have as a mere sub-department of an important ministry: for instance, Tourism, Physical Education, Technical Education, Fine Arts. Yet the organization of such departments under an under-secretary generally reflects the Premier's desire to please as many parliamentary groups or local interests as possible by distributing a great number of "half-portfolios." In 1928 the office of *sous-secrétaire* of Hygiene was created by Poincaré and given to an Alsatian deputy, Oberkirch, with the sole purpose of conciliating Alsatian opinion. In the same way, colored deputies have been appointed under-secretaries for Colonies to win over the natives of the French colonial possessions. Tardieu appointed as many as twelve under-secretaries in his 1929 cabinet and fifteen in his 1930 cabinet. He claimed that it was a good school for future ministers.

The under-secretaries have not the same prerogatives as the ministers. They cannot countersign a

bureaus. This most beautiful XVIIIth century mansion is known as the Hotel Matignon. This is the name given to the famous agreements signed between the representatives of labor and employers on June 7th, 1936.

presidential act. They do not attend all cabinet meetings. Yet they are responsible to Parliament, and lose office if the cabinet is overthrown.

So-called high commissioners are occasionally found at the bottom of the hierarchy. They are appointed when it seems necessary to withdraw the control of some office from the autocratic hand of the *fonctionnaires*. They are in reality temporary under-secretaries, without the prestige or the salary attached to that position. There have been high commissioners for Alsace-Lorraine, for Housing, for Aëronautics, for Tourism, etc. The high commissioner for Aëronautics was later promoted to the rank of under-secretary and finally made Air Minister. The high commissioner for Tourism was later made under-secretary of National Economy and Tourism. There is at present a Minister of National Economy and again a high commissioner for Tourism who comes under the Minister of Public Works.

THE COUNCIL OF MINISTERS AND ITS PRESIDENT

Taken as a group, the ministers constitute the Council of Ministers or Cabinet. It would be out of the question for each minister to control his department independently of the others. Although there may be little in common between the Ministry of Justice and the Ministry of War, there are governmental policies which affect the country as a whole and must be decided upon by the ministers as a group, thereby engaging their joint responsibility to Parliament.

All ministers, with or without a portfolio, have access to the Council. Under-secretaries are sometimes admitted to take part in a deliberation.

The ministers may meet formally in the presence

of the President of the Republic. In this case they meet as the "Council of Ministers." The ministers may also meet informally without the President of the Republic. In this case they meet as the "Cabinet Council."[25] All important decisions are made in a council of ministers and, in many instances, the law requires such a formal meeting to give binding force to a decree. The minor decisions are made in a Cabinet Council.

The President of the Republic acts as chairman of the Council of Ministers, yet, not being accountable, he may not cast his vote.

When the ministers meet in a Cabinet Council, the President of the Council of Ministers acts as chairman. Strangely enough, this high personage, in fact the real head of the French government, is not mentioned once in the Constitution. Yet it was difficult to make the ministers meet in a council without some coördinating authority and thus it appeared essential to create the office of President of the Council of Ministers—such being the customary French name for the prime minister. It may be pointed out that it was not contrary to the Constitution to do so, because, as has been seen, the Constitution of 1875 is not a charter of governmental organization, complete in every detail. In many instances, precedents have to be relied upon, and the constant practice under the previous constitutional monarchies was to have a prime minister.[26]

Although it was chiefly as chairman of the Cabinet's meetings that a prime minister was required,

[25] As a minister once said, the criterion would be: "The Cabinet Council is a place where you may smoke; the Council of Ministers is a place where you may not smoke."

[26] Poincaré certainly goes too far when he writes, "Yet, according to the letter of the law, one is authorized to suppress the prime minister," *Revue des Deux Mondes,* October 15, 1920.

this personage is much more than a mere guide in the deliberations of his colleagues. He really is the chief of the ministers. In the first place, after he has been designated by the president "to constitute a ministry" he is the one to select all the ministers, who consequently owe him their allegiance. It is not unusual, therefore, to hear the President of the Council speak of "his" ministers. Although he is on the same footing as the other ministers with regard to legal prerogatives, especially when it comes to countersigning the president's acts, he is really their chief with respect to the shaping of governmental policies and to the coördination of the Cabinet's activities. The best evidence of his holding a controlling position in the Cabinet lies in the fact that he may at any time act in place of one of his ministers. This was the case, for instance, when Premier Laval came to Washington in November, 1931, without being accompanied by Briand, then Minister of Foreign Affairs.

THE DUAL FUNCTION OF THE PRESIDENT OF THE COUNCIL

With the exception of Viviani in 1914, of Poincaré in 1928, of Doumergue and Flandin in 1934, of Blum in 1936-37 and of Chautemps in 1937-38, the Presidents of the Council have always held a portfolio. Before the war it usually was the Interior, with the result that the premier was inclined to overemphasize the importance of internal politics at the expense of foreign affairs. It was the time at which Delcassé, single-handed, directed a foreign policy aiming at Germany's isolation in Europe. In this he succeeded, but without the support of his successive prime ministers, and when Germany assumed a

threatening attitude, Rouvier, then premier, did not hesitate to sacrifice his Minister of Foreign Affairs and to force Delcassé's resignation. During the war, the successive premiers held either the war portfolio or the Ministry of Foreign Affairs. After the war they showed their preference for the latter. But the result may be that, contrary to the pre-war situation, the prime minister is inclined to forget that internal politics are the conditioning factor of a stable foreign policy. This was Poincaré's mistake from 1922 to 1924. The elections of May, 1924, in which he was defeated, led to the evacuation of the Ruhr and to a more lenient attitude toward Germany. Some think also that it is not advisable for the prime minister to be at the same time Minister of Foreign Affairs. "If the German ambassador personally brings a note to the Minister of Foreign Affairs, he may request an immediate reply, in case this minister happens to be also President of the Council. If, on the contrary, these two functions are separate, the minister may say: 'I shall mention it to the President of the Council.' It thus gives him time for deliberation."[27]

What is certain is that the direction of a ministerial department is in itself a heavy task. When it is added to the duties and responsibilities of a prime minister it is almost incredible how one man can stand the resultant strain.

The duties of a prime minister are indeed numerous and delicate. As the coördinating agent of the Cabinet he presides over the Cabinet Council, and when the Cabinet meets as Council of Ministers in the presence of the president, he plays a leading rôle in the deliberations.

[27] Joseph-Barthélemy and Paul Duez, *op. cit.*, p. 669.

CABINET SOLIDARITY

These deliberations are secret. They are not recorded, and this leads to difficulties whenever the actual responsibility for a decision has to be ascertained. Yet it seems natural that it should be so, as the Council of Ministers makes its decisions as a whole and is jointly responsible to Parliament. The result is that one or several ministers may be forced to resign at an inopportune time, when they disagree with the majority of their colleagues on an important issue. The English practice has more elasticity in this respect, since individual members of the English Cabinet may be left their liberty of opinion with respect to a given issue.[28]

This French system of a Cabinet solidarity, which can only be broken by the resignation of the dissenting ministers, leads to grave complications, especially as, of late years, parliamentary *mores* have considerably degenerated. As French politics are not ruled by the two-party system, and as the Chamber of Deputies is divided into more than a dozen groups, a cabinet may be composed of men of widely differing opinions. Even if the cabinet is overthrown, only a few ministers are replaced by men from another group. The resigning ministers may eventually find themselves the opponents of their former colleagues. In so doing, they may take a stand against policies with which they disagreed when they were members of the previous cabinet, but which they appeared to the public to be supporting, since they did not resign when the issue was raised. In such a case, their former colleagues who have stayed on in the new cabinet do not fail

[28] As happened in 1932 in the case of the tariff question.

to remind them of this tacit acceptance of the policies which they now oppose. This may lead to embarrassing situations as, for instance, the debate which took place between Briand and Marin on May 8, 1931, when the former told the latter that he had no right to criticize his foreign policy since it was but the continuation of their joint efforts during the two years when they were members of the same cabinet. Under such conditions one may readily understand the peculiarly difficult position of a French premier who has to maintain a precarious accord between Cabinet members of more than half a dozen political groups.

THE PREMIER AS THE MAJORITY LEADER

This failure on the part of French Parliament to follow the English precedent of the two-party system makes it extremely difficult for the French prime minister to be, as in England, the majority leader. In fact, the President of the Council may impose his rule on a hostile majority, whose defeat may be his purpose at the coming election. It was the case of Clémenceau at the end of the war, of Poincaré from 1926 to 1928, and to a large extent of Doumergue after February, 1934, all of whom, thanks to the backing of public opinion, remained a long time in power in spite of the hostility of Parliament. On the other hand, Millerand after 1919, Herriot after 1924 and later in 1932, Tardieu in his three cabinets subsequent to the elections of 1928, have attempted to lead their majority. This means, for example, that the premier is continually traveling through the country, delivering addresses in order to defend his policies and to gain the support of the people. Yet, none of the last three prime

ministers just mentioned won a majority vote at the next elections.

INSTABILITY OF FRENCH CABINETS

But the real problem with which a French premier is faced is not so much to keep the nation behind his majority in Parliament as to maintain this majority. He may find it difficult to keep his ministers in agreement, to accomplish the routine tasks involved in the direction of a ministerial department, to make speaking tours through the country in preparation for the coming elections. Yet all these activities put together are trifling compared to his primary function, which is to form the connecting link between the legislative power and the executive power, namely the civil service with the President of the Republic as a figurehead. In other words the prime minister and his Cabinet stand alone between hammer and anvil. They have two deadly enemies, a Parliament and a bureaucracy, to which a third enemy must be added at times, the President of the Republic.

Figures give a vivid idea of the high rate of casualties in this everlasting struggle between Cabinet and Parliament. Since the foundation of the Republic, sixty-seven years ago, France has had one hundred and four different cabinets, which averages less than seven months for the duration of a cabinet. The record of the longest tenure in office is still held by Waldeck-Rousseau whose *grand ministère* lasted two years, eleven months and eleven days (June 22, 1899, to June 3, 1902). Poincaré's last tenure as premier was almost exactly three years, but he reshaped his Cabinet in November, 1928, which means that he really headed two Cabi-

nets in that period. In all, only seven prime ministers have held their positions as long as two years without a *crise ministérielle*: Poincaré and Clémenceau (twice each), Thiers, Jules Ferry, Méline, Waldeck-Rousseau and Combes. Conversely, the shortest-lived administrations were those of François-Marsal in 1924 and Camille Chautemps in 1930, which lasted only twenty-four hours.

The French President of the Council never knows what the morrow, or even the coming hour will bring him. An indiscreet word, the decision of a minister to punish a delinquent *fonctionnaire*, and out he goes. If, like most Frenchmen, he cherishes the ideal of security, he is constantly on tenterhooks.

How happy in comparison seems the President of the United States, who is at least assured of four years of steady tenure in office! While at the White House, he may have to fight a temperamental Congress, yet he is in no danger of being overthrown. Great Britain's prime minister is responsible to Parliament just as the French premier is, but there is tradition and poise in the Commons and, as a last recourse, the prime minister may call for new elections, in which the people will decide between him and Parliament. In fact, England, since 1870, has had only twenty cabinets and twelve prime ministers.

Under the present practice, the President of the Council cannot resort to dissolution as a means to check Parliament. He and his ministers are jointly responsible to Parliament for one another's words and actions. Since in a country of individualists many deputies and senators consider themselves qualified for a portfolio, the Cabinet in power each

day renews the tug-of-war with political antagonists, eager to seize their offices.

With such a political point of view and organization, it is a great achievement for a French politician to be intrusted even with the forming of a Cabinet. One may expect a summons of this kind from the President of the Republic only after years of patience, hard work, and clever maneuvering.

The typical case will be given by the college professor, the provincial lawyer, or the country doctor (the members of these professions constitute the majority in Parliament who cherish political ambitions. Although municipal and departmental politics are the safest avenue to a seat in the Chamber, there is a fair chance that a talented man may win the votes of his constituency, without conceding too much to local politics, the French political machinery being much less hide bound than in the United States. Then, our young deputy nervously enters the cold and majestic Palais-Bourbon.

He first has to learn the lesson of patience. Although the First Republic did not hesitate to appoint twenty-six-year-old men as commanders-in-chief of her armies, the Third Republic is controlled by gray-bearded men who have little desire to help the younger generation to rise to power. Prime ministers, even in their early fifties, like André Tardieu and Pierre Laval, were regarded as exceptionally young for their prominent positions. It seems, indeed, as if the shadow of the little old man who was the first head of the government were still hovering over the Third Republic. Thiers was seventy-four years old in 1871.

Our talented newcomer will have to be satisfied for the moment with membership in some obscure

committee. There he will work hard, gathering data and preparing reports for proposed legislation. When a bill on which he has labored comes up for discussion, he will speak with precision and brevity. His qualities may later bring about his appointment to such important committees as the Committee on Finances or the Committee on Foreign Affairs. There he will have an opportunity to show his ability, to understand and solve grave questions of state.

He also begins to play a rôle in his political group; he influences the decision of this group as a whole to vote for or against the government on a given issue. He may speak cautiously with colleagues in the *couloirs*; he may write brilliant articles for newspapers and periodicals. Or he may never write anything, or give any speech, if he has powerful friends, a sense of intrigue and a flair for the lobbies.

Our man finally comes to be rated as *ministrable*, as Cabinet timber. Some day he may be selected as Under-Secretary for Merchant Marine in some Cabinet reshuffling. Later, if he shows ability or astuteness, he may become Minister of Agriculture. Then, if he further proves his ability by getting through the chamber some such bill as one providing for subsidies to the fertilizer's industry, he may be given some more important portfolio, for instance the Ministry of War. At last he has become a past master in the intricacies of the parliamentary game and the President of the Republic may select him to head a new Cabinet.

When this happens, the man's real difficulties begin. First, he starts searching for a *combinaison ministérielle*. In the French political argot this expression means a combination of men selected from various political groups in such a way that their

presence in the Cabinet will command a sufficient majority in the Chamber. The task of finding the right combination is so difficult that, although the average length of a ministerial crisis has been five days, it has sometimes taken nineteen days to present a new Cabinet to Parliament.

It is not that ministerial timber is ever wanting. Candidates for portfolios are legion and know how to make themselves conspicuous. But the personal associations and contacts of these *ministrables* require as close scrutiny on the part of the future premier as do the political groups to which they belong.

These groups are generally not models of discipline. They are constantly splitting over some political issue, although their ability to put the pieces together is as great as their readiness to fall apart. A desire to please as many groups and as many prominent parliamentarians as possible explains the apparently astonishing fact that Tardieu appointed twenty-eight members to the Cabinet he organized in November, 1929, against the eighteen members in the preceding Briand government.

RESHUFFLING THE CABINET

Another principle to be borne in mind by the future premier is the fact that a new Cabinet seldom means an entirely new group of ministers. For instance, in October, 1933, the Daladier Cabinet, whose majority in the Chamber consisted of the Radical-Socialist group, of important elements of the various Socialist groups, as well as of some groups of the Left Center, was overthrown owing to the fact that the left wing of the largest Socialist group, known as S. F. I. O. (*Section française de*

l'Internationale Ouvrière) and headed by Léon Blum, had failed to support it. It would have seemed logical to turn to Léon Blum himself as leader of the most important group of the opposition, to head a new cabinet. But Léon Blum could hardly command one hundred votes after the split which took place within his party at the time of this vote. Although defeated, the Radical-Socialist party remained the largest single group in the Chambers with its one hundred and sixty members, so that another coalition Cabinet headed by a Radical-Socialist was formed. Daladier himself could have been intrusted with the task of organizing the new Cabinet, since it was to mean a mere reshuffling of the former one. In fact, Daladier kept his war portfolio in the new Cabinet. But it was Sarraut, the Minister of Marine in the preceding Cabinet, who was asked by President Lebrun to constitute the new Cabinet. Consisting of only one hundred and sixty deputies in a Chamber of six hundred and fifteen members, the Radical-Socialists needed the support of several other groups. Realizing the difficulty of getting the support of Blum's followers, Sarraut shifted the balance of his majority so that it would lean a little more to the Right Center. He kept twelve of the eighteen ministers of the Daladier Cabinet and, among the six new ministers, appointed such a man as François Piétri, who was in three Tardieu and two Laval Cabinets, and is still a member of the Left Republican group which, in spite of its name, is Tardieu's conservative group. This subtle move did not prevent Sarraut's Cabinet from falling less than a month after its organization. Another Radical-Socialist, Camille Chautemps, who was Minister of the Interior in both the Daladier and the Sarraut

Cabinets, was then asked to form another Ministry. His efforts to win the support either of the Left Wing Socialists or of some groups of the Right Center failed. His Cabinet was even more exclusively radical-socialist than Sarraut's, and was doomed to an early downfall.

THE "MINISTERIAL DECLARATION"

Supposing, however, that our future premier can form his Cabinet under more favorable auspices than Sarraut or Chautemps at the end of 1933, he will have but a short respite before his first fight with Parliament begins. He has to prepare at once his "ministerial declaration," in which he is supposed to outline his program. While he reads it to the Chamber, the Vice Premier does the same in the Senate. In drafting that document, he usually is most careful to avoid anything too specific which might give pretext for opposition. It was such opposition that caused the immediate fall of François-Marsal in 1924, and of Chautemps in 1930.

A happy exception to this practice of highly expurgated ministerial declarations was Tardieu's declaration of November, 1929, in which he outlined a comprehensive plan for the economic equipment of the country. Possibly more than any other man in the history of French politics—leaving aside the exceptional circumstances of the war and of the "battle of the franc" in 1926—André Tardieu came into office with the ability and energy as well as the desire to achieve something constructive. Still his achievements were trifling, when compared with his promises.[28a]

[28a] The responsibility for this failure he placed on the parliamentary system itself of which he has become of late years one of

Having survived his first encounter with Parliament, the President of the Council knows that enemies are watching him from every corner, awaiting his first *faux pas*. His worst foes are deputies who spare no effort to make him feel that he is responsible to them. Deputies who hope to get a portfolio in the next Cabinet immediately plot his downfall. As for the mass of mediocre deputies who cannot hope ever to be raised to ministerial office, their jealousy of any kind of superiority—even the short-lived superiority of a French premier—sooner or later induces them to join forces with the opposition. Although individualism has many admirable features, it generally becomes negative and destructive when associated with mediocrity.

PARLIAMENTARY "INTERPELLATIONS" AND "QUESTIONS"

To the average French deputy "discipline is arbitrary, order is reactionary, and authority means tyranny."[29] These three epithets are to be found in most of the "interpellations," the parliamentary procedure by which deputies take turns in heckling the prime minister about any administrative action that may give ground for a hostile vote.

The French government enjoys many prerogatives, among which is the management of the railways and of the telegraphs and telephones. As a result, pretexts for interpellation are innumerable. Even Jules Ferry, one of the greatest premiers the French Republic ever had, was made the target of

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the bitterest critics. See his recent books, *L'heure de la décision*, Paris, 1934; *Sur la pente*, Paris, 1935; *Le souverain captif*, Paris, 1936.

[29] See André Siegfried, *France, A Study in Nationality*. New Haven, 1930.

accusations holding him personally responsible for the cholera epidemic which spread through southern France in the early eighties.

There is, indeed, in the Chamber, a group of professional *interpellateurs*, renowned for their skill in bringing about the fall of Cabinets. Ironically enough, the great champion in this entertaining sport was Clémenceau, who was to rule France with an iron hand at the end of the war.

The prime minister not only has to rebut constant interpellations, but he also has to answer innumerable questions. He has to know everything that transpires in any public bureau; he has to interpret correctly every section of the entangled administrative law. His ministers, of course, assist in gathering data and preparing his answers, but they are also a source of danger for him. He may be held responsible for their mistakes, and may fall on an issue he never heard of an hour before.

Under such a system, instead of devoting most of his time to the performance of his executive functions, the premier must spend days and even nights on the government's bench in the first semi-circular row of the Palais-Bourbon, where he and his ministers look like criminals before a jury. Physical endurance, alertness of mind, grasp of facts, *sang-froid* and the power of sarcastic repartee—he must possess all these qualities and many more to survive a long debate on foreign affairs or on the budget.

Yet the indispensable quality required of a prime minister is eloquence. French deputies, however cold and calculating they are fundamentally, retain enough Latin impressionability to be swayed by skilful oratory.

THE "COULOIRS" AND THE "COMMISSIONS"

But these ordeals are only a part of the parliamentary activities of a French prime minister. Before he feels ready to face the Chamber, he has to prepare his ground through clever maneuvering in the lobbies. He must seize the opportune moment for conferring appointment on the protégé of Deputy So-and-so. He must, through conversations in the *couloirs*, feel the pulse of the Chamber, and he must know how to change the deputies' temper by a few adroit words exchanged over an *apéritif* at the *buvette* of the Palais-Bourbon.

Further, the President of the Council must be able to handle that enemy called the *commission*. Legislative committees in the Chamber have assumed a tremendous power; they often decide upon policies which are likely to be carried out merely because of their influence. The premier will have to plead before a *commission* in order to have his own program accepted before it reaches the Chamber. Presidents and reporters of these commissions are frequently ex-ministers, and some intrigue of theirs almost invariably underlies a Cabinet crisis.

THE CABINET BEFORE THE SENATE

Such are the pitfalls which a French prime minister must cautiously avoid in the Palais-Bourbon. Yet neither is his ground secure in the old Luxembourg Palace, where the Senate holds its dignified sessions. For twenty years after the adoption of the Constitution, the unwritten law continued in effect, that the overthrow of a ministry did not fall within the province of the Senate. In 1896, however, the upper Chamber overthrew Léon Bourgeois' Cabinet,

which was too radical for its taste. Briand in 1913, Herriot in 1925, Tardieu in 1930, Laval in 1932 and Blum in 1937 and again in 1938 successively incurred the Senate's resentment. Having a Radical-Socialist majority the Senate is inclined to oppose Cabinets which are either too rightist or too leftist.

THE CABINET AND THE POLITICAL PARTIES

A recent development is the possible reaction of a Cabinet to a vote taken by the congress of a political party, as distinguished from the political groups in Parliament. More and more French political parties like the Socialists, the Radical-Socialists, or the Democratic Alliance hold annual meetings, at which they decide upon the policies to be followed by their representatives in Parliament. In November, 1928, a precedent was established when a French Cabinet resigned because of the vote of the Radical-Socialist Congress, which forbade the four Radical-Socialist Ministers of the National Union Cabinet to continue coöperating with Poincaré.

OTHER TASKS OF THE PRIME MINISTER

So far, it would seem that the job of a President of the Council is of a purely negative nature: the cautious dodging of countless dangers. But there is more to it than that. He must also manage to be popular with the crowd. He must give careful statements to the press. He must appear at military parades. He must attend important inaugurations. He has to deliver speeches over the coffins of dead generals and statesmen. He must keep in contact with his constituency. He must preside over banquets and address the annual meetings of his political party.

Think of the life of a man like Herriot who, simultaneously, has been President of the Council, Minister of Foreign Affairs, Deputy, Mayor of the second largest city of France, President of the Radical-Socialist Party, and still finds the time to publish delightful literary works.

But still this is not all. Of late years the French premiers have more and more developed into itinerant diplomats. Tardieu went to the Hague in 1929, Laval went to Berlin and to Washington in 1931, then to Geneva in 1932. Even these trips do not provide a respite from the premier's struggle with Parliament. Tardieu was overthrown while he was at the Hague Conference. Laval was, in turn, overthrown while attending the Disarmament Conference in Geneva.

INCOMPETENCE OF FRENCH MINISTERS

With so many diverse activities and in the face of so much opposition, it is not surprising that French Cabinets cannot remain long in power. Laymen, not only abroad but even in France, who observe this situation are very critical of a political system which, they feel, leads to chaos. No doubt this whirlpool of French cabinets is somewhat disturbing to contemplate. It is particularly difficult for a layman to understand how a politician who is, by profession, a lawyer, a doctor, or a college professor, can, after a few years in Parliament, become an expert in so many fields that he can preside over the destinies of the French colonies and, after a short time in this department, be shifted to the Ministry of Justice;[30] or how a Minister of Justice can suddenly become so

[30] Albert Dalimier became Minister of Colonies in the Daladier Cabinet on September 6, 1933, and then Minister of Justice in the Sarraut Cabinet (October 27 to November 24, 1933).

versed in public finances that he can qualify as Minister of the Budget,[31] or, again, how an Under-Secretary for Foreign Affairs can become overnight so proficient in the knowledge of airplanes as to be appointed Air Minister.[32] As the great pre-war journalist Robert de Jouvenel wrote in his brilliant essay on French politics, "Competence in parliamentarians, even at its best, is not necessarily conspicuous nor of long duration. A man who has been a captain in the active army or merely a major in the territorial may find himself heading the Ministry of War. Any chemical engineer who has studied something about explosives may revendicate the Ministry of Marine. Any pharmacist or jeweler may have the ambition to rule the Department of Commerce. A justice of the peace in the colonies feels competent alike to head the Ministry of Colonies, that of Commerce, of Public Education, of Foreign Affairs—and it certainly is the most noteworthy case of extended jurisdiction that a justice of the peace has ever known."[33]

This raises the long-debated issue of the incompetence of French Cabinet officers. There is no doubt that the average French Minister of Marine has a very vague notion, if any, of Nelsonian tactics, or of

[31] Abel Gardey who was Minister of Justice in the first Daladier Cabinet (December 18, 1932 to January 28, 1933) became Minister of the Budget in the Saurraut Cabinet.

[32] Pierre Cot, a former professor of international relations, who did excellent work as Under-Secretary of Foreign Affairs in the first Daladier Cabinet, was rewarded by a promotion to the Air Ministry in the second Daladier Cabinet.

[33] Robert de Jouvenel, *La république des camarades,* Paris, 1914. New edition with a foreword by Paul Morand, Paris, 1934, p. 100. Albert Thibaudet, who himself has written a penetrating analysis of the French political psychology, speaks of Jouvenel's book as being with Alain's writings, "the best piece of real political psychology that men belonging to the left parties have ever produced," *La république des professeurs,* Paris, 1927, p. 39.

the principles of hydraulics involved in the operation of a submarine. Likewise, the War Department may be headed by a professor of history[34] or by a former army sergeant.[35] If, at least, such men could remain in office for a period of years, they might learn enough of the technicalities of their department to make up for their ignorance at the start. Instead, they are forced to resign after a few months, or at best after a year or two, and, when they are restored to power, it is usually in another department.

First of all a distinction must be made between technical competence and executive ability. The general public is apt to confuse the qualities required of the various technicians, experts, specialists and engineers who operate an industrial concern with the general executive ability required of the president of the concern. There is very little need indeed for the president of a steel company to know in detail the technicalities of steel manufacturing; he hires technicians for this task. But he must possess this set of qualities which make a good executive: resourcefulness, a talent for selecting and commanding subordinates, a capacity for quick decision, etc. . . . These are the qualities which also make a good minister, not an expert knowledge of agriculture or finance.[35a]

[34] Daladier was a professor of history.

[35] This was the case of Maginot who, however, was regarded as one of the best French War Ministers. It must be said that he was not a professional non-commissioned officer, but became sergeant during the war.

[35a] Léon Blum elaborates this point in *La Réforme Gouvernementale,* Paris, 1936, pp. 105ff. Although a socialist he does not hesitate to make a special mention of the great post war industrialist Loucheur as embodying just these qualities of the good executive which enabled him to serve with great distinction in various cabinet posts.

Furthermore, as it was indicated before and will be shown in greater detail later, the ministers' rôle is not to govern but to act as controllers of the bureaus. In this task there is evidently more need for good executives than for technicians.

Through the seventeenth and eighteenth centuries, the various civil bureaus as well as the military structure of France were progressively organized. The French Revolution and Napoléon merely put the finishing touch to this monarchic edifice, which has endured to this day without fundamental changes. These bureaus rule France very much in the same way as they did under the Kings or Napoléon. The real managers of these bureaus are not the ministers but the directors who head the various divisions in each ministry. There even may be divisions which enjoy practical autonomy within a given department, as the Customs Division in the Ministry of Finance.

At this point it is worth noticing an institution which is unique in the French administrative set up: the Secretary General of the Ministry of Foreign Affairs. This career man is the superior officer of all divisional directors in this department and does not have any equivalent in the other ministries. He holds a similar position to the Permanent Under-Secretary of the British Foreign Office and usually remains in his post for many years under various cabinets and legislatures. It has been proposed to introduce this institution in all ministries so as to offset the instability resulting from the quick rate of overthrow of French Cabinets. But some like Léon Blum are opposed to the generalization of this system because "it has the disadvantage of setting up beside temporary ministers, a permanent head

of the service who will take away all authority from weak ministers and will find himself almost inevitably in conflict with strong minded ministers."[35b]

THE POLITICIANS VS. THE BUREAUS

It can be seen at once what tremendous rôle is played by the bureaus. They are indeed the real executive power in France. They are intrusted with the task of enforcing the laws. These laws are voted by Parliament, which is supposed to be the emanation of the people. But in the legislative process, too, the influence of the bureaus is paramount. The new bills are proposed either by the Government, in the form of a minister, or by a member of Parliament. In the first instance, the new bill is prepared in the minister's bureaus by technicians and experts whose competence the minister seldom questions. In the second instance, the new bill is prepared by a deputy or a senator, and then studied by a Chamber or Senate committee on the basis of data usually provided by the bureaus. In fact, Parliament is just as incompetent in the legislative sphere as the Cabinet is in the executive field. This is the logical result of the fact that the voting public does not elect technicians. The average citizen votes for political principles, or succumbs to the power of eloquence. Even a good lawyer who is elected deputy will usually make a poor legislator. With such a method of recruiting, Parliament finds it impossible to prepare bills which show the harmonious architecture and detailed perfection of the Civil Code. Most of the important bills are far from complete in every detail. They actually leave room for a decree which fills the gaps and provides in greater detail for the

[35b] See Léon Blum, *op. cit.*, p. 142.

agencies and ways of enforcement. Such a decree is supposedly prepared by the "competent" minister. But this minister hardly does more than affix his signature to it. The decree is actually worked out by specialists in the bureaus. Finally, the hierarchy of *fonctionnaires* which spreads from Paris to the remotest village in a complete network proceeds to enforce the bill. In so doing, they may raise such practical difficulties, and find pretexts for such delays, that the bill may remain *lettre morte.*

Moreover, the French public, although it enjoys the well-deserved reputation of invariably resenting any kind of authority, is astonishingly submissive to the tyranny of the administration. The French *fonctionnaires* seem to have inherited much of the prestige enjoyed by the officials of the *Ancien Régime,* who reflected from a God-appointed king a spark of divine authority. The high *fonctionnaires* of the Third Republic usually come from the best families which are proud of their unbroken record of state service. A director of a division in the Ministry of Finances is reported as having replied to his minister who suggested a raise in the modest salaries paid to his subordinates: "The *fonctionnaires* in my service are sufficiently paid in the form of prestige."[36] The officials occupying a less illustrious position have nevertheless a high opinion of their prerogatives and a rural gendarme snubs the well-to-do farmer of his district. The prestige of officialdom in France apparently impresses the average Frenchman, who seems still imbued with the traditional respect due a representative of the State. The handbook given by the French Automobile

[36] He was the director of the *Enregistrement et Domaines,* a very "aristocratic" bureau dealing with the official recording of legal documents and with the administration of the public domain.

Club to applicants for a driver's permit states, "the candidates must be deferential with the inspector, whose function is a form of public service."

Yet the average Frenchman vividly remembers that his ancestors fomented several revolutions to rid the country of tyranny. Thanks to their inherited submissiveness they are still willing to put up with a great deal of abuse. But when their sense of justice and their longing for liberty are stirred by unwarranted severity, they write to their deputy who in turn introduces an interpellation in Parliament. The minister who heads the department guilty of this offense against a respectable elector will have to answer the charges. His failure to take quick steps to check the abuse may bring about the overthrow of the Cabinet.

On the other hand, fear of being overthrown operates preventively. Ministers do not wait for an interpellation to detect the abuses in which their subordinates are so apt to indulge. They are constantly on the lookout.

THE MINISTERS AS CONTROLLERS OF THE BUREAUS

In other words, the ministers, in the French administrative organization, act primarily as controllers of the bureaus coming within their department. Less than the head of the bureaus, the Prime Minister is above all the delegate of Parliament whose chief task it is to prevent the *fonctionnaires* from abusing their powers. Each minister in turn controls a branch of the civil service or of the military establishment, which, left to itself, would be inclined to tyrannize the people. The members of the Cabinet are merely the guardians of the public liberties.

They try to prevent any encroachment upon them.[37] If they prove themselves unable to safeguard the public against the dictatorial rule of the bureaus, Parliament destroys them, and since the bureaus are not easy to manage, it is not to be wondered at that a fall of the Cabinet is a frequent occurrence in French parliamentary life.

However important is this rôle of the Cabinet members as guardians of public liberties it seems that it overshadows excessively their potential function as executive heads of their respective departments. Especially since the war when all departments of the government have had to assume heavier responsibilities with a personnel of civil servants which does not quite compare with respect to competence and devotion to duty with pre-war standards would it seem desirable that the ministers should devote more of their time to the executive part of their office. A broad reform of the system should be studied in this respect and it is encouraging to know that the socialist leader Léon Blum is devoting much thought to this question.[37a]

THE BUREAUS VS. THE MINISTERS

After Parliament, the bureaus are the great enemies of all ministers. As soon as a newly appointed minister has moved to his luxurious palace, he has to face *le fonctionnaire,* who has been in office so long a time, who has seen so many ministers come and go, who has served under so many political doctrines, but who feels at home in the service, and looks upon the newcomer, his temporary master, with a trace of indulgent scorn. Even if he recognizes

[37] See Alain, *Eléments d'une doctrine radicale,* Paris, 1925, pp. 14ff.

[37a] *Op. cit.*

the ability or the flair of a minister, he despises him a little for his ignorance of the complicated gears of his bureaus and of the subtleties of administrative formulae. And even if the minister were endowed with administrative genius, the *fonctionnaire* is well aware that he alone knows the administrative routine. "From this instant, the conflict is born. The minister distrusts the bureaus; but the bureaus fear the minister. Perhaps the distrust of the former is as well grounded as the fear of the latter; in any case, one can imagine that they may collaborate with cordiality, but never with confidence. The minister alone can issue orders, but the *fonctionnaire* alone can decide upon the execution of such orders. . . . Whatever length of time a minister may remain in power, he is 'a stranger,' he sometimes is 'an enemy.' The 'career' mentality which permeates the Ministry of Foreign Affairs is notorious, but it is to be found to the same degree in all of the other state bureaus."[38]

Ministers are to such an extent the tools of their bureaus and the victims of their own incompetence that the only real executive function that a minister performs is to sign the decrees and orders prepared by his bureau. Before he has been in office an hour, the head of a bureau comes to him with a document prepared by some *fonctionnaires*, concerning a matter of which he has never heard till that moment, which must be signed instantly, and with a respectful bow of obedience the high official indicates to the minister the place for his signature. And the minister signs. Perhaps he will think that he is in danger of being overthrown before the decree he has just signed is enforced. But this does not matter.

[38] Robert de Jouvenel, *op. cit.*, pp. 100ff.

His name attached to the document endows it with life. The decree will continue to be in force after he is gone.

Some ministers, especially at the start, may try to find out what they are signing. But they are so hopelessly lost in the complicated machine which they head, they are so occupied with countless other tasks, such as attending sessions in Parliament, giving speeches in the provinces, and so forth, that, before long, their desks become piled up with documents at which they have not even glanced. Chaos will spread through the administrative machine and, very soon, the ministers have to abandon the hope that they will ever know what they are required to sign.

The minister who displayed the greatest obstinacy in his struggle against the bureaus was undoubtedly Camille Pelletan, who headed the most technical of all ministries, the Ministry of Marine, in the Radical-Socialist Cabinet organized by Combes in 1902. Both witty and learned, he was a picturesque bohemian, an habitué of the boulevard cafés, but above all a true radical-socialist, an enemy of tyranny, especially the tyranny of the *fonctionnaires*. He found himself sitting at the desk which was once Colbert's in the magnificent Ministry of Marine on the Rue Royale. His first gesture, of symbolic significance, was to send to a near-by café for a glass of beer which he drank with delight on the desk of Louis XIV's greatest minister. Then he started at once to fight against his two enemies: the bureaus and the navy-yard contractors. He decided not to sign any document prepared by his aristocratic subordinates until after a personal investigation. (The French navy is by tradition a very aristo-

cratic institution.) He also decided to cease issuing new contracts until he could ascertain the complete integrity and competence of the bidders. As a good demagogue he gave encouragement to the syndicate of arsenal workers, with the result that the French naval arsenals are to-day communist strongholds where navy officers are freely insulted by bolshevist iron workers who build warships for the next capitalistic war. Disorder and chaos spread through the French navy. But Pelletan was obdurate. He appointed non-professional lay committees to help him, in his attempt to check the bureaus and to investigate the contractors. Things went from bad to worse. Unfortunately warships are very delicate machines. A series of accidents and explosions occurred, killing many sailors and, in the end, Pelletan had to go. But the story goes that, upon leaving, he rubbed his hands with glee, muttering: "They will be clever if they can fight a war with the navy I fixed up for them."[39]

Compared to the ordinary French minister, Pelletan is what a caricature is to a photograph. Yet a caricature always contains a great deal of truth, and it may be said that an ordinary French minister is a suppressed Pelletan.

It is for the sake of democracy that Pelletan and his disciples try to subjugate the bureaus. But it is democracy which in turn makes it so difficult for them to impose their will upon the recalcitrant *fonctionnaires*. Under the kings the *fonctionnaires* had tremendous power but they were responsible to their superiors, and ultimately to the Cabinet ministers and to the king. When they failed to use their

[39] This anecdote is reported by Daniel Halévy, *La république des comités*, Paris, 1934, p. 61.

tyrannical prerogatives according to orders, they were summarily dismissed without any possible recourse. This principle was still in force in the early days of the Third Republic. But with the progress of democracy the *fonctionnaires* have formed associations and syndicates which have become so powerful politically that they have obtained statutes providing for promotions, raises in salaries, and dismissals in such a way that a *fonctionnaire* may be grossly incompetent, and yet never be dismissed and even be promoted, unless he is guilty of a very grave offense. The *fonctionnaires*, who are the born enemies of democracy, have made use of the democratic ideal to their own advantage, thereby rendering their position impregnable. In France, the best way to get rid of an official who is incapable or negligent is to promote him and send him somewhere else with a higher rank and a better pay. As the socialist deputy Emmanuel Brousse writes: "You read in the *Journal Officiel* lists of promotions, of salary increases, lists of decorations. When have you seen a list of dismissals? Never. Decorations are the rule, dismissals the exception." No government can exist without the power of removing inefficient, incompetent, or corrupt officials. Because of the principles of democratic government, which do not permit of disciplining the personnel, the French minister has a weak hold over his bureaus.

THE PRESIDENT OF THE REPUBLIC VS. THE CABINET

A third possible enemy of the Cabinet who seems negligible in comparison with Parliament and the bureaus, is the President of the Republic. It is true that the president cannot do anything without the assistance of a minister, but it is conversely true that

the ministers cannot proceed to the most important acts of government without the president's signature. The President of the Republic usually yields to his prime minister. Yet the conflict may become acute, as between Thiers and Dufaure, Mac-Mahon and Jules Simon, Jules Grévy and Gambetta, Casimir Périer and Charles Dupuy, Poincaré and Clémenceau. The conflict once led to the resignation of the Cabinet. This happened when Millerand attacked the policies of Briand while the latter was at the Cannes Conference.

CONCERNING SOME GREAT FRENCH PRESIDENTS OF THE COUNCIL

Thus beset with perils on every side, French Cabinets come and go like the beam of an ever-revolving lighthouse at night. Yet some French premiers have managed to remain in power for a long time. Four men illustrate the fact that a great statesman may rule the country even against such odds: they are Méline, Waldeck-Rousseau, Clémenceau and Poincaré. The last two, particularly, ruled France with an iron hand while keeping within the limits of their constitutional powers.

Although a radical-socialist, Clémenceau did not profess the anarchistic individualism of his party. To him, only a strong state can protect the individual. Without it, liberty merely aids the powerful to crush the weak; it is "organized murder." In spite of this conception of a democracy highly antagonistic to the Radical-Socialist majority elected in 1906, Clémenceau managed to remain in favor, after ousting Sarrien, until the summer of 1909. He faced the problem raised by the growing power of the associations and syndicates of *fonctionnaires* without

solving it. He prepared a bill providing the organization of such associations and syndicates, but forbidding them to join federations of labor such as the *Confédération Générale du Travail.* The syndicate of public-school teachers transgressed this interdiction. Clémenceau summarily dismissed their leaders, for he believed in governing by disciplinary measures rather than by awards. In 1917 Clémenceau was again selected as premier, this time by Poincaré, who detested him. He remained in power throughout the war and the peace negotiations, in spite of a hostile Parliament.

From 1926 to 1929 Poincaré was the virtual dictator of France. Though disliked by the majority in Parliament, his prestige made his appointment inevitable when the monetary crisis had reached a tragic stage. He was not a financial expert, and Caillaux had drafted all the financial measures that Poincaré forced upon Parliament. Where Caillaux had failed because he did not enjoy the confidence of the public, Poincaré, that "lawyer for bankrupt estates,"[40] succeeded. But Poincaré did not conceive of politics as an art to please the elector; politics to him meant the service of the state. That is why he was a statesman and not a mere politician.

CONCLUSION

In conclusion, it may be said that if the French system of Cabinet Government is full of flaws, as are all human institutions, it works relatively well when the ministers and especially the prime ministers are able statesmen. The hostility of Parliament, the difficulty of controlling the bureaus, the possible lack of presidential support, have little

[40] As Emmanuel Berl called him.

effect on a Cabinet headed by a real statesman, composed of able and honest ministers, and enjoying the confidence of the people.[41] Cabinet prestige balances parliamentary majorities. At this stage of our study, it seems fair to say that the crying need of French governmental policy is not a new Constitution, but statesmen of superior caliber.

Section III: The Civil Service

Historical Background of the Civil Service

A German critic once wrote of France: "The French are very much like the Chinese, they learn nothing from foreigners. They think that they sprang from Jupiter, and their civil servants are mandarins with one, two, or three buttons. The Chinese civil service must be very similar to the French; in fact, one speaks of the *chinoiseries*[42] of French bureaus. In fairness, one should add, however, that the Chinese have many children, work hard and do not change their ministers as often as their shirts."[43] Even allowing for the prejudices against France which persisted in Germany long after the war of 1870, it remains true that France, like China before the fall of the Empire, is administered by a hierarchy of mandarins, who, like the Chinese mandarins, are recruited through a system of examinations, and constitute a caste which in fact rules the country.

Constitutional lawyers make a subtle distinction

[41] See Gerville Réache, *Le régime et l'intérêt général*, Paris, 1934, p. 83, with a preface by Germain-Martin, now Minister of Finance.

[42] Meaning all the complications and vexations which are inseparable from the functioning of French bureaus.

[43] Dr. Rommel, *Au pays de la revanche*, Genève, 1886, p. 135.

between government and administration. To them government means the laying down of general policies which it is the task of the administration to put into working order and then to enforce. For instance, the Constitution of September 1791 attempted to mark clearly this distinction by creating administrators who, being elected by the people, would be completely independent of the government proper. This could only mean anarchy. As the preceding section attempted to prove, there can be no separation between administration and government, and if administration is made synonymous with civil service, the French civil service is the real executive power, while the government proper is a mere controlling body. In other words, the real distinction is between the function of management and the function of control; and the first function is in the hands of the French civil service.

The present organization of this service was inherited from the *Ancien Régime*. Until Henri IV, the landed aristocracy had managed to maintain many of its feudal prerogatives—the most important of which was the control of local government. Under Louis XIII, Richelieu led a successful struggle against the *grands seigneurs*, who finally submitted to the king and his local representatives. After the failure of the *Fronde*, the administrative centralization of the country made swift progress under Louis XIV. The Great King attracted the nobility to his court, and, as a consequence, the influence of the landed aristocracy over the provinces waned. A provincial governorship became a mere honorary position. The real local rulers were the *Intendants*, recruited from the bourgeoisie, hostile to the nobility, and ruling in the interest of the king

to whom they owed everything. Despite their grave defects, Louis XV and Louis XVI strengthened the system of autocratic and centralized government inherited from their predecessors.[44] The Revolution completed this edifice of monarchic centralization by doing away with all of the local inequalities and provincial privileges with respect to law, taxes, trade regulations, and administrative organization. It was on this solid and well-prepared ground that Napoléon I built the administrative system which has remained practically unchanged to this day.

These monarchs had built this civil service so that they could enforce their will in the remotest corner of France through an obedient heirarchy of *fonctionnaires* whose duty it was to stamp out any attempt at resistance. It was an admirable machine for autocratic government. Under competent statesmen like Colbert, Turgot and Napoléon, this machine functioned with marvelous efficiency. Competent *fonctionnaires*, recruited among the bourgeois élite, were handling all its wheels, and the rulers knew how to keep them on the alert by granting favors to their best servants, and summarily dismissing the incompetent and corrupt officials with impartial justice.

