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LIBERTY AND EQUALITY IN INTERNATIONAL RELATIONS¹

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In the question of liberty and equality we are at the very root of all political science. Nothing is so fundamental as the problem of authority and liberty. In no age or place has discussion of state and government proceeded without the express or tacit assumption of dogmas as to the essence and relationship of the conceptions of liberty, equality and authority. And the dogmas on these subjects have not been confined in their application to the affairs of individuals. They have constituted the foundation of theory and of practice in the affairs of those aggregations of individuals that constitute governments, states and nations. It is therefore my purpose to devote myself here to some consideration of the manifestation and influence of the conceptions of liberty and equality in the field of international relations.

I

The genius of classical Hellas, which produced the first systematic science of politics, failed to produce much that can be thought of as international law. Of international relations there was enough and to spare; but while Hellas seethed with the rivalries, ambitions and wars of the little states, its speculative activi-

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ties were chiefly concerned with the ideal of an internal organization so balanced and perfect as to render the city-state self-sufficient, secure and hence indifferent to what went on beyond its limits. In practice independence was the goal of the political life of the city. This kept the Greeks from subjection to the Persians, and it kept them also from any national consolidation of their own. But this Hellenic liberty, so boasted in song and story, had in it no suggestion of equality. It was a unilateral liberty—a security against oppression from the stronger, but implying no restraint on the application of oppression to the weaker. It was liberty that implied dominion. The Athenian state imposed upon subject states a servitude much like that which itself narrowly escaped suffering under the Persian king. The Spartan empire was a heartless despotism. When Philip and Alexander made the pretensions of the Hellenic cities to independence ridiculous, the Greek spirit sought consolation in the Stoic and Epicurean idea that for real liberty political and social relations did not matter at all, but only the intellectual exaltation of the philosopher. The only free man was the sage and the only equality worth considering was that which prevailed among those who should have attained to sage-like wisdom.

Liberty in republican Rome was like that in Hellas. It was the attribute of a master, not of an equal. It rested on slavery, on conquest. Even the gentle Vergil could conceive no loftier mission for Rome than to lord it over the peoples—to be lenient to those that submitted, but harshly to humble the proud.

Tu regere imperio populos, Romane, memento:

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Parcere subjectis et debellare superbos.

With the compacting of the empire, however, the way was prepared for new ideas. For centuries no rival contested the supremacy of the *populus Romanus*. Gradually all the civilized peoples of the earth became elements of the Roman people; all freemen became citizens of Rome, and all thus became equal under the law of Rome. Though this law might be the will of the prince, and though liberty under it was still the liberty that

implied dominion over slaves, yet the scope of equality and the consciousness of it vastly exceeded the conditions of any earlier time. Then came from the very center of authority, from the judicial council chamber of the prince himself, the fateful doctrine that by nature all men are both free and equal, that subjection and dominion are not normal in the universe. Christianity came soon to confirm and explain this dogma. God, the Christians said, had made man free and imposed the law of his life, but man had failed to keep this law, sin had entered the world, and therefore slavery and all forms of dominion had become the lot of humanity. Before the ineffable might and majesty of the Creator all men were indeed equal; but as part of His plan to save them from the consequences of their transgression authority of man over man was ordained in this life.

Through the career of ancient Rome, thus, the fact of a very widespread equality had been impressed upon the consciousness of civilized man, and the doctrine of a liberty that did not imply dominion had entered into political and social speculation. Moreover, international relations had practically ceased to exist. Where the fact and the ideal of the Greek period had been a congeries of city states in unending competition for the liberty that meant dominion, imperial Rome impressed upon history the conception of world-wide unity and peace, under the sway of the Roman prince and the Christian God.

With the influx of the Germanic tribes and the establishment of their rival kingdoms on the territory of the empire, the *pax Romana* disappeared and pre-imperial conditions prevailed among the peoples. Incessant wars of the Goths, the Vandals, the Lombards and the Franks for the liberty that meant dominion obliterated the fact, and all but extinguished the ideal, of political unity under the Roman prince; the sweep of the Arabs through Africa and Spain threatened the supremacy of the Christian God. At the end of the eighth century the Franks, having triumphed over Lombards and Arabs, established a power which under Charlemagne renewed the forms and revived the ideals of the Christian Roman empire. But unity and peace were evanescent. With the death of Charlemagne his empire began

to fall to pieces. Christian Europe became a mass of principalities, great and little, recognizing a shadowy suzerainty in an emperor, but proclaiming in practice their liberties and so asserting them as to render peace no less a mockery than unity. This period of feudal anarchy reproduced in many respects the conditions of ancient Hellas. There was no slightest suggestion of equality in the liberty that was sought and maintained. The most cherished element in the liberty of the baron as against the king was the right to suppress a rival baron or to oppress a rich or ambitious vassal.

In the prevalence of feudal atomism there was one element that preserved the semblance of a path to a different system. That was the idea of agreement, consent, contract, which was involved in every relation of lord and vassal. A fief was bestowed on terms of service; homage was done on terms of protection. There was thus in the relation of undoubted superior to undoubted inferior an implication that the relation existed by virtue of the will of both parties. This stood in direct antithesis to the tradition of the Christian empire; for the authority of the emperor was conceived to be the bestowal of God, testified to by the church and to involve no consideration of sinful men. Such a divine right was the idea on which a reintegration of Europe proceeded under the German emperors from the tenth to the thirteenth century. The process in this manner definitively failed with the extinction of the Hohenstaufen, but it continued under the operation and adaptation of the feudal principle.

From the thirteenth to the sixteenth century the idea of Christian unity under the emperor faded into both theoretical and practical insignificance. Reintegration continued, however, till the greater part of the old principalities were consolidated into the four dynastic and quasi-national monarchies of France, Spain, England and Germany. This was a result of long and complicated warfare and of not less strenuous internal politics. Out of these developed new conceptions of liberty and equality in respect to both individuals and governments. The English, French and Spanish monarchs had established their supremacy over the other princes in their respective dominions only after

conflicts in which the liberty of the subject often triumphed over the will of the king. Through the English Parliament, the French Estates-General, and the Spanish Cortes, the nobility and townsmen long thwarted the movement toward absolutism, and asserted that the monarch's authority was determined by what they conceded to him, that their liberty, not his will, was the law of the land. But when the Tudor or the Bourbon or the Hapsburger became firmly seated on his throne he scorned to acknowledge any source of his majesty save that grace of God which had been the peculiar distinction of the old imperial power. The doctrine prevailed that every monarch participated alike in this grace of God, and that all monarchs thus were equal to the emperor and to one another. This is the origin of the foundation on which modern international law was built up—the equality of states. We shall see later on that this dogma was contemporaneous and causally connected with the dogma that all men are equal.

II

The principle of political science on which the equality of states was at last firmly fixed and on which it rests today is the principle of sovereignty, and the philosopher who by first formulating this principle as the basis of the state, gave system to the modern science of politics was the Frenchman Jean Bodin. His work on the state was published in 1576. It cut loose from both the ultra-classical and the medieval forms that had determined political speculation and projected a theory that was adapted to the conditions of his time.

The essence of a state, Bodin held, was sovereignty. No association of human beings that lacked a sovereign power could be called a state; and every association in which such a power could be found must be a state, no matter whether the actual possessor of the power was an individual or any more or less numerous group of individuals. And what is this sovereignty that is the unfailing mark of a state? Sovereignty, Bodin defines, is supreme power over citizens and subjects, unrestrained by the laws. The sovereign is the man or group of men in a given society

who in last analysis conduct the affairs of the society—make its laws—with no superior to be responsible to save God Almighty.

From this definition how perfectly logical is the conclusion that all states are equal! The essence of a state is unqualified supremacy in its affairs. In this respect the emperor, whatever the traditional dignity or actual resources that are his, is no more and no less the head of a state than the city council of tiny Ragusa. In the forum of God or of Nature, in divine or in natural right, the one can claim no distinction over the other. Monarchies, republics, aristocracies, oligarchies, democracies, tyrannies, despotisms—all alike are states in the eyes of political science so far as they exhibit a sovereign power. Internal organization—government as distinct from sovereignty—has nothing to do with the matter. Nor has the social, religious, racial or other diversity prevailing among the subjects of the sovereign. Bodin's theory admits nothing of nationalism in the conception of the state. A multitude of cities, provinces, duchies, kingdoms, showing an endless diversity of language, institutions and laws, is no less and no more of a state than the most homogeneous community, provided that both exhibit a sovereign power.