This incomparable administrative machine was not democratic enough to endure. The French have showed in the past their willingness to accept a competent dictator. They will always overthrow an incompetent autocracy, or one motivated solely by lust for power. In other words, this administrative machine lacked a representative body to act as its guide, and as a barometer of public opinion—thus obviating popular uprising. It is not inconceivable

[44] Pierre Gaxotte, *Le siècle de Louis XV*, Paris, 1933.

that Louis XIV could have ruled with Parliamentary assistance, and yet maintained the principle of autocracy. In such a case the king would have gone to the elected representatives of the people only for advice enabling him to feel the pulse of the nation. Through such a parliament, acting in a strictly advisory capacity, the Bourbon king would have learned that France resented such extravagance in Versailles, so many wars, such unfair taxes and the concentration of privileges in the hands of a favored minority. Had he and his successors been aware of popular opinion there might not have been a revolution. But theirs was a pampered existence amid the splendors of Versailles, and their ears, deafened by the adulations of courtiers, failed to catch the distant echoes of the people's murmurs. Louis XIV's pride was responsible for the Revolution, rather than Louis XV's debauchery or Louis XVI's inertia. By substituting an elaborate system of court etiquette in place of the austere tradition of his ancestors, by transferring the court from Paris to Versailles, by assuming the rôle of a demigod, Louis XIV lost contact with public opinion and bequeathed to his successors this fatal indifference. To be sure, public opinion is not always a good guide. Public opinion backed Louis XIV in the Revocation of the Edict of Nantes, which is generally regarded now as one of the greatest blunders of the reign. As Faguet puts it: "It is precisely when some extraordinary circumstance arouses popular feeling to the highest pitch that it is most inadvisable to yield to it; yet such an occasion furnishes the true statesman with valuable insight into the desires of the people; hence the need for universal suffrage. As to complaints, they must

by no means be disregarded; they must not be suppressed; hence the need for universal suffrage."[45]

THOSE WHO REALLY GOVERN FRANCE

Assuming such a premise, the French republican system seems ideal, for it combines the energetic administrative machine of the *Ancien Régime* with the democratic principle of universal suffrage. Unfortunately the votes of French Parliament do not serve merely as an indication of public opinion which the administration has to take into account, either positively as regards complaints, or negatively when it is merely a matter of popular passion. These votes are imperative, and since—as a later chapter will show—French Parliament adequately represents the people with all its incompetence and emotionality, it would be dangerous to enforce them to the letter. It is this civil service which is the real executive power of France, which prevents a blundering Parliament from working against the true interests of a blind nation, gives continuity to a government whose instability is the talk of the whole world, enforces the supremacy of capitalistic interests, maintains the political power of a social caste in a nation where economic and social inequalities are detested, and carries on imperialistic policies in a world that France "saved for democracy." In this lies the real executive power of France, an executive power which, theoretically, is the obedient tool of a democratic parliament, and is closely scrutinized by the ministers, acting as the parliament's delegates, but which, however, in actual practice, continues to govern France as it has been doing for the past three centuries. The flag has changed, the slogans are

[45] Emile Faguet, *Le culte de l'incompétence,* Paris, 1921, p. 18.

different, the façades of public edifices proclaim a revolution, but France keeps an anti-democratic organization. France is dominated by a handful of economic magnates. France still bows to her counts and marquesses. France has created a republican nobility of high officials and parliamentarians enjoying privileges worthy of the *Ancien Régime*. Yet the French republican government is one of the most stable in Europe because, in spite of all these injustices and inequalities, the average Frenchman under the republic has gained a sense of dignity. He knows that no social organization is perfect; he knows that those who are more intelligent or more adroit than he will win their place in the sun, but he is content with his own modest place as long as the one who possesses, the one who rules, does not abuse his power. He has organized local committees, a free masonry, and innumerable syndicates which defend him better than parliament against the "Important Ones," as Alain calls them. He is perfectly satisfied never to be an industrial magnate, a successful banker, nor even a prosperous retailer, as long as he is given the right to protest against extreme injustices. He is happy, extremely happy without bathtubs and telephones because, little though he has, this little suffices for economic independence; he has "an unlimited provision of white bread and red wine."[46] The average Frenchman finds his reward in the deep satisfaction he feels when, after a long day's work and a wholesome dinner, he "pulls up a chair outside his front door and waits for the first star to appear."[47]

This explains the psychology of those *fonction-*

[46] F. Sieburg, *Dieu est-il français?* p. 17.
[47] *Ibid.*, p. 18.

naires who frowned upon a raise in salary, because they were sufficiently paid with prestige. This sense of dignity, this satisfaction in the task well done, however modest, has been responsible up to the present time for the strength of the French civil service. It may not be comparable to the English civil service, but so far it has accomplished its purpose at least efficiently, and in many instances admirably even if not perfectly. Here, as in most human institutions, the organization means less than the men who are in it. French civil service will be studied presently both as regards its organization and its personnel.

ADMINISTRATIVE CENTRALIZATION

The administrative organization of France is based on the principle of centralization. Each bureau is controlled by its respective ministry in Paris, which coördinates its activities with those of other bureaus. In each *département* or group of *départements*, the instructions issuing from Paris are successively transmitted from the high officials to their immediate subordinates, and so on down to the humblest *fonctionnaire*. On the other hand, when the local agent is faced with questions that he may not solve on his own authority, he goes to his immediate superior and so on through the whole hierarchy, up to the head of the bureau in Paris. The latter makes a decision which may or may not require the signature of a minister, and this decision is forwarded to the local agent through the whole hierarchy of *fonctionnaires*. It is, of course, an exaggeration for Jouvenel to say, "At Brest, when the flag of a coast-guard cutter is so faded that its nationality can no longer be ascertained, the Minister of Marine alone can au-

thorize the appropriation of the 4.85 francs required to replace it."[48] But this remark illustrates the famous "hierarchical procedure" of France administrative system. For example, when a professor at the Autun College for Boys wishes to be transferred or promoted, he must address his request to the principal of his college, who will transmit it, with comments, to the Academy Inspector at the head of the educational bureau of the *département* of Saône-et-Loire; it will then be forwarded with further comments to the Rector of the Académie[49] at Lyon who will submit it to the Director of Secondary Education at the head of one of the sub-departments of the Ministry of Education in Paris. Some assistant to this Director will study the college professor's *dossier*. A decision will be made, and the minister will sign it. This decision will likewise filter down through the same hierarchy. The whole process is a trifle slow, but it is designed to enable the heads of the various bureaus to be aware at all times of what is going on in the remotest parts of the system.

The centralization process had gone on in France under the kings, especially throughout the seventeenth and eighteenth centuries, but they found it very difficult to undermine provincial privileges and institutions based upon uncompromising historical traditionalism. One of the first tasks undertaken by the Constituent Assembly elected in 1789 was to introduce complete uniformity in the administrative organization of the country. Large provinces were cut into several departments. Some departments were formed of sections taken from various provinces, and every department was put on an equal

[48] Robert de Jouvenel, *op. cit.*, p. 120.
[49] A group of several *départements* for educational purposes.

footing. This uniform administrative structure of the country has been retained to this day, and still functions in much the same way as under Napoléon I, with only two major exceptions introduced by the laws of 1871 and 1884, which transferred some of the powers of the state-appointed administrators in the *départements* and the communes to locally elected officials.[50]

REGIONS AND "DÉPARTEMENTS"

France is now divided into ninety *départements,* including Corsica and the three *départements* of the recovered territory of Alsace-Lorraine, to which must be added the territory of Belfort. The latter was a part of the *département* of Haut-Rhin before 1870, and was kept by France in accordance with the terms of the treaty of Frankfort, and was then organized as a separate administrative unit headed by a *préfet.*

Some *départements* may be grouped into distinct units as far as a particular branch of the administration is concerned. For instance, there are twenty-one military "régions," in each of which an army corps is stationed. Under the "région" commander are two or three divisions commanded by a division general. Each division consists of two or three brigades under the command of a brigadier general. Each brigade consists of two regiments under the command of a colonel. In each division there is also an artillery group, and various units of tanks, aviation, etc. . . . In each army corps, likewise, there are units of specialized troops and bureaus such as ordnance, recruiting, arsenals, and a complex or-

[50] For example, the mayor who was formerly appointed by the government is now elected by the municipal council in every city except Paris.

ganization for military preparation of youth and for the training of reserves.

There are twenty-six judicial *ressorts*. In each *ressort* there is a court of appeals under which there is a tribunal of first instance in each *arrondissement*,[51] and a justice of the peace and police court in each canton.[52] There is also in each department a court of assize, which meets once every three months in order to try, with the aid of a jury, the gravest criminal offenses, technically known as *crimes*. The tribunal of first instance sits as a civil or as a criminal court. In the latter capacity it has jurisdiction over all misdemeanors, and is known as a correctional tribunal. In the more important *arrondissements* the tribunal of first instance is divided into several chambers, which specialize in civil and criminal cases, although their magistrates follow a rule of rotation. In each *arrondissement* there is also a tribunal of commerce, consisting of judges elected by the business men of the district. These tribunals have jurisdiction over the commercial cases in first instance. In appeal they are tried before the court of appeals. Above the twenty-six Courts of Appeal there is in Paris a court of last recourse: the Court of Cassation.

For educational purposes, there are seventeen *académies*. At the head of each *académie* is a Rector. He is, first of all, the president of the local university which consists of four faculties: law, medicine, science and letters, and of a variable number of semi-autonomous schools and institutes. The dean acts as the executive officer of each faculty. The rector is also the administrative supervisor of all pri-

[51] The *arrondissement* is the subdivision of a *département*. See later.

[52] The *canton* is the subdivision of an *arrondissement*. See later.

mary and secondary schools in his *ressort.* He is assisted in this task by as many academy inspectors as there are *départements* under his rule. The secondary schools consist of *lycées* and colleges. As a rule, there is one *lycée* in the most important city in each *département,* although there may be several *lycées* in a city of sufficient importance to warrant such a number, or, again, there may be but one *lycée* for several cities in the same *département.* The colleges which have the same curriculum as the *lycées* are located in the smaller cities, and there is usually one in each *arrondissement.* As the needs of the population of growing boroughs warrant it, secondary schools are formed, later to be converted into colleges. The boys' schools and the girls' schools are separate, and so far there have been more boys' schools than girls' schools, and the requirements of the former have been more stringent. But gradually the gulf is being bridged. At the bottom of the scale there are the primary schools. There is at least one in each commune. When the commune is very small there may be just one school with one teacher, who will have to teach all the girls and boys of varying ages. In the larger communes there are separate schools for boys and girls, and as the number of students justifies it, several *instituteurs* will be teaching various ages. In the still larger communities there are junior high schools which really provide secondary education. Each academy inspector is assisted by primary inspectors who supervise the primary schools. There are also general inspectors for the secondary schools who, contrary to the principle of hierarchy, are not the subordinates of the rector, but the direct envoys of the minister. The minister at the top of the hierarchy is assisted by his bureaus,

which are divided into three main Divisions, the Division of Higher Education, having jurisdiction over the universities, the Division of Secondary Education and the Division of Primary Education. He is also assisted by a consultant body composed partly of elected members and partly of ex-officio members known as the Council of Public Instruction, and each rector is in turn assisted by a similarly appointed body known as the Academic Council. Each university also has an administrative council or board of trustees, and the same principle obtains in each secondary school.[53]

With the development of technical schools, a separate sub-department has been created, and this department is controlled by an under-secretary. There are also agricultural schools under the jurisdiction of the Ministry of Agriculture, military schools under the jurisdiction of the Ministry of War, and a school for the training of colonial administration under the jurisdiction of the Ministry of Colonies.

Nevertheless, the regional grouping of several *départements* for certain administrative purposes is the exception. To all intents and purposes the *département* forms, in the administrative hierarchy, the connecting link between the ministry, department, sub-department, or division in Paris. Such is the case, for example, in all financial matters. Under the Minister of Finances there are bureaus in charge of direct taxes, indirect taxes, *enregistrement*. Each of these bureaus in Paris is headed by a Director-General, who, although he enjoys a considerable degree of autonomy, is the immediate subordinate of

[53] Cf. Jacques Barzun and Robert Valeur, *Education in France: its Theory, Practice and Worth,* in R. G. Tugwell and L. H. Keyserling, *Redirecting Education,* New York 1935, vol. II, pp. 81ff.

the Minister of Finance. In each *département* there will be a departmental director for direct taxes, indirect taxes, *enregistrement*, assisted by a certain number of inspectors. In each *canton*, except the very small ones, there is a local agent of this bureau. The same principle obtains with the postal service, the customs, highways and bridges, forests and rivers, etc.

THE PRÉFETS

Much has been said against this uniform administrative structure. Notwithstanding its apparent harmony, this system undoubtedly raises the question as to whether every *département* should necessarily have a chief engineer for highways and bridges, and a high official charged with the supervision of the levying of indirect taxes. *Départements* vary widely in population and in economic importance, and a more economical, as well as a more logical division of the country according to economic interests is readily conceivable. Yet all attempts at such a division have failed, because the Third Republic has adhered to the Napoleonic principle that the *préfet* who is the political head of the *département* should control all the technical bureaus in the *département* through their departmental directors.

Although France is a small country as compared to the United States, the underlying idea of this intricate bureaucracy is that the political control of France cannot be insured solely by the functioning of the central bureau in Paris, but requires a close network of political agents appointed by the central government, the *préfets* and the *sous-préfets*, whose task it is to check the political orientation of the specialized *fonctionnaires*. Just as the ministers are

delegated by the people, to supervise the *fonctionnaires* in the performance of their administrative duties, so the *préfets* and *sous-préfets* are in each *département* and *arrondissement* the local agents of the ministers, by whom they are in turn delegated to supervise the *fonctionnaires* in their respective districts. In other words, just as the ministers are not administrators but mere controllers, the *départements* and *arrondissements* are theoretically a mere administrative division; in actual practice they are a division for political control.

Being mere political agents of the government in the *départements*, the *préfets* are not required to hold any special degree, or to prove their proficiency in any technical field. Anyone can be appointed *préfet*, but any *préfet* can be dismissed at any time by the government which has appointed him. This is as consistent as the power of Parliament to overthrow cabinets at will.

The immediate superior of the *préfet* is the Minister of the Interior, and although a *préfet*'s power is not what it used to be under the Empire, he still plays so important a rôle in the control of the political orientation of the country that the Ministry of the Interior is one of the most coveted portfolios.[54]

In his *département* the *préfet* controls not only the bureaus which are under the jurisdiction of the Ministry of the Interior such as the penal branch of the civil service, but all the officials in the *département*—judges, teachers, army officers, etc. He has for each of them a *dossier* filled with documents concerned less with their professional merits than with their political tendencies and affiliations. Yet the *préfet* is not content merely to supervise the enforce-

[54] See above, p. 306 and footnote 22.

ment of the general policies of the government; he also makes a great number of technical decisions because of the Napoleonic principle of the supremacy of the political over the technical.

The *préfet*, for instance, who, as often as not, holds no academic degree, makes all decisions regarding the appointment and promotion of primary school teachers. Although the academy inspector is the technical agent in this domain, it is the *préfet* who, as political agent, makes the decision. In the same sense, it is not the departmental chief engineer for highways and bridges who gives a French citizen permission to build a bridge over a state highway, it is the *préfet*. And the same rule prevails in every technical branch of the administration.

That the *préfet* in each case will seek the advice of a skilled specialist before making a decision is certain; that the *préfet*, in most cases, will simply endorse the expert's view, is equally certain. Yet the *préfet* is empowered to overrule the *fonctionnaires*, because a centralized government must beware of allowing the decisions of experts to be invariably carried out, since at times such decisions, by virtue of their impartial detachment, run counter to the general policies of the state.

Another important vestige of the Empire is the police power accorded to the *préfets* in accordance with section 10 of the Code of Criminal Instruction. A *préfet* has the right to take all necessary steps for the investigation of criminal offenses and for the indictment and arrest of common-law criminals. As such he has the same rights as a district attorney (*Procureur de la République*), or an investigating magistrate (*Juge d'Instruction*) which is a formidable prerogative when the principle of separation of

powers is taken into account. In fact, the *préfets* seldom use it with the exception of the *préfet* of police in Paris.[55]

The *préfet* is not only the delegate of the government in his department, for the supervision of the so-called national bureaus; he also controls the departmental services proper. Napoléon I granted a measure of autonomy to each *département*, so as to relieve the National Treasury of some of its burdens, which were thenceforth transferred to the departmental taxpayers, although this system does not ultimately decrease the total amount of taxes to be paid by the country. For instance, the upkeep of public buildings, such as prisons and court houses, is assigned to the *départements*, although the administration of justice is controlled by the state. A number of second-rate highways known as departmental highways, as opposed to the national highways, are also maintained by the *départements*. The same principle prevails with the so-called departmental railways, which are narrow-gauge railways, connecting various towns within a *département*. Public Health Bureaus and Relief Bureaus are also supported by the *départements*.

An elective body known as the General Council, consisting of one delegate per *canton*, makes the decisions concerning these bureaus, and votes appropriations for them. These councils hold brief sessions twice a year. They elect a semi-permanent committee known as the "departmental committee" which assists the *préfet* in the administration of the departmental bureaus. The General Councilors are usually selected from among men of local prestige

[55] Clémenceau sent a circular to all *préfets* on August 4, 1906, prohibiting the application of the famous section 10 without previous reference of the matter to the Minister of the Interior.

and genuine ability, and the General Councils in France may be said to do a much better job in their modest sphere than the Chamber of Deputies with its nation-wide jurisdiction.

THE ARRONDISSEMENT

Each department is in turn divided into *arrondissements* at the head of which there is a *sous-préfet*. These officials are political agents appointed by the central government under the same conditions as the *préfets*. But they play a minor rôle. They serve as mere intermediaries between the *préfets* and the mayors. In other words, they have no power of decision unless it is delegated to them by the *préfet* or when there is an emergency that allows no time to await the *préfet*'s decision. The facility of modern communication has rendered this office superfluous, and as a consequence innumerable practical jokes as well as more serious attacks are constantly leveled at the French *sous-préfets*. But small towns are proud of being a *sous-préfecture* rather than a common *chef-lieu de canton*, and it has taken the authority of Poincaré and the financial compulsion of the post-war period to oust one hundred and six *sous-préfets* and to eliminate their useless posts. However, the *arrondissements* continue to be important administrative districts, especially as judicial units. In each *arrondissement* there is an elected assembly known as the Council of *Arrondissement*, the main purpose of which is to confer the resounding title of *Conseiller d'arrondissement* on some local politician. Yet the *arrondissement* has tremendous importance as a political district since, except for a short period from 1919 to 1928, deputies have been elected at the rate of one in each *arrondissement* of

less than one hundred thousand inhabitants. As political constituencies the *arrondissements* are honeycombed with intrigues, and bid fair to have a long life.

THE CANTON AND THE COMMUNE

Each *arrondissement* is divided into *cantons*. These cantons have no administrative head. They are mere administrative units of a certain degree of importance from the point of view of police, justice, taxation, the recruiting of the army, and the election of general councilors.

Last of all each *canton* is divided into communes. These are the smallest administrative units in the country, but not the least important. Since the functions performed by the municipal bodies of large modern cities have become almost innumerable, there are few offices in France which confer more power than a mayor's office in a large city. Since, furthermore, mayors are no longer appointed by the government, but are elected by the Municipal Council, they stand out to-day as the only elective officials vested with great executive authority. More fortunate than a prime minister, they may not be overthrown by a hostile vote of the Municipal Council, which can merely refuse to vote appropriations. The mayor plays a peculiarly important political rôle as chief of the municipal police.[56] Yet most mayors are

[56] There are exceptions to this rule. The municipal police in the three most important cities of France—Paris, Lyon and Marseille—are under the control of the Government. The chief of the Paris police is the *préfet* of Police, who is appointed by the Government. In Lyon and Marseille the chief of police is an assistant to the *préfet*, known as Secretary General to the Préfecture for Police. A law of November 14, 1918, decided, likewise, that the municipal police of the great naval base of Toulon should henceforth be under the control of the *préfet* of Var. The fear of uprisings in these important centers—the political significance of which

not mere politicians and the best means of securing their position, once they are in office, is not to curry favor, but to do constructive work in the improvement of hospitals, schools, parks, and slaughter houses, in the beautifying of residential districts and

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has proved incalculable in the past—is the motive for such exceptions. In these four cases the National Treasury provides important subsidies for the maintenance of the municipal police force.—The average American is inclined to confuse the municipal police in France with the national police or gendarmerie. One frequently hears American tourists referring to a city policeman as a gendarme, although, strictly speaking the word "gendarme" means a member of the national police. The French gendarmerie is a militarized police force under the control of the Government and its *préfets*. Its officers are regular army officers who have taken special examinations. Its non-commissioned officers and privates are former regular army men, who have accomplished their period of military service, and whose record in their regiment has been good. The gendarmerie is divided into infantry and cavalry units. Officers and men live together with their families in quarters provided by each *département*. In Paris, in addition to the municipal police and the gendarmerie, there is the so-called Republican Guard, divided into footguards and horseguards, the latter wearing conspicuous brass helmets. The Republican Guard is a sort of élite gendarmerie, whose main function is to prevent political disturbances. They also play a decorative rôle in military parades, and in official visits of foreign kings and statesmen, and they provide impressive sentries for the government buildings. Since the war, the drastic reduction in the period of compulsory military service has led to the organization of various units of *gardes mobiles*, with a status similar to that of the Republican Guard in Paris, and, incidentally, with a like uniform. They can be summoned to any part of the country where political disturbances are in progress or are expected. The Paris firemen are also a unit of the regular army and are equipped with rifles like a regular infantry unit. They have often been called out to extinguish with their hose the fervor of political demonstrations. The regular army has been used at times for controlling strikes or political disturbances. However, being a conscript army it is not considered very reliable for political purposes. This explains why the garrison of Paris consists mostly of men recruited from remote provinces—Brittany in particular. The Breton peasants have an outstanding reputation as soldiers. They obey orders under any circumstances, and probably would not mind taking a shot at the high-brow Parisians, if ordered to do so. Yet the Government does not count too much on its Breton regiments, and in February 1934 colonial troops were summoned to Paris. Although they did not see active service, the gesture was, to say the least, unfortunate in its significance.

thoroughfares, in the creation of an adequate water supply, etc. France has had more great mayors than prime ministers. Herriot has been Mayor of Lyon for nearly thirty years. He has done such excellent work there that he continues in office even now that the municipal council has turned socialist. Gaston Gérard in Dijon, Marquet in Bordeaux have also been mayors for a great many years. Mayors in the devastated area where entire cities were wiped out had a stupendous task to achieve. The reconstruction of such cities as Rheims, under Mayor Marchandeau, remains the glory of the municipal administration of France.

This does not mean that all municipalities are perfect. They indulge only too readily in financial extravagance. Most of the large cities are heavily in debt, and municipal taxes contribute to the high cost of living. The socialist and communist municipalities are particularly determined to "soak the rich," in order to carry out extensive programs involving playgrounds and model tenements. The vast scale of these programs often tends to mistake extravagance for utility.

The municipal organization of Paris is an exception to the general rule. The revolutionary past of the capital, the difficulty of its financial administration, and its great political importance have all induced the central government to maintain a close supervision over the municipal affairs of Paris. The real mayor of Paris is the *préfet* of the Seine who is appointed, as are all other *préfets*, by the Government. He is assisted by the *préfet* of Police and he delegates all his minor prerogatives concerning marriage licenses, primary education, or relief to the

mayors of the various *arrondissements*,[57] who are elected officials. For the same reason the municipal council of Paris enjoys less independence than the municipal council in the provinces. Most of its decisions have to be approved by the *préfet*.[58]

THE VARIOUS ADMINISTRATIVE AGENCIES AND THEIR INTERNAL ORGANIZATION

The division of France into *départements*, *arrondissements*, *cantons*, and *communes*, as well as the grouping of several *départements* into distinct units for military, judiciary and educational purposes, provides the administrative framework for the centralized hierarchy of the various bureaus.

In the previous section, the political significance of the various ministries has been discussed. A study of their administrative significance is now in order.

While each bureau appears strongly coördinated from within by means of a pyramidal arrangement of officials extending all the way from Paris to the remotest corner of France, the administrative structure of the country as a whole is uncoördinated, because each separate bureau is practically a watertight compartment. Such coördination as does exist is at the top. The head of a *département*'s highways has nothing whatever to do with the head of the same *département*'s postal service, although the latter service is making use of the highways in connection with the erection of telegraph poles and with the transportation of the mail. No disagreement between the two bureaus can be settled within the *département*, unless the settlement is of the amica-

[57] Paris is divided into twenty *arrondissements*.

[58] From 1873 to 1881, Lyon was under a municipal régime similar to the one in force at Paris, with the *préfet* of the Rhône acting as mayor.

ble type so repugnant to a true *fonctionnaire*. The disagreement has to be settled in Paris.

Unfortunately, in Paris all ministries are so many independent citadels having no real mutual relationships. This was all very well at the time when Napoléon acted as the connecting link between the various ministers. Now this coördination is theoretically the Cabinet's function, but the explanation previously given of the Cabinet's shortcomings as a governing body shows how inadequately it performs so fundamental a rôle.

Such a rôle should really be assumed by the Prime Minister. Now that it is becoming more and more the practice for him not to hold a portfolio he finds more time for it. Otherwise the Prime Minister is so overburdened with an infinite variety of tasks that he cannot possibly act as a coördinating agent between the ministries.

Again, this coördinating function might perhaps be performed by the Ministry of Finance, as is to some extent the case with the British Treasury and its "Permanent Secretary." But the French Treasury exercises no supervision over individual bureaus.

Inter-ministerial committees have been organized toward this end of coördination. In principle this system is excellent, but in practice it has proved unsatisfactory. The onerous duties of their respective ministries prevent many members of these committees from rendering efficient service in harmonizing the work of conflicting ministries, and therein lies the weakness of this system.

Another defect of the French administrative structure which further aggravates this task of coördination is to be found in the illogical distribution and diffusion of administrative activities. For instance,

the district attorney who pursues criminals is subordinate to the Minister of Justice, but policemen who arrest those criminals are subordinate to the Minister of the Interior. At times ludicrous situations are created by this lack of administrative coördination. For example, the windows of the Ministry of Finance are washed on the inside by the janitors of this department. But, as the Ministry of Finance is located in the Louvre, which is under the jurisdiction of the Fine Arts Department, only this latter department can decide when the proper moment has come for these same windows to be washed on the outside!

Furthermore, conflicts occur not only between ministries, but between the various bureaus within a given ministry. The heads of these bureaus are inclined to remain isolated each in his own corner, exclusively preoccupied with the concerns of his own department. As the minister is merely a political delegate controlled by the permanent officials, he cannot be expected to assume a coördinating rôle between the various bureaus in his own ministry. Such a rôle is assumed in British administrative departments by a permanent secretary, who is a civil service man and not a transient political appointee. In France the Ministry of Foreign Affairs has such a permanent "Secretary General." But this is an exception to the general rule that the several directors of bureaus have equal rank. Such coördination as is effected in the functioning of their bureaus is achieved at meetings where nobody has the authority to make a final decision.

The result is an incredible amount of red tape, duplication, and inefficiency. No matter what the issue is, each department thinks that another one

has jurisdiction, which means that important questions all too often remain forever unsolved.

Each bureau or sub-division in a given ministry is, in turn, organized and governed in accordance with rules which lack uniformity. Here French individualism finds a broad field for its disorganizing activity. The head of a bureau will attempt to reorganize it in accordance with his own ideas, so as to prove his superiority over his predecessor, or his colleagues in the next bureau, while in other departments the force of tradition, as well as the lack of initiative on the part of many aging officials whose sole preoccupation is to reach the retirement age with a minimum of worries, tends to perpetuate outworn methods.

In other words, the French administrative system lacks internal coördination and uniformity. This situation is unpardonable, since administrative centralization should facilitate a harmonious organization. It is all the more regrettable because the French *fonctionnaires* have many praiseworthy qualities, and, in the case of the higher officials, much administrative experience, but all these assets are of little avail, due to their lack of training in the art of management.[59]

THE RECRUITING SYSTEM

Although some men of exceptional ability reached the highest offices during the *Ancien Régime,* favoritism in the appointment to public functions was so inseparable from absolute monarchy that Beaumarchais characterized this epoch by saying: "When a mathematician was needed, a dancer was ap-

[59] See Fayol, *L'industrialisation de l'état.*

pointed."[60] The history of the French civil service during the past one hundred fifty years has been one of unrelenting struggle against favoritism.

The best defense that has been formulated in France against this ever-present danger is the general requirement that candidates for the great majority of public offices must take a competitive examination or *concours*. Here, again, the French system might be compared to the complicated system of examinations for mandarins which prevailed in pre-revolutionary China.

Such *concours* are held periodically to fill the vacancies in a given bureau. The minister in charge of the department in question lays down the rules according to which the tests are conducted. There are a few general requirements in all such examinations, as for example the *baccalauréat* requirement for all except the pettiest functions. But in general the programs and rules for such examinations, as well as the rigidity of the test, vary with each function. The programs are determined by the nature of the function to be performed, and the rigidity of the test by the degree of competition occasioned by the proportionate number of candidates and of vacancies.

In case of vacancies in a ministry, the *concours* are held in Paris. The *concours* for bureaus with branches extending throughout the country are held regionally. The *concours* for the more important functions are always held in Paris, even when the

[60] All absolute monarchies are infected with the same germ. Speaking of Germany, Joseph-Barthélemy quotes *Vorwaerts* of September 16, 1917 as saying: "As for the appointment of diplomats, family connections, friendships formed at the University or in the Army, the rank as reserve officer, all these are taken into account; intelligence is the last consideration." *Le problème de la compétence dans la démocratie*, Paris, 1918, p. 237.

appointees are to work in the provinces, in the colonies, or abroad.

It is estimated that about 1200 posts are filled annually by means of the *concours*. As contrasted with some 1000 places in the United States' Federal Service, and 300 in the British National Service, this figure gives an idea of the important rôle played by the *concours* as the basis of the recruiting mechanism for the French Civil Service.[61]

The examining boards are appointed by the minister at least theoretically. They are composed of agents who have risen to a high rank in the bureau. Since, as a rule, these men are no longer in touch with theoretical questions, they are supplemented by college and university professors, whose task it is to test the cultural standards of the candidates.

Hence these boards are made up of men selected for their intellectual qualities as well as for their practical judgment. They can be relied upon to do their utmost to test thoroughly the aptitude of the candidates they have to examine. Yet they are generally amateurs in the delicate task of deciding whether a candidate has the qualifications likely to render him a worthy addition to the bureau. Little effort is made within a given bureau to develop an examining technique, or to build up a more permanent examining board, which would improve the method of selection by introducing greater continuity and more uniform standards into the system of recruiting new agents.

The difficulty of some of these *concours* is almost incredible. This is particularly true of the tests which candidates for the *Conseil d'Etat* must undergo, or of those required for a chair in a law school

[61] See W. R. Sharp, *op. cit.*, p. 124.

or in a school of medicine, or even in a *lycée*; for the diplomatic service; for the *Inspection des Finances*. The rigidity of these tests is unequaled in any other country. This, combined with the very thorough training of young Frenchmen by means of a centrally controlled system of education, accounts for the outstanding theoretical equipment of the highest French *fonctionnaires*.[62] Unfortunately the development of their practical aptitudes has not been equally stressed. Had such been the case, France might have the best civil service in the world. The traditional French cult of abstract ideas is doubtless no less responsible than the people's individualism for the lack of method and organization in the administrative routine, which is characterized by endless red tape and delay. Since the war, France has rationalized her industries to a considerable extent. But her administrative methods have not kept up with the progress made in methods of management. The French civil service needs less intellectual talent and more businesslike methods.

FAVORITISM IN THE RECRUITING OF THE FONCTIONNAIRES

Whatever the failures of the *concours* system may be, it has led to the progressive elimination of favoritism in the civil service, with a consequent democratization of its personnel. Under the *Ancien Régime*, practically all the public offices were held by noblemen. Their appointment was a matter of family connections and court associations. In many cases virtual hereditary succession obtained. In other cases, especially in the judiciary, offices could be bought for a lump sum. The Republican assem-

[62] Robert Valeur and Jacques Barzun, *op. cit.*

blies tried to eradicate these evils. But the general principle of elected officials was no less pernicious, although in a different way. Napoléon went back to the monarchic system of civil servants appointed by a central government.

The number of *Ancien Régime* men who found a niche in the Napoleonic administrative structure is amazing. But it is to Napoléon's credit that he selected the best of the king's *fonctionnaires.* Gaudin, who was Minister of Finance throughout his reign, had been connected since 1773 with the administration of direct taxes under d'Ormesson and d'Ailly. Daru, who was Minister of Military Administration, had been war commissioner and army *intendant* under Louis XVI. All the legal reforms were made by *Ancien Régime* jurists. On this firm foundation Napoléon built his civil service, which soon proved to be the best in Europe, owing to the fact that, at least during the early part of his reign, he insisted on making appointments and promotions according to merit.

With the Bourbon Restoration favoritism and patronage once more permeated the entire administrative machine.[63] The majority of the important positions were held by reactionaries and conservatives until the end of the second Empire, and it was only through the intervention of deputies that liberals were appointed to public offices.

Even after 1871, monarchists and clericalists continued to fill the greater number of administrative posts. It was only gradually that a new republican administration emerged. Yet during the Third Republic's first quarter of a century the French Civil

[63] Yet it was at this time that Polignac organized the competitive entrance examination for the diplomatic service.

Service remained reactionary to an unbelievable degree. Even those bureaus initially recruited by means of a *concours* did not undergo any deep change of political shade, because there was a majority of conservative officials on the examining boards, although the latter were supposedly appointed by the minister. This is the natural outcome of the so-called "cooptation" system, according to which new recruits in a given administrative department are appointed by members of this department. To make things worse, the Church, which still exerted a great influence, frequently interfered with the appointment of officials.

The Dreyfus affair in the nineties, followed by the ousting of religious congregations in 1901, and the separation between Church and State in 1905, effected the triumph of the radical republicans over the militaristic, clerical, reactionary and monarchic factions. This led to a strengthening of the *concours* system in its most democratic form. The minister was at last in a position to appoint good republicans to the examining boards of the *concours* held for entrance into the various administrative careers. Because of their influence, the conservative candidates were seldom favored at the expense of their radical competitors. The French system of state schools makes it possible for young men without means to go through the mill of the most strenuous classical and scientific training, and the result has been an amazing increase in the number of candidates of humble origin who aspire to posts in the civil and military service.

The French educational system is extremely democratic, particularly since *lycées* and colleges no

longer charge tuition fees.[64] After the *baccalauréat* scholarships are liberally awarded to the outstanding students of small means, who are thus enabled to prepare for almost any of the administrative *concours*. Sons of laborers and of peasants are now often found in the military schools of St. Cyr[65] and Polytechnique,[66] and even more frequently in the famous *Ecole Normale Supérieure* for the training of *lycée* professors. The *concours* for admission to the various financial bureaus have also become very democratic, in spite of the bourgeois tradition permeating this branch of the civil service. The diplomatic service, and posts requiring legal knowledge, as, for instance, the judicial service, are almost the only branches of the civil service to which a candidate would be unwise to aspire without a certain amount of financial backing.

Another democratic aspect of the French administrative system is the recognition accorded those who have succeeded in passing one of these *concours*, especially the most difficult ones. All graduates of the *Ecole Polytechnique*, be they sons of peasants or sons of generals, are on the same professional footing, and, even to a great extent, the same social footing. A laborer's son who manages to pass the difficult *concours* of *Inspecteur des Finances* or of the *Conseil d'Etat* will be immediately accepted everywhere by the most exclusive social set. The French have unlimited respect for intelligence. In France, therefore, the passing of a difficult *concours* confers a sort of nobility—the only nobility that deserves recognition—the nobility of brains, like the Chinese Mandarinate.

[64] Preparing for the Bachelor's degree.
[65] Training artillery and engineering officers.
[66] Training artillery and engineering officers.

It cannot be said, however, that the *concours* system, as it prevails to-day, completely precludes the possibility of favoritism. The diplomatic service examination, in particular, pays a great deal of attention to the family and social connections of the candidate.[67] Yet, as a whole, these *concours* are quite fair, and when outside pressure is brought to bear on the selection of unworthy candidates it practically never issues from politicians. In so far as "pull" carries weight in such examinations, it usually is the accidental result of personal ties between the candidate and one of the examiners.

Another criticism of the *concours* system is that it is not an infallible method of selecting the best men, as, in fact, no examination can be. Granted the utmost care and impartiality in the conduct of the examination, such a test merely presupposes that a candidate who, owing to his present knowledge, ability and character, is successful in the test will therefore become a useful adjunct to the civil service. The future may discredit such a supposition. Vice versa, the *concours* system may lead to the drastic elimination, without appeal, of candidates who have not reached their full maturity at the time of the examination, and who might develop later into first-rate civil servants. It is pertinent to mention here that the greatest French ambassadors during the Third Republic, Paul Cambon, Jules Cambon, and Barrère never passed the diplomatic service examination.[68]

[67] Yet two candidates who were the sons of ambassadors failed in the 1934 examination.

[68] Joseph-Barthélemy. *Le problème de la compétence dans la démocratie*, p. 243.

INCUMBENTS OF THE FRENCH ADMINISTRATIVE PERSONNEL

Needless to say, the close administrative network of France requires a large number of employees. No official statistical study of the French civil service has been undertaken. But a study of the various budgets enables one to say, with sufficient exactness, that in the most recent years there have been about 550,000 state employees, not including military and naval career men, or employees of the recently nationalized French railways and armaments factories. This large incumbency may be divided into 400,000 full-fledged *fonctionnaires, i.e.,* officials having received permanent appointment, 54,000 auxiliary and temporary employees, and 96,000 laborers. To these large numbers must be added some 350,000 employees on the local government staffs, which constitutes a grand total of some 900,000 persons engaged in civil service.[69] According to the reliable calculations of W. R. Sharp, these figures represent an increase of only eight per cent over the pre-war personnel.[70] This is by no means a staggering advance, especially if the increased responsibilities assumed by all governments in the post-war period are taken into account. Great Britain has 625,000 state employees, and Italy has 520,000. These figures compare well with the 550,000 persons in the French

[69] There are also some 480,000 railway employees. Although officers, non-commissioned officers, soldiers and sailors in the Army and Navy are not, strictly speaking, engaged in civil service, they are in reality state employees. No mention is made here of the numerous civil and military servants in the French colonial empire, nor of the countless persons retired from active service on a pension.

[70] Walter Rice Sharp. *The French Civil Service,* New York, 1931, p. 18. See on p. 19 a table of the distribution of central government personnel by administrative units.

state services.[71] This figure could doubtless be reduced by the elimination of waste and duplication. Yet any drastic reduction in the number of French *fonctionnaires* can be effected only by a thorough reorganization of the administrative system of France.

SALARIES—POST-WAR ADJUSTMENTS

The adjustment of the state salaries to the post-war monetary disturbances has proved a much more important problem than that of the increase in the state personnel. Before the war the French *fonctionnaires* were poorly paid in comparison with the British civil servants. The stupendous rise in prices which occurred during and after the war, as a result both of the scarcity of goods and of monetary inflation, led to a series of salary adjustments. Unfortunately, these readjustments have always lagged behind the rise in prices, and the *fonctionnaires* have felt that they alone were the innocent victims of an economic situation which had benefited the industrialists, the farmers, and even the laborers.

A committee presided over by M. Hébrard de Villeneuve was appointed in 1919 to make the first salary readjustment. It decided that 1800 francs should be regarded as the minimum pre-war annual salary to be used as a basis of readjustment. In reality, many state employees received less than this meager wage before the war. Taking into account the rise in prices and the devaluation of the franc, this minimum was doubled, and this raised to 3600

[71] Although correct figures are not obtainable for Germany, the enormous increase in the country's aggregate governmental expenditures after the war, which cannot be accounted for solely by reparation payments and war pensions, seems to reflect a rather costly administrative organization.

francs. On the other hand, the maximum salary level, of 25,000 before the war, was, in 1919, raised to 30,000 francs. In other words, the Hébrard de Villeneuve committee accorded a 100 to 200 per cent raise on all small salaries, and a mere 20 per cent raise to the highest paid officials. The law of October 6, 1919, embodies this adjustment, which meant an additional expenditure of two billion francs a year.

As early as 1921 new adjustments became necessary. The law of April 20, 1921, granted the *fonctionnaires* of the judiciary increases ranging from 800 to 4000 francs a year. Judges in France have been traditionally among the poorest paid state officials, because the great prestige attached to a judiciary career encouraged men from rich bourgeois families to enter it. The post-war inflation, which particularly affected the *rentier* class, brought financial ruin upon a great many judges, whose salaries had to be augmented. The same legislative act accorded a similar increase to the teachers, through the pressure brought upon Parliament by their association.

Fonctionnaires of other bureaus immediately clamored for similar treatment. Senator Chéron, who prepared the general report to the Senate on the 1921 budget, placated the *fonctionnaires'* complaints by promising them that a general readjustment of all salaries would be made within the next four years. This readjustment would give equal justice to all branches of the civil service, and would take the general price level into account. M. Chéron expected then that prices would go down and his promise to "take the general price level into account" was in reality a clever means of forcing upon the *fonctionnaires* salary reductions in proportion

to a decline in the price level. But instead of decreasing, prices increased so considerably that in the summer of 1924 another salary adjustment was necessary. The minimum salary level was raised to 5600 francs a year, and the maximum to 40,000 francs. The adjustment became effective on January 1, 1925, and put on the budget an additional burden of 1450 millions.

In 1926 a new readjustment took place, the salaries ranging this time from 6900 to 75,000 francs. The higher *fonctionnaires* were at last given some consideration, as it was decided that no one should receive less than three times the salary he would have received on the pre-war basis.

Then a new raise of the minimum salary to 8000 francs became effective on January 1, 1928, which alone cost the Treasury an additional 1400 millions.

The law of June 25, 1928, which stabilized the franc at one-fifth of its pre-war value, provided the final basis for a permanent readjustment of all state salaries. This readjustment, which became effective on October 1, 1930, once more raised all salaries which now range from a minimum 9000 to a maximum 125,000 a year. The additional burden involved in this readjustment amounts to 1800 million a year.

PÉRÉQUATION

An effort was made at the same time to put salaries in the various branches of the civil service on a parity basis. This has been known as *péréquation*, which amounts to the principle of "equal pay for equal work" throughout the civil service.

Up to the war, each branch of the service had developed its own schedule of salaries by the application of the principle of opportunism. When the

personnel of a given administrative department was united into a politically powerful group, it had a chance of securing a raise from a weak Parliament. Sometimes the mere consideration that a minister had in his early career been a member of the postal service sufficed to improve the lot of all *postiers*. Professionally important, but politically insignificant branches of the administration, such as the judicial service, were systematically sacrificed.

With some 1700 different state positions and 483 different salary scales,[72] the post-war task of enforcing salary standardization was enormous. Each branch of the service deemed itself better than the others, and underpaid. The *instituteurs* complained against the salaries paid to the *postiers*, and the judges deemed themselves the victims of a system which reserved its favors for the college professors.

Unfortunately, no standard of comparison is applicable to *fonctionnaires* whose training, entrance examinations, and usefulness to the state are widely different. *Péréquation*, although it is as yet incomplete, has led to some simplification of the salary scales, but has met with well-nigh general dissatisfaction.

SUPPLEMENTARY ALLOWANCES

An interesting attempt was also made to adjust inequalities in real wages resulting from discrepancies in the cost of living in different communities. This has been the origin of the *indemnité de résidence*, which is especially high in Paris. Salary increases are also granted in case of a civil servant who has a family. These are the *indemnités pour charges de famille*. Such indemnities are irrespective of the

[72] See W. R. Sharp, *op. cit.*, p. 200.

basic salary level. Some other advantages may be granted, such as rent-free apartments or reduced rates on the railways, for some categories of *fonctionnaires.*

DISABILITY AND RETIREMENT PENSIONS

If prestige is the main incentive for the French élite to follow a state career in the higher ranks of the civil service, liberal pensions paid by the state to its disabled or aged servants attract to the lower ranks of the civil service innumerable *petits bourgeois* who prefer security for themselves and their families to a large and immediate gain. The *Ancien Régime* had a system of gratuities for the servants of the Crown. But these were conferred at the king's pleasure. During the Revolution, and later in 1817-18, attempts were made to establish a uniform system of pensions. These attempts accomplished little, although certain administrative departments instituted retirement funds of their own. It was not until 1853 that a regular system of pensions was established. But it was still incomplete, since it did not apply to manual laborers in the employ of the state, colonial employees nor local civil servants. If a civil employee gave up his state position before the expiration of the minimum period of service which entitled him to a pension, no provision was made for a partial pension. Nor was adequate provision made for the family of a state employee in the event of his premature death.

The most glaring defect in the pension system established under the law of 1853, even after the amendments introduced in 1913 and 1915, was that the annuities contributed to by the state employees were not kept in an autonomous pension fund, but

were paid into the general Treasury. As a result, the Treasury had to make up the difference between the sums contributed by the employees and the total pension bill. However illogical, this system greatly benefited the state servants after the war, as it resulted in the adjustment of their pensions to the overwhelming increase in the cost of living. Here the *fonctionnaires* had a distinct advantage over their unfortunate fellow-citizens who had paid annuities to private insurance companies, and who ultimately received francs worth four cents, instead of twenty cents as before the war. The post-war situation has tended to make state positions even more attractive than formerly to the French people with their ingrained longing for security.

The law of April 1924 finally established a retirement reserve fund (*caisse des retraites*). The annual contribution by employees was increased from five to six per cent of their salaries, with the ultimate aim of relieving the Treasury of any further contribution to the pension fund. The most that can be said for such a system is: "the pension, though in appearance a favor, is in substance but the acquittal of a debt."[73]

As a general rule, (1) a minimum of thirty years in service and (2) the attainment of the age of sixty years constitute eligibility for a pension. There are also provisions for disability pensions.

Provided the individual regulations of their departments permit, employees may continue to hold their positions after they have reached the age of retirement. In this case, they are entitled to a supplement of pension.

[73] Berthélemy, *Traité élémentaire de droit administratif,* 11th ed., p. 930.

The French system of pensions has become quite liberal since the war, at least if one takes into account the average French standards of living. But the administration of pensions is extremely faulty. It is usual for a retired employee to wait many months, frequently more than a year, before the amount of his pension is settled. In the meantime, he has to live on his savings, which may put him in a most embarrassing situation.

SYNDICATE PRESSURE VS. ARBITRARY PROMOTIONS

The system of promotions still allows ample scope for the favoritism which the elaborate *concours* system has practically eliminated from the original selection of civil employees.

Throughout the nineteenth century the sole criterion for promotion was merit. This meant that the right to promote civil employees rested absolutely with their superior officers. But merit was often merely a shield under cover of which ministers gave advancement to their personal friends and political supporters. This system, which prevailed under Louis-Philippe and Napoléon III, was continued under the Third Republic. It came to a head at the time of the Dreyfus affair, when the orthodox Republicans endeavored to rid the civil and military bureaus of all monarchists and clericalists. They organized a system of denunciations and secret dossiers, by gleaning information from the *concierges* about the private life, political activities and religious opinions of civil and military *fonctionnaires*. Such information was used to retard their advancement, or, on occasion, to bring about their dismissal.

The rank and file of the *fonctionnaires* rebelled against this arbitrary régime by forming *syndicates*.

Collective pressure brought to bear upon Parliament by the syndicates—the power of which soon became a menacing political factor—led to the enactment of section 65 of the Finance Bill of 1905, according to which no *fonctionnaire* can be disciplined, or removed from a list of those eligible for promotion, unless he has had the opportunity of seeing all the notes and documents composing his dossier. This was the first step toward the progressive elimination of favoritism in the promotion of civil servants, as well as of injustices in the disciplinary measures inflicted upon them. In the decade prior to the World War, most administrative departments set up promotion boards on which their employees were directly represented.

The criterion for promotion followed by these boards has been seniority rather than merit. Pay increases are automatic after a certain lapse of time in a given grade, although exceptional merit may speed up the rate of increase. Promotions in rank are also made by seniority, but here merit has a greater leeway and promotion to the higher ranks is strictly a matter of arbitrary choice.