Such was the theory of the state that, put forth half a century before Grotius wrote the *Law of War and Peace*, retained its celebrity in Grotius' time, and contributed no mean part to all the speculation that accompanied the development of international law. It is not hard to criticize the work of Bodin. He is somewhat less than perfectly consistent at some points. He does not conceal his belief that monarchy is on the whole the most useful form of state, and this leads him at times to ascribe to the monarch an authority that should properly be attributed only to the sovereign. Moreover, he does not conceal a becoming priority of interest in the French monarchy and its affairs, so desperately anarchic in his day, and he leaves it perfectly clear that his dogma on sovereignty has a special application to the need of maintaining the royal supremacy in France. And finally it may be said that he was philosophizing in the air, out of touch with terrestrial realities, when he propounded doctrine that would establish a necessary parity of any sort among the great and the small powers of Europe, when disparity was everywhere the

glaring rule. As to this it need only be pointed out that his doctrine in this respect was adopted by the whole line of thinkers who in the seventeenth century created the science of international law, and that the basis of the doctrine was the law of nature, whose sway in human affairs Bodin, and all the rest of the thinkers referred to, unquestioningly admitted. This law of nature was playing a large part at this very time in another division of political science, and was there also emphasizing the idea of equality. Having considered somewhat the history of the doctrine that all states are equal, let us turn to the progress of the idea that all men are equal.

The last quarter of the sixteenth century was a period of furious warfare in western Europe, involving religious, political and national antipathies and animosities. Especially productive of trouble was the problem of authority where a prince and his subjects were of different religious creeds. If a ruler was Catholic, his Protestant subjects found reasons to denounce and resist him as a tyrant. If the ruler was Protestant, his Catholic subjects rejected his authority on the same ground. Out of this situation arose a powerful assault on the whole theory of monarchy and the accepted source of political power. A brilliant and profound body of controversial literature, to which Calvinists and Jesuits were the most effective contributors, gave vogue to the dogma that the authority of a prince was never original and irresponsible, but came actually from the people. At the base of every social or political organization, it was maintained, lies the voluntary action, formal or informal, express or tacit, of the individuals who constitute the aggregate. From this spring flows all the authority that is vested in kings and senates and assemblies and in any species of governmental organ.

Thus sovereignty in last analysis was traced by the anti-monarchic philosophers to the people. But was this the end of the analysis? Might it not be asked: Granting that power to govern is bestowed by the people, how did the people get it to bestow? To answer this all the anti-monarchic theorists fell back on the dictum of the Roman jurist that all men are by nature

free and equal. As an isolated individual a human being may control his own conduct, but no one else's. But the ancient dictum is also true that man is by nature a social being. Of necessity the individual seeks association with his kind; of choice he joins with others in determining the rules and regulations—the law—under which their social union shall subsist. Thus authority comes into existence. So far as its exercise is vested in any single individual, he is but the agent of his subjects for their own interest. As one of the ablest anti-monarchic writers declares:

“It is clear that men who are by nature free, impatient of subjection and born rather to command than to obey, have not deliberately chosen submission to another except for the sake of some great advantage.”

From the time we have been dealing with down almost to the present day the sort of thinking just illustrated dominated political speculation. It accompanied and largely promoted the great social and political revolutions throughout the world. On the principle of popular sovereignty, absolute monarchy has given way to constitutional monarchy, and monarchy in general has been superseded by republics. The dogma that all men are equal has played its large part in such political transformations; it has played a large part also in the disappearance of serfage and slavery from most of the earth. With such a record it would be strange indeed if the idea of equality should not be found to have been a potent influence in shaping ideas of international relations. In the same law of nature that the Roman jurist found asserting that all men were equal, the law of nations as it took its modern shape found the ground of its principle that all sovereigns, that is, all states, are equal.