The substitution of the seniority rule for merit in the promotion of civil servants has gone far to stifle initiative and strengthen routine. To-day the simplest way to get rid of an incompetent employee is to have him appointed to another post with an increase both in pay and in rank. When a civil servant feels he is being abused by his superior officer, he will ask his syndicate to intervene with a politician, who will bring pressure to bear upon the overzealous *fonctionnaire*. The merit system led to abusive favoritism. The seniority rule and the constant interference, on the part of syndicates, with the working

of the administrative machine, has produced a growing paralysis of the whole government. Favoritism in France these days is assuming more and more a new aspect. It is not the traditional kind of active favoritism for the rapid advancement of some *fonctionnaires* at the expense of others; it is a negative sort of favoritism resorted to by those *fonctionnaires* desirous of being left at peace by their superior officers, notwithstanding their inefficiency and incompetence.

This does not mean that the old-fashioned kind of favoritism has been completely eliminated either. As has already been pointed out, there is still scope for speeding up the statutory rate of salary increases. Here, merit is often made the pretext for playing favorites. But favoritism is chiefly indulged in the appointment to the highest positions, where the seniority rule is not in effect. Of course, many of these appointments are based upon merit, but in too frequent instances they are due to favoritism. When such appointees are faced with the crucial test of facts, they are usually not equal to the circumstances. In order to realize the extent to which favoritism still conditions the appointment to the highest ranks in the civil and military service, one has only to recall the great number of army generals who had to be summarily dismissed for incapacity at the beginning of the World War.

ADMINISTRATIVE SYNDICALISM

The need of guarantees against the arbitrary rule of politicians, which was more justified in the early days of the Third Republic than at present, led the *fonctionnaires* to organize into syndicates. These syndicates soon developed into powerful political

organizations which exist to-day under the form of a state within the state.

The *fonctionnaire* did not come within the scope of the law of 1884, which gave legal recognition to the syndicates organized by workers, as well as by employees, for the defense of economic, industrial, commercial and agricultural interests. Yet there is no fundamental difference between a worker in a state-controlled cigarette factory, and a worker in any private industrial enterprise. As a result, the Government had to yield in 1886 to the demand on the part of the workers in the state arsenals and manufacturing firms for the right to form syndicates. In 1894 this privilege was extended to the State Railway employees. But permission to organize into syndicates was refused to all other categories of state employees—in particular the postmen and the *instituteurs*.

The Association Law of 1901 gave the *fonctionnaires* the right to organize, but the associations formed under this law did not have as wide legal prerogatives as the syndicates. For instance, they cannot sue or be sued in the courts. Most branches of the civil service organized into such associations, which are usually known as *"amicales"* or friendly societies. But many of them have adopted the more aggressive term of *syndicat*, although, strictly speaking, they are mere associations.

All governments, even the most radical, have denied these associations the right to strike, on the ground that nothing should impair the continuous functioning of a public service. So far strikes have been indulged in only by those state servants who might as well be hired workers of private enterprises. There were some minor strikes of arsenal workers

between 1902 and 1907, four important strikes of postmen in 1909, 1910, 1920, and 1928, and two serious strikes of railway employees in 1910 and 1920. Even Briand, who in the early days of his political career was a vehement Socialist, opposed the right of civil employees to strike, and called the railway men into military service in order to crush the 1910 strike.

Yet radical syndicalism is making steady headway among the *fonctionnaires*. Upwards of six hundred thousand *fonctionnaires* have become adherents of some kind of association or syndicate. The right to organize into syndicates was recognized by Millerand, General André and Camille Pelletan for the so-called *fonctionnaires ouvriers* in the postal service, the war and navy departments. In the department of public education syndicates are forbidden in principle, but the administration closes its eyes to the syndicates of public school teachers in Calvados, Côtes-du-Nord, Morbihan, Pyrénées-Orientales, Seine, and Var.

The radical-socialist governments which came to power in 1924 and in 1932 have displayed even greater leniency toward the syndicates of *fonctionnaires*. These governments, under men like Herriot, Chautemps, Daladier, have instructed the *préfets* to deal with such syndicates—thus giving implicit recognition to technically unlawful organizations.

The following episode aptly illustrates this relaxation of the government's severity toward the syndicates of *fonctionnaires*. At their annual meeting in Paris, at the beginning of August 1933, the public school teachers decided by an almost unanimous vote that in case of a threat of war, even if that war should assume a purely defensive character, they

would unite their efforts to bring about a general strike—thus paralyzing the nation's defense. The Government remained undisturbed; and not until six weeks after this vote did the Minister of Education, de Monzie, send a mild note to the supervisors of education in each *département,* urging them to impose penalties on such teachers as should be proved guilty of unpatriotic teaching. This, of course, proved a dead letter, since the Minister's note itself mentions a previous instance in which the *département*'s supervisors "feared to know what they were unwilling to repress."

POLITICAL ACTIVITIES OF THE FONCTIONNAIRES

The main ground upon which the *fonctionnaires* are denied the right to organize into syndicates and to strike is that, in contrast to ordinary citizens, they enjoy the advantage of an almost complete economic security. It is on the same ground, and also owing to the fact that they are the servants of the government, and, consequently, should lend at least passive support to the policies of this government that the *fonctionnaires* have by some been denied the right to play an active rôle in politics. It seems strange, for instance, that a college professor, who not only gets a salary from the state, but valuable economic and moral advantages as well, should teach a political creed tending to the destruction of the state. Or imagine a royalist army general or communist arsenal director using his position to propagate his individual political doctrines!

Yet the *fonctionnaires* insistently claim that, politically speaking, they are just like other citizens. Although the permanency of their tenure precludes the possibility of their undergoing any risk in the

battle between political parties, they insist on their right to engage in this battle to whatever extent they wish. They take for granted that they should enjoy special privileges, but they are unwilling to accept in return certain political limitations.

However, some categories of *fonctionnaires* have had to accept such limitations in domains other than politics. The rules of discipline and the code of military justice deprive army and navy men of much of the personal liberty which other citizens enjoy. And even the personal liberty of civil employes is somewhat infringed, since they cannot carry on any business activity outside their official functions.

Even in the domain of politics, there are two categories of *fonctionnaires* who are denied full-fledged rights. In the first place, army and navy men cannot vote. In the second place, judges are denied by section 14 of the law of 1883 the right to express certain political opinions.

Yet the syndicates of *fonctionnaires* now represent such an overwhelming political force that few politicians in power dare challenge their political activities. The most revolutionary doctrines are professed by the *syndicats des instituteurs,* and teaching in public schools is becoming more and more radical and anti-national. But who would venture to take a stand against an organization which has a membership of eighty thousand? The syndicalist force is so great that it led, in January, 1933, to the overthrow of the Paul Boncour cabinet. The irony of this is that Paul Boncour himself largely contributed to the development of such syndicates. In 1905 he laid down their program in the following terms: "The employees of the state will be given the privilege of discussing and arranging for the reforms

which they need, and they will not be subjected to outside interference. . . . They will thus suppress the antagonism which exists between an imperialistic bureaucracy and a republican constitution."

The demagogues applaud what Anatole France depicts as "the proletariat of the bureaus, of the schools, of the *octrois*, of the postal service and of the highways, standing against the outworn privileges of the state, and forcing a wedge into the oppressive individualism of the Napoleonic code."

The most interesting thing about this situation is that the imperialistic bureaucracy of France, as Paul Boncour calls it, has cleverly used the principle of democracy to make its position impregnable. According to André Tardieu, the result has been this: "Some *fonctionnaires* use their powers as instruments against the state. Others emphasize, in their teaching, principles that are counter to the interests of the state. Many, either orally or in writing, engage in the political opposition directed against the state."[74]

Until the end of the nineteenth century the high *fonctionnaires,* heirs to the best monarchic traditions, abused their inherited power by tyrannizing the public. Democratic politicians led the protest against this administrative tyranny by encouraging the small *fonctionnaires,* such as school teachers and postmen, to oppose their collective strength to the autocracy of a few. These politicians were responsible for diverting the interests of the *fonctionnaires* from their professional duties into the channel of politics.

To be sure, the situation in the French civil service in the nineties was not a comfortable one for an

[74] André Tardieu, *L'heure de la décision,* Paris, 1934, p. 164.

orthodox republican. The theoretical French republic was governed by a small clique of noblemen, royalist generals, reactionary judges, clerical *préfets*, and by capitalistic interests. The showdown between reactionaries and radicals occurred on the occasion of the Dreyfus affair. For several years France was split into two armed camps, but the radical republicans ultimately defeated the militaristic, clerical, monarchic and reactionary factions. The struggle so embittered the true republicans that they resorted to unspeakable methods to insure the orthodoxy of the high *fonctionnaires*. French freemasonry organized a regular espionage service to inform the government as to the religious and political opinions of all *fonctionnaires*. The army and navy, particularly under the respective ministries of General André and Camille Pelletan, became contaminated by a system of denunciations, leading to the creation of a filing system, in which each officer had a card or *fiche*, containing confidential reports on his political and religious opinions and activities. This method, so unworthy of the corps of French officers, had a demoralizing effect on them which persisted for many years. Even during and after the war many army appointments were made on the basis of political and religious creed—to wit, the unfortunate appointment of General Sarrail to the Salonica army, and later to the governorship of Syria. It would not seem that such methods were necessary to insure the loyalty of the army and the navy to the republican régime. Yet this espionage is excusable on the ground that true republicans could no longer stomach the retention by a few castes of a privileged position in a democracy.

The ousting of religious congregations, and the separation between church and state, caused further friction, when the army and the conservative administration of *enregistrement* were called upon to enforce these anti-clerical laws. Yet those Frenchmen who remember the political abuses of the Catholic Church, the curate's dictatorship in his village, the submission to his whims of the local school teachers, can readily understand these rigorous measures,[75] which almost completely disrupted the political power of the Catholic Church.

This political battle induced the small *fonctionnaires* to strengthen their position against the tyrannical rule of their privileged superiors. It also induced the *fonctionnaires* of middle rank—many of whom had suffered from the denunciations of the period of the Dreyfus affair—to join the syndicalist movement, so as to build up a defense against the arbitrary rule of the politicians. This means that the associationist movement in the French civil service has really a double purpose: protection of the petty *fonctionnaires* from the tyranny of their superior officers, and protection of all *fonctionnaires*, with the exception of the highest officials, from the whims of politicians. The highest officials are often appointed through political favoritism, but, notwithstanding the strongest political connections, they may be removed if the syndicates bring pressure to bear.

[75] The writer's grandfather, who was at the time a school teacher in a Franche-Comté village, had to ring the church bells three times a day, the year round, for the Angelus. Furthermore, he had to sing in Latin and to play the organ at all religious ceremonies. For the performance of all these tasks he was paid the incredible sum of twenty frances (*sic*) a year. Under such conditions it is not difficult to understand the anti-clericalism of French *instituteurs*, and, generally speaking, of most people in humble circumstances.

POLITICAL COLORS OF THE FONCTIONNAIRES

Since the Dreyfus affair, which meant the triumph of radicalism over conservatism and clericalism, the political color of French *fonctionnaires* has progressively changed. Ministers have with more and more impunity appointed true republicans to the examining boards of the *concours* held for admission to administrative careers. This has led to a progressive democratization of the French civil service. Yet each administrative department has its own political temperature. The primary school teachers are extremely radical. Many of them are confirmed communists. The secondary school teachers are radical-socialist. The university professors are more conservative, particularly those in the branches of law and medicine. The army and navy are conspicuously Catholic and conservative, with, of course, numerous exceptions—as, for instance, General Sarrail. They still number many a nobleman among their ranks—especially in the cavalry and the navy. Regimental traditions also influence the officers' attitude. The diplomatic service still includes a majority of noblemen and rich bourgeois of extremely conservative views. The judiciary service is equally conservative. The postal service is radical, especially the lower employees. The financial administration is distinctly bourgeois and conservative. Yet there is a distinct trend toward a more democratic recruitment.

THE LOWERING OF STANDARDS IN THE FRENCH CIVIL SERVICE SINCE THE WAR

Since the war a misapplication of the democratic idea has contributed to lower the standards of integrity, efficiency, and competence in the French

civil service. The successive readjustments in the salaries of state officials which inflation necessitated savored of a questionable demagogy. Granted that the cost of living has risen five times in the post-war period, small salaries have been raised at least ten times. On the other hand, the highest paid officials had to wait until 1930 to have their salaries adjusted to the devaluation of the franc. The resulting dissatisfaction induced many of the most competent high officials to resign from their state positions, so as to obtain a more adequate reward in business enterprises, at a time when the economic prosperity of the country offered many such opportunities. It was indeed desirable to provide a decent standard of living for the most humble among the state employees, but this should not have been achieved at the expense of the highest officials—the *cadres,* as they are called—who are relied upon by the transient politicians to rule the country with a degree of competence and self-denial worthy of a better reward.

Thus, abler men have been diverted from a state career through economic pressure. For instance, ever since the war, not more than sixty to seventy candidates in any one year have taken the competitive examination required for admission to the Ministry of Finance. And, although on an average there are thirty vacancies annually, the quality of the candidates has been so poor that the examiners have been unable to fill more than fifteen to twenty of the vacancies. A like situation resulted in other departments—in public education, and in the army and navy. In France, the upper middle class from which the high officials were recruited was the hardest hit by the post-war inflation. Of late, prestige has not

proved a sufficient compensation for a small salary, more especially since the mediocre caliber of newly appointed officials has been undermining this prestige. Thus a vicious circle was formed, and it was aggravated by the daily spectacle of easy fortunes being made during the years of prosperity by business men who lacked the training required of the best *fonctionnaires.*

The quality of the French civil service is doubtless on the decline. As the late Doumergue stated in a recent interview: "We no longer have great *préfets* and great civil service heads."[76] This is a cause for grave concern, in view of the paramount rôle the *fonctionnaire* plays in the government of the country.

Even the traditional standards of integrity in the French civil service seem to have been undermined by the post-war economic and spiritual convulsion. For the Stavisky scandal and the more recent Lévy affair have disclosed unsuspected corruption on the part of some high officials. The overwhelming majority of French *fonctionnaires* do, indeed, remain devoted to their duty. But unless the dangerous forces which are at work are checked while there is yet time, they will eventually paralyze the entire governmental machine of France.

This contamination which is spreading through the French civil service has doubtless contributed to the political tangle of the present day. The lack of a stable majority in the Chamber of Deputies is nothing new in French parliamentary life. Even the Stavisky affair has failed to reveal further corruption on the part of the professional politicians than did previous financial scandals—such as that of Panama.

[76] Reported by the *New York Times*, November 25, 1934.

The mob is using Parliament as a scapegoat. Unless the French *fonctionnaire* reverts to his age-old tradition of unobtrusive self-sacrifice in the interests of the state, sooner or later the mob will turn its wrath against him.

CHAPTER III

THE LEGISLATIVE POWER

Section I: The Electorate

France is a democracy of the representative type. The people enjoy a theoretical sovereignty which they delegate to elected representatives. These elected representatives legislate, govern or administer in the name of the people, who are never called upon to make decisions themselves, or even to approve the decisions of the men they have elected.

THE RIGHT TO VOTE

The Constitution of 1875 lays down the principle of universal suffrage. This principle was introduced in France for the first time in 1848, but the Second Empire, while maintaining it in theory, managed to distort it so that it became a mere pretense.

Universal suffrage does not mean that everybody has the right to vote. Five conditions are required before a resident of France can be an elector.

1. He has to be of French nationality. A naturalized French citizen has the right to vote, under the same conditions as a Frenchman by birth. But as French naturalization laws are not very strict, the legislators having deliberately encouraged foreign

immigration to offset a low birth rate, the loyalty of many newly made French electors has often been questioned. During the war, temporary laws were passed on April 7, 1915, and June 18, 1917, authorizing the government to repeal the decrees of naturalization granted to former subjects of the countries at war with France. The naturalization law of August 10, 1927, now in force, provides that a naturalized French citizen cannot hold an elective position until he has been naturalized for ten years.[1] But this law gives all naturalized foreigners the right to vote immediately upon their naturalization.

2. Only men have the right to vote. In this respect, France has remained more hostile to woman's suffrage than less democratic countries like Germany. This attitude is less the result of the Frenchman's feeling of superiority toward women, than of French women's general indifference toward politics. Yet the question of woman's suffrage is making much headway. The Chamber of Deputies, on May 20, 1919, voted with an overwhelming majority a bill granting women not only the right to vote but even the right to be elected. Discussion of the bill before the Senate was delayed until November 21, 1922. The bill was defeated by 156 votes against 134. In 1927, 1928, 1929, 1931, and 1932 the Senate repeatedly refused to reconsider the question. It is interesting to notice that woman's suffrage is advocated by the conservatives, and opposed by the radicals. The reason is not merely that women are usually more conservative than men, but that French women, as pointed out in Alexandre Bérard's report to the Senate, are more attached to the Catholic faith than Frenchmen. Since French women, at

[1] There are some exceptions to this rule.

the same time, outnumber Frenchmen by two millions, woman's suffrage might enable the Church to regain its political power, a result that all radicals are determined to oppose. There is no question, however, that French women will sooner or later be given the right to vote, as it is both logical and just that women should have a voice in the government of a country in which they pay taxes, and have economic and moral interests to defend.

3. The third condition attached to the right of voting is maturity. Men over twenty-one years of age are regarded as having attained maturity. Some theorists have argued that a man of twenty-one is too young to vote with reasonable objectivity. The answer is that maturity is not a question of age, but of the individual, and, on this ground, the right to vote should be granted to a chosen few, which would be absolutely inconsistent with the principle of democracy. Another argument has been drawn from the compulsory military service which, before the war, kept young men in the army for two or three years after their political coming of age. As soldiers are denied the right to vote, the only young men who could vote immediately upon reaching the age of twenty-one were those who, for some reason, were exempted from military duty. Now that the term of military service has been reduced to one year, the argument has lost some of its strength. There are also advocates of the so-called family suffrage, which would give the head of a family several votes according to the size of his family. In this case, there would be no question of maturity, for minor children would be represented at the polls by their father.

4. Although there is a law with respect to the mental soundness of electors, this law is by no means

stringent, since only those who have actually been confined to insane asylums, or been pronounced insane by judgment of court, are denied the right to vote. This means that many feeble-minded people, who have not been pronounced insane by a court, and who have retained their freedom, have the right to vote. Illiterate and mentally deficient persons can also vote, as well as the senile people kept by institutions for the aged.

5. A condemnation for certain criminal offenses costs the offender his right to vote. French law here is rather severe. It even deprives any business man who goes bankrupt of the right to vote. This provision is one of the many legal requirements which have all contributed to make prudence the rule of French business. The decree of February 2, 1852, deprived the bankrupt of the right to vote for the rest of his life. Under the law of December 30, 1903, he was debarred from voting for only ten years, and this period was reduced to three years by the law of March 23, 1908.

THE SYSTEM OF TERRITORIAL REPRESENTATION

Elections are conducted on a basis of territorial division. The territorial unit may be the commune, in case of elections to the Municipal Council, or the *canton* for the elections to the *conseil général* and *conseil d'arrondissement*, or the *département* in case of Senatorial elections. With respect to elections to the Chamber of Deputies, two territorial divisions have in turn prevailed, the *arrondissement* and the *département*.

According to section 14 of the organic law of November 30, 1875, each *arrondissement* elects a deputy. In case an *arrondissement* has more than

one hundred thousand inhabitants, it elects one deputy for each one hundred thousand inhabitants or fraction thereof. Under the law of June 16, 1885, it is the *département* which elects one deputy for each seventy thousand inhabitants or fraction thereof. The former division is now employed. The law of February 13, 1889, reverted to the *arrondissement* basis of election. The law of July 12, 1919, provided that each *département* should elect one deputy for each seventy-five thousand inhabitants or fraction thereof, with a minimum of three deputies for any single *département*. The law of July 21, 1927, reverted to the *arrondissement* system—the *arrondissements* with a population of more than one hundred thousand inhabitants being divided into two or more constituencies—and the Chamber saw to it that this division should be done in such a way as to insure the reëlection of the deputies in office at the time. Six hundred and fifteen constituencies were thus cut out of the map of France, and these have been unchanged by the last electoral law of March 25, 1932.

This system of territorial representation has been attacked on various grounds. Particularly since the rise of fascism in Europe, it has been the fashion to ask that economic representation be substituted for the territorial system. However attractive in theory, professional representation is not easy to enforce. The problem of determining equitably which groups shall be represented, and in what proportion, is almost insoluble. The principle of proportional representation results in the Russian system by which each group of twenty-five thousand industrial workers elect one deputy, while an electorate as large as

one hundred thousand peasant voters also elects the same deputy.

But the system of territorial representation also leads to many inequalities. Consideration of petty politics has caused the Chamber of Deputies to draw the electoral map of France in a way which puts some constituencies at a great disadvantage, and which in some cases is positively unlawful. For instance, whereas, according to law, there should be two deputies for all *arrondissements* the population of which is between 100,000 and 200,000 inhabitants, there are ten such *arrondissements* which at present elect only one deputy, although their population ranges from 111,944 for the third electoral district of Valenciennes to 137,718 for the second electoral district of Corbeil. On the other hand, many *arrondissements* with a population of less than 30,000 have the right to elect a deputy, as, for instance, Florac with its 22,338 inhabitants, Castellane with 25,258 inhabitants and others. M. Joseph-Barthélemy remarks, "The four constituencies of St. Etienne, with a total population of 400,000 inhabitants, elect four deputies, while the two *départements* of Hautes-Alpes and Basse-Alpes, with a total population of 175,000 people, elect six deputies."[2] Within the same *département* there may be shocking inequalities. In the *département* of Loiret, for instance, the deputy of the first constituency of Orléans represents in Parliament more than 100,000 people, which is twice as many as the deputy of the constituency of Pithiviers, with its 49,893 inhabitants.

As the result of such a system, at the last elec-

[2] Joseph-Barthélemy and P. Duez, *op. cit.*, p. 352. The other figures given in this section are also taken from their book.

tions of May, 1932, the socialist candidate in the constituency of Castellane was elected by 4019 votes, whereas M. Mottu, the moderate candidate in the second constituency of Corbeil, was defeated although he had obtained 20,216 votes.

As M. Joseph-Barthélemy concludes: "Parliamentary experience shows how difficult it is to eradicate such grotesque inequalities; yet we must aim relentlessly to eliminate the most shocking among them."[3]

UNINOMINAL ELECTIONS VS. PROPORTIONAL REPRESENTATION

Inequalities resulting from the principle of territorial representation are minimized under the system of proportional representation. When elections are conducted on the basis of electoral constituencies electing one deputy each—which is known as *scrutin uninominal*—all the seats will be won by the party in majority in each constituency. Under this system, parties in minority run the risk of securing a representation in Parliament far from proportionate to the total vote that they command in the country as a whole.

Let us take, for instance, a *département* consisting of seven constituencies. There are in each constituency 10,000 electors and three candidates belonging to the political parties A, B, and C. Let us suppose that in each constituency the candidate of party A gets 5001 votes, the candidate of party B 3499 votes, and the candidate of party C 1500 votes. Under the uninominal system of election, the party A, which has commanded 35,007 votes, will carry the election of its seven candidates, while the parties B and C,

[3] Joseph-Barthélemy and P. Duez, *op. cit.*, p. 353.

which commanded 34,993 votes, will not carry the election of any of their candidates. On the contrary, under the system of proportional representation, party A will have four deputies, party B two deputies, and party C one deputy. This system of representation is not mathematically proportional to the number of votes cast for each political party, but it is far more representative of the political color of the country than the uninominal system of election.

Yet it is the uninominal system of election which has been used in France ever since 1875, with two brief interruptions, from 1885 to 1889, and from 1919 to 1927. This uninominal system, combined with the fact that a substantial proportion of electors fail to vote, means that the most important pieces of legislation are voted upon by deputies representing altogether less than one fourth of the electorate, that is to say, about one tenth of the entire population. The classical example in this connection is the law of separation between Church and State of December 9, 1905. It was voted by a majority of 341 deputies representing 2,647,315 out of 10,967,000 electors, and a French population of 38,000,000.

This does not mean that the system of proportional representation is perfect. It tends to divide the majority into a great number of small groups, which are an element of governmental instability. Yet proportional representation is a better approach to perfection than the uninominal system.

The law of July 12, 1919, introduced a system which was a compromise between proportional representation and the rule obtaining under the uninominal system that a candidate who has the absolute majority is elected. Let us take for instance a

département in which 200,000 votes are cast. There are two lists of candidates, those of party A and those of party B. The list A gets 101,000 votes, while the list B gets 99,000 votes. Under the law of 1919, all the candidates of list A will be elected, but none of list B. This can hardly be called proportional representation. If, instead, there are three lists, none of which wins the absolute majority, deputies will be apportioned to each party in proportion to the number of votes they win respectively. Unimportant amendments were introduced in the system by the law of March 15, 1924. The socialist party which had been for long a champion of proportional representation found that the unfortunate compromise of 1919 had prevented it from winning forty-five seats. Its hostility was largely responsible for the passage of the law of July 21, 1927, which provided for the return to the old-fashioned uninominal system of election.

But the latter system has many enemies. It is open to many other criticisms besides the fundamental one that it is the basis of an inadequate representation of the political color of the country. Elections under the uninominal system are more accessible to government pressure than under proportional representation. The Second Empire had incorporated the uninominal principle into its Constitution, so that the *préfets* might more easily influence the elections. Under the uninominal system, electors vote for a given individual, in whose favor they are likely to be prejudiced. Under proportional representation, the necessity of voting for a list of candidates makes the election a question of choosing between political creeds. As a result, the candidate elected under proportional representation feels much

more independent of his electors than does the candidate elected under the uninominal system.

THE VOTE

In order to exercise the right to vote, male citizens who are of age must be registered on the electoral list of a given commune. The right to register in a commune belongs to those who are taxpayers in it, or who have resided there for the past six months. The same list is used for all elections. A hierarchy of administrative tribunals decides all controversies concerning registration on the electoral lists.

Soldiers are registered on the electoral lists, but cannot vote because the requirements of military discipline are deemed incompatible with the exercise of political rights. For a long time domestic servants were denied the right to vote, on the ground that they were not sufficiently independent of their masters.

Voting is strictly optional. It is a moral duty only, but French voters abstain in such great numbers from performing this duty that various bills have been introduced into Parliament to make it compulsory. The most recent bill to that effect was voted by the Chamber in February, 1932, but defeated in the Senate.

From 1875 to 1919, an average of 24 per cent of the registered electors have failed to go to the polls. At the legislative elections of November, 1919, as many as 30 per cent of the electors abstained from voting. But the serious economic and political problems of the post-war period have stirred such interest in the people that only 20 per cent of the electors failed to vote at the legislative elections of May,

1924, a proportion which was further reduced to 15.7 per cent at the elections of May, 1936.

While voting remains optional, it is facilitated by being held invariably on Sunday from eight in the morning to six at night, and by the fact that there is at least one polling booth in each commune.

Voting is secret. Envelopes of a uniform type are distributed to voters, for the insertion of the ballot, and this must bear no mark of identification. Voters insert the ballot into the envelope in the secrecy of a booth, and themselves put the sealed envelope into the ballot box.

Precautions are taken to insure the fairness of the ballot. The ballot room is open to the public, and the voting envelopes are received by a committee consisting of the two oldest and the two youngest voters. The mayor of the commune, or his delegate, acts as chairman for municipal, cantonal and legislative elections, and the President of the Civil Tribunal of the chief town for senatorial elections.

In small villages it has often been impossible to insure the fairness of the ballot by relying on the electors themselves. There the mayor has much latitude in manipulating the ballot, as individual electors do not dare to interfere with the most powerful official in the village. To eliminate this abuse, the candidate should have the privilege of appointing supervisors.

The ballots are counted in public by tellers (*scrutateurs*) appointed by the candidates. For elections to the Chamber of Deputies the results of all polling stations are collected by a committee consisting of the President of the Civil Tribunal, assisted by the four senior members of the *Conseil Général.*

Reasonable precautions are also taken to prevent

threats, bribes, and promises made with a view to influencing electors' votes. The law of March 20, 1914, has substantially improved the election procedure, by limiting electoral bill posting with a view to preventing the wealthier candidate from having an advantage over his less fortunate opponents.

Section II: Parliament

THE PRINCIPLE OF BICAMERALISM

Section 1 of the constitutional law of February 25, 1875, provides that the legislative power shall be exercised by two assemblies: the Chamber of Deputies and the Senate.

The principle of bicameralism is a very ancient one. It is as old as the parliamentary system. The upper chamber in a parliament has traditionally represented the resistance of the social forces of the past, such as the aristocracy of birth and wealth, to a rising democracy. Although theoretically the ultimate triumph of democracy involved the disappearance of the upper chamber, the only exceptions to the principle of bicameralism today are Spain, Turkey, Esthonia, Lithuania, Latvia, and Finland. Even Servia and Greece, as well as some republics of Latin America, have of late organized a Senate.

Experience has proved that the bicameral system is a source of moderation in parliamentary activities. An upper Chamber acts as a brake upon the occasionally rash moves of the lower Chamber. In particular, an upper Chamber prevents the lower Chamber from using its force despotically—a development which Montesquieu had anticipated. The necessary intervention of the upper Chamber in the legislative process involves a delay which prevents the enact-

ment of legislation under the spur of emotion. Finally, as long as the President of the Republic is elected by Parliament, he enjoys more independence with a bicameral Parliament than if he were the delegate of a single house.

Yet the trend in most democracies has been to deprive progressively the upper Chamber of many of its prerogatives, thereby increasing the power of the lower Chamber. In France, although the Chamber of Deputies is, without doubt, the pivot of the parliamentary system, the Senate has stood its ground much better than the House of Lords in England.

It is not only by opposing woman's suffrage that the Senate is proving its vigor, but by overthrowing cabinets at an increased rate. It disrupted the *Cartel des Gauches* in 1926, and subsequently overthrew the Tardieu and Laval cabinets. Its resistance to Doumergue's proposed amendments to the Constitution brought about the latter's resignation in November, 1934. In 1937 and again in 1938 it caused Blum's resignation. There are indications that the French Senate is not ready to succumb to the democratic wave which elsewhere has strengthened the lower House in Parliament at the expense of the upper House.

THE RECRUITMENT OF THE SENATE

If the Senate plays a useful rôle in French Parliament by acting as a brake upon the Chamber of Deputies, this is to a large extent due to the system of recruiting senators. According to the Constitution of 1875, the Senate had three hundred members, one quarter of whom were given a life tenure—*sénateurs inamovibles*. The latter were selected by the National Assembly, and upon their death their succes-

sors were to be selected by the Senate. In principle the *sénateurs inamovibles* were to be recruited from the greatest men in the nation, but in practice they were selected largely among politicians. The other two hundred and twenty-five senators were to be elected in each department by an electoral college, consisting of the deputies, the *conseillers généraux* and the *délégués sénatoriaux*, elected by the municipal councils. Under the Constitution of 1875, there was only one such delegate in each commune, which meant that Paris with two million inhabitants had one delegate, just as a village of fifty inhabitants. The excuse for this system was that the commune in France is the most important political as well as social unit, and it seemed desirable that the Senate should be "the great council of the French communes." The truth was that the National Assembly desired the majority of the Senate to be controlled by the rural districts of the country, insuring thereby the unquestionable conservatism of the upper House.

The law of August 14, 1884, amending the Constitution, followed by the ordinary law of December 9, 1884, did away with the *sénateurs inamovibles*, as well as with the principle that each commune has an equal vote in the election of senators.

The number of *délégués sénatoriaux* to be selected by the municipal council in each commune was to vary with the population of the commune. A commune with a population of 500 inhabitants was entitled to one delegate; a commune with a population of between 501 and 1,500 inhabitants was entitled to two delegates; communes with a population of more than 60,000 inhabitants could not have more than twenty-four delegates, with the exception of

Paris, which was entitled to thirty delegates. Although this system represents a genuine improvement, it means, nevertheless, that Paris with 3,000,000 inhabitants has only thirty delegates, whereas the two suburban communes of Saint-Denis and Levallois, with a total population of 160,000, have together forty-eight delegates. With this mode of selection, the small towns, which are known for their republicanism, anti-clericalism and social conservatism, practically control the recruitment of the Senate.

Furthermore, senators are elected for a nine-year term. Elections to the Senate take place every three years, one third of the Senate body being elected at a time. The age requirement is forty for a senator, as against twenty-five for a deputy. Lastly, with the system of second-degree elections, most senators are recruited among sedate local politicians. All these rules of selection show why the Senate can be so effectively used as a brake on political passions.

THE RECRUITMENT OF THE CHAMBER OF DEPUTIES

Deputies are elected by universal suffrage, and at the first degree, in accordance with the rules previously described. They are elected for a term of four years, which seems too short to many who claim that the first year is a mere period of apprenticeship, and that the last year is devoted to preparing the reëlection. At best two years of useful work remain.

Only those citizens who have the right to vote can also be elected to the Chamber of Deputies. But there are some further requirements for eligibility. The candidates must be twenty-five years old. Naturalized citizens cannot be elected to the

Chamber of Deputies until they have been naturalized for ten years. Neither members of the various families which formerly ruled France, nor men in active military service are eligible. There is also a long list of civil servants who cannot be elected in the constituency in which they hold a public office, because this position would enable them to bring undue pressure to bear on a great many electors. However, these civil servants can be elected anywhere else.

Any candidate who meets these various requirements may be elected in whatever constituency he chooses, providing he has made a declaration of candidacy there. He need not maintain his domicile or residence, or be a taxpayer in that particular constituency, as is the case for all local elections.

Candidates can be reëlected indefinitely. This principle has been attacked on the ground that it gives birth to a class of professional politicians, who are tempted to put their own career ahead of the interests of the country. Although many deputies are of this type of professional politician, the best men in Parliament develop into true statesmen through years of work on the legislative committees. Parliament is a goal for most politicians, but a training school for the few who will play a rôle of some importance as reporters of the great committees or in the cabinet.

PARLIAMENTARY SESSIONS

According to the constitutional law of July 16, 1875, the Senate and the Chamber of Deputies meet every year on the second Tuesday of January, unless the President of the Republic decides to call an

earlier meeting. The session which then opens, and which is known as the "ordinary session," continues for at least five months. Once the five months of the ordinary session have elapsed, the President of the Republic may close the session. In actual practice, the parliamentary recess begins about the fourteenth of July, and the uncomfortable summer heat inclines deputies and senators to look upon the closing decree as the welcome summons to a well-earned vacation, rather than as a dictatorial gesture on the part of the executive.

One of the most important prerogatives of the president is his right to ask the Chambers to adjourn for a month during the ordinary session. The executive can ask for two such adjournments in any one session. Yet the session must have five full months of useful work, which means that in case the Chamber has been asked to adjourn twice during a session, the closing decree cannot be made until seven months after the beginning of the session.

The idea underlying this right of the executive to ask Parliament to adjourn is that Parliament may become at times so turbulent and difficult to control as to render the task of government impossible. Adjournment should be regarded as a preliminary measure to dissolution. Parliament has been adjourned only four times during the Third Republic; first by Mac-Mahon in May, 1877, then in March, 1934, to provide some respite for Doumergue's truce government, and finally in June, 1935 and April, 1938 when Laval and Daladier were granted the right to issue decree-laws.

Parliament also has extraordinary sessions. Parliament, for instance, meets two days after martial

law is declared, and without any convocation from the executive. The President of the Republic is also obliged to call for an extraordinary session when the absolute majority in each house asks for such a session. The Government may also summon Parliament to convene in an extraordinary session whenever it pleases. In actual practice, there is an extraordinary session every fall, from October to December.

The Senate and the Chamber of Deputies hold their sessions simultaneously. There are two exceptions to this rule: (1) when the Senate acts as a high court of justice and (2) when the Chamber of Deputies has been dissolved.

An important rule is that the closing of a parliamentary session has no influence on the legislative procedure. Bills which have not been voted before the end of a session will be voted during the coming session. In England all the preparatory work would have to be done over again.

PARLIAMENTARY REGULATIONS

The fragmentary and undetailed character of the Constitution of 1875 caused both the Chamber of Deputies and the Senate to issue regulations covering in detail every aspect of the parliamentary work. These regulations are binding only within the parliamentary sphere, and do not come under the jurisdiction of the courts. The regulations of the Chamber of Deputies were adopted on the sixteenth of June, 1876, and those for the Senate on the tenth of June, 1876. The regulations of the Chamber of Deputies were thoroughly amended on the fourth of February, 1915.

THE "BUREAUS"

The Senate and the Chamber of Deputies each elect a bureau which performs all of the administrative tasks involved in the functioning of Parliament.

A new bureau is elected for each house at the beginning of each ordinary session. It remains in power for a whole year. The bureaus are elected by secret vote.

The bureau of the Chamber of Deputies consists of a president, four vice presidents, ten secretaries, and three questors. The bureau of the Senate consists of a president, four vice presidents, eight secretaries, and three questors.

The president of both houses performs the important task of conducting parliamentary debates. This task is a difficult one in a country where politics are imbued with passion. But the Presidents of the French Senate and Chamber have always shown a remarkable degree of impartiality. For instance, M. Bouisson, who was president of the Chamber of Deputies for several years, belonged to the Socialist party which had always been in the opposition. But, like all his predecessors, M. Bouisson presided over the often heated debates of the Lower House in a way which never betrayed his own political creed.

THE "GROUPS"

The members of both houses in Parliament are distributed among several groups, in accordance with their political color. Each of these groups elects a bureau, the president of which is endowed with

certain legal privileges in the administration of the Chamber.

Apart from their political influence, the parliamentary groups play a very important rôle in the procedure of designating members for the various committees. Each group designates members for these committees in proportion to its numerical importance. The principle of proportional representation obtains here, and makes the parliamentary committee a reflection of the political color of Parliament.

When an important question comes up for discussion before one of the houses, speakers may be designated by each group to present its views. Those so designated have the privilege of speaking for a full hour, and they have precedence over any who are speaking only on their own account.

French Parliament, especially the Chamber of Deputies, is divided into a great many groups, the number of which seems excessive to the student of the parliamentary system in Anglo-Saxon countries. The 1914 Chamber had twelve groups; the Chamber of 1919 had nine groups. There were eleven groups in 1924, fifteen in 1928, sixteen in 1932 and nineteen to-day.

There are various reasons for this parceling out of the Chambers of Deputies among so many political groups—the first of which is the personal ambition of many deputies. However small the group, it may be an indispensable part in the building-up of a majority; the man who organizes a new cabinet will offer one or two portfolios to such a group; and some deputies may rise to cabinet positions thanks to their membership in this group, rather than to their qual-

ities of statesmanship. Membership in a group is also the only way to be appointed to a committee. If a deputy cannot be appointed to the committee on foreign affairs, he may organize his own group, which will be entitled to representation on this committee.

It is not on the left, where parliamentarians usually belong to one of the two great "cartel" parties, that groups flourish, but in the center, where the lack of a clear-cut political opinion is favorable to the existence of numerous groups differing in their political creed by only a shade. As a result, it is difficult to detect where the majority ends and where the opposition begins, and this parceling out of the center in French Parliament is one of the great factors of instability in French politics.

This situation in French Parliament has often been contrasted with the British three-party system, which makes for a clear-cut distinction between the majority and the opposition. It may even be asserted that the very seating arrangement in the House of Commons, according to which the opposition faces the majority, represents the simplicity of the British parliamentary game. The French Chamber of Deputies, on the other hand, has semi-circular rows of seats, which convey the idea of a gamut of innumerable shades, ranging all the way from the bright red of the extreme left to the pure white of the extreme right. It cannot be denied, however, that each of the large British parties represents a great many shades of opinion, just as the Republican and Democratic parties in the United States do. In France, on the other hand, the lack of sharp political distinction between a great many parliamentary groups

makes for the possibility of coalitions embracing at once radicals and conservatives, such as those which lent life to the Poincaré National Union Cabinet of 1926 and the Doumergue Truce Cabinet of 1934.

On the first of January, 1937, the groups in the Chamber of Deputies were from right to left:

Right	Indépendants d'union républicaine et nationale	4	130	220
	Indépendants républicains	12		
	Fédération républicaine de France (U.R.D.)	53		
	Parti Social Français	8		
	Républicains indépendants et d'action sociale	27		
	Groupe agraire indépendant	11		
	Groupe indépendant d'action populaire	15		
Center	Démocrates populaires	13	90	
	Alliance des républicains de gauche et des radicaux indépendants	41		
	Gauche démocratique et radicaux indépendants	36		
		36		
Left	Radicaux et radicaux-socialistes	113	390	
	Gauche indépendante (and minor left parties)	27		
	Union Socialiste et républicaine	29		
	Socialiste S. F. I. O.	149		
	Communistes	72		
	Unaffiliated	6		
	Grand Total	616		

This list, indicating the seating arrangement in the Chamber of Deputies, conveys a wrong idea of the relative political color of the various parties. A newly created party may follow an older party in the apportionment of seats, which means that a given party may sit on the left of a less conservative group.

The Senate is not so highly divided as the Chamber of Deputies. Its groups on January 1, 1937, were, from right to left:

Gauche républicaine	15
Union républicaine	57
Union démocratique et radicale	28
Gauche démocratique radicale et radicale-socialiste	163
Socialistes S. F. I. O.	13
Communistes	2
Unaffiliated	32
Total	310

LEGISLATIVE COMMITTEES[4]

New bills are prepared by committees organized within each house of Parliament. Throughout the nineteenth century, committees were not permanent. A committee would be organized for the study of each new bill, and would dissolve upon the completion of its work. Following at last the British and American precedents, the Chamber of Deputies organized from 1902 to 1920 twenty great permanent committees, each one specializing in a given field.

Committee on General, Departmental and Communal Administration
Committee on Foreign Affairs
Committee on Agriculture
Committee on Algiers, the Colonies and Protectorates
Committee on Alsace-Lorraine
Committee on the Army
Committee on Social Insurance and Relief
Committee on Commerce, Industry and Commercial Treaties
Committee on Accounts and Economics
Committee on the Tariff
Committee on Public Education and Fine Arts
Committee on Finance
Committee on Hygiene
Committee on Civil and Criminal Legislation
Committee on Merchant Marine
Committee on the Navy
Committee on Mining and Mechanical Power
Committee on Aeronautics
Committee on Labor
Committee on Public Works, and Means of Communication

[4] For an exhaustive study of the parliamentary committees, see Lindsay Rogers, "Parliamentary Committees in France," *Political Science Quarterly*, Vol. XXXVIII, pp. 413-442; 602-635 (September-December 1923), and the recent book of Joseph-Barthélemy, *Essai sur le travail parlementaire et le système des commissions*, Paris, 1934.

It is regrettable that the apportionment of the legislative work between committees does not parallel more closely the apportionment of the executive work between ministers. From this point of view, the Senate committees seem to follow a more judicious system of division. These committees are:

Committee on the Army
Committee on the Navy
Committee on Foreign Affairs, Colonies and Protectorates
Committee on the Tariff and Commercial Treaties
Committee on Railways, Transportation, National Equipment
Committee on Agriculture
Committee on Public Education
Committee on Hygiene, Assistance, Social Insurance and Relief
Committee on General, Departmental and Communal Administration
Committee on Civil and Criminal Legislation
Committee on Commerce, Industry, Labor and the Postal Service
Committee on Finance

These great committees consist of forty-four members for the Chamber committees, and of thirty-six members for the Senate committees. No one can be a member of more than two of these committees, and it is an unwritten law that deputies either to the Foreign Affairs Committee or the Finance Committee cannot belong to any other committee. These committees are elected for one year but, in actual practice, the same men are reëlected to a given committee upon the completion of their first-year term.

As previously suggested, the committees are elected by the groups in proportion to their numerical importance. If there are, altogether, 615 deputies, a group of 130 deputies is entitled to $\frac{615 \times 130}{44}$ = 8 members on each committee. A group consisting of fourteen deputies will be entitled to one member on each committee. A group of less than fourteen

deputies will be entitled to one member on some committees. For instance, a group of seven deputies will have one member on ten committees out of twenty.[5]

Seats on the Foreign Affairs and Finance Committees are the object of the keenest competition. Deputies from the rural districts are eager for appointment to the Committee on Agriculture, while those from the cities aspire to the Committee on Commerce.

In addition to these great committees, there are less important committees, the creation of which is decided by each legislature, and the term of which is equal to the term of the legislature. Such are the Committees on Universal Suffrage, on Beverages, and on the Devastated Areas. In the Chamber of Deputies these committees consist of thirty-three members instead of forty-four.

Occasionally, a special committee may be appointed for the study of a particular question. Such was the case with regard to the Peace Treaty, which was not studied by the Committee on Foreign Affairs but by a specially appointed committee, continuing only for such time as the preparation of the treaty required.

Each committee has a president who enjoys considerable powers, as he has the right to speak at any time before Parliament for as long as one hour.

Each committee appoints a reporter, whose task

[5] Although their election follows the rule of so-called proportional representation, the committees do not always adequately represent the political color of either house in Parliament. As a result, a committee may be hostile even to a cabinet which commands a solid majority in Parliament. For instance, during the Tardieu Ministry, 1931-32, both the president and the reporter of the Chamber Finance Committee, Malvy and Lamoureux, were in the opposition. When such a situation arises, it complicates further the already difficult task of the Cabinet.

it is to prepare and present to Parliament a report on the special question studied by the committee. When a bill has been proposed by the Government, it is studied by a committee whose reporter will discuss the bill before Parliament in a capacity and with an authority which, in many instances, make him the rival of the government's spokesman. This is particularly true in the case of the budget. The Government demands a new appropriation. But the Chamber will seldom grant it before the reporter of the Finance Committee has declared himself.

From this, it is easy to see how tremendous the power of the committees is. Some political writers have gone as far as to speak of committee government. However, it cannot be denied that the parliamentary committees are indispensable, and that they have done excellent work in the careful study, preparation or rejection of the innumerable bills proposed each year either by the Government or by members of Parliament. It is true that only a small percentage of the deputies attend the sessions of their respective committees or make any contribution to their work, but as Messrs. Joseph-Barthélemy and P. Duez put it: "The actual presence of deputies who are not interested in a given question is a hindrance rather than a help. In fact, one cannot expect that all deputies will be interested in every question. The drafting of a bill by a committee will be done better by six men than by forty-four, just as the discussion of a bill before the Chamber will be more effectively carried on by fifty deputies than by six hundred."[6]

However indispensable they seem, the committees have not facilitated the task of the executive. The

[6] *Op. cit.*, p. 549.

Cabinet would certainly be stronger against an unorganized mob of politicians than against a parliament organized in committees, with men at their head who boast of thorough proficiency in their special fields. Poincaré, a statesman who did not fear Parliament, repeatedly criticized the growing power of the committees, which he considered a dangerous hindrance to the functioning of government. He deplored the impossible task of the minister who has to defend his policy before four different bodies: the Chamber Committee, the Chamber, the Senate Committee, and lastly the Senate, thus wasting his valuable time in a vain repetition of the same argument. His task is further complicated by the fact that the hearings before the committees are not public.

The Finance Committee of the Chamber of Deputies has developed into a parliament in itself. Under the pretext that any move or policy, in any field ranging from public education to foreign affairs, requires an appropriation, this committee assumes the right to investigate any problem of government. For instance, this committee investigated the matter of the resumption of diplomatic relations with the Papacy, because the sending of a diplomatic representative to the Vatican would require an appropriation.

PARLIAMENTARY PROCEDURE

The sessions of both houses of Parliament are public. Anybody has the right to attend them in the galleries intended for this purpose. The representatives of the press and of the diplomatic corps are also admitted. A full report of the debate appears in the *Journal Officiel de la République Française*, and

the posting of some speeches in all city halls of the country may be ordered by a majority vote. Under exceptional circumstances, Parliament may hold secret sessions, to which the public is not admitted, and of which no record is kept.

When a bill is introduced by the Government it is known as a *projet de loi.* When introduced by a member of Parliament it is a *proposition de loi. Projets* and *propositions de loi* cannot come up for public discussion until after the proper committee has presented a report on the matter.

Before the public discussion of the proposed bill begins, anyone may ask whether this discussion should not be avoided either on the ground that the proposed bill is unconstitutional or that it is inopportune. This is known as the *question préalable,* on which a vote is taken.

If the *question préalable* is set aside, a discussion of the bill ensues, which at first bears on the bill as a whole. When this *discussion générale* is closed, a vote is taken to determine whether the Chamber wants to discuss the bill section by section. If the vote is negative, it means that the bill is rejected. If not, the *discussion des articles* takes place, in which each section, as well as the proposed amendments, is discussed. After this discussion of the details of the bill, a final vote is taken on the whole of the bill, as it stands with its various amendments.

When such discussion takes place in the Senate, any Senator may take the stand for any length of time. In the Chamber, since 1926, the right to deliver a speech has been restricted to members of the Cabinet, presidents and reporters of the committees interested in the question under discussion, the authors of the *proposition* (*proposition de loi,*

résolution, interpellation), and to those deputies whose group has given them a mandate to participate in the discussion on its behalf, it being understood that only one out of fifty deputies can be so designated.

Members of the Cabinet may speak as long as they please. Presidents and reporters of the committees, the author of a *proposition*, and speakers designated by a group cannot exceed one hour; the author of an amendment is limited to half an hour, etc.

After at least two speakers have presented opposite views on the question under discussion, the president of the Chamber or any deputy may move that the discussion be closed. If the Chamber votes the *clôture*, no further speeches on the question will be permitted.

The vote is taken according to various procedures —the crudest of which are by a show of hands, or by calling on the Aye's and No's to rise in succession. These methods of voting can be used only when there is an overwhelming majority of pros or cons. When the Chamber seems evenly divided, a balloting urn is passed from seat to seat, and each deputy drops his ballot into it, a white ballot to vote Aye and a blue ballot to vote No. The name of the deputy is printed on his ballot, as there must be no secrecy in the voting.

This principle of the publicity of the vote is excellent, as it gives a sense of responsibility to senators and deputies. But, like so many democratic institutions, it has its bad side, in that it induces a great many members of Parliament to vote with the aim of pleasing their electors, rather than according

to their conscience. Specifically, more secrecy in the voting would facilitate the balancing of the budget.

The system of voting has another defect which is peculiar to the French Parliament: namely, the possibility of voting by proxy. White and blue slips, kept in little desks attached to the back of the seats, may be used by the deputies present at the time of the ballot to cast votes on behalf of their absent colleagues. Full attendance of deputies at all public sessions is out of the question. Some deputies in each group, however, make a point of being invariably present, and they take it upon themselves to vote for the absent members of their group. These deputies are known as the *boîtiers*. Under this system, four hundred votes, or even more, may be cast, —though but fifty deputies are present. Several deputies may vote on behalf of the same absent colleague, with the result that more votes are sometimes cast than there are members in the Chamber. In the vote of confidence asked by the Chautemps Cabinet on February 25, 1930, two thousand votes were cast for six hundred and twelve deputies.

A deputy who was absent from the debate, but whose ballot was cast by a *boîtier*, may ask to have his vote "rectified." The *boîtier*, for instance, may have voted Aye on his behalf, and he subsequently declares that, if present, he would have voted No. An unpardonable abuse is for a deputy who was present to claim that he was absent, and that his ballot was cast by a colleague in a sense with which he disagrees. This is liable to occur when a deputy has voted against the government to please his electors. But when he finds out that the Government has not been overthrown, he asks for a "rectification" of his vote, in order to placate the Government.

Though it lends itself to abuse, the vote by proxy has the undeniable advantage of expressing more adequately the national representation than if only fifty deputies were voting, and M. Joseph-Barthélemy, in his report to the Chamber of Deputies, of June 3, 1925, declared himself in favor of the maintenance of this system.[7]

If the result of this ballot still does not satisfy the Chamber, fifty members may demand a "ballot at the tribune" which is the most solemn method of voting. The names of the deputies are called in alphabetical order. Each deputy, as his name is called, walks to the speaker's tribune, and hands his ballot to one of the secretaries, who drops it in the urn. No proxy voting, no rectification are allowed here. This "ballot at the tribune" may not be closed until one hour has elapsed. This delay prevents an active minority from taking advantage of the fact that, at a given moment, it may command a majority of the deputies actually present, with the result that a surprise vote is taken. It is felt that an hour gives the various groups time enough to summon their absent members. Yet this kind of ballot remains the weapon of the minority, and the Socialist party asked for such a ballot in the middle of a night session, during the budget discussion of 1931.

HOW A BILL BECOMES LAW

When the *discussion des articles* has been concluded, the question of passing the bill as a whole is submitted to the Chamber, and if the vote is affirmative, the proposed bill goes to the Senate, where it follows much the same procedure as in the lower house. If the Senate adopts it without

[7] Joseph-Barthélemy and P. Duez, *op. cit.*, p. 557.

amendment, it is laid before the President of the Republic for promulgation. The Constitution authorizes the President to delay promulgation, and to ask Parliament to reconsider its vote, but, as a matter of fact, the President never uses this prerogative.

If the Senate amends the bill, the amended measure goes back to the Chamber, which has to agree to such an amendment. It repeatedly happens that a bill never becomes law through failure to secure agreement on a minor provision. When the bill is proposed by the government, the deadlock between the two chambers can often be broken, because of the ministers' right to address both assemblies. This is not so simple a matter in the case of private members' bills.

VOTING THE BUDGET

The most important business at every legislative session is the voting of the budget. Historically, in all Western democracies, the right to check government expenditures has been demanded by the people before any legislative right. As early as the fifteenth century, the French kings convened the *Etats-Généraux,* composed of representatives of the three orders—clergy, nobility, and third estate—to vote upon new taxes required at times of extreme financial stringency. It should also be borne in mind that the French Revolution started because of Louis XVI's inability to balance the budget, which led him to summon a meeting of the *Etats-Généraux.* Thus the parliamentary system grew out of the people's need for protection against the financial extravagance of the kings. But ironically enough, modern parliaments, especially in France, have taken their turn at indulging in financial extravagance,

and it has become one of the most difficult tasks of the government to protect the people against the lavish expenditure of their elected representatives. The order of the day in France is that the budget, as prepared by the Minister of Finance, expands at every step, first when it goes through the Finance Committee of the Chamber of Deputies, and second when it is examined by the Chamber in public session.

The French parliamentary practice is that Parliament has the upper hand in all financial matters. The principle is not formulated in the Constitution, but is the outgrowth of all the nineteenth-century precedents, particularly during the Restoration.

Parliament alone decides to increase the taxes, or to impose new taxes. Parliament alone authorizes all government loans and expenditures. Since taxes and loans pay for such expenditures, Parliament votes first the budget, and second the finance bill providing for government revenue. Yet the post-war necessities have so increased the demands for which the government must provide that the voting of the budget cannot be made independently of the consideration of the government revenues. Government expenditure would be considerably increased if the impossibility of obtaining adequate revenue did not act as a deterrent upon the Parliament's generosity.

It sometimes happens that the Government is unexpectedly confronted with the absolute necessity of making an expenditure which has not been provided for in the budget. In such a case a *crédit additionnel* is appropriated by Parliament.

Since the Restoration, the principle has been in effect that the Government may not expend for

another purpose money which has been appropriated for a specific chapter of the budget. For instance, funds appropriated for the artillery service cannot be spent for the building of a canal. Even in the budget of a given ministry, funds must be spent for the purpose for which they were appropriated. For instance, funds appropriated for primary education cannot be spent for secondary education. The budget is divided into more than two thousand articles, and funds appropriated for the specific object provided for in a given section cannot be spent otherwise. Thus the government is narrowly restricted in its action. As a matter of fact, there are ways and means of dodging the apparent stringency of this rule. The army and navy departments have been particularly skillful in the diverting of funds from one purpose to another.

The appropriation of the so-called "secret funds" is an exception to this rule. Each year the budget puts at the disposal of certain ministries sums of money which can be spent freely for any purpose that the Minister pleases. Parliament may not ask the government to account for the use of these funds. The most important secret funds are put at the disposal of the Ministry of Foreign Affairs, about twenty million francs a year, which are chiefly used to bring pressure to bear on the French and foreign press, with a view to furthering French foreign policies. Bills are frequently introduced into Parliament with the purpose of doing away with these secret funds, or of subjecting them to parliamentary control. They never meet with a favorable response, possibly because every single deputy hopes to become a minister some day, and to command the use of the secret funds.

The annual establishment of the budget is not only the commercial tradition but a parliamentary practice. Common sense requires that financial provisions be made for a limited period of time. Since this principle is not included in the Constitution, an ordinary law might decide otherwise, and the growing complexity of the budget makes its study by the chambers so burdensome that a two-year budget has sometimes been proposed.

Of late years, the discussion of the budget has resulted in so much bickering that Parliament has often failed to vote it in time. The funds needed by the government to carry on its task are then voted each month in lump sums known as provisional "twelfths." When the budget is finally voted, the sums already appropriated are deducted from the totals. In the fiscal years 1911, 1913, 1914, and 1926 seven provisional "twelfths" had to be voted. This reflects both the growing complexity of the budget and the inefficiency of Parliament. In the hope of doing away with this unfortunate practice of provisional "twelfths" a law was passed during Tardieu's premiership, on December 27, 1929, moving the beginning of the fiscal year from the first of January to the first of April. Thus, it was thought, Parliament would have six months instead of three to study the budget. This measure had little effect, and the 1932 budget reverted to the old practice.

It is the Cabinet's task to prepare the budget. Each minister prepares his own budget, and the Minister of Finance prepares the financial bill, providing for adequate government revenues to meet the expenditures of each department.

Once established by the Cabinet, the budget is discussed by the Finance Committee in the Cham-

ber of Deputies, the overwhelming power of which has been previously emphasized. In fact, the budget which reaches the Chamber for public discussion is the result of a compromise between the Government and this committee.

After this already long procedure the budget is discussed by the Chamber of Deputies. Here appears one of the most important features of the French parliamentary system, *"l'initiative financière"* of the deputies. While a famous rule in the House of Commons provides that no proposal of expenditures can be considered unless it emanates from the Crown, that is, the Cabinet, any deputy in France can propose that new items be inserted in the budget or that items already there be increased. It is true that the Chamber cannot vote such a proposal against the resistance of the Cabinet, unless it is ready to force the Cabinet's resignation by an adverse vote. But as the Cabinet is seldom willing to risk its existence on the mere issue of a budget increase, the discussion of the budget in the Chamber always leads to its increase.

There are limits, however, to this *initiative financière* of the deputies. In the first place, they cannot propose that salary and pension increases for government officials be introduced into the budget. Here the electoral purpose of the proposal would be too obvious. In the second place, the deputies cannot propose a new expenditure without at the same time proposing a new revenue or a corresponding increase in an existing revenue. Unfortunately, although individual deputies are bound by such restrictions, the Finance Committee is not. On the other hand, although deputies cannot have such increases introduced into the budget, they may reach

the same result by proposing these increases through a bill that they will introduce independently of the budget.

This peculiarity of the French system has undeniably contributed to financial extravagance, and various reforms have recently been proposed in this connection which will be studied later.

The French system follows more closely the English with respect to the lower house's prevalence over the upper in financial matters. The Constitution simply provides that money bills shall be first introduced in, and passed by, the Chamber of Deputies. After repeated controversies between the two Chambers, the lower Chamber's right to the final word on all financial matters is now virtually conceded. The budget bill must be voted first by the Chamber before it goes to the Senate. There it is referred to the Finance Committee, but this body does not keep it very long. Then the budget is discussed by the Senate as a whole. But Senators cannot insert or increase items other than those previously proposed by the Government in the budget as it first reached the Chamber of Deputies. As a matter of fact, the Senate is so deferent to the Chamber that it contents itself with asking the Chamber to reconsider the item proposed by the Government or with raising a given item to the Government's figure. Amusingly enough, the Senate often indicates such a wish to the Chamber by a nominal reduction in controversial items. This is the ironical symbol of the Senate's financial prerogative, which is practically restricted to decreasing or striking out items already in the bill.

If the deputies disagree with the amendments, the Senate gives way. This is a matter of expediency,

not of law. The Chamber of Deputies drags out its discussion of the money bill so long that this does not reach the Senate in time for the latter to reverse the Chamber's decision on any controversial items. In this way, the Senate avoids responsibility for the extremely unpopular provisional "twelfths."

Although the prevalence of the lower House in money matters is an anomaly which is not peculiar to the French parliamentary system—since the British House of Commons enjoys a similar privilege—many criticisms have been directed against it. Under the system of bicameralism, the upper Chamber has a general power of control over all bills passed in the lower Chamber. The budget is by far the most important of such bills, yet the Senate has virtually no control over it. After all, the Constitution provides only that the Chamber shall have a right of priority for the introduction of money bills. This priority of the Chamber is perfectly consistent with the Senate's power of control, but it does not seem logical that the Chamber should have the last word in the voting of the budget.

QUESTIONS AND INTERPELLATIONS

By voting or denying appropriations, Parliament has an indirect yet efficient control over the government. The "questions" and "interpellations" are instruments of direct control.

Members of Parliament who want to be accurately informed on any aspect of the administration of the country will put a "question" to the competent minister. Questions may be asked orally, from the floor, unless there is some reason of state which makes it advisable for the minister not to answer. When a minister answers the question asked by a

member of Parliament, the latter has the right to reply; but no further debate is permitted.

Questions may also be asked in writing, in which case the answer must be published in the *Journal Officiel* within eight days.

The "interpellation" is a much more energetic means of holding the ministers to account. An interpellation is a formal question framed by a member of Parliament and addressed to a minister. It differs from the ordinary question in that it gives cause for a general debate, in which everyone has a right to participate.

Any member of Parliament who wants to address an interpellation to a minister applies in writing to the president of his Chamber. In his demand he summarizes the substance of his interpellation. The president reads the demand to the Chamber. After one of the ministers has given his opinion, the House decides upon the date when the interpellation will be discussed. The discussion is closed by a vote known as *ordre du jour*, in which the House expresses its confidence in, or distrust of, the Government. In case of an *ordre du jour* of distrust the Government is forced to resign.

An interpellation followed by an *ordre du jour* of distrust of the government is the normal procedure through which French cabinets are overthrown. The occurrence is so frequent that many students of government look upon the interpellation as a dangerous institution, which may be largely responsible for the instability of French politics. It is unfortunately true that cabinets have been overthrown after the discussion of an interpellation on a trivial issue in which the general policy of the Government was in no way involved. Yet the interpel-

lation remains the logical means through which Parliament can check every act of Government. Furthermore, as has been pointed out in a previous chapter, the instability of French ministries does not preclude a remarkable degree of stability in the administration of the country, and herein lies the best answer to the critics of the interpellation procedure.

It has been a controversial question whether the Senate may cause the downfall of a cabinet by a vote of non-confidence. Section 6 of the Constitutional law of February 25, 1875, provides as follows: "The ministers are responsible *before the Chambers.*" Yet during the Restoration, when the principle of ministerial responsibility was already couched in the same words, the ministers were not accountable to the Chamber of the Peers. It is true that the Senators, in contrast to the Peers, are elected. On the other hand, the Senate has the same legislative power as the Chamber, except in the matter of the money bills. But, unlike the Chambers of Deputies, the Senate cannot be dissolved, and dissolution, according to classical political theory, is the necessary counterpart to the power of overthrowing the Cabinet. Yet since the right to dissolve the Chamber of Deputies does not exist in reality, the argument falls short. At the same time, the Government may find it useful to "put the question of confidence" to the Senate when this body is unwilling to pass a Government bill. Clémenceau inaugurated this practice on June 26, 1908, and it has been resorted to repeatedly ever since. On the other hand, if a Cabinet is put in minority before the Senate by an *ordre du jour* closing an interpellation, the Senate may force the Cabinet to resign by simply refusing to vote the budget. It is true that for twenty years after the adoption

of the Constitution the practice was maintained that the Senate could not reverse a Ministry. In 1896, however, the upper Chamber overthrew the Cabinet of Léon Bourgeois, which was too radical for its taste. Briand in 1913, Herriot in 1925, Tardieu in 1930, and Laval in 1932 fell in turn victims of the Senate's hostility. More recently it was the Senate's resistance to Doumergue's proposed amendments to the Constitution which caused the latter's resignation in November, 1934. Then in 1937 and again in 1938 the Senate brought about Blum's resignation.

PARLIAMENTARY INVESTIGATIONS

Another aspect of the Parliament's power of control of the executive is to be found in its right to appoint investigating committees—each Chamber appointing its own committees independently—with the purpose of gathering information on material facts. Until 1914, committees were set up to investigate various affairs, such as the Wilson Decorations' scandal in 1887, the Panama scandal in 1892, and the Rochette affair in 1910. But their work was often paralyzed by the unwillingness of the Government to coöperate in putting at Parliament's disposal the judicial machine for gathering evidence. As a result, a law often referred to as the Rochette law, was passed on March 23, 1914, granting parliamentary investigating committees some of the powers appertaining to investigating magistrates.

To give quasi-judicial powers to a committee of politicians is indefensible, for politicians lack the impartiality which is the very basis of justice. Such parliamentary committees as those appointed in 1924 for investigating election expenditures, or the Oustric affair in 1930-31, or the Stavisky scandal in

1933, have proved that the only tangible results of parliamentary investigations is to throw discredit upon Parliament. There is no doubt that the principle of separation between the legislative and the judiciary ought to be respected.

DISSOLUTION OF THE CHAMBER OF DEPUTIES

In the preceding pages the numerous checks of the legislative over the executive have been studied. As a counterpart, and to maintain harmonious balance of power between the legislative and the executive, the latter must also have some means of checking the former. The traditional weapon of the executive against the legislative is the right to dissolve Parliament. This weapon was included in all the French Constitutions after 1814, with the single exception of the Constitution of 1848. It was resorted to three times during the Restoration, and six times under Louis-Philippe.

Under the Constitution of 1875, the President of the Republic has the right to dissolve the Chamber of Deputies with the assent of the Senate (*avis conforme*). The President may either take the step all by himself or upon the demand of the Cabinet. New elections must be held within three months. In the meantime, the Government is deprived of some of its prerogatives, such as the right to declare martial law.

The only instance of dissolution to be found in the history of the Third Republic was when Marshal Mac-Mahon dissolved the Chamber, in the hope that the new elections would be more conservative. The Senate assented, but with a bare majority of 149 votes against 130, twelve votes not having been cast. The 363 deputies of the opposition were re-

elected against the conservatives. Mac-Mahon did not resign until two years later, in 1879.

Mac-Mahon undoubtedly acted within the Constitution. Yet his decision to dissolve the Chamber is always referred to by orthodox republicans as an attempted coup d'état, with the result that no other president ever dared to exercise his right of dissolution. Although a monarchist at heart, Mac-Mahon was loyal to the Republic to which he had sworn allegiance. His one hope was that the new elections would be a victory for the conservative republicans. But there was a lack of good candidates who were both conservative and republican. Thus the majority of conservative candidates had to be selected from the monarchists, with the result that the loyal republicans had some ground for accusing Mac-Mahon of attempting a monarchic coup d'état. One has only to recall the difficulties under which the newly born republic had to strive to understand this coup d'état complex, which makes all true republicans confuse dissolution and coup d'état. It will be seen later how this complex is still surviving in the majority of parliamentarians, and has led to M. Doumergue's failure to have the Constitution amended in such a way that the president could dissolve the Chamber without asking the Senate for its assent.

PARLIAMENTARY PERSONNEL

According to Montesquieu, "the people is admirable in the selection of its magistrates." France is not the only democratic country in which this principle has been largely disproved by the facts. Corrupt politics are an easy target for the enemies of democracy. France has had many financial scandals

which have thrown suspicion on a number of politicians, and, sometimes, even led to their conviction. The Panama and the Stavisky scandals were notorious, but other democracies have their share of political corruption. If one believes with the same Montesquieu that the slogan of a monarchy ought to be "honor," the slogan of a dictatorship "terror," and the slogan of a Republic "uprightness," the political corruption of modern democracies seems all the more unfortunate.

French monarchists, as well as some conservative republicans, claim that as long as the electorate consisted of a few hundreds of thousands of propertied people, and the deputies did not get any salary, the Parliamentary system worked well in France. It is perfectly true that rich people have little motive for petty dishonesty. But this is the same kind of argument which is used by extreme royalists to prove the soundness of autocracy when they say that a king's desire to transmit to his heir an unimpaired estate is the best safeguard against the maladministration of the country. The political honesty of the parliamentary monarchy which governed France from 1815 to 1848 does not offset the economic exploitation of the mass protected by a Parliament of "honest" bourgeois. Universal suffrage under the Third Republic has often led to political corruption, but such abuses of a Tammany Hall variety are far less harmful to the mass than the dictatorship of a plutocratic Parliament.

At the same time, corruption in French politics should not be exaggerated. In the fifty years preceding the war, the politicians of the French Republic had only two main fields for plunder—Panama, and the billion francs squeezed out of the

liquidation of the religious congregations. The Wilson, Rochette, and Thérèse Humbert affairs brought them small profits. But, during the war, the politicians were besieged by profiteers seeking government contracts, and no one knows how many yielded to the temptation of taking bribes. After the war, with the inflation, the sale of American war stocks, and the awarding of contracts for the reconstruction of the devastated areas, opportunities for graft multiplied. The speculative boom prior to the depression made it easy for cunning financiers like Oustric, Madame Hanau, Stavisky, and Lévy to rob poor people of their savings; at the cost of substantial bribes, they obtained from politicians, civil servants, and police officials who had sworn to shut their eyes, the necessary authorizations to cheat the public. On the other hand, the ever more numerous tasks assumed by the State in the economic and financial fields, such as social insurance, municipal credit organizations, etc., afforded profitable fields for the rapacity of politicians.

The recent Stavisky scandal, in particular, roused the indignation of the French masses, because it revealed extraordinary corruption in the government machine. Still the truth of the matter is that very few members of Parliament were actually involved in the swindle. In fact, the Panama affair disclosed far more corruption in Parliament than we have any reason to believe exists to-day. As was previously mentioned, the Stavisky scandal seems to have involved *fonctionnaires* rather than politicians, a very unexpected development. Yet Parliament was made the scapegoat, and barely escaped being mobbed on the sixth of February, 1934. In the summer of 1934 automobiles were still to be

seen in Paris carrying on their windshields the inscription, *"Je ne suis pas député."*

Such incidents reflect the undeniable discontent of a growing number of Frenchmen with respect to Parliament. The reproach of dishonesty and corruption strikes the imagination of the public, and it is the usual weapon of all the enemies of the régime. To those who read the royalist *Action Française* or the communist *Humanité,* every single deputy is a swindler and senators are hardly better. In reality, the great majority of deputies and senators possess this uprightness which Montesquieu demands of a democracy, and many of them have genuine ability.

Although dishonesty and corruption are not common among politicians, the public's discontent with Parliament is not entirely unfounded, although the public fails to realize that it is itself responsible for the defects which it so loudly attacks.

It is no paradox to say that the trouble with Parliament is that it is elected by universal suffrage. An attempt has been made in the preceding chapter to show that Parliament is a valuable barometer of public opinion, but that its law-making ability is questionable. This results from the fact that when the electorate votes for candidate So-and-so, it is not because of his competence in administrative and legislative matters, but because he knows how to appeal to the masses, and may offer material advantages to the electors. Yet this reasoning is carried too far when these enemies of democracy claim that democracy is a mere utopia because the people are simply incapable of governing themselves. Democracy cannot work, it is true, when the people lack political maturity. This was the

case in France after 1848, and in Germany to-day. In both instances the people had succeeded in seizing the power, but they elected their representatives to Parliament in such a way that democracy soon gave way to a dictatorship. The fact that the Third Republic has lived sixty-seven years should conversely prove that the French people are not politically immature, since the members of French Parliament, taken as a group, have governed France in a way so satisfactory to the masses that the political system has lasted much longer than any dictatorship.

The members of French Parliament are not always models of legislative and administrative competence. But the groundwork is done by an élite of able deputies and senators, who accomplish the painstaking task of drafting bills in the obscurity of committee rooms, and with the data and advice provided by expert *fonctionnaires*. The public hears of tumultuous parliamentary debates, of eloquent speeches delivered by a few parliamentary primadonnas, but how many have heard of Etienne Antonelli, who was a professor of economics at the University of Lyons and who, as a deputy from Haute-Savoie, drafted the Social Insurance Law? Laws, once voted, may not be perfect in every detail, but they make no claim to being so, since they usually contain a section providing that a decree will organize their enforcement, a decree which is carefully prepared by the bureaus, sometimes with the help of the *Conseil d'Etat*.

It is undeniable that French Parliament relies on the expert advice of the *fonctionnaires* for performing legislative functions; that it practically leaves the enforcement of these laws and the general ad-

ministration of the country to the Civil Service is unquestioned. It does not follow that Parliament is useless and that democracy is an empty façade. It is the very essence of democracy to have incompetence stimulate and check competence. The *fonctionnaires* are competent; but without the influence of an incompetent Parliament which is itself the emanation of an even more incompetent public, these *fonctionnaires* would either be paralyzed by their routine work or would tyrannize the people. The laws passed by Parliament are imperfect, but they determine the course which the *fonctionnaires* are to follow; were the latter given no direction they would probably remain passive. For its other tasks Parliament does not need any special competence. When a *fonctionnaire* oversteps his rights, an interpellation in Parliament will cause the minister in charge to make an inquiry, put a stop to the abuses, and if the case is serious, or if the minister does not straighten out matters, the Cabinet falls victim to the democratic wrath.

The mechanism seems satisfactory enough. Yet in practice it has caused many misgivings. But the fault is not so much with Parliament as with the people themselves. A democratic system of government requires that the people be politically mature; unfortunately, the political education of the French public has been greatly neglected in the past sixty-four years. Otherwise there would be more improvement in the way France is being governed.

On the other hand it is not true that the republican Parliament of France, elected by universal suffrage, has lower intellectual standards than the monarchic Parliaments of the nineteenth century, elected by the propertied class. The deputies and

senators of the Third Republic are not inferior, in respect to oratorical powers, to their predecessors of the Restoration, the July Monarchy and the Second Empire. Their eloquence is less pompous, speeches are less carefully prepared, their composition does not follow so closely the traditional rules of rhetoric, but they are more substantial, more to the point. The change which has taken place in parliamentary eloquence is well illustrated by the remark made once by a parliamentarian of the old school, Jules Favre, who upon hearing Jules Simon speak of "regiments" in a speech to the Chamber, said to Camille Pelletan, "Why does he not say phalanx?" Gambetta, Albert de Mun, Jaurès, Viviani, Clémenceau, Briand were in no way inferior to Benjamin Constant, Serre, Martignac, Guizot, Royer-Collard.[8] The parliamentary debates on the disestablishment of the Church, or the associations, honor the French Parliament.

Yet the social strata from which Parliament recruits its members have distinctly changed. Men from the high bourgeoisie were the majority in the Parliaments before 1870. They were still numerous until 1890, but they are progressively replaced by men from the petite bourgeoisie, even bordering the proletariat. Universal suffrage alone is not respon-

[8] It is interesting, in this connection, to quote from Theodore Roosevelt's diary: "It shows my own complacent Anglo-Saxon ignorance that I had hitherto rather looked down upon French public men, and have thought of them as people of marked levity. When I met them I found that they had just as solid characters as English and American public men, although with the attractiveness which to my mind makes the able and cultivated Frenchman really unique. . . . In talking with these French republicans, who are absorbed in the questions that affect all of us under popular government, I had a sense of kinship that it was impossible to feel with men, however highminded and well-meaning, whose whole attitude toward these problems was different from mine." J. B. Bishop, *Theodore Roosevelt,* Vol. II, 232-233.

sible for this change, but rather the substantial salaries paid to deputies and senators, which make Parliament a desirable career for petty *fonctionnaires,* college teachers, lawyers without clients, and doctors without patients.[9]

The legal profession is the great source from which French Parliament is recruited. Lawyers are trained for public speaking, and this tends to offset their mediocrity in other respects when they compete with a better man, but who has no facility of expression. There has been general criticism of this control of Parliament by lawyers, but it is not certain that a great industrialist or banker would make a better deputy than a mediocre lawyer. Every newly elected deputy, be he a lawyer, a doctor, a professor, a business man, a peasant, or a laborer, is an amateur in the art of government. After years of labor on the committees and later as ministers, parliamentarians may become first-class statesmen, but this result is achieved more or less independently of their professional training. Poincaré was a lawyer, Herriot was professor of literature, Daladier, of history, Clémenceau a doctor and later a journalist. But lawyers have been trained to study all kinds of problems, even of the most technical nature. With this training they are better prepared than members of other professions to grasp the innumerable questions upon which a member of Parliament has to vote.

What parliamentarians mostly need is enough intelligence, common sense, and a background of

[9] Deputies and senators were given a salary of 9,000 francs a year in 1849. This salary was raised to 15,000 francs in 1906, then to 27,000 francs in 1920, to 45,000 francs in 1926 and to 60,000 francs in 1928. Post-war increases hardly compensate for the rise in the price level.

general culture to study and pass judgment on any kind of problem, whether economic, financial, or diplomatic. Such qualities are the common rule in French Parliament, and genuine ability is not unusual.

Unfortunately, these qualities are often wasted because members of Parliament are preoccupied exclusively with their reëlection. Too many electors are inclined to regard their deputy as being under personal obligation to them. They write him at the slightest provocation to ask for redress or favors. If the applicant is an influential citizen, the deputy must take steps to conciliate him. If the applicant is insignificant, the deputy must at least write him a tactful letter. As Jouvenel puts it, "Parliamentarians do not rule, neither do they govern, they only write."[10]

Here again, the fault is with the people. French Parliament is neither better nor worse than other parliaments. The French people should not be so impressed by its defects and misgivings that they condemn democracy. The French people should realize that they are responsible for electing mediocre men to Parliament, and for preventing the better parliamentarians from doing constructive work by using them as their errand boys. Before criticizing so freely their parliamentary system, the French people should meditate on section 376 of the Constitution of the Year III of the First Republic. "The people must always remember that a wise selection of their representatives is the main prerequisite for a lasting and prosperous Republican régime."

[10] R. de Jouvenel, *La république des camarades*, p. 24.

CHAPTER IV

THE JUDICIAL SYSTEM

THE Constitution of 1875 makes no reference whatever to the judicial organization of the country. This is undoubtedly because the French judiciary has never been regarded as a separate branch of the Government, distinct from the legislative and executive power. The American judiciary, on the contrary, can decide upon the constitutionality of a law, and in this way has the right to check the legislative. French courts are mere administrative agencies, just as French judges are members of the civil service.

This peculiar position of the French judiciary should not be interpreted as an indication of low standards in the administration of justice. The fact that French courts cannot pass judgment upon the constitutionality of the laws voted by Parliament only proves that the separation between the legislative and the judiciary is more complete in France than in the United States. As to justice itself, its standards depend upon the competence and the impartiality of the judges.

After a brief and unsuccessful attempt during the French Revolution to have all judges elected, Bonaparte laid down in the Constitution of 1799 the principle that the Government should appoint them. This is not as inconsistent with the principle of the separation of the executive and the judiciary as it may seem, because, once appointed, a judge cannot be removed, and appointments as well as

promotions in the judiciary are strictly regulated. This principle of the irremovability of French judges was embodied in all the French constitutions of the nineteenth century prior to the Constitution of 1875, which does not mention it. An ordinary law passed on August 30, 1883, fills this gap.

The only members of the French judiciary who are not irremovable are the justices of the peace and the public prosecutors. The latter exception has much importance in the realm of criminal law in so far as all indictments are initiated by a public prosecutor. The Government can, therefore, stop any prosecution and thus prevent the enforcement of any criminal bill.

For a long time, the Government had a free hand in appointing the judges. But the movement which has progressively eliminated favoritism from other branches of the civil service has affected the recruiting of judges also. The great majority of judges and public prosecutors are now appointed on the basis of their ability to pass a rigid examination which, although it is not strictly speaking a *concours*, amounts practically to the same thing. After their graduation from a law school, the candidates to what is broadly known as the *magistrature* have a two-year apprenticeship in a solicitor's office, and a two-year apprenticeship at the bar. They then take the examination for admission to the *magistrature* and, if they succeed, they are appointed subordinate judges in a court of the first instance, provided they have reached the age of twenty-five. The candidates who pass the most brilliant examination are appointed assistant prosecuting attorneys, a position for which there is no age requirement.

This system is very different from the Anglo-American practice that an appointment to the bench is the crowning stage of a lawyer's career. Both systems have their own merits. The *magistrature* has become a career largely because of the great number of magistrates required by the French system of having several judges on each bench except in the lowest courts. The élite of all these magistrates gradually rise to the highest courts, in which great legal minds are not more infrequent than in the United States or in Great Britain.

Once on the bench a judge is irremovable, but the Government alone can promote him to a higher rank or appoint him to a higher court. If a judge is satisfied with his position, his independence of the Government is complete. But there is danger that an ambitious judge may yield to government pressure, in order to secure advancement.[1] To restrict such a possibility, the decree of August 18, 1906, superseded by the decree of July 21, 1927, created the *tableau d'avancement*. This is a list of judges who are deemed fitted for advancement by a committee consisting of the Chief Justice and of the general prosecutor of the *Cour de Cassation*, of four judges from this court and of high officials from the Ministry of Justice. This committee studies the proposals for advancement made by the various chief justices and general prosecutors of all the Courts of Appeal. But although the Government cannot promote any magistrate who is not on the list, it may promote or omit anyone from the list arbitrarily. French judges have, indeed—though infrequently—proved susceptible to Government pressure or, what is worse, to pressure brought upon

[1] This is the theme of Brieux's famous play, *La robe rouge*.

them by a lawyer arguing a case before them, if he happened to be an influential member of Parliament—even perhaps a past or future Minister of Justice.

This danger is all the more serious because of the democratization of the *magistrature*. Until the war, French magistrates were almost exclusively recruited from the wealthy bourgeoisie. This was the result both of the prestige attached to this career and of the extremely low salaries paid to magistrates. As the salaries were substantially increased after the war, many young men without means entered the *magistrature*. Unfortunately, even the increase in salaries hardly means financial independence, which is a guarantee of indifference to government pressure.

Yet the immense majority of French judges have a high conception of the quasi sanctity of their functions, and even comparative poverty has not affected the traditional standards of honesty and impartiality of the French *magistrature* except in very rare instances.

THE TRIAL JURY

The British institution of the trial jury was introduced into France during the French Revolution. Napoleon adhered to it, but with reluctance. His code of criminal procedure, drafted in 1808, provided that a jury of twelve citizens should decide upon the guilt of people indicted for all offenses technically called *crimes*, as against the less serious offenses or *délits* (misdemeanors) which come under the jurisdiction of the *tribunal correctionnel*. The jury system is obviously ill-suited to the French temperament. The verdicts of French juries are too

often biased by local prejudices or by political passions. And the French susceptibility to oratory makes juries too responsive to the impassioned eloquence of a few gifted criminal lawyers. French juries are usually too harsh when the crime under trial has resulted in damage to property, and they are often too lenient in the case of murder, especially if the murder has been motivated by passion. As a result, there is a movement afoot in French criminal law to remove such offenses as French juries seem unqualified to try impartially from their jurisdiction. For example, abortion was tried with extreme severity in certain *départements*, while in others it automatically brought a verdict of acquittal. Parliament therefore decided that abortion should henceforth be a misdemeanor instead of a *crime*. This gives jurisdiction over cases of abortion to the professional judges of the *tribunal correctionnel*, who may be relied upon to judge this offense impartially.

JUDICIAL ORGANIZATION

From what has just been said of the jury, it is readily seen that the regular courts administer the whole of the civil and criminal law, with the exception of the most serious criminal cases.

As in England, the lowest of these courts are the local courts presided over by justices of the peace (*juges de paix*). Their sessions are held in the chief town of the 2863 *cantons*. The task of a justice of the peace is not so much to pass judgment over lawsuits as to avoid them. It is the duty of the justice of the peace to do his utmost to effect a conciliation before proceedings reach the point of a formal hearing. In rural districts, justices of the peace thus succeed in settling amicably about forty per cent of the

proceedings. In the cities, on the other hand, the attempt at conciliation has become a mere formality.

Justices of the peace also judge petty lawsuits involving trifling amounts of money, such as disputes between landlords and tenants, between masters and servants, and a few specific cases, as, for example, boundary disputes. They also act as criminal judges in case of petty offenses.

Being close to the people, and invested with great power in their *canton*, justices of the peace are important political agents, with the unfortunate result that they are often too actively engaged in politics to be impartial judges.

Next in the judicial hierarchy come the "tribunals of the first instance." Until 1926 there was one of these in every *arrondissement*. The system according to which three judges were on the bench of such tribunals meant that in the smallest *arrondissements* several magistrates often had fewer than forty cases to try in one year. With the greater facility in communication, there was no longer any excuse for retaining as many courts as had existed under Napoleon. In 1926 Poincaré, for reasons of economy, decided to suppress a great many such courts. But after 1928, when France became prosperous again, they were progressively reëstablished so as to foster the local pride of small towns—and in this we see one of the worst examples of demagogy.

These courts of the first instance have jurisdiction over all civil cases, no matter how large the amount involved. They also try misdemeanors. When such a court tries civil cases it sits as *tribunal civil*. When it tries a misdemeanor it sits as *tribunal correction-*

nel. The most important tribunals of the first instance are divided into sections or chambers, some of which try civil cases while others try criminal cases, and under this system the judges are subject to a process of rotation.

The decision of the tribunals of the first instance may be appealed before the Courts of Appeal. In their desire to prevent the resurrection of the *parlements*, the revolutionary legislators decided that all tribunals should be equal, and that appeal should be made from one tribunal to another of the same order. Napoleon created special tribunals of appeal, which soon came to be known as courts of appeal. There are today twenty-six courts of appeal.[2] As previously explained[3] their jurisdiction extends over a judicial province or *ressort*, each of which contains from one to seven *départements*. Each court is divided into sections or chambers. Each section has five judges or councilors, one of whom serves as presiding magistrate. There are at least three sections, a civil section, a criminal section, and an indictment section (*Chambre des Mises en Accusation*), which performs the function of a grand jury.

The judgment of the Court of Appeal is final with respect to the facts involved in the case under trial. But when the Court of Appeal's interpretation of the law applicable to these facts is disputed, the case may be reviewed by the Supreme Court of France, known as the *Cour de Cassation*. In other words, when a case is tried by the *Cour de Cassation*, the facts in the case may no longer be questioned, and the rôle of the court is limited to the proper

[2] Including the one in Corsica. There are also several Courts of Appeal in the colonies.

[3] See *supra*, p. 348.

interpretation of the law which applies to these facts. Thus a uniform interpretation of French law throughout the country is assured.

The *Cour de Cassation* has forty-nine judges or councilors. It is divided into three sections or chambers: the civil section, a section of the "requests" (*Chambre des Requêtes*) and a criminal section, to which are attached sixteen judges including the presiding judge of the section. There is, furthermore, a chief judge, or *Premier Président*, who presides over any section he pleases—hence this section has seventeen judges. The chief judge usually presides over the civil section. For a decision to be valid, there must be a minimum of eleven judges on the bench of each section.

Except in criminal proceedings, cases sent for review to the *Cour de Cassation* are first tried by the *Chambre des Requêtes.* If the petition for review is denied, the judgment of the Court of Appeal becomes final, and the case is closed. If the petition is received, the legal point in dispute will constitute the object of a second trial before the civil chamber. If the decision of the *Chambre des Requêtes* is reversed, the judgment of the Court of Appeal becomes final, and the case is closed. But if the decision of the *Chambre des Requêtes* is confirmed, the case is remanded to a different Court of Appeal. Should the judgment of the *Cour de Cassation* be confirmed by the second Court of Appeal, the case is closed. But if the second Court of Appeal refuses to concur, the case goes back to the *Cour de Cassation,* and the latter then holds a so-called solemn hearing, at which the three sections sit together, with a minimum of thirty-three judges. If the de-

cision rendered at this solemn hearing confirms the decision of the civil chamber, the case will be sent to a third Court of Appeal, which is under obligation to ratify the *Cour de Cassation's* final decision. Such a procedure—though long drawn-out—is a guarantee of justice.

Serious criminal cases, over which a jury has jurisdiction, are tried before special courts—the Courts of Assize, which do not form a separate rung in this ladder of regular courts. A special session, or assize, is held every three months in one of the chief towns of the *département*, for the trial of *crimes* committed in that *département*. A councilor from the Court of Appeal of the district acts as presiding judge. He is assisted by two judges from the local tribunal of first instance. The rôle of the jury is merely to give a verdict, and, in case of guilt, to decide whether there are extenuating or aggravating circumstances. The penalty is decided upon by the Court, which in this respect enjoys some liberty of appraisal. Let us say, for instance, that the jury gives a verdict of guilty of first-degree murder, with no extenuating circumstances. The penalty set forth in the code is death. But the court has the option of sentencing the criminal to hard labor for life, which, next to the death sentence, is the severest penalty in the French scale. If there are extenuating circumstances, the court cannot pronounce a death sentence. In such a case, the severest penalty is hard labor for life, but the court has the option of sentencing the criminal to not more and not less than twenty years' hard labor. Juries sometimes prefer to give a verdict of acquittal rather than to see a man who cannot be regarded as a hardened crim-

inal become the victim of this system, which, at best, is still unduly severe.[4]

SPECIAL COURTS

There are in France courts composed of non-professional judges. Special commercial tribunals (*Tribunaux de Commerce*) numbering about two hundred, have been created in the largest business centers of France, to judge disputes arising out of commercial transactions. The judges of these courts, known as "consular judges," are merchants elected for two years by all the merchants of the district. Appeals from the decisions of the commercial tribunals go to the Court of Appeal. In the districts in which there are no such special tribunals, the

[4] In spite of the humanitarian influence of eighteenth-century philosophy, the French penal system is undeniably severe, because it is still imbued with the principle that punishment should serve as an example and a deterrent to potential criminals. This explains the provision of the French law, that a criminal who has been sentenced to capital punishment must be guillotined in public, although it is now the practice to set up the scaffold just outside the prison walls and to have the execution take place at dawn, so that few spectators will be attracted. For many decades criminals sentenced to hard labor were sent to the dreaded penal colony of Guiana, inaccurately known in the United States as Devil's Island which was intended solely for the detention of political prisoners. A decree-law taken in June 1938 has suppressed this institution. All criminals will henceforth be interned in penitentiaries at home. The efficiency of the so-called judicial police intrusted with the task of detecting criminals is a paramount factor in the excellent working of the French penal system. In this domain, the French Republic had only to follow the traditions and methods of the well-organized police system of the two Napoleons, with its array of *agents provocateurs*, *indicateurs* and secret agents. The French police were also the first to make use of fingerprints for the detection of criminals, a method which was inaugurated by the French criminologist, Bertillon. A valuable filing system, by which records are kept of all doubtful characters, well-equipped police laboratories, and the great administrative centralization of the country have all contributed to the detection of criminals in so large a percentage of cases that, were it not for the presence in the country of many foreign desperadoes, the rate of criminality in France would be extremely low.

Court of the First Instance judges commercial matters.

There are also courts on industrial arbitration (*Conseils de Prud'hommes*) made up equally of employees and employers, with a justice of the peace presiding. Their rôle is to try to settle labor disputes, especially those concerning wages, and compensation for unjustified dismissal. When the amount involved is sufficiently large, appeal may be made to the civil tribunal.

ADMINISTRATIVE COURTS

An original aspect of the judicial organization of France is to be found in the existence of separate courts, known as administrative tribunals, which have jurisdiction over disputes arising between the state and private citizens.

Even granted the ancient legal maxim that the king can do no wrong, it is nevertheless obvious that the king or the state must perforce exercise power through public officials who, being human, will, at times, from error, negligence, or malice aforethought do injury to citizens or their property. Such citizens must be granted the right to ask for redress. But whereas in Great Britain and in the United States the suit is brought before the regular courts, in France, as in most countries of continental Europe, special courts have been created to try such disputes, with judges appointed by the State, who, not being irremovable, are obviously under its control.

This system, which Anglo-Saxon jurists are inclined to regard as unsuited to the protection of individual interests against administrative action is, to some extent, the result of the Roman-law tradi-

tion which permeates France, and which places the interest of the State above that of the individual. The individualistic philosophy underlying the French Revolution did not offset this tradition, because the Revolution could not have accomplished its purpose without making attacks upon both persons and property, and the principle of separation between the executive and the judiciary was invoked to prove that the regular courts should have no jurisdiction over administrative matters.

Although Napoleon readily accepted this concept, he soon discerned the injustice inherent in the possibility that the same officials who had performed a questionable administrative act would be called upon to judge complaints against this act. To obviate this situation, Napoleon made a subtle distinction between the so-called active administration, deliberative administration, and consultative administration. The active administration comprises such officials as the mayor or the *préfet*, who insure the daily functioning of the administrative agencies. The deliberative administration comprises such assemblies as the municipal and general councils, the province of which is to make decisions, but not to execute them. The consultative administration comprises such bodies as the *Conseil d'Etat* and the *Conseils de Préfecture*, which confine themselves to giving advice. On the basis of this distinction, Napoleon decided to remove from the jurisdiction of the active and deliberative administrations the function of judging disputes between the administration and the people and consign it exclusively to the consultative administration. During the nineteenth century, especially under the Third Republic, the separation between the administrative courts

and the active administration gradually became more distinct. A law of 1872 made this separation complete within the Council of State, where there are councilors whose specialty is the settlement of administrative disputes. The decree of September 6, 1926, furthered this separation between the administrative courts and the active administration by eliminating the *Conseils de Préfecture* and by organizing in their place twenty-two *Conseils de préfecture interdépartementaux*, almost exclusively devoted to judicial activities.