III

Thus the blending of the idea of equality with that of liberty has been a concomitant of what we call the advance of modern civilization. The doctrine that all men and all sovereign states are free and equal has been used to undermine and bring to ruin systems and institutions based on the liberty that means domin-

ion. It has replaced them with systems and institutions assuming to guarantee the liberty that means equality. On the side of destruction the effectiveness of the principle is beyond all question. Is the same true of the constructive side? Has the spread of our vaunted constitutionalism, republicanism, democracy, brought, in either internal or international relations, the equality, order, harmony and peace that were predicted? Let us run over the record.

First, as to the internal affairs of the nations. Consider France and England. That all men are both free and equal was asserted in France in the sixteenth century as the principle of an effort to break the ecclesiastical and political unity of the French realm. A period of fierce civil war was followed by the absolutism of the Bourbons, in which neither liberty nor equality had any place whatever. Two centuries later the dogma became the battle cry of a movement that through another hundred years produced continuous disturbance and a dozen revolutions; and today the demand for liberty and equality is as passionate and sincere from the socialists and anarchists as it was from Calvinists and Jesuits in 1572 and from Girondists and Jacobins in 1792.

In England the record is much the same. Two revolutions in the seventeenth century; the loss of the American colonies in the eighteenth; intense economic and social struggles throughout the nineteenth—all rooted in the longing by somebody for equal rights with somebody else, and all followed, when any measure of success is attained, by the cry that the successful one is trampling upon the liberty of a third party. And always the charge is in some measure well-founded. The nobility, having secured liberty for themselves, scorn and oppress the commons or the commercial bourgeoisie; these, successful in turn, oppress the industrial class; the captains of industry assert their equal liberty, but scoff at the claims of their workingmen. This process, illustrated by France and England, history shows to have been general. It seems as if the repulsive dictum of old Thomas Hobbes would have to be accepted as the verdict of history, that the sole basis of human actions is "a perpetual and restless desire

of power after power; that ceaseth only in death." And it is only as a cover for this that the demand for the liberty that means equality is so continuously put forward; what is sought in reality is the liberty that means dominion.

This conclusion of political science which is so well supported by the internal history of states is not less surely sustained by the record of international relations for the same time. In the sixteenth century, through the Protestant revolt, the ecclesiastical unity of Christian Europe was as completely ruptured as its political unity had been, by the impotency of the empire. The moral and religious hegemony of the Pope, which had long been an important factor in the adjustment of affairs among the states, ceased to function extensively in that field. Europe reproduced the condition of the Hellenic world two thousand years before,—a great number of independent sovereignties, acutely jealous of their equal liberties, and keen to extend their powers; while to the eastward loomed the bulk of semi-European Russia, threatening the rôle of semi-Hellenic Macedon; and to the southward the alien Turk, like the Persian of the earlier age, ever encroached on the domains of his warring and disintegrated adversaries.

The Thirty Years' War, with its widespread ruthlessness and protracted horrors, was the logical result of the general situation. In the Peace of Westphalia that ended the armed strife the principle of equal rights for sovereigns received adequate recognition. At the same time appropriate opportunity was provided for the claim to superior authority by the stronger. A multitude of principalities and city republics in Germany were freed from even nominal subjection to the emperor and received recognition as full-fledged sovereigns; Protestant states assumed the equal position that had been theirs in fact but not in theory; the pre-eminence of Pope and Emperor alike among the powers, was reduced to a shadow; Sweden, Brandenburg, the Dutch Republic, and other sovereign states assumed a new prominence that was destined to make their interests and ambitions a large factor in international relations.

From the middle of the seventeenth till well into the eighteenth

century Europe was desolated by wars that sprang chiefly from the purpose of Louis XIV to establish and maintain the superiority of France over the other sovereigns, just as his father and Richelieu had warred against the superiority of the Hapsburg emperor. The purpose was thwarted by the arrangement and rearrangement of alliances among the threatened sovereigns so as to oppose effective resistance to the dangerous one. The balance of power became the principle of international relations. Its obvious basis was equality; but it as obviously did not avail to preserve peace and order in Europe. The eighteenth century hardly yielded to the seventeenth in the scope and destructiveness of its wars. Because commerce and colonies had become particular sources of power and marks of distinction, the remotest corners of the whole earth were vexed by the rivalries of Europe. The balance of power often served as the cover for shameless aggression. The Hohenzollern king claimed and took a province from the Hapsburg queen to even up the balance between them; and shortly after, to settle the matter, white men and red men were scalping each other in the Mohawk valley and on the banks of the Monongahela. Such were the strange consequences of the doctrine that all sovereigns were equal.