These *Conseils de préfecture interdépartementaux* are the administrative tribunals of first instance. They try suits brought by individuals against subordinate officials. They settle disputes over tax assessments, highways, etc.

Appeals are made to the judicial section of the *Conseil d'Etat.*

The council of State has progressively built up an administrative case law, which in many instances has proved more adaptable to new conditions and more liberal than the codified civil law enforced by the regular courts. More remarkable still is the fact that such an administrative tribunal affords French citizens better protection against the abuses of administrative agencies than is afforded to American citizens by Common Law Courts. Even though the judges on the French administrative tribunals are, or have been, closely connected with the administration, even though they are not irremovable and their promotions are not as strictly controlled as is the case with judges in the regular courts, they do, nevertheless, try disputes between the State and individuals with such impartiality that French citizens frequently obtain redress in a situation against

which American citizens would be completely unprotected. In the United States, for instance, a policeman may be sued in the regular courts by an individual whom he has maltreated or injured. Not only are American courts reluctant to condemn a policeman, but the city is never held liable for damages. But in such a case a French citizen is fully protected. This demonstrates the fact that, in the last analysis, the individual is better protected in France under a system of law imbued with the Roman tradition that the State is supreme, than he is in America where the legal system emphasizes individual rights. This apparent paradox is all the more remarkable if one recalls that French officials are inclined to assume an autocratic attitude toward the public—although it may well be this very attitude on the part of the administration that has necessitated efficient defenses for the protection of the individual.

In case of trial for a criminal offense, the citizen is perhaps not as well protected in France as in America. Nevertheless, it is not true, as so many Americans believe, that in France a man is deemed guilty until he proves himself innocent. The burden of the proof is on the prosecutor in France as in America. There is this difference, however, that nobody can be tried before a jury unless he has been deemed guilty by three different magistrates or judicial bodies: first, the public prosecutor; second, the examining magistrate; and third, the indictment section of the Court of Appeal. A person undergoing trial before the Court of Assize is, therefore, under a strong presumption of guilt, and this may at times influence the presiding judge and even the jury. Another difference lies in the fact that a

mere majority vote of the jury is enough for a verdict of guilt. French criminal procedure is undeniably severe, but the result is that criminality in France does not reach the proportions it does in many other countries.

The excellent work accomplished by the French administrative courts is illustrative of the high standards of French justice. Civil judges, limited though they are in their decisions by a system of codified laws, have been remarkably successful in harmonizing these laws with the requirements of modern society. A law system formed by judges is thus being built up in civil, commercial, and criminal matters, and precedents are being relied upon almost as much as in Anglo-Saxon countries.[5] The ability and impartiality of French judges are commensurate, in the higher courts at least, with the qualities of the *Conseillers d'Etat.*

The recent Stavisky scandal has unfortunately cast suspicion on some of the higher magistrates in the capital. It seems highly improbable that a swindler of such magnitude could carry on his dishonest operations for so long, were French justice not at fault. Yet the fact that some high magistrates, for whom political influence has secured rapid advancement, have been guilty at the very least of negligence in the performance of their duties, does not reflect on the whole body of the French magistrature. However, Prime Minister Flandin announced late in December, 1934, that he meant to introduce reforms into the administration of justice, particularly with regard to the rules for the advancement of magistrates.

[5] See Francis Deák. *Place of the "Case" in the Common Law and the Civil Law. Tulane Law Review,* 8. 337-357.

CHAPTER V

BEHIND THE STAGE OF FRENCH POLITICS

THE governmental machine of France, as described in the foregoing chapters is, with some reason, a disappointment to those familiar with the logical workings of the French mind. The functioning of its complicated agencies seems to the superficial observer completely devoid of efficiency, stability, and continuity. The foreign public is particularly impressed by the shabbiness of public offices, the temperamental gestures of traffic policemen, the popular outbursts against widely divulged financial scandals, the undisciplined sessions of a turbulent Parliament, and the frequent downfalls of French Cabinets. In France itself, the accusation of anarchy is leveled every day against the administration by the opposition papers. A similar accusation was directed by the barbarous Romans against the highly civilized Greeks. Before the war this similarity between the republican organization of France and the disorganization of ancient Greece led some German writers to speak of the decadent race of France, and of its inability to govern itself. The war did much to dispel this legend of a decaying France. When a British staff officer, who was attached to the French Fifth army during the Battle of the Marne, first came into contact with the French troops, he was unfavorably impressed with their shabby uniforms and disorderly appearance. He had to revise his judgment when he saw these same troops turn about from a two weeks' retreat

and crush the Germans.[1] For appearances count for little in France where outworn and illogical institutions are made to work smoothly, owing to the remarkable ability the French have for making the best of any situation.

This quality, colloquially known as *débrouillage* (muddling through) proved so useful in the last war that it has ever since been referred to in French slang as *Système D*, from the first letter of *débrouillage*.[2] For it is not so much an inborn trait as a system which the French have had to develop to solve all the difficulties of their life. Life may seem easy in France to-day, but for many centuries the French have had a hard time. Few nations have been more tyrannized by their rulers, and no other European country has been more frequently crushed by nu-

[1] Brigadier-General E. L. Spears, *Liaison: 1914*, London, 1930, p. 88. "On my way north," he writes, "I visited some French units and saw many more on the march. The aspect of French infantry straggling forward anyhow had profoundly shocked me when I first saw the long columns sprawling all over the road, no two men in step, the *'capotes'* unbuttoned, looking much more like a mob than like disciplined men, but it quickly became apparent that although this infantry was not smart to look at, it got there all the same, and that the lack of polish was due more to badly fitting uniforms than to anything else. The French soldiers, we were soon to learn, had lost nothing of the wonderful marching powers which had proved so disturbing to us in the days of the Peninsular War. As one became better acquainted with these men, it was impossible not to be impressed by their fire, their determination their enthusiasm and their endurance."

[2] General Spears comments as follows on the fact that the lack of organization of the French supply transport in the rear of the army did not lead to disaster. "This fortunate result was due less to organization than to the amazing way the French have at times of 'getting there' in spite of what would appear to be hopeless confusion. It is the resourcefulness and wit displayed by each individual in solving his own problem that does it. *'Le Système D,' 'Débrouille-toi,'* 'Muddle through,' they called it, and very effective it was. Applied by the men on many occasions during the war, it often retrieved mistakes of higher authorities. It is, however, not a method to be recommended for exportation; its use should be confined to France and its application to Frenchmen." *Ibid.*, pp. 66-67.

merous foreign invaders. Whether under the thumb of Bourbon or Bonaparte tyrants, or under the iron heel of English soldiers, the French have had to learn to make the best of it, and they have succeeded remarkably well. Although political and economic conditions have greatly improved in the past century, the French have retained the belief that hardship is the best training for a happy life. French children are educated with such severity both at home and in school, and the required military training is so rigid, that when a grown-up Frenchman comes to talk to an American about life, it is like talking about death to a child.[3]

The Third Republic itself had a hard time during its youth. It inherited defects which seemed for a while to impair its very life. But in the good old French way it has made the best of it. The French democratic system of government was permeated to the core by monarchic institutions. The Constitution of 1875 was drafted in such a way that neither the executive nor the legislative really governed France, but those civil servants who had inherited the autocratic tradition of the *Ancien Régime*. Yet the humble people of France have made the best of this strange situation. They are better protected against the abuses of the executive than even the Anglo-Saxon people. Through its delegates, the ministers, Parliament controls the activities of the public servants. For instance, during the war, at a time when Parliament had all but abdicated its powers in favor of army generals, soldiers at the front would never have obtained a leave to visit their families, if Parliament had not inter-

[3] Cf. Rudyard Kipling, *Souvenirs of France*, London, 1933, pp. 21-22.

vened on their behalf. Army generals were adamant, but the complaints of hundreds of thousands of soldiers and their families roused Parliament, which forced this measure on the highest military authorities. The administrative tribunals are another instance of this illogical government system, in which judges, themselves selected from among civil servants, grant redress to individuals against the injurious activities of other civil servants.

Only an analysis of French political psychology can explain the comparatively smooth working of the French government organization, considering how illogical this organization is. As a German puts it, "France is prosperous under a régime of disorder and slackness which would be intolerable to us Germans; and yet this régime seems as natural to the French as the rigor of a scientific and bureaucratic discipline does to us. Racial characteristics of temperament and of the rhythm of life account for these differences in viewpoint."[4]

FRENCH POLITICAL PSYCHOLOGY

France is a highly diversified country, both geographically and racially.

In a territory smaller than the state of Texas, France presents as much diversity in climate and geologic formations as the whole of the United States. The contrast is as great between the foggy Channel coast and the sunny Riviera as between Cape Cod and Florida. France has a highly diversified soil, which produces a wide variety of crops. Mild climate and abundant rainfall have from the remotest times made agriculture a profitable endeavor in France, where the land is mostly vast fer-

[4] Curtius, E. R., *Essai sur la France*, Paris, 1932, p. 16.

tile plains and rich valleys, although there are some lofty mountains. It is in the beautiful valleys of the Saône and the Dordogne that some of the earliest vestiges of human life have been discovered.

Both the geographical location and the fertile soil of France have from the dawn of history attracted foreign invaders—all of whom have left their stamp on the French race. In this connection, it is pertinent to recall that the very name of the country, France, is German, and comes from the tribe of the Franks, which conquered and gave its name to the northern part of Roman Gaul. The Gauls themselves were Celtic invaders, who intermarried with the original Ligurian and Alpine stock. Then the Roman conquerors changed the ethnic character of the South, whereas later the Germanic invaders modified the race in the northeast, and down the rich valleys southwards, not to mention the Normans, the Huns, the Moors, etc. There has been relatively little racial exchange between the various provinces, which explains why there is far more racial contrast to-day between a Breton and a Provençal than between the same Breton and a Welshman, or again between the Provençal and his Italian neighbors.

Yet France was the first European nation to achieve political unity, and nowhere else would it be possible to find more national and psychological homogeneity. Although a Frenchman still usually refers to himself as a Bourguignon or a Tourangeau, and seldom uses the name of a *département* to designate his geographical origin, yet he is French before he is Bourguignon or Tourangeau. And it should be so, for France is more than a national entity, it is a mode of life. A uniform system of education and

the leveling effect of the compulsory military service have indeed been factors in this process of building a French nation. But those were nineteenth-century developments, which merely accentuated the uniformity in French psychology already apparent in the time of Montaigne.

This ideal of life common to all Frenchmen may be summed up in a brief formula: man is above all a reasonable being. Cartesian philosophy remains the basis of French intellectual training, and no Frenchman could have written the *Critique of Pure Reason.* For generations the criterion of reasonableness was applied to all aspects of life, with the result that in spite of the undeniable French individualism, almost all the activities of life follow the same pattern throughout France. The French, for instance, have developed what is probably the finest cuisine in the world, and everywhere in France the courses of a meal follow the same regular sequence, and the same grades of wines are everywhere served with the same dishes. No one in France would ever think of serving red wine with fish, or sweets before the salad. It must not be thought that in this the French are simply yielding to the tyranny of a convention. This would scarcely be consistent with French individualism; but Frenchmen have found by experience that these rules alone can make of a meal the highly civilized thing that it ought to be, and, at least in the culinary domain, even the Anglo-Saxon and the Germanic races seem to acknowledge that France and civilization are synonymous terms.

But to the average Frenchman, it is not only in the field of cookery that France and civilization are two words for the same thing. Since the French

mode of life is determined by pure reason, this principle should apply universally, and the modest waiter in a French restaurant will look upon the American tourist who drinks his coffee with the main course as guilty of an offense against civilization itself. This explains why France, in spite of so many geographical and racial diversities, has one common ideal of life. Not only French cuisine, but all aspects of French life are ruled by reason.

Whereas the Germanic races regard work as an end in itself, the French believe in a happy balance between work and leisure, and while they work hard they always keep in mind that their work will earn them a well-deserved rest. The Germanic conception of having a mission to fulfill in life is alien to the French, who believe that the sole purpose of life is individual happiness.

Most Frenchmen find this happiness in the cultivation of the soil. France, which throughout the seventeenth century was the leading manufacturing nation in the world, lost this prëminence to Great Britain after the Industrial Revolution. The peculiarly perilous location of France on the continent, as well as the foolish policies of the Bourbons, kept her chronically entangled in European wars. This fighting sapped her material strength, prevented her from developing her economic resources, and finally caused the largest and most advantageous French colonies to fall into the hands of the British. France had the further disadvantage of small coal resources. French coal is of poor quality, not readily made into coke, which is needed in the smelting of iron. Although rich in iron ore, France could make little use of it owing to its high phosphorous content, for which no method of elimination had

been devised up to 1878. Also, iron deposits were distant from coal mines. Although the industrialization of the country has made much progress since 1870, especially since the Great War, France remains a country in which agriculture balances industry. Even to-day the rural population slightly outnumbers the city dwellers.

Small land owning is the general rule in French agriculture. Out of 8,591,000 farmers in France, 5,000,000 are their own masters. Even before the Revolution French peasants, in contrast with English and German peasants, had made much headway in securing land of their own. The Revolution accentuated this movement by enabling the peasants to seize and divide most of the estates previously owned by the nobility and the Church. During the Empire and the Restoration period some large estates reappeared. Many of them were later bought by the new class of rich industrialists, but as a whole they were broken up into lots subsequently purchased by the small landowners. *"Métayage"* is slowly disappearing, except in some districts where it is well adapted to the prevailing crop, as in some of the wine areas, while the number of both the cultivating proprietors and the tenant farmers is increasing. Besides those three groups there are day laborers and farm servants. But very few of these agricultural wage earners are landless. They have not enough land to live on, and have to hire themselves out to larger landholders, but they are saving to increase their plot of land, and at the same time their number is gradually diminishing. It is only in a very few districts, such as the large wine estates of Bordeaux, the big farms north of Paris,

and the forests, that there is a real agricultural proletariat.

The landholdings are very small, and section 745 of the Civil Code enacted in 1804 under Napoleon is largely responsible for this inasmuch as it provides that the estate of the deceased shall be equally divided among the children. This provision of the Civil Code was dictated by the individualism of the French, but it has in its turn contributed to enhance this individualism by effecting the division of the territory into innumerable small plots. Almost every Frenchman, even in the city, owns such a little plot, and cherishes it as his own child. Each bourgeois family prides itself on having a country house with some land or a little farm attached to it. The ambition of every worker in France is to save enough to buy a little piece of land on which to grow vegetables and flowers, and to build a little house in which to spend his old age.

This individualism even permeates French industry. Only seventy per cent of the French people who contribute to the making of manufactured goods are wage earners, as against ninety per cent in Great Britain. Of the remainder twenty per cent are craftsmen working on their own account, and ten per cent are small entrepreneurs employing a few laborers.

This deep-rooted ambition of every Frenchman to be his own master economically has far-reaching political consequences. To a Frenchman the state is a necessary evil, but he wants as little interference as possible. To him the family is a magic password, but *l'Etat* has a very disparaging connotation, and to an honest Frenchman it seems perfectly proper to devise ingenious ways of cheating the State and

especially its tax collectors. Yet the same Frenchman who does not want to give his money to save his country is ready to sacrifice his life and the life of his children when his country demands it. This is not the conception of citizenship which prevails in Anglo-Saxon countries, but it is the very symbol of the political psychology of France—a strange mixture of materialistic selfishness and lofty idealism.

THE TWO FRANCES

The French democratic ideal, developed slowly during the *Ancien Régime*, found its expression in the philosophy of the eighteenth century, and triumphed over the tyranny of the Bourbon monarchy during the French Revolution. Unfortunately, this victory was short-lived, and was followed by seventy years of autocratic reaction which the spasmodic revolutions of 1830 and 1848 scarcely interrupted. The very life of the Third Republic, founded on the crumbling ruins of the Second Empire, was menaced for thirty years by the joint forces of political, economic and clerical reaction. Two Frances have thus emerged, "authoritarian France, founded on the institutional trinity of monarchy, army, and church, in later years particularly the church, and democratic France, founded on the ideological trinity of liberty, equality and fraternity between individual citizens. . . . The ceaseless struggle between authoritarian and democratic France is the underlying fact which renders French politics explicable."[5]

[5] Helen Hill, *The Spirit of Modern France*, World Affairs Pamphlets, No. 5, p. 14, 1934, which is the best study of France, in condensed form, that has appeared for a long time in this country. See also André Siegfried, *France, A Study in Nationality*, Yale University Press, 1930.

The numerous French political parties represent only slight variations from these two divergent tendencies. These variations correspond to the intellectual subtlety of the French, and to their individualistic desire to be a boss even in a small party rather than an unknown member of a large party. Yet all these parties with their misleading names can be grouped into two hostile camps: the democrats and the authoritarians.

A somewhat more detailed analysis of the French political parties is, however, necessary. For the purpose of simplification, these parties are grouped here according to four main tendencies: traditionalism, liberalism, radicalism, and socialism.

TRADITIONALISM

The words reactionary and conservative have such a suspicious sound in France that the most important group of the Right in the Chamber of Deputies calls itself *Union Republicaine Démocratique*, thus acknowledging the final victory of French democracy, although this party, under the leadership of Marin, stands for extreme conservatism. In the extreme right, the royalists, who are only twelve in number, call themselves *Indépendants*, which is an hypocritical name absolutely inconsistent with the idea of autocracy. Even the expression of *Républicain modéré* is never used. For the same reason, an important group of the Center is called *gauche radicale*, although it sits on the right of the radical socialist group.[6] The groups which really belong in the Left are no less hypocritical. For instance, the radical socialist group, in spite of

[6] The Flandin group of *Républicains de gauche* also sits in the center.

its name, is less radically socialist than the socialist group, which sits on its Left.

The labels of reaction and conservatism having thus been banned from the temple of French politics, the word traditionalism has come to designate these political doctrines which do not forgive France for its divorce from the two great forces of the *Ancien Régime*: the monarchy and the Church. The traditionalists advocate the strengthening of the family, of the army, of religion, of the social and economic rôle of the propertied class, the scrupulous observance of the complicated étiquette of traditional French politeness, and the training of an élite through a study of the classics.

The aversion that the mass of the French people feel against any conservative ideology means that the traditionalists have little direct influence on French politics. In the present Chamber of Deputies there are not more than one hundred and thirty deputies belonging to the parties of the Right, out of a total membership of six hundred. But the indirect influence of the traditionalists is very strong. The traditionalists are well aware that the political radicalism of the average Frenchman does not far transcend the realm of ideologies and that in practical life, especially with respect to their economic interests, the French are very conservative. The traditionalists thus have an unlimited domain to exercise their influence, since they dominate the letters and the largest portion of the Press.

French literature on the whole is very conservative. The traditionalism of Maurice Barrès and the monarchism of Charles Maurras have greatly influenced many Frenchmen, especially among the younger generation, because of the beautiful style

of these two writers. For the French people are extremely sensitive to the beauty of language. The *Académie Française*, although an official body of *littérateurs*, entitled to wear a uniform and to carry a ridiculous sword, is almost as conservative as it was when Richelieu founded it. The *Académie* is always proud to list among its members generals and bishops, and there is little reason to be astonished that the old radical Clémenceau refused to sit with them when elected to the *Académie* on account of his war services. As the French are avid readers of literary works, the influence of these conservative writers on the political orientation of the mass is tremendous. For instance, it is amazing to see that the mediocre novels of René Bazin and Henry Bordeaux are among the best sellers in French bookshops, resounding as they do of the traditional virtues of the family and the bucolic beauty of a peasant's life.

To the extent to which the French press is a press of opinion rather than of information, the *littérateurs* find many opportunities to write for newspapers. At the same time the prestige of literature is so great in France that a series of articles by a well-known *littérateur* will boost the sale of a newspaper. The conservativeness of French literature thus finds in the press another channel for influencing public opinion.

It seems strange that French *littérateurs* should be so conservative, when it is remembered that, in the eighteenth century, literature paved the way for the Revolution. But, on the other hand, it might be pointed out that French literature to-day is still in the opposition, as it was under the kings. At the same time Paris, which nowadays has so little in-

fluence upon Parliament, is still the capital of French literature. A French writer may expect no recognition outside Paris, and mundane activities in Paris are as much a factor in literary fame as genuine talent. Ambitious young writers must therefore bow to the conservativeness of Paris society in order to rise in the literary world.

What is certain is that the political writings which defend the cause of traditionalism are, in quality of style and vigor of thought, distinctly superior to the productions of the radical writers. The royalist *Action Française,* edited by Maurras and Léon Daudet, and which would be more fittingly called *Réaction Française,* is probably the best-written paper in the country. Yet the *Action Française,* notwithstanding the great intellectual influence which it exerts, is unable to send a single deputy to Parliament, or even a representative to the reactionary Municipal Council of Paris.

LIBERALISM

Liberalism is the shade which, in the gamut of French political opinion, colors both the Left wing of the Right and the Right wing of the Center. In other words, there are in France both traditionalists and radicals who have liberal inclinations. There was a sharp contrast between traditionalism and liberalism under the July Monarchy. But the contrast gradually disappeared, and a so-called liberal political party does not exist to-day in France. However, the philosophy of political liberalism is still held by many people, who may belong to various and often hostile political parties. According to Faguet,[7] the criterion of liberalism in French politics is the atti-

[7] Emile Faguet, *Le libéralisme,* Paris, 1903.

tude toward the Church. Conservatives who accept the principle that the Church should keep out of politics may be called liberals. Their numbers increased after Leo XIII urged French Catholics to accept the republican régime. On the other hand, radicals who have abandoned their narrow anti-clericalism may also be regarded as liberals. Until the law of separation between Church and State was passed in 1905, the radicals did not show any liberalism in that respect. The law of 1901 pertaining to religious congregations led to abuses against the Church which made the Combes ministry famous. These abuses may be excused on account of the necessity felt by true republicans of defending the régime against the undeniable reactionary influence of the Church. The official disestablishment of the Church, which appeared to many to be the climax of the struggle between traditionalism and radicalism proved, on the contrary, to be the beginning of an era of reconciliation. Clericalism, that is to say the interference on the part of the Church with the government of the country, was eradicated, and there was no longer any reason why the radicals should remain militant anti-clericalists. Many of them gradually adopted a more liberal attitude. Briand, who in his youth was a militant socialist, and who was reporter of the law of separation, became the typical liberal in that respect, and was finally buried with benefit of clergy. In fact, radicals have on the whole become more liberal as democracy has intrenched itself more firmly.

This growing liberalism appears in other fields than religion. The administration of the country, which was so autocratic in the early years of the Third Republic, was soon liberalized. As early as

1884, the central government abandoned its prerogative of appointing the mayors in all the communes of France, who were henceforth elected by the municipal council.[8] The *préfets,* who were so tyrannical until the beginning of this century, have been controlled more and more by the elected representatives of the people. There is no liberal party in France, and very little talk about political liberalism, because the need is not felt for it. This does not necessarily mean that the political organization of France is thoroughly liberal, but the people are made to feel that they run the country, which, though far from being the truth, keeps them content.

It is in the economic field that liberalism is losing ground. The rising tide of protectionism and of social legislation has so engulfed economic liberalism that some French economists speak of the present economic system as neo-mercantilism, and only the most optimistic ones venture to speak of neo-liberalism.

RADICALISM

The word radicalism in French politics has not the same connotation as in American politics, where it applies even to the communists. Just as the men of the Right in the Chamber of Deputies call themselves democrats, the radicals, although they repeatedly flirt with the socialists even to the extent of calling themselves radical-socialists, are neither radical nor socialist, and there is as much difference between them and the real socialists as between Jefferson and Karl Marx.

The radical-socialists are not any more the most numerous single party in the Chamber, but there

[8] With the exception of Paris.

are many Frenchmen who belong to other political groups, and who may be called radicals. Alain, for instance, regards as radicals, "a great portion of those who vote the socialist ticket and also a great portion of those who vote the moderate ticket. Because," he says, "I realize that they vote mostly against tyranny, against injustice, and to uphold the sovereignty of the people."[9]

Thus the radicals are those who continue the tradition of the French Revolution. In this sense, the radicals might be regarded as traditionalists, but the tradition they stand for was born in 1789, whereas at this same date a death blow was dealt the tradition for which the traditionalists of the Right stand. Yet the radicals have the same quasi-religious loyalty toward the Revolution as the traditionalists have toward the Monarchy.

Just as the French Revolution represented different political shades, which conflicted at times to the point of putting to death the man in the minority, the radicals may also be divided into Feuillants like Caillaux, Girondins like Herriot, and Jacobins like Daladier. The Jacobins regard themselves as the real radicals. Like Robespierre, they say that they are pure. But as neither the Feuillants nor the Girondins will admit that they are impure, all radicals inevitably incline toward Jacobinism.

The acceptance of the principles of the French Revolution means in the first place that the radicals are nationalists. They, of course, do not call themselves that, because nationalism, which is the label of the *Action Française*, is synonymous with the worst sort of reaction. Yet it cannot be denied that nationalism proper did not exist before the Revolu-

[9] Alain, *Eléments d'une doctrine radicale*, Paris, 1925, p. 27.

tion, as personal allegiance to the same king was the common bond of Bourguignons and Provençaux, Bretons and Alsatians. It was at the battle of Valmy that, for the first time in the annals of France, a French army instead of acclaiming the king, defeated the enemy with the clamor of *"Vive la nation."* Goethe, who witnessed the event, said later that he felt at that moment that something new had come into the world.

This nationalism is so deeply rooted in the French radicals that in 1871 they clamored for the continuation of the war against the opposition of the monarchists, a historical fact that French royalists of to-day too readily forget. This nationalism of the radicals has endured throughout the Third Republic, and it was a radical, Clémenceau, who after resisting the policy of colonial expansion because it would divert forces from the German border, won the Great War for France.

This nationalism of the radicals is made up in part of love for the fatherland. The love for the soil in this country of peasants is reflected in the courageous fight that the French soldiers put up in the last war to preserve the integrity of the nation's territory. But the nationalism of the radicals has a loftier aspect, due to the fact that, since the French Revolution, France is to every Frenchman the very symbol of civilization. When France is attacked, the French feel that civilization is in peril. Many monuments erected in humble French villages to the dead of the last war bear this inscription: *"A tous ceux qui sont morts pour la civilisation."* As E. R. Curtius remarks: "In Germany, it is impossible to find the word *Kultur* on any of the monuments to the dead."[10]

[10] E. R. Curtius, *op. cit.*, p. 23.

This conception of France as the champion of civilization is at the bottom of all the missionary wars waged by France during the Revolutionary period, with the purpose of spreading the Gospel of Liberty throughout Europe.

For the slogan of liberty, equality and fraternity remains the creed of the French radicals. Voltaire is still the prophet of their party. Eighteenth-century individualism is their religion, and it is on this account that the immense majority of the French, although they do not always vote the radical ticket, are radicals at heart. "It is only a negligible few who really desire a one-man rule or an uncontrolled oligarchy—a régime under which the princes of finance are the kings of the land, and the army and the big bankers decide by themselves upon war and peace."[11]

A country of small landowners is of necessity a country of individualists, and for this reason the villages and small towns are the centers of French radicalism. The larger the city, and the more remote its inhabitants are from the country, the more likely they are to uphold either extreme conservatism or extreme Marxism. This explains the political contrast between Paris and the province. The province as a whole is radical, but Paris *intra muros* is conservative, while its suburbs are red—the "red belt" of the capital.

The individualism of the radicals is always on the defensive. The common people of France have been so tyrannized and exploited in the course of history that, although successive revolutions have pushed the privileged class more and more into the background, the radicals are always afraid of being de-

[11] Alain, *op. cit.*, p. 28.

prived again of their hard-won liberties. This accounts for the everlasting struggle between landlord and tenant, employer and employee, the awe inspired by big financiers and industrialists, the unpopularity of the police and of the army, the hatred of the Church while it tried to interfere with politics—in a word, the distrust which the average Frenchman feels of authority in any form.

This defensive complex of the individualistic radicals is accompanied by an aggressive equalitarianism—a resentment of privilege in any form—expressed, for instance, in the sneers continually heard in the wake of bejeweled ladies and of luxurious automobiles. This equalitarianism is one of the main traits of Republican France, and its demagogic aggressiveness is the logical outcome of four abortive revolutions. The radicals realize that the battle for democracy is not yet completely won, since under the Third Republic there are still so many privileges. So the struggle goes on, bitter, relentless. Alain well expresses this when he says: "No sight is as delectable to my eyes as the humiliation and downfall of an important personage."[12]

Although the influence of the traditionalists in Parliament is slight, the radicals feel that they still wield too much power. They influence public opinion through literature and journalism. They control industry and finance, and in spite of the undeniable democratization of the civil service and of the army, they still fill many of the most important positions. "In short, there is a permanent conspiracy of the high officials, the rich, the ambitious, and the parasites against the mass."[13] It is against this conspiracy

[12] *Ibid.*, p. 17.
[13] *Ibid.*, p. 24.

that the radicals lead the opposition. General Boulanger was an instrument of this conspiracy; the radicals defeated him. The Dreyfus affair was engineered and directed against democracy by this same conspiracy; the radicals won again. The Church was the strongest supporter of this conspiracy; the radicals had the religious congregations expelled after 1901, and the disestablishment of the Church proclaimed in 1905.

The anti-clericalism of the radicals, however, was more than a mere phase of their battle for democracy. With a keen perception of French psychology, they built an ideology of anti-clericalism, which should have the same mystical appeal to the people as the religion that they intended to destroy. The priests of anti-clericalism were the freemasons, and around their altars they gathered all the pure-blooded Jacobins.

The French cannot thrive without ideologies, and now that anti-clericalism is practically dead, the radicals have to turn to another ideology upon which to feed the people. The new radical faith is *l'école unique*. It means the same schooling for all, by doing away with tuition fees in secondary schools, and the establishment of entrance tests compulsory for rich and poor alike. Heretofore, high school and college education had been open only to students who had won scholarships, or who came from well-to-do families. Now the equality is complete, and this is a great victory of the radicals over the privileged classes.

The supporters of radicalism being scattered throughout provincial France, innumerable local committees have been created, with the purpose of keeping the radical faith alive, and of spreading the

right political propaganda throughout the country. The radicals are again true to the Revolutionary tradition; one recalls the political clubs organized in the eighteenth century, with branches throughout the provinces, and which proved a powerful instrument in the overthrow of the monarchy. The most influential of these clubs was the club of the Jacobins, the political faith of which is still the gospel of the French radical committees of to-day.

The Revolutionary clubs were badly shaken by the violent reaction which followed the ninth Thermidor, and Napoleon's police succeeded in annihilating them. But they reappeared after 1815 as secret societies, called *"Sociétés de pensée,"* a term which implies all the ideology of the French radicals. These societies contributed to the Revolution of 1830, and engineered the Revolution of 1848. Neither the coup d'état of the second of December nor the police of Napoléon III succeeded in destroying their influence. The conservative Third Republic was more lenient toward them, and a pure Republican like Gambetta became "the traveling salesman of genius" (as Thibaudet calls him[14]), the peddler of

[14] Albert Thibaudet, *Les idées politiques de la France,* Paris, 1932, p. 140, which he brought up to date in a short article: "Les partis politiques en France," *Nouvelle Revue Française,* December, 1934, p. 894 ff. The author was one of the keenest interpreters of the political psychology of France. He understood particularly well the mentality of the radicals, as he came from the *département* of Saône et Loire, which is the center of French radicalism. Lamartine, the illustrious son of Mâcon, the chief town of the *département,* resuscitated the Revolutionary gospel in his famous *Histoire des Girondins.* He started at Mâcon the *campagne des banquets,* which led to the Revolution of 1848. During the Third Republic some of the leading radicals, such as Sarrien and Dubief, have also come from the same *département.* Thibaudet's home, Tournus, is a delightful town on the right bank of the Saône, where the radicalism of the inhabitants is a gesture of defiance to the powerful Church of St. Philibert, one of the finest specimens of Cluny Romanesque. For, strangely enough, Cluny is in

radicalism, the connecting link between the local committees.

The radical committees consist of college professors and *instituteurs*, petty officials of the postal service, shopkeepers, artisans, and the most educated among the peasantry. They are the local Tammany Halls of France and, like Tammany Hall in New York, they are the most important factor in all electoral contests. Although France has not the American system of primaries, the result is virtually the same, as the local committees designate the candidates. In other words, out of millions of electors there are not more than about two hundred thousand who take an active part in politics. These men form what the French call *les cadres*.

The parties of the right have never been able to organize active political committees. There are local groups of Catholic laborers, of *Action Française*, but they are not equipped for electoral action. At any rate, the conservatives are not as interested in active politics as the radicals. Wealth, or a comparatively good income, does not stimulate one to make electoral speeches and to bring pressure to bear on one's neighbors. As previously indicated,

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the heart of the same *département* of Saône et Loire, and this center of French radicalism was for centuries the center of Christendom. But Saône et Loire had to become radical, as its population is mostly composed of individualistic small farmers and *vignerons*, who have known economic independence for many generations, and have gained an indomitable sense of their dignity as free men. Thibaudet's analysis of radicalism thus accounts for the rural background of this philosophy. Alain, whose real name is Chartier, who was of humble birth, and obtained the highest degrees in philosophy through scholarships which hurt his pride, represents, on the other hand, the aggressive equalitarianism of the radicals. No one who leads the mundane life of Paris can understand why France is at heart radical-socialist. The fact is easier to grasp for those who have lived among French peasants, or for those whose intellectual merits are offset by a humble birth.

conservatism in France is to be found more in literature and newspapers than in active politics. The conservatives speak with contempt of the *comitards*, but this is due to envy.

The radical committees, on the other hand, are so powerful that a critic of radicalism, Daniel Halévy, has written a book entitled *La république des comités*.[15] These committees practice the spoils system to a much lesser degree than similar organizations in American politics. For the French radical politics is more a struggle for spiritual victories than for material advantages. A. Thibaudet makes the following claim: "Politics is the life of the members of radical committees, but in the moral and intellectual sense; they sometimes make a living out of it, but on the whole there is no scandalous abuse. In the districts I know," he adds, "*les cadres* consist of modest people for whom politics means more expense than profit."[16]

The radical army of France consists not only of the radical electors and of the radical committeemen, but also of the radical members of Parliament. As Thibaudet puts it: "There is a radical party and a radical personnel." It must be admitted that many of the radical deputies and senators seem, even to those who follow the radical creed, to lack ability and sometimes honesty. There has been a surprising scarcity of great statesmen in the ranks of the radical-socialist party, which has played such a tremendous rôle in French politics. This situation apparently results from the fact that the radical-socialist candidates to Parliament are designated by committees, and considerations of local

[15] Paris, 1934.

[16] A. Thibaudet, *La république des professeurs*, Paris, 1927, pp. 155-156.

politics prevail upon the question of personal ability, just as in American primaries. Combes and Sarrien, who did not rise above mediocrity, were typical premiers recruited from among the radicals. Clémenceau has been the only great exception to this rule, the only radical who in active government followed the true traditions of those Jacobin members of the Committee of Public Safety who saved the French Revolution against a coalition of all Europe. But his lonely retreat is an evidence that the radical committees are more adverse to a strong form of government than their Revolutionary precursors. The political crisis of to-day, which is commonly known as *crise d'autorité*, and attributed almost exclusively to the radicals, has served as a reminder to some among them that there was once such a thing as a Jacobin dictatorship. They might be named the *Hébertistes* of the party.

Such is the party which has ruled France almost uninterruptedly for the past thirty-five years. It is affected, however, by a few factors of inherent weakness. The mediocrity of its parliamentary personnel may, in case of a serious crisis, render the party incapable of weathering the storm. On the other hand, a party which bases its strength on ideologies will be in danger of losing its hold the moment it lacks new ideologies upon which to feed the people. Anti-clericalism is a thing of the past, *l'école unique* is a won issue. What other spiritual food will they offer to the aggressiveness of their followers? The great source of weakness of French radicalism is that it lives on a revolutionary tradition, but, since radicalism has won most of its battles against traditionalism, very soon there will be no cause left for revolution. As previously suggested, radicalism is

a form of traditionalism dating from 1789, which means that French radicalism in our fast-moving world is to-day very conservative and may to-morrow be reactionary. In this respect, the ideological value of socialism in France may give this new radicalism an impetus the possibility of which many refuse to admit.

SOCIALISM

To all appearances, socialism should constitute the most serious danger for radicalism. For socialism has more than ideologies to fight for, it is an idealistic doctrine which savors of religion. At the time of Combes there were already far-sighted radicals who sensed a neo-clericalism in socialism, as Voltaire found in Rousseau's religion most of what he was combating.[17] The socialists are the intellectual heirs of Rousseau, as the radicals follow Voltaire for their prophet. Radicalism is not an idealism, it is a very realistic philosophy of life, based on the material interests and selfish individualism of the peasants and *petits bourgeois*. But in this land of contradictions, materialism alone cannot rule. In this country where most of the crusades originated, in this country which created Gothic architecture, in this country of the great explorers of the Mississippi valley, in this country which even to-day furnishes more than half of all the Catholic missionaries to remote lands, there is necessarily some idealism left. The radicals, aware of this mentality of the French, felt an absolute need of ideologies, but the superiority over radicalism of such an idealistic philosophy as socialism is that it does not need to use as so many ideologies the forty-hour week or

[17] A. Thibaudet, *Les Idées politiques de la France*, p. 185.

the social insurance law, and the socialistic ideal is certainly making great headway among the radicals. Thus socialism appears to many Frenchmen as a new religion, and the ascetic Jewish leader of the socialist party, Léon Blum, seems to be the prophet designated by God to lead the movement.

On the other hand, socialism advocates a social and economic philosophy absolutely adverse to the radical way of life. Radicalism means individualism, with all its corollaries of individual liberty, private property, and economic laissez-faire. Socialism means, in theory at least, the submission of the individual to the group, and the state control of all means of production. The reconciliation of these two ideals seems as impossible as an understanding between Jefferson and Marx.

Yet the undeniable fact is that the radicals get along very well with the socialists. The deeply individualistic radicals even go so far as to call themselves radical-socialists. This is the result, on the one hand, of the tendency previously pointed out for a French political party to put more red on its label than the reality warrants. In this connection, the radicals were once compared to radishes, which are red on the outside and white inside, radishes which naturally are put on the butter plate.[18] On the other hand, the name radical-socialist expresses the very real fact that the radicals and the socialists understand each other very well. These two parties are the only ones which base their strength on the local committees, and which stand firmly together against a common enemy: authoritarian France. It may be that the radical committees are the

[18] White in France is the traditional color of conservatism. As to the butter plate, it is the symbol of political graft.

successors of the Revolutionary clubs, which were then and still are controlled by the freemasons, whereas the socialist committees are rather the successors of the secret societies of the Restoration and July Monarchy; in reality, the organizations are similar, and include similar if not the same men. Freemasonry, for instance, which has been traditionally the hotbed of radicalism, now includes more and more socialists. At the same time, if the radical masses tend more and more to socialism, the socialist leaders, as they age, have a common tendency to turn to radicalism. Millerand, Briand and Paul Boncour are the most conspicuous illustrations of this trend.

It is true that, until 1936, the socialists, as a group, have refused to coöperate with the radicals for the formation of a cabinet. The reason was that the politics of the socialist group in the Chamber of Deputies were largely determined by the decisions made by the Socialist congress, at which the delegates of all the socialist local committees meet every year. And these local committees had always been hostile to *participation au pouvoir,* because it would have appeared to the working masses as an alliance with the moderates, and this might have led many socialists to join the ranks of the communists. Conversely, the radical-socialists have always been reluctant to enter into any lasting entente with the parties of the Center, and prefer, instead, to follow a policy of rapprochement with the socialists—otherwise many of their followers would join the socialist ranks.[19]

The chief point of accord between radicals and socialists lies in the decided departure of French socialism from the orthodoxy of Marx's doctrine.

[19] This reminds one of the famous French story of young Gribouille, who, for fear of the rain, jumped into the river.

Realizing that Marx wrote his *Capital* in England, and under the influence of that country, which is far more industrialized and far less agricultural and *petit bourgeois* than France, the theories of French socialism have gradually worked out a doctrine which would adapt itself to French conditions. At the same time, the practical necessity of getting votes outside the industrial proletariat led French socialism to adjust its creed to the philosophy of the French peasants and *petits bourgeois*, by the acceptance of private property, at least within certain limits.

By expurgating its doctrine, the socialist party succeeded in 1932 in winning one hundred and thirty seats in the Chamber of Deputies. But its firm stand on the question of *participation au pouvoir* alienated many of the socialists, especially during these years of political strife. A serious conflict developed within the ranks of the socialist party at its annual congress held in Toulouse in July, 1933. A small but spirited minority launched an open attack against the policies of Léon Blum, the majority leader, who was largely responsible for the party's refusal to share in the responsibilities of government, and for its negative attitude of obstruction in Parliament. This minority group warned the party that they were following in the footsteps of both the Italian and German socialists, whose failure to take advantage of the post-war situation paved the way for a fascist reaction in both countries. A split among the socialists was averted in Toulouse, but the conflict kept on brewing within the party. It came to a climax when the Daladier Cabinet was overthrown in October, 1933, on the question of salary cuts for state employees. The majority of the socialist group

in the Chamber of Deputies refused to second this economy measure, and thirty-one of the one hundred and thirty socialist deputies left the party. Known for a while as Neo-socialists, they promptly organized a new party, the *Groupe socialiste de France,* now merged with other small dissident socialist groups into the *Union Républicaine et Socialiste* (U. R. S.).

As the name indicates, this new party is a blend of the socialist doctrine and of the nationalist party. Like Mussolini and Hitler, its leaders are socialists who have embraced the cause of nationalism. In theory at least these socialists of France seem to belong to the same school as the national-socialists of Germany. They are socialists in the sense that they are adverse to capitalism, but they are equally hostile to communism, especially to its international aspect. They are realists who feel that pure socialism has little chance of success in France. They still advocate state control of key industries, as a move against capitalism, but they accept the principle of private property and, taking account of the trend of world affairs, they have turned to a more nationalistic attitude.

This split of the socialist party was followed in February, 1934, by a rapprochement between the radicals and the center, and rather than be left in complete isolation, the socialists entered into a compact with the communists known as *common front.* But neither the rapprochement between the radicals and the moderates nor the entente between the socialists and the communists was well cemented. The fact that the radicals and the socialists are ever ready to join forces against the conservatives was soon demonstrated, on the one hand, by the rift between Tardieu and Chautemps in July, 1934,

and, on the other hand, by two elections held in September, 1934, in Dijon and in Blois, to fill seats in Parliament left vacant by the death of their holders, at which the radicals and the socialists pooled their votes on a common candidate.

A POLITICAL MAP OF FRANCE

France is so diversified geographically, economically, and racially that a political map of the country does not lend itself to an easy analysis.[20]

Roughly speaking, the Loire divides the country into two hostile political regions. North of the Loire lies authoritarian France, south of the Loire lies democratic France.

The Northwest is the most conservative district, with Normandy coming first. The conservatism of the Normans is not the result of a mystical attachment to traditionalism, but of the desire on the part of this industrious race, living in one of the wealthiest agricultural sections of France, to maintain its economic position. Brittany is, on the whole, conservative, although economically it is a poor province. But the Bretons have the mysticism of the Celts, and the Catholic Church has kept a strong hold on the people, who thus remain attached to their traditions and even to their language. This Breton mysticism, however, may lead them to the other extreme as well, and the workers of the Brest naval arsenal and many fishermen along the coast are communists of the most radical sort. The southern part of Brittany, which constitutes the *département* of Loire Inférieure, is the most conservative section of the province. It is, with the adjoining

[20] See on this question the very detailed study by B. M. E. Léger, *Les opinions politiques des provinces françaises*, Paris, 1934.

province of Vendée, the last royalist stronghold of France. Vendée, with its large estates and its Catholic peasantry, has remained true to the tradition of the *Chouans*, who relentlessly opposed the Revolution. Yet the royalist candidates to Parliament are, more and more, losing ground to the moderate republicans. East of Vendée, Anjou is less conservative, especially as one gets closer to Touraine.

The North is also conservative, in spite of its large industrial proletariat. The Flemish peasants, loyal to their Catholic faith, the tenant farmers of Artois and Picardie, hard-working and peaceful, more than make up for the more radical working masses of the great industrial centers of Lille, Roubaix, Tourcoing and Amiens.

The Northeast, although highly industrialized as well, is conservative. The Alsatians are good Catholics, especially the prosperous peasantry. The industrial proletariat of Strasbourg and Mulhouse is more radical, but the communists are a small minority, and many workers are too Catholic to be very radical. The industrial proletariat in Lorraine is more red than in Alsace, but conservatism predominates in the province, especially in the shape of extreme nationalism, for Lorraine is France's advance guard on the German frontier. It must not be forgotten that Joan of Arc, Maurice Barrès and Poincaré were Lorrainers.

As one goes farther south, conservatism gradually gives way to radicalism and to socialism which is at its height in the South. Yet south of the Loire there are small conservative islets, as, for instance, the southern part of the Massif Central (Haute-Loire and Lozère), the Basque country, and the *département* of Alpes-Maritimes.

The three large provinces in the South of France, Gascony, Languedoc and Provence, are the most uniformly radical provinces in the country, although they are the least industrialized. Their inhabitants are mostly small landowning farmers, whose individualistic way of living makes them follow the radical-socialist creed. Toulouse has been the traditional capital of radical-socialism, and the *Dépêche de Toulouse* the leading paper of this party. Socialism is rapidly making progress in these provinces, and Narbonne is beginning to be regarded as the capital of socialism. But it must be remembered that it is an expurgated socialist doctrine, adapted to the ideal of small landowners.

The *Méridionaux* are also more politically minded than the Northerners. They are quick tempered, imaginative, and fond of eloquence, and the relative leisure afforded by a mild climate enables them to devote more time and energy to active politics. This is a blessed land for ideologies and café politics. Here, temperament prevails over economic factors, and a growing number of the small landowners are being converted to communism, because of the neo-religious appeal of this doctrine.

In the more industrialized North, on the other hand, the people have an inherent stability, which makes for political conservatism even among a large section of the industrial proletariat, and accounts for a moderate stand in politics.

It is certain that, on the whole, the agricultural South rules the country as against the industrial North. The North complains of this situation, because it pays more taxes than the South, but southern eloquence and ideological radicalism prevail over northern industry and finance. As Léger concludes

his study on *Les opinions politiques des provinces françaises*: "The truth of the matter is that the political temperament of a given people is shaped less by economic factors than by ethnical and spiritual influences."[21]

No political map is complete that does not mark a contrast between Paris and the provinces. Until 1871 Paris set the pace in French politics. Under the monarchy Paris already had such great political influence that the *Fronde* determined Louis XIV to live in Versailles. The Parisians had their revenge by forcing Louis XVI to move to the Tuileries at the beginning of the Revolution. Paris made the Revolutions of 1830, 1848, and 1870, and the provinces followed docilely. But the Commune insurrection of 1871 was put down with troops drawn from the provinces, and, like the kings, the Government of the Third Republic established itself at Versailles. Although Paris became once more the political capital in 1879, orthodox republicans have distrusted Paris ever since. Up to this day Paris proper—that is to say the part of Paris located within the old fortifications—is extremely conservative, while the industrial suburbs are communistic. These two extremes in no sense represent the "moderate radicalism"[22] of the average provincial, who is inclined to regard the Parisian, whether conservative or red, as a naughty child. The fascist uprising of February 6, 1934, and the common front manifestations which took place a few days later, were not followed by any serious disturbances in the provinces.

As Thibaudet puts its, "France is a country where

[21] Page 226.

[22] These two contradictory words are very often used together in French politics.

literature is synonymous with Paris, and Paris alone, and where politics are synonymous with the provinces, and the provinces alone." Paris is again the political capital of France, but rioting has become more difficult with the wide avenues built under the Second Empire by Haussman, for better gunnery facilities, as well as with the close watch kept over the capital's turbulence by a Breton army and a rural Parliament. The *Hôtel de Ville*, which was once a revolutionary hotbed, has less power to-day than a village mayor, and the three million Parisians have less to say in the election of senators than the 160,000 inhabitants of the two suburban communes of Saint-Denis and Levallois. France, after all, is not a hydrocephalic country as was Austria, and it must be regarded as an important indication that, although only three out of fourteen French Presidents were Parisians, all three, Périer, Deschanel and Millerand, proved failures.

Yet the indirect influence of Paris on French politics is great. In the first place, as the capital of letters, Paris imbues journalism and literature with a distinctly conservative flavor. And members of Parliament spend most of their time in Paris, where they are more or less influenced by the conservatism of society, with the result that a deputy may give radical speeches in his provincial constituency, and yet dine with bankers in the capital.[23]

THE RÔLE OF THE INDUSTRIALISTS AND FINANCIERS

"There is no instance in France of a great industrialist or business man becoming a statesman of note."[24] Yet the industrialists and financiers play a

[23] Cf. Alain, *op. cit.*, p. 55.
[24] A. Thibaudet, *La république des professeurs*, p. 158.

rôle in French politics which has assumed tremendous proportions in the post-war period.

The war-time occupation by the German armies of the most highly industrialized *départements* led to the creation of industries in new regions of France. The peace treaty, which assigned to France all the iron deposits of Lorraine—the richest of Europe—gave much impetus to the French heavy industries. The somewhat antiquated industrial plants and mines of the North, which the war had for the most part destroyed, were replaced by up-to-date organizations equipped with efficient machinery, and the handsome profits thus realized acted as an incentive to French manufacturers in other parts of the country to rationalize their plants. The post-war inflation also led to an increase of exports and to a boom in the French exporting industries. Some economists have referred to the whole process as an industrial revolution. This is an exaggeration, as France still remains a predominantly agricultural nation. But the growing economic importance of big business has proved an important factor in post-war politics.

Conscious of its economic importance, big business has deliberately entered the field of active politics since the war, by recruiting spokesmen from the intellectual élite, and by controlling important newspapers. The doctrine of this new industrialism has been formulated in Parliament by a professor, François Poncet, in the Ministry of Commerce by a humanist, Serruys, and in *Le Temps* by a publicist, Lucien Romier.

This doctrine does not imply a systematic exploitation of the working class. French industrialists seem to be more fully aware than their American

colleagues of the fact that capitalism cannot be saved from ultimate destruction unless the purchasing power of the mass is kept on a high level. As a result, big business has encouraged social legislation, and has supported the International Labor Bureau.

Greater coöperation between industries has been achieved in the post-war period. What individualism had so long prevented, nationalism has achieved. The great industrial centers of the North and the East have been closely linked by the *Forges et aciêries du nord et de l'est*. Coöperation in the steel industry is maintained by the *Comité des forges de France*, which controls important newspapers, and which has found an effective spokesman in M. Tardieu. The committee plays a mysterious but undeniable rôle in French politics, although its influence is rather on external affairs than on internal politics. Finally, all big business in France is welded into the powerful *Confédération de la production française*, organized in 1919. However, in all of the industries consisting mostly of small and medium sized enterprises, the employers until recently had little spirit of coöperation. This attitude weakened considerably the position of French employers during the negotiations with the representatives of labor which culminated in the so-called Matignon Accords of the seventh of June 1936. Since then, French employers got together and, among other steps, decided to organize a *Comité de prévoyance et d'action sociales*, with the purpose of gathering data on the employers' situation in the various branches of industry, and of educating these employers through the distribution of various sorts of publications.

Such influential newspapers as *Le Temps*, *Le Journal des Débats*, and *La Journée Industrielle* are virtually controlled by big business, and their editorials reflect its capitalistic philosophy.

The Government has acknowledged the increasing importance of economic life by creating a National Economic Council, composed of representatives of the big capitalistic interests, which serves in an advisory capacity in the drafting of bills dealing with economic problems. Yet, notwithstanding its alliance with certain of the intelligentsia, big business has not worked out a consistent economic and social doctrine. Its philosophy has not advanced beyond the realm of mere opportunism, and the majority of the French people continue to be exceedingly distrustful of what is known as *les intérêts économiques*. Tardieu's much publicized connection with those interests has made him very unpopular and has contributed to his ultimate failure as a Parliamentary politician.

There is little doubt that, from 1934 to 1936, the so-called Leagues of the Right received financial support from big business. Also, as will be seen in the last chapter, the Bank of France was largely responsible for Flandin's overthrow in May 1935 and for the unpopular deflationist decrees taken by the Laval government. Much use was made of this interference with politics in the propaganda conducted by the Popular Front at the elections of April-May 1936. The "Two Hundred Families" became the convenient slogan of a political campaign which climaxed in the thorough reform of the status of the Bank of France. Then, budget difficulties led to the overthrow of the Socialist Premier and to the appointment of a more moderate cabinet under radical-

socialist leadership, thereby strengthening once more the cause of capitalism.

It seems to be an inevitable cycle in French politics of the post-war period that each time a radical election leads to the appointment of leftist cabinets, unwise financial management, social reforms passed too quickly, are adroitly exploited by big business, to bring about a return to a more moderate course. Such was the case in July 1926 when the Poincaré Cabinet of national union was appointed to save the franc; and again, in February 1936, when Doumergue's truce cabinet was organized. The recurrence of such a situation well illustrates the perpetual conflict between the radical ideology and the material conservatism of the majority of French electors. With such a mentality, it seems likely that the cause of capitalism is not lost yet in France.

THE INFLUENCE OF THE PRESS

Lord Bryce says, "It is the newspaper press that has made democracy possible in large countries."[25] The diffusion of political news by a daily press, the low-selling price of which makes it accessible to all, gives every voter the requisite information for pronouncing himself on any political issue. But the press is a double-edged weapon; in the hands of political extremists, or when controlled by economic interests, it becomes a dangerous tool, through the facility with which false as well as correct information may be spread. Were freedom of the press abolished, it would mean the end of democracy, and yet it is at times the weapon with which democracy allows itself to be stabbed in the back.

[25] Lord Bryce, *Modern Democracies*, New York, 1921, Vol. 1, p. 92.

Some sporadic attempts were made in France, during the seventeenth and eighteenth centuries, at developing a periodical press of information.[26] As early as 1631, Théophraste Renaudot founded the *Gazette*, which Richelieu patronized and in which Louis XIII collaborated in person. Under the name of *Gazette de France*, this soon became the unofficial publication of the Ministry of Foreign Affairs. In the eighteenth century the best-known periodical publications were the literary and scientific *Journal des Savants* and the *Mercure Galant*, which has survived to this day as the semi-monthly *Mercure de France*.

Not until the Revolution, however, was the development of a political press made possible by section eleven of the *Déclaration des droits de l'homme*, according to which "the free exchange of thoughts and opinions is one of the most valuable rights of man. Every citizen is thus at liberty to speak, write and print, although he will be liable for abuse of this freedom, in the cases specified by the laws."

Mirabeau founded the newspaper *Etats Généraux*, which was replaced after a short existence by the *Courrier de Provence*. In the summer of 1789 Gaultier de Biauzat founded the *Journal des Débats et Décrets*, which gave a daily account of the debates of the National Assembly. Still in existence under the name of *Le Journal des Débats*, this is the oldest of French newspapers.

No less than one hundred and forty daily papers were founded in 1789. Most of them represented political groups, and were far more interested in the

[26] Henri Avenel, *Histoire de la presse*. A. de Chambure, *A travers la presse*, Paris, 1914. Stéphane Lauzanne, *Sa majesté la presse*, Paris, 1925.

discussion of controversial subjects than in the publication of news. The royalists published *L'Ami du Roi*; the Girondins, *Le Patriote Français*; the Jacobins voiced their opinions in *Le Journal des Amis de la Constitution, Le Journal des Jacobins, Le Défenseur de la Constitution,* the latter edited by Robespierre. More independent but far more violent were the *Révolutions de France et de Brabant* of Camille Desmoulins, the *Ami du Peuple* of Marat and the brutal *Père Duchesne.*

The circulation of these dailies was practically limited to the capital. But a periodical, the *Feuille Villageoise,* the purpose of which was the political education of the people in the provinces, had an enormous circulation. Numerous almanacs dealing with any kind of subject were also very much in vogue.

The Terreur stamped out journalistic opposition, and even the Directoire permitted only semi-official newspapers like the *Journal des Défenseurs de la Patrie* or the *Courrier de Paris.*

With the *coup d'état* of the eighteenth Brumaire, the last remnant of French democracy disappeared completely. The First Consul banned all but thirteen political papers. Once Emperor he kept only four of them, among which was the official *Moniteur.* The three others, *Journal des Débats, Gazette de France,* and *Journal de Paris* were strictly controlled by state-appointed censors.

The Bourbon Restoration maintained a strict censorship over the daily press until 1819, when it was conceded some freedom. The press of the opposition soon abused this freedom; and the censorship was reëstablished. Yet a discreet liberal opposition was conducted by the *Débats,* the *Con-*

stitutionnel and the *National.* Charles X decided to muzzle it. This was the object of one of his three famous *ordinances,* which led to the Revolution of 1830 and the overthrow of the Bourbon monarchy.

Louis-Philippe had to assume a more liberal attitude. During his reign, Emile de Girardin founded *La Presse,* the first French newspaper which relied to a considerable extent on commercial publicity, in order to reach a larger public by lowering the selling price of the dailies. It also inaugurated the publication of novels through daily installments. This commercial flair raised the circulation of *La Presse* to sixty-three thousand in 1848, and to more than one hundred thousand during the Revolution.

This example was followed by other newspapers. The public became more interested in reading newspapers, and by the end of Louis-Philippe's reign, the press of the opposition had assumed such importance that the *Gouvernement provisoire* of 1848 held its sessions in the offices of *La Réforme* and *Le National.*

Soon after Louis-Napoleon became president, he abolished the freedom of the press. During the Second Empire, there was no censorship of the press, properly speaking, but a system of "warnings" and fines which accomplished the same result. But public opinion had already become such a powerful political factor that the imperial government had to assume a more liberal attitude later. Numerous opposition papers were founded after 1867. The most hostile to the government were *Le Réveil, Le Rappel* and *La Marseillaise,* but severe repressive legislation prevented them from going too far in their attacks against the government.

After the Franco-Prussian war, the Government

of the National Assembly proclaimed the freedom of the press, but the conservative majority in the Assembly managed to paralyze the press all the same by taxing the paper industry heavily. At the same time, martial law was still in force in Paris and in many *départements* which gave the Government complete control over the press in these districts.

As the Republicans gained strength in the National Assembly, the press simultaneously gained more liberty. Finally the law of 1881 concerning the press was voted, which has remained till to-day the charter of liberties of the French press.

The law of 1881 lays down the principle of unrestricted freedom of the press. Anyone may found, manage and print a newspaper, providing he declares his intention and the name of the proposed newspaper to the district attorney.

A newspaper may be made criminally liable in a few cases specified by law, such as provocation to murder, insults against the President of the Republic and foreign sovereigns. Furthermore, a newspaper which is sued for libel is not allowed to produce evidence which would be detrimental to private citizens. But the newspaper may produce evidence to support a libelous statement against all civil servants, the army, the navy, jurymen and court witnesses.

Under this very liberal law anarchist papers flourished. A series of crimes fomented by this press caused the amendments of December, 1893, and July, 1894, to be introduced into the law of 1881.[27] These amendments were voted after the assassination of President Carnot by an Italian anarchist,

[27] These laws have been called *Lois scélérates* by the parties of the extreme left.

and as they were directed solely against the anarchist press, they did not alter the substance of the law of 1881.[27a] Under this law the number of newspapers increased enormously. The selling price of most of them decreased to ten and then five centimes,[28] and their circulation increased correspondingly. At the same time the character of the press changed. The *presse d'opinion* gave way more and more to a *presse d'information.* Editorials were progressively replaced by *faits divers.*

This change was the inevitable result of the demand on the part of a much larger public of readers for news rather than political controversies, and for reports of sensational crimes rather than literary essays. As long as the circulation of newspapers was limited to an intellectual élite, good journalists were recruited from literary writers. Essays, short stories, literary, artistic, and theatrical criticisms were the backbone of a good newspaper, and political controversies had to be conducted according to the literary and intellectual standards prevailing in the rest of the newspaper. The readers relished these columns of concise, logical and elegant prose, and the addition of a great writer to a newspaper's staff meant an immediate rise in its circulation.

However, this democratization of the French press has not eliminated the great qualities of the pre-1880 journalism, and even the *grands journaux quotidiens d'information* have standards of clarity and literary correctness which the journalism of

[27a] Following the suicide of Salengro, Minister of Interior in the first Blum cabinet, which had been caused by a violent press campaign conducted in the weekly *Gringoire*, the government proposed amendments to the law of 1881 with a view to facilitate the repression of libels against men in public office. These amendments have not been voted as yet.

[28] Two and one American cents at the pre-war exchange rate.

many countries would do well to imitate. As to the *journaux d'opinion,* they remain both instructive and delightful to read.

Nevertheless, the French *presse d'information* is more and more extending its influence at the expense of the *presse d'opinion,* and the truth of the matter is that the news columns have more effect on French public opinion than the editorials. These are a mere reflection of the well-known political creed of a given newspaper. Those who buy a particular newspaper because they share its political creed are already converted. Those who read it in spite of a different political affiliation may want to compare the news of the day as it appears in their own paper with the interpretation of a paper representing another opinion. It is, therefore, the press of information which has the greatest influence on French public opinion.

The *grands journaux quotidiens d'information*[28a] used to be known as the "Big Five" which are morning papers published in Paris: *Le Petit Parisien,* which had once the largest circulation of all French newspapers but is steadily losing ground with a present circulation of less than a million. *Le Journal,* with a circulation of seven hundred thousand; *Le Matin,* four hundred thousand; *Le Petit Journal,* with a circulation of three hundred thousand, was bought in the summer of 1937 by the *Parti social français,* thus becoming a political paper. *L'Echo de Paris* which claimed to be both a *journal d'information* and an organ of conservative and catholic propa-

[28a] For a list of the leading Paris and provincial newspapers with an explanation of their policies see two articles which appeared in the October and November, 1937 issues of *The French Say* (published at 8 West 40th Street, New York) of which the present writer is a co-author.

ganda was bought recently by Leon Bailby and merged with *Le Jour*. The three papers left of the "Big Five" emphatically deny affiliation with any political party or religious creed, but as profitable capitalistic enterprises they are bound to be at least moderately conservative. Their interest is to side with the majority, and since a democratic government is always supposed to represent the majority, these newspapers almost always support the government policies, even without the encouragement of government subsidies.

The *grands journaux quotidiens d'information* are sometimes contemptuously referred to as *journaux pour concierges*. It is true that these papers have boosted their circulation by means of contests open to all their readers, which are on the level of a *concierge's* intelligence, as well as by the publication in daily installments of the cheapest sort of popular novels. Yet they often publish interesting articles signed by prominent writers; for literary prestige, especially when it reflects the glory of the *Académie française*, still goes a long way with the average Frenchman. But the amount of front-page space devoted to sensational crimes is disgraceful, and does not tend to convey a good impression of France to foreign visitors.

Paris also has three important evening papers of information: *L'Intransigeant*, which ranked first for a long time, but has of late been displaced by the highly successful *Paris-Soir* with a circulation of one million eight hundred thousand, the largest circulation of all French newspapers; and the less important *Excelsior* of somewhat different character, which is owned by *Le Petit Parisien*. In 1937 a leftist evening paper *Ce Soir* was started which in less than a

year has reached a circulation of over four hundred thousand.

The Paris *journaux d'opinion* represent the creed of all the various political groups. They sometimes reflect only the personal views of the one person who controls the newspaper. The *Action Française*, which expounds the royalist doctrine, is widely read, although more for its literary qualities than for its political shade. The recently created *L'Epoque* is the official organ of the *Jeunesses Patriotes*. *La Liberté* once owned by Tardieu was bought by Doriot in 1937 and is the official organ of the *Parti populaire français*. *Le Jour-Echo de Paris* is strongly nationalistic. The radical papers are *L'Oeuvre* and *L'Ere nouvelle*. The paper of the socialist party is *Le Populaire*. *Le Peuple* is the paper of organized labor, and *L'Humanité* is the official paper of the communist party. Usually these papers are deeply imbued with the personality of one or two men, such as Léon Daudet and Charles Maurras of *L'Action Française*, Henri de Qerillis of *L'Epoque*, Léon Bailby of *Le Jour-Echo de Paris*, Léon Blum of *Le Populaire*, Léon Jouhaux of *Le Peuple* and Marcel Cachin of *L'Humanité*.

Standing apart are three newspapers which, although very conservative, differ from the other *journaux d'opinion* in that they carry on their controversies with greater dignity, and do not indulge in personal polemics. *Le Temps*, which is the semi-official spokesman of the Ministry of Foreign Affairs; *Le Journal des Débats*, the oldest French newspaper, which serves every evening a dish of strongly conservative and nationalist opinions to a small *clientèle d'élite* and the brilliant and somewhat snobbish *Figaro*.

Until the war Paris newspapers did not meet any serious competition in the provinces. In fact the circulation of Paris newspapers was continually on the increase outside the capital. This was in part because, with improved transportation facilities, Paris dailies reached the various provincial centers the same day they appeared on the Paris stands, and also because the provincial public was less interested in the news items than in the controversies carried on in the Paris press by political leaders. Since the war this trend has been reversed. The demand for news in the provinces has become much greater, especially as the radio has made the provincial public thirsty for fresher news than that carried in the Paris press. Thus the "regional" morning papers, who have greatly improved their news service, have increased their sales at the expense of the Paris papers which bring the same news to distant provinces many hours later. On the other hand, the "regional" papers have increased their appeal by multiplying their local editions, furnishing news of a strictly local nature and by getting out many editions so as to catch all trains and buses which will bring the paper early in the morning in every town and village in the *département* or province. As a result, the regional press is not only increasing its circulation at the expense of the Paris press, but is also giving a hard time to the purely "local" sheets which eke out a painful existence from the subsidies granted them by the local politicians who need their support.

The provincial press shows less variety of political opinion than the Paris press. A newspaper, serving a section of the country where political views are conditioned by local tradition and economic needs, must conform to the opinions of its average reader. Al-

though some provincial papers are published with a view to express the political creed of minorities strong enough to support them financially, most newspapers in the French provinces do not markedly depart from the broad dogmas of traditionalism, liberalism, radicalism, and moderate socialism. Not infrequently, local interests will tinge the interpretation of news of national importance. For instance, in a sea port like Marseilles, the press will be in favor of free trade. Conversely, the newspapers of an agricultural region are likely to favor protective tariffs.

This deliberate toning down of political controversies in the regional papers inclines the more politically minded provincial readers to turn to the Paris *presse d'opinion* for enlightenment. Also the leading Paris information dailies, especially *Paris Soir*, have financial resources which so far transcend those of the leading provincial papers that they are still in a position to appeal to a large provincial clientele through their special feature articles and *grands reportages* by provincial writers, statesmen and journalists. On the other hand, the influence of local sheets, in spite of the hard economic problem they have to face, must not be minimized. It has been claimed that the *Messager* of Castelsarrasin for instance which sells 1200 copies on Saturdays has more political influence locally than either the Paris or the regional dailies as it is read from beginning to end while the Paris papers are read for their *grands reportages* and the regional papers for their local page.

Most provincial newspapers receive the latest news from Paris press agencies by direct, private wire. Some of them have their editorial staff in Paris, where the paper is actually written. In the meantime,

local news is assembled in the town where the daily is published. As soon as the general news have been wired from Paris, it is put together with the local columns, and the paper goes to press.

A certain number of provincial newspapers maintain a joint editorial staff in Paris. This group is known as the *Presse Régionale*, which includes eleven papers and forty periodicals, with an aggregate circulation of 650,000. The syndicate represents the *Catholiques ralliés à la République*, that is, the Catholics who cooperate with the republican régime, instead of remaining faithful to the monarchy, while they differ with the republicans who oppose any form of clerical influence in politics, as do French Masons.

Altogether there are 1600 daily and periodical papers published outside Paris. The leading provincial dailies are: the *Dépêche de Toulouse* with a circulation of 250,000 widely read even outside the Southwest because of the prominent position held by its editor, Maurice Sarraut, in the Radical Socialist party; *Les Dernières Nouvelles de Strasbourg*, an Alsatian bilingual paper with a circulation of 180,000; the liberal *Echo du Nord* with a circulation of 250,000; the moderately radical socialist *Eclaireur de l'Est* owned by Paul Marchandeau, Mayor of Reims, with a circulation of 100,000; the nationalistic *Est Républicain*, the leading Lorraine paper with a circulation of 180,000; the moderate *Petite Gironde* and radical socialist *France de Bordeaux* leading Bordeaux papers with a circulation of 300,000 and 250,000 respectively; the strongly Catholic yet mildly progressive *Ouest Eclair* with a circulation of 400,000 in Brittany; the non-partisan *Petit Dauphinois* with a circulation of 150,000; the moderate *Petit Marseillais* and radical socialist *Petit*

Provençal, leading Marseilles papers with a circulation of 150,000 each; the radical socialist *Progrès de Lyon*, the moderate *Lyon Republicain* and the Catholic *Nouvelliste de Lyon*, leading Lyons papers with a circulation of 70,000, 70,000, and 100,000 respectively.

The accusation of corruption has often been leveled at the French press.[29] It is true that a large share of the secret funds of the Quai d'Orsay goes into subsidies to a great number of French newspapers. These subsidies, though, are usually very small and they seldom exceed ten thousand dollars a year for any one paper. Furthermore, these subsidies influence only the publication of news dealing with international affairs, but as far as internal politics are concerned the French press, even the semi-official *Le Temps*, is inclined to be almost too free in its appraisal of government activities. It should be remembered also that France is to-day the only major power of Continental Europe which has not succumbed to a dictatorship, with the result that, although the French press is not altogether independent, it appears as remarkably free from governmental interference when compared with the press of Germany, Italy, or Russia.

Where the French press really shows its venality is in its relationship with economic interests. The Panama Scandal, for instance, involved many newspapers which had accepted money from the Canal Company for influencing public opinion with the view to floating loans. The bond issues floated by

[29] See Robert Dell, "The Corruption of the French Press," *Current History*, November, 1931; C. J. H. Hayes, *France, a Nation of Patriots*, New York, 1930, pp. 166 ff.; the special issue of *Crapouillot*, June, 1934, devoted to a *Histoire de la presse*; Georges Boris, "The French Press," *Foreign Affairs*, January, 1935.

the Russian government in France gave also an opportunity for the French press to cash in big sums of money. At the same time, individual newspapers may be more or less controlled by economic interests which own a sufficient share of the stock to dictate the editorial policy. *Le Temps,* for instance, is very much under the domination of the great steel and coal industries and the insurance companies. M. François de Wendel, the great Lorraine industrialist, is the main stockholder of *Le Journal des Débats.* M. Louis Dreyfus, the wheat magnate, used to control *L'Intransigeant.* M. Prouvost of the Roubaix-Tourcoing textile interests controls *Paris-soir.* It is a fact that most newspapers cannot live from the mere returns of their sales and commercial publicity. The needed additional income is provided by economic interests.

In 1923, a journalist named Dumay, who had been previously with *Le Petit Parisien* and knew the journalistic technique admirably, decided to create a newspaper which would be absolutely free from the influence of "the government, the political parties and groups, the economic and financial interests." Capital, of course, was needed to establish a newspaper on such a self-supporting basis. It was raised through a stock issue. Sixty thousand subscribers bought stock worth twenty-two million francs. They were recruited among the middle class, mostly the *fonctionnaires,* teachers, agents of the postal service, doctors, engineers, who were enthusiastic about this plan of ridding the press from its conspicuous corruption. Thus *Le Quotidien* was born in an atmosphere of virtuous enthusiasm.

The five leading *grands quotidiens* at once organized a boycott of the newcomer. They threatened

all newspaper stands that if they sold *Le Quotidien*, they would lose their patronage. M. Bunau-Varilla, director of *Le Matin*, was particularly menacing, but his threats were not heeded and *Le Quotidien* was increasing its sales daily. The great Havas news agency, which also enjoys a quasi monopoly of newspaper publicity, joined the fight and refused to give any commercial publicity to *Le Quotidien* in spite of its increasing circulation. This step shut off an important source of revenue and Dumay, whose funds were running low, asked subsidies from the great capitalistic syndicates. This betrayal of the confidence put in him by his humble stockholders was denounced as a scandal. Later Dumay sold his paper to M. Hennessy, a wealthy cognac manufacturer who used *Le Quotidien* to further his personal ambitions.

Another industrialist, Coty, entered the newspaper field in 1922 by purchasing the moribund *Figaro*. In 1927, Coty, who had the ambition to play a great political rôle—he was Corsican—founded his own newspaper, *L'Ami du Peuple*, which he decided to sell at ten centimes instead of the minimum post-war twenty-five centimes at which most French newspapers are sold. The five leading *grands quotidiens* intervened with the *Messageries Hachette* which enjoy the monopoly of the distribution of newspapers throughout the country, to paralyze the sale of Coty's newspaper. Coty sank millions into organizing his own distribution and sales service. He increased the sales of *L'Ami du Peuple* to eight hundred thousand, but at the cost of five hundred million francs. The depression and a divorce suit put him in financial straits and finally the *Agence Havas*

was in a position to buy out *L'Ami du Peuple* for the trifling sum of three million five hundred thousand francs.

The *Agence Havas* was founded in 1835 on a very modest scale. At first it was merely an organization for translating into French articles from the foreign press for the use of French newspapers, ministries, and embassies. In 1840, it organized a news service which developed considerably after the invention of the electric telegraph. In 1856, Havas merged its organization with Bullier's commercial publicity house, a very happy combination which has contributed very much to the amazing fortune of Havas.[29a] Lebey, who managed Havas after 1873, added to its news service a complicated array of political editorials, literary notes and even novels. To-day the *Agence Havas* plays a tremendous rôle. It transmits to the Paris press information from the provinces and to the provincial press news from Paris. The government and the various administrative agencies use this convenient channel to send their *communiqués* to the press. The *Agence Havas* not only has contracted with the great foreign news agencies such as Reuter, Wolf or Associated Press for the collecting and distributing of foreign information, but it also has a great number of foreign correspondents and clients and it is a tribute to the quality of its dispatches and the efficiency of its service that a growing number of American newspapers sign contracts with Havas.

To sum up, and although Jouvenel calls the press the "Fourth Power," its influence on French politics

[29a] These two branches of the *Agence Havas* now work independently, the news service proper being in fact under government control.

ought not to be exaggerated. The bulk of the French press is controlled by economic and financial interests, and yet the country is shifting slowly but steadily toward the left. The great majority of newspapers supported the conservative candidates during the legislative elections of May, 1924, May, 1932, and May, 1936; yet, on the two first occasions the Cartel of the Left won and the Popular Front on the third.

The French press as a whole is in a sorry financial state. Except for a number of strongly backed provincial dailies, the only French papers which are not virtually bankrupt are a few Paris *journaux d'information.* The popularity of the latter is conditioned by the opportunism of their political creeds. In reality, the majority of French newspapers follow rather than create public opinion. Even the *journaux d'opinion* have little influence on public opinion in spite of their name. *L'Intransigeant* contributed to the short-lived Boulanger episode. *La Libre Parole* prepared the ground for the Dreyfus affair. *L'Action Française* has given birth to a great quantity of doctrinal controversies. The only *journal d'opinion* which has a real influence and an important political following is the communist *Humanité.* It does not seem, though, that this newspaper owes its popularity to the quality of its editorials and to the strength of its political creed, but rather to the fact that its denunciations of all privileges have a morbid appeal on an embittered proletariat. On the whole, it may be said that it is not the political creed of the readers which is influenced by the press, but rather the choice of their newspaper which is influenced by the political creed of the readers.

RELIGIOUS INFLUENCE

Throughout the *Ancien Régime* there was an intimate union between the Catholic Church and the State. The much-heralded alliance between the Throne and the Altar is evidenced by such historical expressions as *Sa majesté le Roi très Chrétien,* or *La France, Fille Aînée de l'Eglise.* It was Joan of Arc who said: "Those who wage war against the holy kingdom of France wage war against Jesus himself."

The Reformation failed to disrupt this union between the Catholic Church and the French State. Henry of Bourbon ascended the throne only after he renounced his Protestant faith. "Paris is well worth going to mass!" But this close union between Church and State did not preclude the possibility of numerous conflicts. The Bourbon kings, although devout Catholics, did not let the Church encroach upon their royal prerogatives. They finally yielded to Rome on the question of gallicanism, but they insisted that the clergy's loyalty to the temporal sovereign came before its obedience to the spiritual power. The royal government went even so far as to expel the Jesuits from France under Louis XV. Yet the political influence of the Church was tremendous and its wealth, amassed mostly at the expense of the peasantry, was an insult to those who prayed before a Christmas manger.

The French Revolution despoiled the Church of its property, persecuted and put to death a large number of clerics, deprived the Church of its educational function and forced the priests to take an oath of allegiance to the Republic. Bonaparte put an end to these persecutions by signing the 1801

Concordat, according to which the State was to pay salaries to the priests, but which, in turn, gave the government a voice in the appointment of bishops. The only concession to the *Ancien Régime* tradition was that the head of the State was always to be a communicant of the Roman Catholic Church. The Restoration did not change the legal status of the Church. Although the return of the kings increased substantially the political influence of the Church, it was not restored its property nor its educational privileges. Throughout the nineteenth century it was only at three different periods that the Church was closely allied with a reactionary government: this occurred from 1822 to 1830, from 1849 to 1859, and from 1871 to 1875.

Naturally enough, the Catholic Church is looking back with deep regret upon the *Ancien Régime*, under which it enjoyed such a dominant position. The traditional alliance between Throne and Altar has never been completely broken. At times considerations of expediency may have brought the Church closer to the Republican government, but at bottom the Church cherishes the secret hope of seeing the restoration of a political order which would enhance its power.

The reaction against these political ambitions of the Church grew throughout the nineteenth century before it came to the clash of the first years of the twentieth century. Those who advocated a lay state during this period can be grouped according to four different tendencies.

First there were sincere Catholics or even indifferent men who, while acknowledging the greatness of the Catholic doctrine, wanted the Church to be kept under the political control of the State. They

opposed a traditional gallicanism against the rising ultramontanism. They controlled the July government, and under the influence of Thiers and Dupin gave a liberal solution to the question of *liberté d'enseignement*. They were the natural advocates of a strict construction of the terms of the Concordat.

Then there were liberal Protestants or men inspired with the spirit of liberal Protestantism. These men disliked the Roman Catholic orthodoxy although they wanted France to remain deeply Christian. *La Société de la morale chrétienne*, organized in 1825, advocated on this ground the separation between Church and State. These ideas received much impetus during the Second Empire, thanks to Laboulaye, who was a disciple of Channing and of Prévost-Paradol, a convert to Protestantism.

In a third group were the Deists. They were not equally hostile to the Catholic Church, but they were all strongly opposed to the religious intolerance with which the Catholic Church has always been associated, and which had been the consequence of too close a union between the Church and the State.

The fourth group consisted of atheists. These were quite numerous until 1830. But the Romantic reaction made their ranks dwindle from 1830 to 1860, a period of religious revival which left men like Blanqui and Proudhon in a state of almost complete isolation. After 1861, atheism regained its strength under the influence of Renan, Taine and Littré.

The foundation of the Third Republic opened a new era of political influence for the Catholic Church. The Commune, it is true, decreed the separation between Church and State, used churches as clubs, and shot a number of priests among whom

was the archbishop of Paris. But everywhere else in France the Church had gained in prestige. The patriotism of the priests during the war and the need for spiritual consolations after such great disasters enhanced the authority of the clergy. The National Assembly was both monarchic and clericalist. Even the republican bourgeoisie, which had been frightened by the Commune, came to look upon the Church as the best protector of the social order. The Church took advantage of this turn of events and campaigned actively both for a monarchic restoration in France and for a restoration of the Pope in his temporal possessions. The failure of the Monarchic movement did not placate the Church's political influence,[30] but left an undying desire for revenge in the heart of all good republicans.[31]

The voting of the constitutional laws of 1875 so weakened the monarchists that the republicans were able to turn with all their strength against the Church. Gambetta led the struggle with undaunted energy. At the elections of February 1876, the clericalists were defeated. But the struggle was not at an end. A violent discussion took place in the Chamber in May 1877 between the Left and the Right, concerning the temporal power of the Pope, and it was this issue which ultimately led to the dissolution

[30] In the summer of 1873, many deputies of the National Assembly took part in the Chartres pilgrimage and in the ceremonies conducted at Paray-le-Monial for the exaltation of the Sacred Heart. About that time a republican deputy of the left having died and asked for a civil, or non-religious, burial, a delegation from the National Assembly left the funeral procession when they found out that the bier was not being taken to church. See Georges Weill, *Histoire de l'idée laïque en France au 19ème siècle,* Paris, 1929, p. 224.

[31] As a result, a number of distinguished republican Catholics embraced the Protestant faith at that time.

of the Chamber by MacMahon. Although the latter denied in his message of October 12 that the Church had any political power, in many sections of the country the Clergy took an active part in the new elections. Even Pius IX asked that prayers be offered so that God would insure favorable returns. On this basis, Littré declared that the sixteenth of May had not been a royalist *coup d'état* but a clericalist *coup d'état*. But the anticlericalists won again.

Yet the civil service, the army and the navy were filled with clericalists whose position was strengthened by the fact that the Senate had a clericalist majority. Only in 1879, when senatorial elections gave the majority in the Upper House to the republicans, could the Government force upon Mac-Mahon the revocation of some of the clericalists who held the highest positions in the *magistrature* and in the army. In desperation, Mac-Mahon resigned and the election of Jules Grévy was heralded as a new victory of the anticlericalists.

The anticlericalists felt, however, that they were not strong enough to tackle the problem of the disestablishment of the Church. They concentrated their efforts on minor reforms. After 1879, Catholic public processions were progressively prohibited by republican *préfets*. In 1880, The Society of Jesus was dissolved. In 1882, religious instruction in the public schools was abolished and in 1886 priests were forbidden to teach in these schools, thus laying down the principle of the lay school dear to all true republicans.

A new fight was provoked by the military law of July 9, 1889, which made the students for priesthood liable to military service. It was at the time of the Boulanger movement, and the clericalists were

hoping for a change. But at the elections of 1889 they were defeated once more.

At this juncture, many French Catholics felt the hopelessness of their resistance to the Republic and realized that it was better to accept the new régime and to coöperate with it. Leo XIII urged the French Catholics to follow a policy of conciliation with the Republican régime. Many republicans were also in favor of a more conciliatory attitude toward the Church. This did not prevent the most conservative Catholics and the radical republicans from coming to blows on several occasions.

This period of relative appeasement came to an end at the time of the Dreyfus affair. On this occasion, the Church aligned itself once more with the royalists, militarists and anti-Semites. Clémenceau and Zola denounced the danger of active interference on the part of the Clergy with politics. For several years the battle between the Republicans and their enemies raged. Once more the Republicans triumphed, but this time they were determined to placate the Church once and for all.

The Associations Act of 1901 voted under Waldeck-Rousseau submitted all religious congregations of monks and nuns to the necessity of an authorization which could be given only by Parliament. Most congregations applied at once for such an authorization, which Parliament refused en masse. Yet all of the very numerous congregations then in existence were not dissolved. Those performing charitable tasks were kept. The property of the congregations which were dissolved was confiscated and liquidated by judiciary officers. The justification proposed for such confiscation was that these properties

had been the result of innumerable donations and could thus be regarded as public property.

The Associations Act also forbade any religious congregation to maintain a school or to engage in teaching.

The elections of 1902 were fought on the issue of anticlericalism. The radical-socialists won and the new President of the Council, Combes, has remained the symbol of anticlericalism. The law of 1901 was rigorously enforced and the *fonctionnaires*, especially the army officers, were harrowed when they were suspected of clericalism. In 1904, the Government severed diplomatic relations with the Vatican. Finally, the Separation Act of December 9, 1905, abrogated the 1801 Concordat.

The Separation Act severed all official ties between the Church and the State. The bishops and priests were not classified any more as *fonctionnaires*. They no longer received a salary from the State, which, in turn, had no voice in the appointment of bishops. It confiscated and transferred to public and state institutions all Church property not used for charitable purposes. The Act also gave the Government the right to investigate at any time the finances of the Church and forbade the Church to accept bequests, allowing only gifts in the form of collections and pew rent. Although the State was given the property of the church buildings, their use by the Church was permitted, provided that the material problems raised by the administration of these buildings would be managed by "associations of worship" which were almost wholly free from control by the clergy.

The Pope forbade French Catholics to form such associations which were contrary to Catholic disci-

pline. The French Parliament yielded on this point and abandoned its extreme position through the amendment of January 2, 1907.

Strangely enough, the result of these anticlericalist enactments has been to strengthen the position of the Church.[32] The confiscation of Church property forces the Catholic clergy to live in extreme poverty. The French people know that priesthood is no longer an easy path to social position and material comfort, but requires a disinterestedness which can only be the result of religious convictions. The heroic part taken by Catholic priests and laymen in the war, the deep patriotic feeling which caused many of the monks who had been expelled from France after 1901 to come back in 1914 to do their military duty has had much popular appeal. As a result, diplomatic relations between the French Government and the Vatican were formally resumed in 1921. A national holiday was declared on the second Sunday of May in honor of Joan of Arc who had been canonized in May 1920. Members of congregations have returned in considerable numbers during and after the war, and they have not been molested by the government. Parliament even decided to make a restitution of property to congregations established to train Catholic missionaries in foreign countries. Pius XI authorized the formation of "associations of worship" for the administration of church buildings.

A short-lived anticlerical movement was initiated when the radical socialist Herriot came to power after the elections of May 1924, which had meant the victory of the Cartel of the Left. Her-

[32] See Mgr. Gibier, *La France catholique organisée*, Paris, 1925, p. 325.

riot announced his intention of enforcing the Associations Act, to call back the French Ambassador to the Vatican, and to introduce lay legislation in Alsace-Lorraine, which was still under the Concordat régime. But popular opposition caused the defeat of this program, and this alone is an evidence of the fact that the Church in France cannot be regarded any more as a menace to the Republican régime.

In 1926, Pius XI completed the task of reconciliation between the Church and the Republic initiated by Leo XIII by excommunicating the *Action Française* group, thus breaking the last ties between the Throne and the Altar. The rather flimsy pretext of this condemnation was that Charles Maurras who is the great leader of the *Action Française* is an acknowledged agnostic. It is not difficult to understand under these conditions that the Archbishop of Paris himself officiated at the funeral of Briand who had been the reporter of the Law of Separation.

The parties of the left, however, still count a great many die-hard anticlericalists. These men fail to realize that anticlericalism, which was a necessity thirty years ago, has now outlived its usefulness. But anticlericalism to these politicians was an easy platform which they are reluctant to give up.

Although the Church no longer constitutes a political menace, it represents at least a real, if not very powerful, political influence. There are no reliable statistics of the actual number of communicants of the Catholic Church. The estimates vary from twenty-eight to thirty-six million Catholics out of a total French population of forty millions. But a relatively small proportion of them are *catholiques pratiquants*. The great majority of French Catholics

call the priest for weddings and funerals and throng the churches for the principal services of Christmas and Easter Day but their religion is strictly conventional. As one Frenchman said: *"Je suis athée, mais naturellement, je suis catholique."*[33]

This large Catholic population is shepherded by some thirty-two thousand priests under seventeen archbishops and seventy bishops. There is also a considerable, although indefinite, number of monks and nuns and a large number of laymen and women devoted to strengthening the Catholic faith in France.

A strictly Catholic newspaper, *La Croix*, published in Paris with many local editions, has a wide circulation. Other newspapers, like *Le Figaro, Le Journal des Débats,* and *L'Écho de Paris* until its merger with *Le Jour*, although not avowedly Catholic, defend the Catholic interests.

There are also in France, outside Alsace-Lorraine, some 12,000 elementary schools with an attendance of 767,000 children, as well as a large number of secondary schools with an attendance of 80,000 boys and 100,000 girls. They find it difficult however to compete with the State schools, the resources and the teaching staffs of which they cannot match. Higher learning is also given in a small number of Catholic "Institutes" which, although they cannot confer degrees, have altogether between three thousand and four thousand students.

The Catholic Church has also organized a great number of very active associations as well as Congresses (*Semaines sociales*) which meet for a whole

[33] It would seem inconsistent with this prevailing indifference that there are still some sixteen thousand French Catholic missionaries abroad, or more than half the total number supplied by all the countries of the world.

week every year in some city, and which are attended by Catholic intellectuals and labor leaders.

This influence of the Catholic Church, which cannot be minimized, seldom takes a political form. It is mostly spiritual and, what is more interesting, social. The social Catholic movement was inaugurated by two army officers, the Marquis de La Tour du Pin and Count Albert de Mun. Instead of emphasizing the class struggle like the Marxian Socialists, they sought *la fusion des classes* through the establishment of a corporative state. This movement was spurred by Leo XIII's Encyclic *Rerum Novarum* of 1891 which recognized its conformity with the Catholic doctrine. Pius X was a staunch traditionalist and showed a growing hostility toward the Christian socialists. He finally condemned their most important group, the *Sillon* of Marc Sangnier, in 1910. Although Sangnier submitted to the Pope's condemnation, his group is still very active and publishes a weekly, *La Jeune République.*[34] Since the war the Social Catholic movement has made some headway among the workers thanks to a dynamic organization known as *Jeunesses Ouvrières Catholiques* (J. O. C.).

Although there are probably no more than one million Protestants in France, they represent an influence which is far disproportionate with their actual numbers. As all minorities, French Protestants stick together with the utmost solidarity, and are forever trying to do each other a good turn, while the great mass of Catholics are either indifferent or hostile to each other. The result is that

[34] See Georges Weill, *Histoire du Catholicisme libéral en France, 1828-1908,* Paris, 1909; G. Pirou, *Les doctrines économiques en France depuis 1870,* Paris, 1930, pp. 179ff.

the Protestants hold more than their share of the higher governmental positions.

The Revocation of the Edict of Nantes is usually regarded as a grave mistake. Many, however, think that this measure, which entailed great economic losses, had the advantage of ridding France of a powerful group of dissenters who would have interfered with the unification of the country. The Protestants who remained in France suffered persecutions throughout the *Ancien Régime* until Louis XVI passed the Edict of Toleration in 1787, under the influence of La Fayette who had been converted to the principles of religious freedom by his stay in America. Napoleon applied to the Protestants the same treatment enjoyed by the Catholics under the Concordat. In reality, and until the eighties, the French Protestants still suffered from many disabilities.

The Law of Separation was applied to the Protestant churches, and although this entailed for them serious financial losses, the anticlericalist wave responsible for this law benefited the French Protestants, as it was directed against their worst enemy, the Catholic Church.

The French Protestants have been, since the very outset, strong supporters of the republican régime, as it was the only régime which would give them this liberty and equality with other sects which a Protestant, Rousseau, was so instrumental in introducing into the French democratic philosophy.

French Protestants as a group have little influence on French political life, but as individuals they play a considerable part in it. It is interesting to notice that, in a country in which there is such

an overwhelming Catholic majority, a Protestant, M. Doumergue, should have been President of the Republic. It is true that Necker, Benjamin Constant, and Guizot were also Protestants. In the parliamentary annals of the Third Republic one should mention, besides Doumergue, such Protestants as Freycinet, Jules Siegfried, Jules Steeg, Ferdinand Buisson. In the magistrature, the *Conseil d'État,* the Universities, the Protestants have much influence too.

The Jews in France are a very small minority. They were expelled by Philip IV in 1306, but the annexation of Alsace reincorporated a number of Jews into the country, to which were added later some Portuguese and Spanish Jews.

Until the Revolution, French Jews were treated as outlaws and it was only in 1791 that a decree granted them the same civil rights as were enjoyed by other French citizens. In 1831, Louis-Philippe recognized Judaism as a religion on an equal footing with Catholicism and Protestantism, and the Concordat treatment was applied to Jewish synagogues and Rabbis. The Separation Law of 1905 also applied to the Jewish religion.

There are now some one hundred and sixty-five thousand Jews in metropolitan France. Most of them, about one hundred thousand, interestingly enough, reside in Paris,[35] and half of the remainder live in Alsace. The resulting scarcity of Jews throughout the French province is certainly responsible for the almost complete indifference of the average Frenchman toward the Semitic problem. This problem, however, is brewing under the

[35] Just as a majority of American Jews live in New York

surface and anti-Semitism has had sudden and violent explosions in the past.[36]

The Dreyfus episode particularly shows that some sections of the French may be worked up to crusading fervor by a clever anti-Semitic propaganda.

The fact is that, as in the case of French Protestants, or of Jews in other countries, French Jews play a rôle which is not proportionate to their small numbers. The fact that a majority of them lives in Paris shows that they content themselves only with leading positions. The Jews play, of course, a prominent part in banking and in the legal profession. They hold also many positions in the Universities. Since Hitler's rise to power, France has received more Jewish refugees from Germany than did any other country. Many of them belong to the professions, and at a time when France is suffering from a great overproduction of lawyers and doctors, many Frenchmen do not welcome this influx of competitors, especially as these refugees have not always shown the proper tact toward their benefactors.

It is also a fact that in France, as in most other countries, there are many Jews among the leaders of radicalism. Léon Blum, for instance, the leader of the French socialist party is a Jew, but the great majority of the Jews in politics have been anti-clericalist radical-socialists.

It is even more unfortunate for the Jewish cause that the two great financial scandals of 1934 were engineered by Jews, Stavisky and Levy. All these facts are being played upon by the nationalists, as the *Action Française* group, and a fascist movement might well lead to a wave of anti-Semitism. This

[36] Bernard Lazare, *L'Antisémitisme, son histoire et ses causes*, Paris, 1934, 2 vols.

would be unfair to the great majority of French Jews, who have been very largely gallicized and have numbered many heroes during the World War.

Although Freemasonry is not a religion, strictly speaking, the fact that it propagates a philosophy of life which the Catholic Church has condemned, gives French Freemasonry a sectarian significance. Protestants and Jews may be Freemasons, but no Catholic may enter a *Loge* without renouncing his faith. This makes of French Freemasonry a stronghold of anticlericalism. The fact also that Freemasonry is a secret organization enables the Masons to play a political rôle out of proportion to their numerical importance.

There are about 60,000 Freemasons in France, owing allegiance to either one of two main conflicting organizations, *Le Grand Orient* with a membership of 44,000 and *La Grande Loge* with a membership of 13,000.

The Freemason creed is the eighteenth century philosophy which inspired the French Revolution. Many of the Jacobins were Masons and French Freemasonry has represented to this day the Jacobin ideal of political democracy tinged with nationalism. The Masons' anti-clericalism also savors of the Revolutionary tradition.

Throughout the nineteenth century the Masons have been the leaders in the struggle against the Catholic Church, the monarchic traditions, the influence of financiers and of militarists. They contributed much to the establishment of the Third Republic and to its slow and yet steady democratization. For this they deserve much credit. But since the rise to power of the radical-socialists, French Freemasonry has lost most of its usefulness as a

fighting organization. Instead, it has unfortunately grown into an association for the allotment of spoils and this explains its growing unpopularity.

THE FRENCH ARMY AND POLITICS

In the course of French history, the army has more than once played an important part in politics. Its support made possible the establishment and maintenance for many years of the two Napoleonic dictatorships. The MacMahon abortive coup d'état in 1877, the Boulanger episode in 1890, the Dreyfus case in the late nineties show that the army has not been a negligible factor in the political life of the Third Republic.

It seems natural that it should be so, as the French army is a powerful organization endowed with traditions going back to the *Ancien Régime*, and enjoying, within the Republic, a great deal of autonomy. If such a powerful machine were to move against the Government, it would crush it at one stroke.

Immediately after the war of 1870, the great bulk of the French army officers were either royalist or Bonapartist as well as clericalist. A monarchic restoration would have won their enthusiastic support. If they failed, however, to play a very active rôle in the political struggles of the first thirty years of the Republic, it was mostly because the fear of a new German invasion, as well as their desire for revenge, placed their military duty ahead of their political interests. The Boulanger episode hardly distracted them from their painstaking efforts at building a first-rate military force. The Dreyfus case and the system of denunciations initiated by General André

against clericalist officers caused unrest in the army and shook the discipline. The sense of duty of many Catholic officers was further tried when the army was called upon to enforce the law confiscating Church property. But somehow French officers as a group remained faithfully attached to their duty and loyal to a political régime which many of them dislike. "All praise is due to these men who, through years of opposition, had so high a sense of duty that they went doggedly on serving their patriotic ideal, at the cost of great self-abnegation."[37]

The war enhanced the prestige of the army. The hard test of the front led to the elimination of many incapable officers who had secured promotion, during peace, through political influence. At the end of the war, many of the most important commands were held by men who were devout Catholics like Marshal Foch or aristocrats of the *Ancien Régime* tradition like General de Castelnau.[38]

None of these men, once the war was over, took advantage of their immense popularity to play a political rôle. Of late years, army men like General Weygand have at times been looked upon by suspicious republicans as cherishing dictatorial ambitions. But there is nothing to substantiate this fear.

The French army, it must be pointed out, is an army of conscripts who fairly reflect the deep attachment of the mass of Frenchmen for their democratic institutions. Even if a majority of officers were in favor of a coup d'état, it is unlikely that their men would follow them against the present system of Government.

[37] Brigadier General E. L. Spears, *Liaison, 1914,* London, 1930, p. 28.

[38] Who on this account was never made a Marshal.

CHAPTER VI

THE PRESENT DIFFICULTIES AND THE FUTURE OF THE FRENCH PARLIAMENTARY SYSTEM

THE history of the French parliamentary system is a long account of a ceaseless struggle between two Frances: authoritarian France and democratic France. The sixteenth of May, the Boulanger failure, the Dreyfus affair, the Congregations Act and the Separation Law were so many victories for the democratic forces; but when the war broke out, the battle for democracy had not yet been won—there were still as many vestiges of the *Ancien Régime* as there were newly born privileges.

In spite of all its failings, parliamentary France won the war against the strongly governed Central Empires. The victory gave the Republican régime a prestige which the amazing economic and financial recovery of the post-war period enhanced still further. In the years 1929-1930 the Third Republic was at the zenith of its power.

Meanwhile, democracy was being shaken throughout Continental Europe by the diverging forces of communism and fascism. The proletarian revolution of October 1917 in Petrograd had led to the establishment of communism over an area as large as one-seventh of the world with a population of 170 million people where the dictatorial rule of the Communist party has not been challenged in more than twenty years. In Italy, serious post-war labor dis-

putes provided a convenient pretext for a ruthless reaction. Mussolini who led the victorious "March on Rome" was not taken seriously at first. Yet this "comic opera Caesar" as he was once called by a French Foreign Minister, has established a reputation for great statesmanship. To many a timid petty bourgeois the prospect of a fascist dictatorship, made more palatable by the hazy philosophy of corporatism, seems preferable nowadays to the impending menace of communism.

Five years ago Germany followed a similar course and a little Austrian corporal, who has not even the looks of a Caesar, has astonished the world with the bold and so far successful steps he has taken to break the shackles of the Treaty of Versailles.

More or less dictatorial governments rule Poland, Hungary, Yugoslavia, Rumania, the Balkans and Portugal. At the last election Belgium had a number of Fascist candidates elected to Parliament. Even Great Britain recently felt the need for enacting legislation against fascist agitation and her recent so-called constitutional crisis was, in the opinion of many, the outcome of a struggle between some fascist elements and the old forces of democracy.

The conflict between fascism and communism in the old world seems to have come to a climax in Spain, although it does not appear that the Spanish people will have much to do in deciding the issue themselves.

It is not altogether surprising, on the ground of so many precedents, that such an expert in revolution as Trotsky should have exclaimed in his little book "Whither France?", published in the summer of 1936, that "Parliamentary democracy, in whose name the Blum government now functions, will be crushed

into powder between these two great millstones (of fascism and communism); whatever the specific stages to come, the transitional combinations and groupings, the partial attacks and retreats, the tactical episodes, there henceforth remains the choice only between fascism and the proletarian revolution."[1] To a man as deeply imbued with Karl Marx's philosophy of historical materialism as Trotsky, these same economic and social factors which have brought about the engulfment of democracy in the rest of Continental Europe and its replacement either by communism or fascism are bound to operate in France in the near future.

The difficulties that French democracy is facing at present go back to the legislative elections of May 1932. In the four year period of this legislature eleven different cabinets have been successively in power. Although ministerial instability is not new in French politics, this was a greater turnover of ministers than usual. A growing number of Frenchmen complained of governmental anarchy; and the riots of February 1934, the growing restlessness of the fascist and communist groups, the general demand for a thorough house-cleaning, all pointed to an unprecedented crisis.

An understanding of this political tangle requires a consideration of the elections of May 1932. These elections meant the triumph of the left parties which had organized a coalition known as the Cartel of the Left that was essentially an alliance between the Socialists and Radical-Socialists. But these two parties had entered into a compact only for the period of the electoral campaign, so that, with their forces joined, they could win a greater number of seats from the

[1] Léon Trotsky, *Whither France?* New York, 1936, p. 6.

conservatives. As soon as the Chamber convened, the compact was broken. This was to be expected. The Radical-Socialists, who represent the liberal ideal of the French Revolution held by a large section of the middle class and peasantry, could not agree upon a common program with the Socialists, who advocate such Marxist reforms as state control of key industries. As a result, the half-dozen Radical-Socialist prime ministers who came to power from May 1931 to February 1934 had to govern by granting concessions to the conservatives who never gave them more than a half-hearted support because of their electoral flirtations with the Socialists. In other words, whereas the Chamber elected in 1928 had a clean-cut conservative majority, the Chamber elected in 1932 had no stable left majority and, at times, the Radical-Socialist premiers have been obliged to lean both on the Socialists and on some of the conservative groups.

Under such conditions cabinets were repeatedly overthrown. So long as the cabinet has a mere controlling function, this ministerial instability, although greater than usual, should not have imperiled the state. This time, however, cabinet instability was fatal because it came at a time of serious economic difficulties.

France felt the pinch of the depression much later than other countries. A fair balance between agriculture and industry, conservative business methods and a relatively even distribution of wealth were so many factors of internal economic stability. Yet, although fairly self-sufficient, the country needs substantial exports, both visible and invisible, and these suffered greatly from the progressive closing up of the channels of international trade. However, a

major crisis might have been averted if France had not remained practically isolated in its adherence to the gold standard, and with a cost of production out of proportion with the world price level.

France's stubborn reluctance to devaluate its currency is to be explained by a confusion which existed in the mind of the average Frenchman between devaluation and inflation. The immense class of people living on fixed incomes: the "rentiers," the owners of income-yielding property and leased lands, government employees and pensioned people, could not forget the sacrifices they endured after the war when the franc lost four-fifths of its value. These Frenchmen are such an important electoral factor in a country so profoundly conservative that, for a long time, Paul Reynaud, alone of all statesmen, had the courage to proclaim the necessity of a new devaluation. The former Minister of Finance's attempt to explain that the sacrifices imposed upon the middle class after the war were not caused by the devaluation of the franc as such, but by a sharp rise in prices brought about by an unprecedented paper money inflation, was in vain. The post-war devaluation of the franc had left its painful mark upon the minds of the people, because so many incomes had retained their pre-war nominal value while the purchasing power of the franc had dwindled.

However, the problem, between 1931 and 1936, was essentially different. French economy needed a decrease in the cost of production and consequently in the cost of living so as to enable industry to compete advantageously with the products of countries having a depreciated currency. This lowering of the cost of living could only be obtained by two means: either by deflation, that is, a lowering of the absolute

value of the domestic price level, or by devaluation of the franc, which would hardly affect the domestic price level but would lower this level with respect to world prices. In other words, if French economy were to benefit from a devaluation of the franc, it was necessary that this devaluation affect the domestic price level as little as possible. Thus, it was vitally important for the whole country that the franc be devaluated, on the one hand, and that such devaluation should not lead to a substantial rise in the cost of living, on the other hand. The experience of Britain in 1931, that of the United States in 1933 and of Belgium in 1935 have proved that the two parts of this proposition are not incompatible. However, French public opinion obstinately refused to be enlightened by the above argument and persisted in its belief that a 30% devaluation, for instance, would cut the real incomes of all Frenchmen in equal proportion.

Confronted with this lack of understanding on the part of the electorate, the various cabinets which came to power after the fall of 1933 decided to resort to a policy of deflation. The growing economic difficulties of the country entailed a continuous fall in tax receipts while expenditures grew. Unemployment relief, increased armaments, falling railroad receipts, caused a total deficit of 13 billion francs in the 1932 and 1933 budgets.[2]

However, deflation did not prove an easy course. The Daladier Government presented to Parliament in October 1933 a long and carefully drafted bill calling for increased taxation and for decreased expenditures. The main economy measure proposed by

[2] John C. de Wilde, "Political Conflict in France," *Foreign Policy Reports*, April 1, 1936.

the bill was a minimum six per cent cut in the salaries of all government officials. The Socialists were strongly opposed to this measure and, instead, advocated inflation to solve the problem. They voted against the bill, thus causing the overthrow of the Daladier Cabinet on October 24.

Thirty members of the Socialist group who had expressed their dissatisfaction with the policies of the Socialist majority at the Toulouse Congress, seized the occasion to resign from the party. The support they gave Sarraut when, as Daladier's successor, he tried to get through the Chamber the same economy bill on which Daladier had tumbled, did not prevent him from being overthrown exactly a month after his predecessor (November 24, 1935).

Well aware of the force of public opinion, the hundred remaining members of the Socialist group realized that their negative policy of systematic obstruction against the financial bill introduced by the Radical-Socialists might lead to disturbances. At a group meeting held on December 8, they decided not to take part in the voting of the budget.

This abstention enabled Chautemps, who, in the meantime, had organized another Radical-Socialist cabinet, to get through Parliament some financial reforms. After his short-lived ministry of 1930, Chautemps had had the opportunity to develop the qualities of a real statesman.[3] Unfortunately he came to power at a very inopportune time. In January 1934 the Stavisky scandal exploded like a bombshell. A member of the Chautemps Cabinet, the Minister of

[3] According to George Suarez: "Of all Cartel leaders, . . . Camille Chautemps is the only one who had the qualities required for a great success." See *Les heures héroïques du Cartel*, Paris 1934, p. 144.

Colonies, Dalimier, was mixed up in the scandal. Even the Minister of Justice was put on the stand. The last blow came when Chautemps' own brother-in-law, Pressard, the Paris prosecuting attorney, was convicted of having delayed the public action against the embezzlers. On January 27, 1934, the whole Chautemps Cabinet was forced to resign.

The situation was serious. There was nothing though in the Stavisky affair to indicate that parliamentary corruption had assumed abnormal proportions. It was just another of those financial scandals which occur periodically in all countries and of which the parliamentary régime has not the monopoly. The Panama Scandal in the nineties had certainly cast suspicion on a much greater number of politicians than the Stavisky affair. The latter came unfortunately at a time when the anti-parliamentary wave which had engulfed three-fourths of the Western World had made it a fashion, even in France, to blame everything on the parliamentary system.

Yet the political situation at the beginning of 1934 was not any worse than in the most tragic stage of the battle of the franc in July 1926. Like the elections of 1932, those held in 1924 had meant a sweeping victory of the left parties through the same electoral compact between the Socialists and the Radical-Socialists. Here, too, the compact had been broken as soon as the Chamber met. The resulting cabinet instability made it impossible for any of the successive radical-socialist premiers to impose the financial reforms needed to balance the budget and to stabilize the currency. In July 1926 the franc had crumbled to two cents, causing the immediate overthrow of the radical-socialist Herriot Ministry. At

this juncture a truce was declared between the Left and the Right and Poincaré was asked to head a coalition cabinet. He succeeded in holding in check a hostile radical majority and in stabilizing the franc at four cents.

When the Chautemps Cabinet fell in January 1934 a cabinet of National Union was similarly wanted. Poincaré was then too ill to perform another miracle. Daladier was selected once more as premier.

In forming his Cabinet, he was unfortunately unable to surmount the obstacles of parliamentary tradition. He had hoped to bring into his *combinaison ministérielle* the most able personalities in Parliament ranging from Ybarnégaray on the Right to Frossard on the Left, with such men as Cot, Scapini, Marquet and Frot between these two extremes. But the group leaders strenuously opposed what they called *une tentative de débauchage* on their troops. As a result Daladier had to face Parliament with a cabinet which did not show much improvement over Chautemps'. A "National Union Platform" was out of the question.

At this juncture the U. N. C. (*Union Nationale des Combattants*) decided to stage a manifestation in Paris, on February 4, to protest against the corruption of the régime. Daladier decided to prevent it at any price. He asked the Prefect of Police Chiappe who, after seven years in his difficult office, had won much popularity among the Parisians, to approach personally the leaders of the U. N. C. and to convince them that the gravity of the hour made it their patriotic duty to refrain from any public manifestation. Chiappe finally won their assent after a hard battle during which he had to threaten to resign if the U. N. C. was to carry out its plans. The

morning after, Daladier telephoned Chiappe to offer him the governorship of Morocco which amounted to an outright dismissal. What had happened was that, in the meantime, the Socialists had asked for Chiappe's head as the price for supporting the Cabinet. The Socialists had been set for a long time on ousting Chiappe who had always dealt with workers' demonstrations with unprecedented energy and whom they accused of pro-fascist leanings. Daladier was so eager for Socialist support that he did not hesitate to sacrifice a man who had just done him the greatest service, hoping that he could lure him into accepting the Moroccan proconsulate. But Chiappe refused and resigned.

The U. N. C. which felt cheated by what amounted to Chiappe's dismissal, reversed its decision and, together with other war veterans' organizations, planned to stage a monster demonstration on February 6. The story of the fusillade of the Place de la Concorde, of the charges by the *Gardes Républicains* and the *Gardes Mobiles* with a score killed and several hundred wounded need not be told.

The leagues of the Right, the war veterans' organizations and especially the Croix de Feu have claimed that this demonstration on the sixth of February prevented the so-called "Young Turks" in the Daladier Cabinet, led by Interior Minister Frot, from seizing power and establishing a dictatorship of the Left parties. Those thus incriminated have accused conversely the leagues of the Right and the Croix de Feu of attempting a fascist coup d'état and that the energetic attitude of the police force in the Place de la Concorde had saved the parliamentary régime.

It seems more likely that the clash which occurred on that day between the paraders and the police was

quite unpremeditated. The investigation which followed proved beyond any doubt that the demonstrators were not carrying firearms as none of the wounds inflicted upon the police had been caused by bullets. On the other hand, no evidence has been presented to prove that the Government or Interior Minister Frot intended to seize upon the demonstration as a pretext to attempt a *coup de force.*[4]

Although Daladier had been able, on that fateful day, to win a majority in the Chamber, he resigned in the morning under the pressure of public opinion so as to avoid further bloodshed.

Former President Doumergue who was living in retirement in the south of France, was summoned by President Lebrun to head a new government. When he arrived in Paris, where he was met by enthusiastic ovations, Doumergue was confronted with an even more difficult task than Poincaré had been in the summer of 1926. He organized a so-called "Truce Cabinet" in which sat such political adversaries as Herriot and Tardieu. The presence of these two men in the same government was the symbol of at least a temporary rapprochement between the Radical-Socialists and the groups of the Center and Right. In reality and as the very name "truce" indicates, the situation was not as clear-cut as under Poincaré's Cabinet of National Union.

Many of the Left wing Radical-Socialists were very hostile to a rapprochement with the Center but the sixth of February riots had scared the majority of the party into coöperating with Doumergue. However, such incidents as the Chautemps-Tardieu dis-

[4] Georges Suarez who expresses little sympathy for the Daladier Government writes that: "It was only about 7 p.m. when Frot learned that shots had been fired at the mob," thus disproving the story that he had ordered the firing. *Op. cit.,* p. 267.

pute in July, when each man accused the other of having received money from Stavisky, showed the fragility of this truce between the Center and the Left—a fragility further evidenced in September by the Blois and Dijon by-elections at which the Radical-Socialists and the Socialists pooled their votes on a common candidate. The cantonal elections which were held on the 7th and 14th of October unquestionably showed that the Radical-Socialists had not lost their hold on the provincial constituencies. This victory encouraged them to assume a much more aggressive attitude at their Congress in Nantes late in October, where Daladier, who had kept very quiet since February, delivered a violent attack against the truce.

Meanwhile Doumergue was drafting some constitutional amendments with a view of strengthening the executive power. After a series of broadcasts to the nation—an unprecedented feat in French politics, obviously imitated from President Roosevelt's fireside chats—he set upon getting these amendments[5] through Parliament while Tardieu in a series of articles and speeches was strongly advocating parliamentary reform.

Under a first amendment Doumergue proposed that the President of the Council be given similar prerogatives to the ones enjoyed by the British Prime Minister. He henceforth would have had the right to dissolve the Chamber of Deputies with the mere assent of the President of the Republic. It is true that the French President has the right, under the Constitution of 1875, to dissolve the Chamber, but

[5] Maurice Ordinaire, *La révision de la constitution*, with a preface by Gaston Doumergue, Paris, 1932. cf. André Tardieu, *L'heure de la décision*, Paris, 1934. Alexandre Israël, *La dissolution, pourquoi, comment?* Paris, 1934.

he cannot exercise this prerogative without the Senate's assent and it is hardly conceivable for the Upper House ever to assent to the dissolution of the Lower. There seems to be an unwritten law in French Parliamentary procedure that, through a human feeling of rivalry, the Senate and the Chamber are always pulling in opposite ways, and when the Chamber turns more radical the Senate becomes at once more moderate, and vice versa. For instance, the Chamber elected in 1932 was more radical than the preceding one, but the Senate stiffened at once its conservative stand. Should any of the Radical-Socialist Premiers that came to power between June 1932 and February 1934 have asked for dissolution, it obviously would have been in the hope of strengthening his own party—a goal that a more conservative Senate could hardly have consented to facilitate by granting the dissolution.

Doumergue claimed that dissolution of Parliament is working very satisfactorily in Great Britain.[6] To him the possibility of dissolving the Chamber would have provided a much needed safety valve to break a political deadlock like the one resulting from the 1932 elections. At the same time, fear of being sent home would have made the deputies less eager to overthrow cabinets on unimportant issues.

Another important amendment advocated by Doumergue was also borrowed from the British Constitution. Its purpose was to deprive French Parliament of its right to initiate new expenditures. The Government alone would henceforth have had the privilege of proposing new appropriations, which Parliament would have been asked to pass upon. It

[6] Although in Great Britain the prerogative of dissolution seems inseparable from the two party system.

was intended through this reform to facilitate the balancing of the budget by preventing the deputies and senators from spending the government's money to win the favor of the electors.

It is an easy procedure to amend the French Constitution. It only requires a favorable vote taken by the Senate and the Chamber meeting jointly as a national assembly; only an absolute majority is required.

It seems likely that Doumergue would have secured ratification of these amendments if he had not waited so long. The February riots had scared Parliament to such an extent that it would probably have voted the proposed amendments if Doumergue had moved faster. When he introduced his bill on constitutional reform, on November 6th, the political outlook had changed once more. Heartened by their victory at the cantonal elections, the Radical-Socialists refused to assent to any curtailment of Parliament's prerogatives, especially as the sponsors of this reform, Doumergue and Tardieu, had evidenced in the preceding months an inclination to blackmail Parliament by playing upon "the danger of the street," meaning the Croix de Feu menace.[7] Yet they moved cautiously. At a meeting held on the seventh by their group in the Chamber, they voted almost unanimously that: "Decided in the interest of the country to a thorough reorganization of the State, we reaffirm our will to achieve this reform, with the exception of any measure which would be inconsistent with the republican creed."[8] They proposed

[7] In a series of sensational articles published in *Le Populaire* from October 19 to October 24, Léon Blum had branded Doumergue as another Marshal Mac-Mahon.

[8] *Le Temps*, November 8, 1934.

that the economic and financial problems be disposed of first.

On November 8, Herriot and three of the other Radicals in the Cabinet, sent their resignation to Doumergue. In their letter they diplomatically avoided making a frontal attack against Doumergue's bill but merely reproached him for having "offered directly to the country, in radio speeches, which the rest of the Cabinet were not aware of until they were actually delivered, a series of important reforms of a strictly political nature. We would have wished an opportunity to submit to you our own views."

Without waiting for a showdown in Parliament, Doumergue resigned. Many political observers feared that disturbances might follow his retirement, especially as in his letter of resignation and communiqué to the Press he made statements which could hardly contribute to the atmosphere of peace and calm which he urged should be observed. The whole country though, realizing the seriousness of the situation, remained absolutely quiet, which facilitated greatly the organization of another Truce Cabinet under Flandin.

To win the Radical-Socialist support Flandin formally accepted their platform that economic recovery and financial reform were a more immediate problem than amending the constitution. Although the continuation of an alliance with the Center and the Right was not palatable to many Radicals, they accepted to support Flandin as the majority of them felt even less inclined to join forces with the Socialists whose recently cemented "Common Front" with the Communists was not popular with the *petits bourgeois* and peasants who form the bulk of their

popular following. On the other hand Flandin, because of his unquestionable attachment to democracy, was made all the more acceptable by the Radicals after Doumergue's show of sympathy for the Croix de Feu.[9]

The new Cabinet was, with few differences, the same as Doumergue's. The policy of deflation was abandoned for a time with the hope of raising agricultural prices and of stimulating business recovery. But Flandin's efforts failed to bring about any improvement. Unemployment reached a peak in February 1935. Revenues in the first quarter of the year fell 353 million francs below the total for the same period of 1934 and 798 millions less than the budget estimates. In May the deficit for the fiscal year was estimated at about six billions, not including five billions for extraordinary expenditures. Devaluation of the Belgian franc on March 31, 1935, added to the fear that adherence to the gold standard could not be maintained much longer. At the municipal elections held on May 5 and 12, substantial gains were registered by the Left parties. The Finance Minister Germain-Martin complained that this swing to the Left was undermining confidence and paving the way towards devaluation. What seems more likely is that the capitalistic interests of the country deliberately attempted to provoke a panic so as to frighten Parliament into accepting drastic economy measures. During the month of May the flight of capital and hoarding of gold assumed such proportions[10] that the

[9] Addressing a group of his followers from Doumergue's own balcony, upon the latter's resignation, Colonel de la Rocque declared: "We shall remain in touch with him; for the day will come when he can save France for the second time."

[10] From March through June the Bank of France lost 11,617,000,000 francs.

gold reserves of the Bank of France were depleted by nearly ten billion francs. The Bank of France and its Board of Regents representing the industrial interests were hostile to Flandin's anti-deflationist policy. He had thought to break this opposition by appointing Tannery as new Governor of the Bank. But it did not take long for the latter to become subservient to the Regents' policy. The most serious indictment against the Bank's attitude is that it did nothing to check the outflow of gold. It waited a full month before raising its rates, thus threatening the Government with financial collapse unless it subscribed to a drastic policy of deflation. Flandin had to surrender and at a conference held on May 22 with Tannery and Germain-Martin agreed that, when Parliament reassembled on May 28, he would ask for full powers to meet the crisis with drastic decree laws. At once the bank rate was put up. But the Chamber, in a gesture of rebellion against the Bank of France, refused to vote the full powers after a dramatic session on May 30, bringing about the Cabinet's resignation.

Fernand Bouisson, who for nine years had been the highly respected Speaker of the Chamber, was entrusted by the President with the task of forming a new Cabinet. This seemed a wise choice as Bouisson, not unlike Doumergue, had been placed by his functions above party disputes. His long allegiance to the Socialist creed—although he resigned his membership in the Socialist group of the Chamber in 1934—gave hope that his designation as Premier would placate some of the Left opposition. Within twenty-four hours he had formed another Truce Cabinet, the composition of which did not differ sub-

stantially from Flandin's but for the appointment of Caillaux as Finance Minister.

Although a Radical-Socialist, Caillaux had for years, as President of the Finance Committee of the Senate, preached a policy of "penance." It soon became clear to the anti-deflationist Left that the new Cabinet would propose drastic economics. When the Chamber met on June 4, Caillaux, assuming his usual supercilious air, demanded that expenditures be cut down by eight billion francs. Bouisson had been careful in his ministerial declaration not to speak of *pleins pouvoirs* but of *pouvoirs élargis, mais limités et temporaires.* But when he addressed the Chamber he forgot in one hour his nine years of "above party" training and started teaching a lesson of "discipline" to the Radicals. The whole extreme Left, a number of enraged Radicals and even members of the Right and Center who could not stomach Caillaux voted the Cabinet out of office by a two vote majority. The Left was soon to regret its temperamental behavior.

An attempt by Piétri to form a Cabinet failed chiefly because of the Bank of France's opposition to the granting of "limited powers" instead of "plenary powers."

This political deadlock and futile parliamentary quibbling in a period of great financial stress caused a growing unrest in the country. It was the fear of disturbances which made it so easy for conservative Laval, who had been called back, to form his Cabinet and to secure from Parliament on June 7 the "plenary powers" that the Left had denied a liberal like Flandin and ex-Socialist like Bouisson.[11] But it

[11] It must be noted that from the time Laval was a militant Socialist and an attorney for the C. G. T., he has kept many friends among the Left.

was clear from the beginning that the fate of Laval's Cabinet was in the hands of the Radical-Socialists as exactly half of their group in the Chamber voted for his support while the other half abstained. This was nothing new in French politics and shows strikingly the strategic position of this "party on hinges" as it is sometimes called.

Whereas currency devaluation was the only wise course, Laval, equipped with his extensive powers, embarked on the most drastic deflationist program. From July 16 to October 31, 1935, his Government issued 549 decree-laws, cutting down all salaries, wages and reducing interest payments on all Government bonds. With a view to bringing about a corresponding decline in the cost of living rents were forcibly cut together with mortgage interest rates.

As observers of the Hoover régime in the United States could easily have foretold, this deflationist policy did not bring about the expected relief. The Government still had to resort heavily to borrowing and found it increasingly difficult to find the funds at home. Although there was a slight improvement in production indices, business could not recover substantially so long as the franc was still overvalued by 15 to 25 per cent despite all attempts at deflation. What was most dangerous for the political future of the Government was that millions of government officials, rentiers and wage earners were dissatisfied with the cuts in their incomes which were not offset by a corresponding decrease in the cost of living.

As the fall came the Radical-Socialists began to fear that by continuing their support of the unpopular policies of the Laval Government they might lose votes at the coming elections. Alienated further by Laval's complacent attitude toward Italian ag-

gression in Ethiopia and by his reluctance in ordering the dissolution of the fascist leagues, they withdrew from the Cabinet which fell on January 22, 1938.

The stop-gap cabinet of Sarraut came to power. During his three months in office forces were aligning themselves for what was probably the greatest electoral contest that France has ever witnessed.[12]

Once more the two Frances analyzed in the preceding chapter, democratic France and authoritarian France, were brought into sharp conflict. The country was split into two opposing camps. On one side were the so-called fascist leagues, anti-parliamentary organizations which did not present candidates but supported in each constituency a rightist candidate of their choice. On the other side were the parties, groups and associations of the Left which had united in a Popular Front for the defense of parliamentary government and democratic liberties.

The most important of the fascist leagues was the *Croix de Feu*. At first an association of war veterans without political significance, it grew into a large and more politically minded organization when the right to membership was extended to the relatives of war veterans, even to women. The anti-parliamentary wave which followed the Stavisky scandal and the riots of the 6th of February 1934 swelled their ranks to over a million in April 1936.[13] Although they

[12] There were no less than 4,815 candidates, an average of nearly 8 candidates for each of the 618 seats and only 15.7% of the electorate failed to turn to the polls.

[13] In comparison, the rival fascist groups, the *Jeunesses Patriotes*, the *Solidarité Française* and the *Françistes* had little significance. More important, especially in the west, was a rural fascist movement known as the Peasant Front or Green Shirts led by Dorgères. Exploiting the discontent of the peasantry caused by deflated agricultural prices, Dorgères advocated open resistance to the payment of taxes, the foreclosure of mortgages and the payment of social insurance dues. Although he sponsored a plan of corporative

did not wear shirts of any particular shade and did not use the Roman salute, they were strongly organized in semi-military formations and their parade of the 14th of July 1935 on the Champs-Elysées was enormously impressive. However frantically they denied the accusation of fascism, they represented the same forces which had led to the rise of fascist dictatorship in Italy and Germany. Like the Italian and German fascists, they had no program but a mystique, the *Croix de Feu* mystique, the spirit of the trenches, meaning disinterested service to France; their main purpose was to destroy democracy, meaning the end of profiteering politicians; their arch enemies were the Communists, the Socialists and the Radical-Socialists.

The Left suspected Laval of being sympathetic to the movement. Alarmed by overnight mobilizations of *Croix de Feu* troops conducted with automobiles and airplanes, the Radical-Socialists in the Cabinet forced Laval to issue a series of decrees for the "defense of the Republic."[14] Incensed by a clash between the *Croix de Feu* and an anti-fascist counter manifestation in Limoges on November 16 which resulted in bloodshed, the Left threatened to overthrow the Cabinet unless drastic measures were taken to dissolve the Leagues. In a dramatic session of the Chamber on December 6, the Rightist deputy Ybarnégaray announced that he was proposing on behalf of the *Croix de Feu* that the *individual* members of all

organization for agriculture, his followers were more apt to understand his organized resistance to the law rather than his program of action. As soon as agricultural prices went up again the movement lost its momentum.

[14] These decrees increased the effectives of the *Garde Mobile*, made compulsory the preliminary declaration of any meeting in a public place and enforced stricter regulations with respect to the possession of firearms.

political organizations be disarmed. With great skill the Socialist leader Léon Blum moved at once that the disarmament of individual members was not enough, that all political groups, semi-military in character, should be disarmed and that insofar as the Socialists had been led into organizing such groups in self defense, they were prepared to dissolve them provided the *Croix de Feu* would do the same. To this Ybarnégaray assented and the whole country breathed easier before what seemed to be a "national reconciliation." But the bills introduced by the Government to carry out this agreement and finally voted on January 12, 1936, were not deemed stiff enough by Parliament, which amended them in a way that did not please the *Croix de Feu.* Moreover, Laval did not take any action under these bills, and it was only on June 18, 1936, when the Popular Front was in power, that the *Croix de Feu* and three other fascist leagues were dissolved.

Many have claimed that the threat of fascism during this period has been grossly overrated by the Left. As someone said, "Colonel de la Rocque is one of the most charming persons on earth; and to be a successful fascist leader, one perhaps ought to be a ruthless thug with a touch of insanity." What is nevertheless certain is that the *Croix de Feu* agitation was to be instrumental in cementing the Popular Front.

On the 12th of February 1934 the Socialists and Communists had held a great parade as a demonstration against the averted "fascist" coup of the 6th. Yet agreement between the Socialists and the Communists was not easy to achieve and, had it not been for the determined anti-fascism of the rank and file, it seems unlikely that the leaders would have

come to terms. After protracted negotiations, a first agreement for united action against fascism was concluded on July 27, 1934. The Socialists wanted to go further than this merely negative agreement, but they met with the resistance of the Communists. Then it was the turn of the Communists to insist on a Common Front with the Socialists and a program of action moderate enough to be acceptable by the Radical-Socialists. This change of attitude on the part of the Communists was specially marked after Stalin had declared to Laval in May 1935 that he was "approving of the military policy of the French Government." But this time it was for the Socialists to make reservations for they thought that the Communists had become too nationalistic and suspected Moscow of preferring a Radical-Socialist Premier sympathetic to Soviet Russia like Herriot to a Socialist Premier like Blum who would disagree with Moscow in international policy. But renewed *Croix de Feu* activity after Laval came to power drew the three leftist parties together.

The Popular Front was born in fact when all Left parties assented in taking part in a huge anti-fascist demonstration to be staged in Paris on July 14, 1935, as a reply to the *Croix de Feu* parade scheduled for that day. For a while it seemed doubtful whether the Radical-Socialists would participate. They finally decided to join the other Left groups under the condition that the demonstration be preceded by the tricolor as well as the red flag and that the Marseillaise be sung with the Internationale.

It was shortly after this Bastille Day manifestation that all groups and organizations which had taken part in it agreed to establish a permanent Central Committee for the Popular Front. Finally in

January 1936 a program of minimum demands was agreed upon for the coming elections. This program was both constructive and moderate and even members of the Right had to admit that the Popular Front had something definite to offer.[15]

During the election campaign the Popular Front parties insisted mostly on anti-fascism, repeal of the Laval economy decrees, full syndicate rights for the workers and a shorter working week. At the same time they made much of such resounding slogans as the "two hundred families" and the *marchands de canons*. The best campaign though was conducted by the Communists and this is interesting in view of the fact that they were the big winners at the polls. They used extremely impressive and clever pictorial posters avoiding carefully any reference to Moscow or even to the Commune, employing abundantly tricolor schemes and family life scenes and heralding loudly that they were *Pour une France Libre, Forte et Heureuse*. As Alexander Werth puts it, "Many a French patriot, feeling that the Communists had put something 'dynamic' into the somewhat moth-eaten *jacobinism* of the Radicals, was tempted to vote for them."[16]

To this dynamic propaganda the incoherent parties of the Right had little to answer but that the Popular

[15] In the meantime the long standing feud between the *Confédération Générale du Travail* (C. G. T.), largely Socialist although not officially, and the Communist *Confédération Générale du Travail Unitaire* (C. G. T. U.), was being patched up. The split between the Socialist and Communist parties which occurred at the Tours Congress of 1920 had led to a parallel division among workers' syndicates. The first sign of reconciliation was the anti-fascist demonstration of February 12, 1934, which was held jointly by the two federations. Finally an accord for complete fusion was concluded on September 27, 1935.

[16] Alexander Werth, *Which Way France?* New York & London, 1937, p. 238.

Front was taking orders from Moscow. The *Croix de Feu,* who could have provided the only colorful and organized force in the contest, had decided not to run candidates but to act instead as arbiters, a task in which they utterly failed. The candidates of the Right had supported the unpopular and rather unsuccessful economy decrees and deflationist policy of Doumergue and Laval. Most of all, they had to cope with the unflinching attachment to democracy of the French mass and with the discipline of the Popular Front candidates.

The various parties of the Popular Front ran their own candidates at the first ballot; but each candidate had pledged himself to withdraw at the second ballot before the Popular Front candidate who had polled the greater number of votes. With very few exceptions the pledge was fulfilled although it was clear after the first ballot that this agreement would favor the Communists and the Socialists, mostly the former, at the expense of the Radical-Socialists.

Despite a widespread feeling that the fate of the régime was at stake, the elections of April 26 and May 3, 1936, were absolutely free from violence and disorder. This shows strikingly the solidity of France's democratic system of government. Even the outspoken *Croix de Feu,* who had repeatedly threatened to make trouble should Daladier, the *fusilleur* of the 6th of February, come back to power, remained absolutely quiet when Blum announced the formation of his cabinet including Daladier as Minister of War.

The Popular Front won an overwhelming victory. The Communists won 72 seats as against 10 in the old Chamber; the Socialists 146 seats as against 101; however, the Radical-Socialists lost ground, with

only 116 seats as against 158. They were paying for their half-hearted support of Doumergue's and Laval's policies and also because in any sharp electoral contest the moderate groups are likely to lose to the benefit of the more extreme. The Center groups of the Left Republicans and Independent Radicals also lost seats to the Right.

One cannot speak however of a landslide. The Popular Front polled a vote of 5,628,921, a gain of 434,248 over the total obtained by the Left in the 1932 elections. The Center and the Right polled 4,202,298 votes, a loss of 178,419. The Socialists increased substantially their representation in the Chamber, although they hardly held their own with respect to the number of votes. The Communists nearly doubled their votes but increased their representation in the Chamber sevenfold.

In accordance with the French Constitution the powers of the old Chamber did not expire until May 31. The Sarraut Cabinet although deprived of any real authority remained in power until then as a sort of "lame duck" government. This proved an unfortunate arrangement as in the meantime the rank and file of the working class became restive. Whether because they feared that preparations were being made to frustrate them from the fruits of their political victory or, what seems more likely, because their patience had come to an end and they could not endure any longer the famine wages and working conditions that prevailed in so many industries, they organized stay-in strikes which spread in a formidable wave throughout the country.

Although carried on with only exceptional and very minor disorders and without the loss of a single life, these strikes were absolutely against the law.

Yet public opinion seemed to accept them readily enough and what is more, at the meeting held on June 7 at Léon Blum's official residence, the employers' representatives yielded to all of the demands of organized labor. The explanation seems to be that French public opinion was suddenly faced with the realization that during a long period of prosperity employers had done practically nothing to improve the living conditions of their workers, but that when hard times came they did not hesitate to cut wages. Strikers of some Paris department stores posted their wage scale on the display windows and aroused the universal sympathy of the passersby, so miserably paid were they.

By the agreement of June 7, known as the Matignon Accords, the employers undertook to conclude immediately collective labor contracts, to grant workers complete labor union freedom and to give employees in shops employing more than ten workers the right to elect shop delegates. These agreements together with the laws of June 20 on paid holidays and of June 21 on the forty-hour week promptly reestablished labor peace.

In the course of the summer measures were taken with a view to improving economic conditions. Cheaper credit was made available to commerce and industry. A National Wheat Board was set up to bring about a rise in wheat prices. A vast program of public works was outlined to help solve the problem of unemployment. But at the same time the enforcement of the social reforms led to a rise in the cost of production.[17] So long as France's main problem, as was pointed out before, was the discrepancy existing

[17] Although the first decree taken under the 40-hour week law was issued after the devaluation.

between its prices and the world price level, the rise in domestic prices resulting from the new social legislation laws made a devaluation inevitable.

Fully aware of the average Frenchman's strong dislike of any tampering with the currency, Blum had declared himself strongly against devaluation during the election campaign and against what he called in his ministerial declaration of June 6 a monetary coup d'état. Many of his own followers felt however that, so long as the devaluation was inevitable, it would be better to give the medicine to the French people without further delay. Such was the stand taken by the C.G.T., but the Communists clamored that devaluation would affect primarily the poor and that we should first "make the rich pay." All the same, public opinion was getting progressively impressed by the conversion to the principle of devaluation of such well known financial experts as Charles Rist, Germain-Martin and Joseph Caillaux. The ground was also made easier by a perceptible pickup in business which became evident in August. The increase in wages, the paid vacations, an intensified manufacture of war material and an increase in the number of foreign tourists were having a stimulating effect on French economy. Gaining confidence, the public was more easily convinced that this was not a case of devaluation proper, but simply an "alignment" of currencies. With this end in view negotiations were undertaken which resulted in a monetary agreement with the United States and Great Britain on September 25. At any rate the French public accepted the step with complete resignation. Parliament ratified the *fait accompli* on October first but the Senate, which had evinced since the very outset great distrust of the Popular Front

Cabinet, refused to assent to the "sliding wage scale" demanded by Blum to protect the workers against rising prices. For a while it was feared that the Cabinet would have to resign because of this opposition. In spite of his strong majority in the Chamber, Blum decided to avoid a cabinet crisis at such a serious moment and accepted the amendments proposed by the Senate. The Socialist Premier was quick to realize that the hostility of the Senate reflected the opinion of a majority of Frenchmen and he was too deeply attached to the democratic system of government to try to govern France without the aid of public opinion.

It is also public opinion which determined the attitude of the Blum Government with regard to Spanish affairs. There is no doubt that the personal sympathies of Blum as head of the Popular Front Government and as leader of the French Socialist Party were, from the beginning of the Spanish conflict, with the Loyalists. Furthermore, it would have been easier for France to lend military assistance to the legally constituted government of Spain than for Germany and Italy to aid a *junta* of rebel officers. However, fearing international complications, the tremendous majority of French public opinion declared itself from the beginning for a policy of non-intervention. By asking the great powers to maintain absolute neutrality with regard to the Spanish Civil War, Blum showed that he had no inclination toward establishing a leftist dictatorship but that he intended to place the verdict of the majority of the French nation before the sympathies of his own party.

Blum's unflinching attachment to democracy and constitutional rules was to assert itself again as finan-

cial difficulties threatened his cabinet and finally led to its overthrow by the Senate. Blum's New Deal, which in general was inspired by the same principles as Roosevelt's New Deal, was working under several handicaps. Pump priming could not be resorted to in the same degree as in the United States, as the public debt was enormous when Blum came to power and as the international situation imposed upon a financially exhausted country staggering expenditures for national defense. Also France is far less self-sufficient economically than the United States. The rise in domestic prices brought about by the enforcement of social reforms seriously affected exports. In spite of the devaluation, French goods produced on a forty-hour week basis found it difficult to compete with the goods of countries which had retained a longer working week. The need was soon felt for a so-called "readjustment" of the forty-hour law and for further devaluation. But the stumbling block over which the Blum Government was to fall was the same old difficulty which confronts any government attempting to enforce a sweeping program of social reforms within a capitalistic framework.

No such government can carry on indefinitely without some measure of coöperation from capital. The artificial stimulation of purchasing power through government pump priming can start the economic machine on the upgrade, but there is a limit to the borrowing capacity of any government. When this limit is reached, unless heavy private capital investments are made for productive purposes, business will slump again. It took four and a half years for Roosevelt's New Deal to reach this turning point. With Blum's New Deal nine months were all that were necessary.

On February 21, 1937, in a speech at Saint Nazaire Blum declared himself in favor of a "pause" or "breathing spell" during which business would be allowed to adjust itself to the social reforms. Decrees issued on March 5 gave practical effect to the idea, mainly in order to induce gold hoarders and owners of expatriated capital to unfreeze their holdings.

The resulting respite was only temporary. Five billions of gold returned to France and a national defense loan was quickly subscribed, but unfavorable signs soon reappeared and a renewed flight of capital was promptly under way. The capitalists argued, not without reason, that they could not trust a Socialist government supported by Communists and that they could not be certain that the "breathing spell" was not intended only to pave the way for the adoption of new and more radical reforms, an attitude similar to that of America's big business toward Roosevelt's administration.

The labor leaders did not help clarify the situation. Léon Jouhaux, head of the C.G.T., proposed in April a sweeping program of radical reforms and in June asked that mining, the basic industries and transportation be nationalized.

By the middle of June the Treasury was nearly empty and the Government had to request full powers from Parliament, a step that Blum had consistently attacked when he was in the opposition. On June 19 the Senate rejected the Government bill by a large majority and proposed instead a highly emasculated text. A compromise bill was drafted by the Left groups of the Chamber but was defeated in the Senate on June 20.

Left wingers in the Socialist Party urged Blum to fight the Senate and to raise the constitutional issue of which should have the final word, the Senate or the Chamber. Ever respectful of the Constitution, Blum refused to follow this dangerous advice which would have precipitated the country into a grave internal crisis at a time of international tension.[18]

[18] "It is not my intention here to discuss the reasons why the Senate refused to give us the powers we asked. But I would like to have you appreciate the kind of dilemma with which we were confronted. No one can deny that our Government attained power through the popular will as represented by Parliament. Neither the French people nor their representatives have withdrawn their confidence. As a matter of fact, quite the opposite is true, as public opinion will attest. To yield before the resistance of the Senate was to admit the failure of universal suffrage and, at the same time, it meant the infliction of a bitter and dangerous disappointment on the majority of the people and the Chamber of Deputies who had given us power. But when it is a question of fighting to a finish, there is no middle road, and a fight waged on such a ground and for such important stakes must be carried out to a successful conclusion."

"But would all the parties who supported the Popular Front and participated in the government have continued to support us in this struggle? Many Republicans would undoubtedly have considered it the duty of the Government not to prolong the conflict between the two assemblies on the unsettled question of the "last word," posed by Gambetta as far back as fifty years ago, but, on the other hand, to seek a compromise and a basis for conciliation. Suppose we had agreed to wage this battle, by legal and constitutional means, of course,—any other way is unthinkable,—it would have spread throughout the country and been misconstrued by the serious mass movements now gathering amplitude and intensity. The circumstances, provided one examined them seriously and scrupulously, weighing the arguments and trying to determine their possible consequences, did not permit the consideration of such resolutions or the assumption of such responsibilities. Why? Because the people of the nation, even the popular masses, need peace and a real rest and respite from the deep earnestness of their convictions; because, during the course of the struggle, our original difficulties—the financial embarrassment of the Treasury and monetary instability—would have increased day by day perhaps to the point of a general panic."

"The last and perhaps the most important side of the case is the fact that, two weeks ago on June 20, just as my government was facing this struggle, startling foreign news came from London, Berlin and Rome. The serious *Leipzig* incident began a diplomatic crisis whose outcome it was difficult to predict, but which our com-

It is a tribute to the solidity and elasticity of the French system of government that without dissolving Parliament and calling for new elections, without a shift of the majority in the Chamber, without any disturbances, the Blum Cabinet, which had come to power thirteen months before on such a tide of popular enthusiasm, should have given way so quietly to a far more conservative government headed by the Radical-Socialist Chautemps with an orthodox economist like Bonnet holding the key portfolio of Minister of Finance. If at times the French system of government seems to make for excessive cabinet instability, there are circumstances when it provides the necessary margin of elasticity which the more rigid American system is lacking.

It was clear from the outset that the Chautemps Cabinet could only be a *cabinet de transition.* It would have amounted to political suicide on the part of its Socialist members if they had accepted more than half way measures toward the balancing of the budget and the so-called *aménagement* of the social reforms that they had initiated. Laboring under these difficult circumstances, Bonnet managed to reduce the public deficit and to give business temporary

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mon and steadfast purpose was to carry to a dignified and peaceful solution."

"How can one escape the profound feeling that France would no longer have been able to weigh all the facts in this formidable situation if she had allowed herself to become embroiled in a political conflict which might have been prolonged by social conflicts? One might even venture to ask himself whether the anticipation of French domestic difficulties did not have something to do with the development of an international situation which seemed to grow more serious by the hour. I do not wish to belabor this point. But who among you will refuse to agree with me in my contention that this single consideration would have been sufficient to make us carry out our decision? . . ."

Léon Blum's speech at Bordeaux on July 4. *Le Populaire,* July 5, 1937. Translated in *The French Say,* October 1937.

relief through a new devaluation of the franc. A committee was appointed to report on the adjustments to be brought to the social reforms with an eye to increased production. Its report published on December 16 failed to propose any clear cut adjustment, which is not surprising in view of the fact that it started with the assumption that the "principle" of the reforms should remain intact. This was the extent to which a government with Socialist participation and Communist support could go. On January 12 Finance Minister Bonnet made the plea that unless Chautemps broke with the Communists and included in his Cabinet representatives from the Center groups in the Chamber, he would find himself unable to restore confidence to business and avert a new flight of capital. Unwilling to support this attitude, which would have meant the destruction of the Popular Front, the Socialists handed in their resignation on January 14 and in consequence the Chautemps Ministry resigned.

After two ill-fated attempts on the part of Bonnet and of Blum to organize a new ministry, Chautemps was again entrusted with this task. The new Cabinet, which consisted almost exclusively of Radical-Socialists, could not be expected to last very long. Chautemps resigned on March 10 after only fifty-one days in office, when the Socialists and Communists refused to grant him full powers which he demanded to deal with the financial situation.

The crisis came at the dramatic time when Hitler seized Austria. Blum, who had been asked to organize the new cabinet, hoped that, in view of the gravity of the international situation, he would succeed in forming a Cabinet of National Union, including both the Communists and the Center. But with a few

dissenting votes like Paul Reynaud's, the Center refused to coöperate in a government with the Communists. Blum's new Cabinet consisting, like the first, of Socialists and Radical-Socialists was promptly voted again out of power on April 8 by the Senate over the issue of full powers.

At this point the stage was set for a definite turn to more conservative policies. Popular Front cabinets with Socialist leadership or Socialist participation had proved their inability to cope with the financial and economic issues. The time was ripe at last, if not for a National Union Cabinet under a Radical-Socialist head, at least for a Radical-Socialist Cabinet with participation of the Center and, if not participation, at least support of the Socialists.

If Chautemps with his tact and diplomacy was the ideal man for the task of heading the government in a period of transition, Daladier seems to be well fitted for governing with the support both of the Socialists and of the conservative groups in the Chamber. After February 1934 he was the leader of the left wing of the Radical-Socialists and opposed participation by his party to the Doumergue and Laval governments. This won him much sympathy in the Socialist ranks. On the other hand, his brilliant record as War Minister since June 1936 had made him appear as the "savior of the Republic" in the eyes of the very people of the Right who had once branded him as the "murderer of the 6th of February." Thus, Daladier assumed power with tremendous popular support to back him. Although there are many who doubt whether he is as strong as he looks and is reputed to be, the French masses like his stern appearance, his simplicity and conspicuous lack of eloquence. In reality Daladier's strength lies in the fact

that the Right and the money interests feel reasonably sure that under him the country will return to a more sober economic policy, while the masses see in him a sincere liberal who will save them from reaction and maintain the material benefits that they won under Blum.

After winning almost unanimous parliamentary approval of his demand for power to govern by decree-laws until July 31, the Cabinet prepared a program of economic and financial rehabilitation. A new devaluation of the franc on May 4, drastic enough to give hope that there would be no need to resort to such a measure for a long time to come, was followed by a massive repatriation of capital. As a result a large national defense loan floated on May 16 was immediately subscribed.

That the financial future of the country is still uncertain there can be no doubt so long as huge armament expenditures are required by the international situation. But international tension will be eased when the fascist states will have to face again a strong and united France. This is an elementary truth which the French are beginning to grasp.

For one thing the fascist and communist movements have lost much of their momentum while the democratic forces centering around the Socialist, Radical-Socialist and Center parties have proved their vitality.

The tactics of the Communists, consistently supporting Popular Front cabinets in the Chamber, but at the same time carrying on insidious propaganda against government policies among the workers and the C.G.T., have aroused the distrust of their Radical-Socialist and Socialist allies. As a result all negotiations between Communists and Socialists for

a single proletarian party have failed and have been finally broken off. The dictatorial attitude of many Communist shop delegates, elected to this position through superior organization and party discipline, has antagonized the rank and file of the workers who are beginning to wonder what they have gained by this shift of authority from employers to shop delegates. In the past year attendance at Communist meetings and demonstrations has declined substantially, and it is safe to predict that in new legislative elections the Communists would not maintain their present position, especially if they fail to reach some sort of working agreement with the Socialists.

On the other hand the Right is torn by dissension more than ever before. The statement made by Tardieu in the summer of 1937 that Colonel de La Rocque had received a regular secret fund allowance from various governments and the resulting libel suits have done much to discredit the *Parti Social Français* and its leader. As to Doriot and his *Parti Populaire Français*, little is heard of them nowadays in spite of a spectacular start.

Trotsky is doubtless right when he points to the forces tending toward the disintegration of French democracy. He forgets however one fundamental factor which was practically non-existent in Italy and in Germany prior to the advent of Fascism: the average Frenchman's political experience and education.

It was one hundred and fifty years ago that the French made their first attempt at setting up a democratic government. Twice their efforts were frustrated and the preceding chapters show that even during the Third Republic the struggle for a true democracy is still continuing. The very difficulty

with which the French have gained a fair measure of individual liberty has given a large majority of them an almost aggressive attitude with respect to what they regard as their sacred rights. This explains the "always further to the left" complex of the French mass; this explains the Popular Front election. But how, with such a mentality, can one conceive that France, however grave her problem may be, will forego the fruits of such a hard battle? For, one must not forget that France has twice known what fascism means. Under Napoleon I and Napoleon III she has shown the brilliant façade of the fascist states of to-day, but she remembers that in both cases she had to give up her liberties and crumble finally in catastrophic wars.

Cherishing his right to self-government, the average French citizen is deeply interested in the exercise of this right. The innumerable political sheets, the subtle shades in the political grouping of Parliament, the conversations in the cafés which are so many political clubs, the huge percentage of voters who turn to the polls, stand witness to the passionate interest felt by the average Frenchman in the government of his country. Of course, a passionate interest in politics is not necessarily a test of one's capacity for self-government. But after so many decades of democratic rule, it is at least to be expected that a majority of Frenchmen have become sufficiently versed in the exercise of citizen's rights so that French democracy, like her older Anglo-Saxon sisters, has a reasonable chance of surviving the onslaught of those forces which engulfed the immature democracies of Italy and Germany.

This is not to say that the French democratic system of government does not stand in need of thor-

oughgoing reforms. A measure of administrative decentralization should be introduced. The present division of the territory into *départements* should give way to a division into broader administrative units patterned after the economic and geographical circumstances rather than some historical vestiges and political prejudices. The *arrondissements* should be done away with entirely, as they are not justified any more by the difficulty of communications. A greater measure of coördination and integration should be introduced in the administrative machine which suffers from its present division into water-tight compartments. More modern methods of management should likewise obtain in the bureaus. Also, the administrative personnel should be taught this sense of responsibility that syndicalism has progressively choked. The elimination of favoritism is desirable, but it ought not to be obtained at the expense of incompetence and inefficiency. As to Parliament itself it still represents the best protection that the average Frenchman can wish against every kind of tyranny. Its methods of work should be improved; the number of deputies should be reduced; but, most of all, the quality of the parliamentary personnel should be improved. There is at present a dramatic scarcity of political leaders. The slaughter of the war is largely responsible for this situation. But, perhaps, the French educational system fails to build in the French youth these qualities which may ultimately develop into political leadership. Here, it seems that the British educational system which emphasizes character training shows its superiority over those French schools which train young Frenchmen in the stifling atmosphere of a greenhouse. Many Frenchmen may brand the British as stupid, but political

life at least seems to prove the superiority of English character over French intelligence.

French democracy suffers above all from the very fact that the French have had to fight such a hard battle in order to win their political liberties. This, no doubt, explains why French democracy seems to put so much emphasis on individual freedom and so little on social discipline. Yet in the good society one must ever be present to correct the other, lest the country fall a prey to anarchy. As Léon Blum himself puts it in the conclusion of his book on governmental reform: "This country is weary of inefficiency in government, of wasteful agitation; this country wants a government which works with a steady purpose. . . . It is up to us to prove that this is not inconsistent with the parliamentary system of government . . ."[19]

[19] Léon Blum, op. cit. P. 207.

SWISS DEMOCRACY

CHAPTER I

THE GOVERNMENT OF SWITZERLAND

IN COMPARISON with England and France, Switzerland is a small country. Nevertheless it is the home of a form of democracy which has attracted world-wide attention. Having a population of about four million people Switzerland's resources are extremely limited. Vast mountainous areas render about a quarter of the territory unproductive, and fundamental raw materials, such as coal, iron and grain must be imported. To pay for such imports Switzerland has developed a number of export industries. It has in fact achieved a high degree of industrialization within recent years. By virtue of its water power and skilled workmanship it has been able to transform imported raw materials into finished products which find many purchasers in foreign countries. Thus it manufactures textiles, such as silk fabrics, silk ribbons, cotton cloth, woolens, embroideries, linen and lace, and also high-grade electrical apparatus and excellent watches. To-day about forty-six per cent of the working population is engaged in manufactures, or a total of 362,735 persons.[1] Democratic Switzerland has attempted to meet some of the problems created by industrialization through the enactment of advanced forms of social insurance.

About a quarter of the population still follows agricultural pursuits and there is a large number of

[1] Cf. "Switzerland," *The Index*, December, 1934.

small independent landowners. The country also derives an income from foreign investments and the tourist traffic. In 1929 there were nearly seventy-eight hundred hotels in the country, while during that year Switzerland received nearly 2,740,000 tourists, or sixty-five per cent of the total population. In economic policy Switzerland clung to the gold standard down to the present writing (January, 1935). In August, 1934, unemployment was 52,147, about half the number unemployed at the beginning of 1933.

Switzerland is of interest in the first place because it has demonstrated the possibility of close coöperation between people who at one time were independent of each other politically and who to-day are widely divided by language and religion. Secondly, Switzerland during the last century has succeeded in remaining aloof from the wars of Europe and in becoming a center of world activity by virtue of an internationally guaranteed neutrality. Thirdly, this little country has worked out a system of government which in certain respects combines the stability of the American system with the responsibility of the French and British systems. It is a government, moreover, under which the principles of direct democracy have been extensively applied. Switzerland, in fact, is the one state in Europe which has always been a republic.[2]

Of the four million inhabitants of Switzerland about 71 per cent speak the German language, 21 per cent French, about 6 per cent Italian, and little more than 1 per cent Romansch. In religion the

[2] Cf. W. E. Rappard, "Switzerland," *Government, Encyclopædia of Social Sciences,* Vol. VII, p. 56.

people are more evenly divided, about 57 per cent being Protestant, nearly 41 per cent Catholic, and 0.5 per cent Jews. In twelve of the twenty-two cantons Protestants are in the majority, in ten the Catholics. Despite this diversity of language and religion, the Swiss people are intensely nationalistic and live together more harmoniously perhaps than do the people in many nation states having a greater ethnic and religious unity.

THE STRUGGLE FOR UNITY

The success of Switzerland in establishing a national unity despite these internal diversities has been the result of a long historic process, the major factor in which has probably been fear of subjection by outside foes. In the ninth century Switzerland became part of the German Empire, after long serving as a battleground for the Romans, Allemanians and Franks. The independent history of Switzerland began in 1291 when the three cantons of Uri, Schwyz and Unterwalden concluded a treaty establishing a Perpetual League for the purpose of preserving ancient liberties against the Hapsburgs. By 1513 thirteen cantons had entered the confederation thus established, and, after embarking on numerous wars of conquest as well as defense, Switzerland secured the recognition of its independence from the Holy Roman Empire in the Treaty of Westphalia of 1648. The relationships among the thirteen cantons were extremely complex, depending upon a large number of separate treaties. Moreover, alongside certain cantons existed a number of allied countries and subject territories.

Although the cantons proved unified enough to throw off outside control, they soon began

to quarrel among themselves. Between the sixteenth and eighteenth centuries internal dissensions caused Switzerland to enter a period of decline. Differences arose between the rural cantons which were governed by sovereign assemblies, the cities which possessed representative government, and those cantons which were pure oligarchies. The Perpetual League of 1291 had not established any machinery of government for the allied cantons but merely occasional general councils, or diets, of delegates from each canton.

Lacking any strong cohesive force the Perpetual League dissolved following the outbreak of the French Revolution.[3] Invading Switzerland, French armies induced the country to establish a republic upon the French model. In 1798 the loose form of confederation which had existed under the Perpetual League gave way to a highly centralized régime known as the Helvetic Republic. Under the Constitution of this republic, which had been drafted in Paris, Switzerland became a unitary state in which the cantons disappeared in favor of twenty-two administrative departments. The government was placed in the hands of a directory of five members elected by a newly established national legislature.

Aroused by French intervention and the requisitions of the French armies and disturbed by the suppression of the local cantons, the Swiss soon revolted against the new constitution. As a result Napoleon Bonaparte in the Act of Mediation of 1803 restored

[3] Robert C. Brooks, *Government and Politics of Switzerland*, 1918, p. 35ff. For a precise summary of Swiss constitutional history, and the French text of the Constitution of Switzerland and the cantons, cf. F. R. and P. Dareste, "Les Constitutions Modernes," 1929, Vol. II, p. 535. For an English text of the Swiss Constitution, cf. C. E. Martin, and W. H. George, "Representative Modern Constitutions," 1923, p. 36.

the cantonal constitutions but maintained the authority of the central government in certain matters of national concern.

With the overthrow of Napoleon, Switzerland experienced the reaction which now befell most of Europe. The twenty-two cantons which the Congress of Vienna recognized as now belonging to the Swiss federation adopted a federal pact of August, 1815, representing a compromise between the unitary and federal principles which had been struggling against each other since 1798. Although the new constitution did not establish any central authority as such, it did establish a diet containing a representative of each canton, voting on instructions. This diet was competent to declare war, make peace, name ambassadors and to levy troops in accordance with a system of cantonal contingents. It could also send national troops into any district threatened by disorder. The cantons, however, maintained their complete internal autonomy which many of them now used to restore aristocratic régimes. They could, moreover, conclude treaties provided they did not make alliances prejudicial to the confederation or to the rights of the other cantons.

Partly as a result of the liberal revolution of 1830 in France, a movement arose to revise the cantonal constitutions in Switzerland in the direction of a greater degree of democracy. In 1832 the diet appointed a commission to prepare or revise the federal pact. The question of revision, however, for the time being made little progress and the religious question created serious internal differences. In 1845 the seven Catholic cantons formed a separate league called the *Sonderbund*. The formation of this league led to a civil war which was suppressed within a

month. It was largely the influence of Lord Palmerston, however, which prevented Austria, France, and Russia from intervening on the side of the Sonderbund.

Influenced by these internal dissensions and motivated by the European liberal movement of 1848, the Swiss diet now approved a new constitution. Inspired to a certain extent by the example of the United States, the federal constitution of September 12, 1848, transformed Switzerland into a federal government. The twenty-two cantons, however, remained sovereign "so far as their sovereignty is not limited by the federal constitution." The federal government vested legislative power in a federal assembly, divided into two chambers, the Council of State equally representing the cantons, and the National Council representing the population. The executive power consists of a federal council of seven elected by the Assembly; the judicial power consists of the federal tribunal, which does not, however, have the power to declare laws unconstitutional. The federal government may exercise administrative authority directly over individuals in the spheres delegated to it by the Constitution. It guarantees the sovereignty of the territories of the canton and may intervene in cantonal affairs without awaiting a request from the canton authority in case of internal disturbance or threatened conflict between several cantons. This right the federal government has exercised about eleven times.[4]

In 1872 the people rejected a proposal for a new constitution submitted by the Federal Assembly on the ground that it went too far in curtailing the rights of the cantons, particularly in regard to mili-

[4] Brooks, cited, p. 57.

tary questions and control over civil and criminal law. The Federal Assembly thereupon drew up a new constitution which made certain concessions to the cantons but which nevertheless centralized control over military matters and gave the federal government the initiative in unifying certain matters of commercial law. This constitution was adopted in April by a vote of 340,000 and 14½ cantons, against 198,000 and 7½ cantons. Since then the federal constitution has been amended a number of times. These amendments have increased the direct participation of the people in the process of legislation, have still further centralized the powers of the confederation and finally have imposed upon the government new tasks in the realm of economic regulation and social insurance.[4a]

Although the powers of the federal government have steadily increased, the cantons still remain in control of such important matters as education, church organization, direct taxation, and judicial procedure.

Thus a period of nearly six centuries was necessary

[4a] In 1934 a complete revision of the federal constitution by popular initiative was requested for the first time in the history of the country. The demand for such revision arose from groups which believed in strengthening the powers of the cantons, in relation to the national government. Since the world-war the tendency of the federal government has been to retain the emergency powers exercised during the war; and by making use of emergency decrees, the federal government during the past few years prevented popular referenda which would have taken place had action been taken by regular law. Thus one check upon the federal government was removed; moreover, in Switzerland, there is no tribunal which may define the powers of the federal government. A second demand for constitutional revision came from those who believed in the principle of occupational representation and its evolution into the corporative state. Cf. Fritz Fleiner, "Ziele und Wege einer eidgenössischen Verfassungsrevision," address before General Assembly of the Züricher Kantonalbank, June 22, 1934; also Chapuisat, "La Revision de la Constitution Federale," *Le Temps*, Nov. 28, 1934.

to bring about the unification of Switzerland. This result was finally obtained only after a long period of internal dissension as well as foreign aggression and by the final establishment of a form of government which respected local cantonal differences but which established a strong central government with actual powers of coercion over the cantons and individuals. These legal developments were in large part the reflection of a growing spirit of unity and tolerance on the part of the cantons and people for each other. The history of Switzerland may give some hope to those who believe in the possibility of international coöperation among widely divergent nation-states.

Today Swiss nationalism is preserved, not only by forms of government and orthodox political methods, but by what Professor Brooks calls "the manifold forms of symbolism—ceremonials, memorials, holidays, the use of flags and coats of arms, the wearing of old costumes, the cults of marksmanship, gymnastics, and singing; the cultivation of art, music, and the drama."[5] All these practices deepen the strength of tradition and devotion to locality.

The Swiss schools also make a fundamental contribution to civic training and life. According to the author above quoted, "They are pre-eminent along many lines, as follows: wide popular interest in and discussion regarding methods of civic training; the excellence of language teaching, nicely calculated as it is to overcome the pull of foreign sympathies; the direct practical value of many courses and many special commercial, industrial, agricultural, and home-economics schools; the capable interpre-

[5] Robert C. Brooks, *Civic Training in Switzerland, A Study of Democratic Life*, 1930, p. 427.

tation of the works of national authors; the high character of homeland lore and civics textbooks; the general practice of taking children of all ages on school excursions; most of all, and above all, the fine training, devoted spirit, political independence, and popular repute of school teachers." The result has been to give Switzerland a continuing sense of national unity and responsibility, and a high standard of political life.

THE PRINCIPLE OF GUARANTEED NEUTRALITY

The unity of Switzerland has been maintained not only by the principle of federalism, but also by that of neutrality. During the Middle Ages Switzerland provided mercenary soldiers for many of the great powers of Europe. It is estimated that between 1704 and 1715 seven hundred thousand Swiss mercenary soldiers lost their lives in the service of France alone,[6] but the experience of Switzerland in being constantly involved in quarrels of greater powers demonstrated the wisdom of adopting a new policy. Although these efforts were doomed to disappointment during the French Revolution, the Congress of Vienna of 1815 drew up an engagement under which the great powers of Europe guaranteed the perpetual neutrality of Switzerland. To carry out this principle the Swiss Constitution of 1848 prohibited the making of new military "capitulations"; and after 1859 the practice of recruiting mercenary soldiers in Switzerland came to an end altogether. The enlistment of citizens on Swiss soil in any foreign unit except the Swiss Guards at the Vatican is prohibited. During the Franco-Prussian War of 1870

[6] Baker, *Modern Republic*, quoted by R. C. Brooks, *Government of Switzerland*, p. 31.

and the World War of 1914-18 Switzerland was scrupulously careful not to violate its obligation of neutrality. Largely because of its neutralized position Switzerland was chosen as the seat of the League of Nations and the International Labor Office. After an animated political discussion the Swiss people voted to join the League of Nations but on the understanding that in view of the neutralized status of Switzerland the government could not take part in any military action on behalf of the League or allow foreign troops to pass through its territory. In February, 1920, the League Council admitted Switzerland subject to these reservations.[7] In 1934 the Federal Council declined to grant the request of the Saar government that it authorize the enrollment of Swiss in a special police force to supervise the forthcoming plebiscite in the Saar. Although French newspapers criticized this decision as a violation of Switzerland's obligations to the League of Nations, the Swiss contended that this decision was a necessary corollary to the principle of neutrality.[8]

Swiss neutrality has been motivated by two major causes. The first is the desire to remain immune from foreign invasion, a danger which is particularly great because Switzerland controls many of the most strategic passes of Europe. The second reason has been the belief that any other policy would cause deep dissension among the different racial elements of the population. A Swiss rapprochement with Germany would alienate the French element; on the other hand, an alliance between Switzerland and

[7] *Official Journal*, League of Nations, March, 1920, p. 57.
[8] "La Suisse et l'affaire de la Saare," *Journal de Genève*, September 29, 1934.

France would alienate the German element. Neutrality has been, therefore, an essential safeguard of national unity. A Swiss intellectual has recently written, "The voluntary neutrality practiced by Switzerland is thus not only a form of its independence, but also essential to its system of equality. In this way only can there be an equilibrium of twenty-two sovereign states, three races and three or four linguistic communities. According to custom, each of these communities draws a part of its spiritual strength from the larger communities to which it is outwardly attached. Switzerland as a nation would perish if it could not refresh itself at the living sources of the great cultural traditions which its diverse races and languages represent. The French-Swiss mind looks primarily toward France, the Italian-Swiss toward Italy and the German-Swiss toward Germany. Each of them feels that in its Swiss association it represents its own cultural homeland, while neutrality, curbing and harmonizing excessive enthusiasms, becomes a form of tolerance and opens the way for the interpenetration of Switzerland's three minds and three cultures, which are otherwise perfectly independent."[9]

THE SWISS MILITARY SYSTEM

Switzerland does not rely exclusively upon international guarantees for protection for it also maintains a unique type of military system. The constitution provides that every Swiss is bound to perform military service although the form of conscription differs from that of any other country in Europe.

[9] Alexis François, "Switzerland's Sane Nationalism," *Current History*, June, 1934.

Military instruction really begins in physical-training classes in the schools and it continues in rifle clubs and other activities. Full liability for military service begins at the age of twenty and continues until forty-eight. Until his thirty-second year the Swiss citizen belongs to first-line army, called the *Elite*. Between the thirty-third and fortieth year he forms part of the second-line troops, called the *Landwehr*. From the fortieth to forty-eighth year he forms part of the *Landstrum*, or troops used for lighter duties such as guarding lines of communication.[10]

The Swiss Army to-day consists of six divisions, three cavalry brigades, four mountain brigades, the air force and garrisons at the St. Gothard and St. Maurice forts. Including the *Landwehr* and *Landstrum* the army can mobilize about four hundred thousand men.

Unlike the ordinary service of conscription which provides for an initial period of service of at least one year, recruits for the Swiss army spend a period of training, ranging, until recently, between sixty-five and ninety-two days depending upon whether the service is infantry or cavalry. About twenty-five thousand recruits are annually called up for this period of first training. Thereafter these recruits are called back for repetition courses usually of thirteen days each. About one hundred fifty thousand men annually take part in these repetition training courses. After completing service with the colors recruits are allowed to keep their personal arms at home subject

[10] For a description of the Swiss army system, cf. *Armaments Year-Book, League of Nations*, 1934, p. 648; C. Egli, *L'Armée Suisse*, 1913, R. C. Brooks, *Government and Politics of Switzerland*, ch. II.

to periodic inspection by the government. Unlike the conscription system in France and elsewhere the Swiss system has no room for professional soldiers except for a corps of about three hundred instructors. The officers are chosen from the ranks of the civilian soldiers and are obliged to take supplementary courses of instruction. Many officers are business and professional men who follow the army as an avocation. Switzerland, in short, has a militia or citizen army which imposes a universal obligation upon all Swiss men but an obligation which is much less onerous than that in other countries. Lacking a professional military class, the Swiss army does not militarize the country to the same extent as conscription does elsewhere. The army does not have the tanks or larger guns found in other establishments—it exists purely for defensive purposes. The democratic nature of the régime is indicated by the fact that in time of peace the army has no commander in chief, but when a crisis arises the Federal Assembly appoints a commander general, while it is always competent to issue instructions to the army. Hitherto, the Swiss military system has proved highly efficient particularly because it emphasized marksmanship. In 1934 the military expenditures were estimated at 92,200,000 francs, which was twenty-one per cent of the total federal budget. So attractive has the Swiss system appeared to foreign observers that Jean Jaurès, the great Socialist leader, advocated its adoption in France before the World War,[11] and its adoption has been advocated in the United States.

In 1932 the Geneva Disarmament Conference

[11] Charles Rappoport, *Jean Jaurès*, 1925, 3d ed., ch. 4.

seriously considered a proposal for reorganizing all European armies upon the Swiss militia basis.[12]

During recent years, however, the Swiss military system has not escaped criticism. Many pacifists have opposed the principle of conscription.[13] Socialist deputies have voted against military credits on the ground that Switzerland was too small to offer any adequate military assistance and that it was best to maintain no army at all. Socialists have asserted that the officer class consist of only the well-to-do and that the army may be used as an instrument of oppressing the working class. The clash between the Swiss army and the Socialists in Geneva in November, 1932, is cited in support of this view.

On the other hand the growing mechanization of war and the new rôle played by aviation may lead to modifications in the Swiss system, which has specialized upon personal marksmanship. Swiss riflemen could be counted upon to guard the passes from invasions from mass armies of neighboring states, but can these citizen soldiers be similarly relied upon to meet the onslaughts of enemy tanks, poison gas and airplanes?

The advent of Hitlerism in Germany coupled with the failure of the Geneva disarmament conference increased apprehension in Switzerland. In

[12] The dangers of attempting to extend the Swiss system elsewhere are suggested by Professor Rappard: "Unless restrained by such a tradition [of conservative national democracy] the armed and trained masses which it [the Swiss army system] organizes and places under the command of officers drawn solely from their own ranks would constitute a permanent menace to the state. And unless disciplined and inspired by such a tradition the army would be a mere rabble unfit to face a technically superior force. . . ." *Encyclopædia of the Social Sciences,* Vol. VII, p. 57.

[13] "The Swiss Militia," *The War Resister,* Autumn, 1929, p. 7. Cf. Robert C. Brooks, *Civic Training in Switzerland,* 1930, p. 153.

the winter of 1933 the Federal Assembly extended the period of instruction in nearly every unit and appropriated eighty million francs to improve the army's artillery and air force. A fear of German invasion across the undefended Rhine bridges—a route which an army having the objective of Lyons (France) might take—led the Swiss parliament to pass a resolution urging the government to fortify the Rhine frontier. In the fall of 1934 an initiative petition was circulated in favor of legislation severely penalizing Communist propaganda in the army.[14] Among some Socialists a new attitude arose to the effect that the rise of Fascism should be combated by military means.

THE FORM OF GOVERNMENT

The powers of the federal government in Switzerland are considerably wider than are such powers in the United States.[15] Thus it may deal with matters of private law, education and commerce, whether inter- or intra-cantonal, and administer many state monopolies, It is not limited by a bill of rights in the Constitution, nor by a supreme court having power to declare laws unconstitutional. Nevertheless the liberties of the people are respected and the balance between the federal government and cantons is maintained by the representation of the cantons in the federal legislature, the processes of direct democracy such as the initiative and referendum, and the unique relationship which exists between the federal legislature and the executive.

[14] "Le renforcement de la defense national," *Journal de Genève,* October 6, 1934, and "Swiss Watch on Rhine," *The Times* (London), October 13, 1934.

[15] Cf. Brooks, *Government and Politics* cited, p. 60; also Fritz Fleiner, *Schweizerisches Bundesstaatsrecht,* 1923, pp. 36ff.

The Federal Assembly has two chambers, the first of which is the Council of State which consists of forty-four members containing two representatives from each canton and one from each half canton. The method of electing these representatives and fixing their term of office is left to the discretion of each canton. Likewise the salaries of the representatives are paid not by the federal government, but by the cantons. Nevertheless these councilors cannot be instructed by cantons how to vote.[16]

The other branch of the Assembly is the National Council. Before 1930 it consisted of representatives chosen by manhood suffrage on the basis of one member for each twenty thousand persons.[17] In 1930, however, the life of the House was extended from three to four years and the basis of representation was changed to one member for each twenty-two thousand people. As a result the size of the lower house was reduced from 198 representatives in 1920 to 187 distributed as follows:

Canton	*Number of Representatives*
Zurich	28
Berne	31
Lucerne	9
Uri	1
Schwyz	3
Unterwald—Upper and Inner	2
Glaris	2
Zoug	2
Freiburg	7
Soleure	7
Bale—town and country	11
Schaffhouse	2
Appenzell—Outer and Inner	3
St. Gall	13
Grisons	6

[16] Members of both chambers receive a stipend of forty Swiss francs a day.

[17] The agitation over woman suffrage is discussed by Brooks, *Civic Training in Switzerland*, p. 247.

Argovie	12
Thurgovie	6
Tessin	7
Waadt	15
Wallis	6
Neuenburg	6
Genf	8
Total	187

Although with few exceptions the powers of the two houses of the parliament are concurrent, in practice the National Council exercises most influence. Both houses meet in joint session to elect the federal council, the federal court and certain other officers, to exercise the pardoning power, and to decide conflicts between federal authorities. The executive cannot dissolve either body of parliament and a meeting of the two houses may be called into a special session at the request of one-fourth of the national Council or of five cantons or by a resolution of the executive.[18] Although the Federal Assembly occupies an exceptionally strong constitutional position, it is relatively weak in comparison with most foreign parliaments.[19] This is due in large part to the permanence of the executive branch of the government, which is relatively unaffected by party victories at the polls and in the Assembly. As a result the Federal Assembly lacks both executive ambition and executive experience. "As the Assembly usually includes no former members and but very few future members of the federal government, its function in fact often resembles that of an advisory rather than of a sovereign body. Government measures are seldom seriously amended and still

[18] Fritz Fleiner, *Schweizerisches Bundesstaatsrecht,* 1923. pp. 130ff.

[19] Rappard, "Legislative Assemblies," *Encyclopædia of the Social Sciences,* Vol. IX. p. 385.

more seldom rejected by the legislature, which in this respect has always shown itself far more docile politically than the people at the polls. The success of the referendum in Switzerland is both a cause and a consequence of this extreme parliamentary docility."[20]

Falling midway between the American presidential system and the parliamentary system of France and England, the executive authority of Switzerland rests neither in king, president or prime minister but in a Commission of seven men known as the *Bundesrat* or Federal Council located at the capital of Berne. This commission is chosen every four years by the Federal Assembly, that is, the joint session of the National Council and the Council of State. One of the members of this commission is annually elected by the Assembly to serve as chairman with the title of Federal President, while another is chosen as Vice-President.[21]

Although legally the president has no important powers he is usually an important party leader, and especially when he holds the portfolio of Foreign Affairs he may exercise considerable influence over general policy. Nevertheless it is true to say that the execution of the mandates of the Swiss Legislature are intrusted to a college of seven members equal to each other in importance. Although the term of these members is only for four years, in practice many of them hold office for long periods—terms as long as thirty-two years are on record.[22]

[20] Ibid.

[21] The Federal Assembly also appoints an official known as the Chancellor, a position of a certain magnificence. The Chancellor serves as the secretary of the commission and of the legislative branch of the government.

[22] Brooks, *Government and Politics*, p. 106.

Moreover, as a rule Federal Councilors have served a long apprenticeship as members of the cantonal governments and also of the Federal Legislature. Each member is paid a salary of $10,460 (32,000 Swiss francs) a year while the president receives $11,438 (35,000 Swiss francs). Each councilor is also chief of an administrative department of which there are seven, (1) foreign affairs, (2) interior, (3) justice and police, (4) military, (5) finance and customs, (6) agriculture, commerce and industry, (7) posts and railways. Although in France the President of the Republic stands behind the Cabinet, and although in England the Monarchy stands behind the Prime Minister, the Swiss Federal Council stands upon its own feet relying upon no superior authority for continuity. The constitution gives the Federal Council wide executive powers including the supervision of the action of cantonal governments and carrying out federal legislation. The Council does not rest upon any party majority in the legislature nor does it resign or attempt to dissolve the legislature when the Federal Assembly decides against it. Although the Radical Democratic party constitutes the largest group in the National Council, the Federal Council consists of four Radical Democratic councilors, two Catholic Conservatives, and one representative of the Farmers', Workers' and Middle Class party. The Federal Council, however, does not have the independence of the legislative body which is enjoyed, for example, by the President of the United States. It must make detailed reports to the Federal Assembly and this body frequently issues instructions which the Federal Council must follow. At times this is done by pass-

ing a motion called the "postulate." If the postulate does not procure the desired result, the Federal Assembly may enact a federal resolution which is binding upon the executive. While the Legislature thus is the final source of authority, the Federal Council does not resign when it is overruled by the legislative body. Nor does the legislative branch attempt to dismiss the Executive Council. If the Council proposes a measure or follows a policy which the Assembly opposes the Council modifies its judgment to meet the desires of the legislative body but continues to carry on the administration in accordance with the legislative will.

As in other successful democracies, the administration of the government depends largely upon a permanent and honest civil service—little influenced by party politics.[23] The Swiss bureaucracy assists in the drafting of legislation, and enjoys the functions of making ordinances.[24] A law of 1928 established an administrative tribunal to hear complaints against the exercise of this ordinance power. The number of persons in the federal service increased from nearly 62,000 in 1910 to 74,398 in 1920. By the end of 1929 the number had been reduced to 64,300.[25] Nearly eighty per cent of this number, however, have been engaged in the so-called traffic services—the rail-

[23] Cf. however, Viscount Bryce, *Modern Democracies*, Vol. I, p. 368.

[24] At the outbreak of the World War the Swiss Federal Council was granted emergency powers to maintain the integrity and security of Switzerland, even to the extent of altering the Constitution. (Act of August 3, 1914). Esmein states that such an act was unconstitutional, H. Esmein, *Droit Constitutionnel*, 7th ed., 1921, p. 92, ftn. 1.

[25] Carl J. Friedrich and Taylor Cole, *Responsible Bureaucracy, A Study of the Swiss Civil Service*, Harvard University Press, 1932, p. 38.

roads, telegraph and telephone. In 1920 about two thousand more public officials were employed by the cantons and municipalities than by the Confederation, the total in both categories being 153,329 or 8.3 per cent of the whole number of persons gainfully employed. About 36 per cent of the canton and municipal officials are engaged in educational activities.

Within recent years Swiss officials have been influenced by the doctrines of trade unionism, and in November, 1918, a majority of the railroad workers and 1346 postal employees participated in a general strike called by the Federation of Trade Unions and the Swiss Socialist party. As a result, the Federal Council issued an ordinance on November 11, which placed all civil servants under military laws and declared that the participation of government officials in a strike was a crime.[26] This conflict between the superior functionary who regards a strike as an attack on the integrity of the government and the subordinate who regards a strike as a legitimate means of redressing grievances does not seem to be solved in Switzerland any more than in other democratic countries.

POLITICAL PARTIES

Switzerland disproves the contention that a democratic government cannot work efficiently except upon the basis of a majority and minority party. For a number of years six or seven parties have been represented in the Council of State and the National Council. The situation in 1934 was as follows:[27]

[26] Ibid., p. 80.
[27] *Political Handbook of the World,* 1934, p. 178.

COUNCIL OF STATE

Parties	*Representation*
Catholic Conservatives	19
Radical Democratic	18
Farmers, Workers, and Middle Class	3
Liberal Democratic	2
Social Democratic	1
Social Political	1
Total	44

NATIONAL COUNCIL

Parties	*Representation*
Radical Democratic	52
Social Democratic	49
Catholic Conservative	44
Farmers, Workers and Middle Class	30
Liberal Democratic	6
Communist	3
Social Political	2
Minor Groups	1
Total	187

The Constitution of 1848 was largely the work of the Liberal party which was anti-clerical in philosophy and which favored the extension of the powers of the Federal government. A division soon arose in the party, however, over the social question.[28] The more radical elements organized what is called the Radical Democratic party, which has continued to be the strongest party in the country, being supported by the middle class. Its position has been sharply challenged by the rise of the Social Democratic party which has a trade-union basis and belongs to the Second International. The Catholic Conservatives, as their name represents, have been clerical in tendency while opposing direct taxation and centralization. One faction, however, tends toward Christian Socialism. The fourth largest group in the National Council is the Farmers', Workers'

[28] Cf. R. C. Brooks, *Civic Training in Switzerland,* Chs. 3 and 4.

and Middle Class party which seceded from the Radical Democratic party in 1919. More conservative than its parent, it believes in tariffs protecting agriculture and industry, agricultural reform and strong national defense. Within recent years the growth of class tension has tended to upset the traditional policies of tolerance and compromise of the Swiss people. In November, 1932, the nationalist group held a mock trial of Socialist leaders which led to rioting. The Swiss militia intervened and in the fighting which took place twelve people were killed and more than fifty wounded. The courts sentenced to prison Léon Nicole, editor of the Socialist newspaper *Le Travail*, on the ground that he was responsible by inciting the Socialists to violence. A year later the canton of Geneva returned M. Nicole and a Socialist majority, being the first canton in the entire confederation to do so.[29] Moreover, the Socialists also gained control of the city governments of Zurich and Lausanne. Their electoral successes created bitterness among the Conservatives and the rise of this class tension may have serious repercussions upon the commission form of government which functioned with such relative tranquillity in the past.[30] For their part Socialists complain bitterly against the enactment of legislation prohibiting propaganda in the army and punishing newspapers criticizing foreign governments on the ground that such measures are Fascist in character. Despite the fact that the Socialist party is the second largest in the National Council no

[29] "L'election du Consel d'Etat," *Journal de Genève*, November 27, 1933.

[30] For the conservative point of view toward the Geneva government, cf. "Pourquoi nous combattons le régime socialiste et ses projets fiscaux," *Journal de Genève*, Oct. 28, 1934.

member of the party has yet been elected to a position of commissioner on the Federal Council.

The rise of Fascism in leading European countries had its repercussions in Switzerland where national socialist organizations sprang into existence. A leading organization is the National Socialist Confederation. This group believes in maintaining the purity of Aryan blood and also wishes to return to the early language and writings of the Swiss cantons. Several other Fascist organizations exist, the importance of which is still indeterminate.[31] To combat Fascism a so-called *Kampfbund* composed of Socialists and left-wing Liberals has been organized. The Swiss Fascist movement does not seem, however, to have made many inroads upon the Swiss system of Democracy. In fact the rise of Socialism in Switzerland has been more striking than that of Fascism.

DIRECT DEMOCRACY

With the possible exception of the United States, Switzerland presents the best example in the world of the direct participation of the people in the government. The institutions of direct Democracy rest upon the ancient tradition of the *Landsgemeinde*, a body which is similar to the old town meeting in New England. In about six cantons this popular assembly still continues to determine cantonal destinies. Usually it meets on the last Sunday in April in the open air where public questions are discussed and acted upon with dignity and order. The *Landsgemeinde* has the power to revise the cantonal constitution, enact ordinary legislation, im-

[31] Cf. Emil Lengyel, "Diverse Fascist Groups at Work in Switzerland," *New York Times*, November 18, 1934.

pose taxes, and generally supervise the administrative work of the cantonal executive commission.[32] These popular assemblies, which are open to every cantonal citizen, continue to attract the respect and devotion of the people. Professor Brooks writes, "At the present time it is generally conceded that the *Landsgemeinde* will be perpetuated indefinitely in the six Democratic cantons of Switzerland as 'the most natural, most vital and most beautiful embodiment of Democracy.' It deserves to endure so long as the simplicity and nobility of that ideal have power to influence the world."

The initiative and referendum represent an effort to extend the idea of direct democracy from the *Landsgemeinde* to the Swiss nation as a whole. These institutions take various forms. Thus all amendments to the Constitution initiated by the Federal Assembly must be referred to the people—the obligatory referendum. Before they can be adopted they must secure a majority of the popular vote as well as a majority of the cantons. Between 1874 and the beginning of 1932 the Federal Assembly initiated forty-two partial revisions of the Constitution, thirty-three being accepted by the people and cantons and nine being rejected.[33] Since 1891 it has also been possible for fifty thousand voters to initiate a constitutional amendment. When this number of petitioners submit a draft to the Federal

[32] In the other cantons legislatures consist of representatives usually elected by the people, in some cases by proportional representation. These legislatures are unicameral in nature. An executive commission exists in each of the twenty-two cantons. Eleven cantons have adopted the obligatory referendum for all ordinary laws; with one exception all cantons have the initiative for ordinary legislation. Brooks, *Government and Politics*, ch. 14.

[33] Maurice Batelli, *Les Institutions de Democratie Directe en Droit Suisse et Comparé Modern* (Paris, Sirey, 1933), p. 194ff. F. Fleiner, *Schweizerisches Bundesstaatsrecht*, p. 288ff.

Assembly this body may recommend its rejection or submit a counter-proposition to the people. In any case the initiative proposal must be submitted to the people.[34] Only a few attempts at amending the Constitution by means of initiative have been successful. Usually the people agree with the Assembly's judgment.

The referendum may similarly be invoked against ordinary acts of the Federal Assembly—if a petition of thirty thousand voters so requests within ninety days after the law is passed. In such a case the acceptance or rejection of the federal law depends upon a majority of the popular vote regardless of the cantons. Between 1874 and the beginning of 1932 the Federal Assembly adopted four hundred fifteen laws and federal decrees upon forty of which the referendum was asked; the people and cantons accepted fourteen of these laws or decrees, rejecting twenty-six; 90.4 per cent of the federal laws and decrees have entered into effect without a referendum being requested, 3.4 per cent were expressly accepted by the cantons and the people, and only 3.2 per cent have been rejected. In the Confederation the initiative is limited to constitutional amendments; in the cantons, however, it may be applied to ordinary cantonal legislation.

Contrary to predictions, popular participation in these instruments of government seems to have increased within recent years. Thus the proportion actually voting in referenda rose from 51.6 per cent between 1911 and 1920 to 60.7 per cent between 1921 and 1931.[35] Social and economic issues in particular

[34] Cf. chapter 3 of the Swiss Federal Constitution.
[35] Cf. Brooks, *Civic Training in Switzerland*, p. 114.

draw large votes. Thus in December, 1931, 78.1 per cent of the electorate came to the polls, a majority rejecting a law for state old-age insurance. In December, 1922, 86.3 per cent of the electorate participated in a vote on a socialist proposal for capital levy. Generally speaking the people have proved more conservative than their representatives in the Federal Assembly or the political parties. Thus in December, 1931, the people defeated the Loi Schulthess concerning old-age insurance, although it had been almost unanimously adopted by the Chamber. In December, 1926, the people similarly rejected a proposal for a government wheat monopoly, although it had been supported by nearly every party. In February 1923 the people rejected by the large majority of 414,305 to 93,892 a convention signed by the government relative to the free-zone dispute with France. This is the first time an international treaty had been referred to referendum, constitutional amendment authorizing such referendum having been adopted in 1921. While the people have approved many measures of social insurance and while they have not opposed the tendency toward federal centralization, they have demonstrated their belief in the virtues of private enterprise and individual liberty. Switzerland offers little hope to those who believe that Socialism can be peacefully inaugurated by the methods of direct democracy.

Compromise and tolerance are essential elements in the Swiss system of government. A people more given to absolutes or inclined to engage in extremist debates over abstract principles would find the Swiss system unworkable. The Swiss Constitution does not provide the dramatic clashes of parties and forces

common in other countries, nor does it give rise to any evangelical movements in favor of far-reaching reforms, but it does give the Swiss people a stable administration, accountable not only to the legislature but directly to the electorate.

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