Meanwhile learned and thoughtful men had given body and system to conceptions that were designed to correct the worst evils of the practice that prevailed. Through Grotius, Pufendorf and their successors international law had taken shape and had begun to command the attention and interest of statesmen as well as philosophers. It presented the rules that should control even sovereigns, since those rules were derived from the law of nature and of nations, or, in other words, from the moral law and the experience of intercourse between states. They were obligatory because they expressed what was indispensable to the existence of human society. They called for the reciprocal recognition by states of one another's sovereignty, autonomy and territorial integrity—otherwise life, liberty and property—and for the keeping of the faith of treaties as the only guaranty of orderly relations among equals. From these premises an admirable body of principles were deduced that should maintain peace,

justice and reason in the intercourse of nations. But no means was provided or could be, to insure that such principles should be uniformly interpreted or certainly applied, and war, injustice and unreason continued their ancient sway.

Consider the record since the middle of the eighteenth century: one power after another asserting or charged with asserting that for it liberty must mean widespread dominion, that is, proportional equality, and each in turn reduced by coalition of those who act in the name of absolute equality. Great Britain, raised to enormous power and prestige by the Seven Years' War, and promptly humbled by loss of her American subjects through the aid they secured from her European rivals. France, ruling half of Europe under Napoleon, and promptly stripped of all her gains by the allied powers. Russia, the arbiter of Europe under Alexander I and Nicholas I, stopped in her tracks in the Crimea and after San Stefano. Germany, having achieved the hegemony of Europe and aspiring to that of the world, just now brought to the verge of annihilation amid a holocaust of ancient, and a swarming litter of new-born, sovereignties. Such is the astonishing history of one hundred and sixty years of international relations throughout which it has been a widely accepted doctrine of political science that all states, like all men, are by nature free and equal and endowed with the inalienable rights of life, liberty and property.

IV

The foregoing is not, however, a complete exposition of the bearing of political science on international relations. During the nineteenth century a new doctrine came into play that profoundly influenced both the theory and the practice of public affairs. This was the doctrine of nationalism or nationality. Let us look at its workings in international relations.

As we have seen, popular sovereignty became an important dogma of politics in the sixteenth century. Its application was principally to the problems of internal government. It was a conspicuous force in the English revolutions of the next century; but only in the days of Rousseau and of the American and French

revolutions was it clearly defined both in logic and in application. It meant that sovereignty—ultimate authority—in a state could never be anywhere but in the people; that a monarchic state was inconceivable, though a monarchic government wherein a prince was the mere agent of the sovereign people was entirely possible. This idea brought to the front a question that had excited but little interest before. What is a people? By what marks may we identify the potent entity in which sovereignty inheres? Is the possessor of supreme authority the whole population of a state? or some particular part of this population, such as the hereditary nobility, or the landowners, or the capitalists, or the wise and cultivated, or those who profess a given religion? From the sixteenth century on each of these answers had received support, but at the end of the eighteenth the dominant doctrine was that a people consisted of all those who freely willed to live together in a single society and with a single governmental organization. All men were equal, and therefore an aggregate of these equals that should constitute a political society should involve no distinction of social station or intelligence or wealth or religion. A sovereign people was the product of individual choice.

By the middle of the nineteenth century this dogma had been largely superseded by the doctrine that sovereignty was in a peculiar sense the attribute of a people that was a nation. That is to say, the free choice of individuals was not what in last analysis made a sovereign state, but rather the fact that the individuals were of the same race, the same speech, the same historic traditions, and in general the same kind and degree of civilization or culture. Where Bodin and the conditions of his own and subsequent generations had insisted that cultural and even political diversity among different parts of the population had no bearing on the identity of a state, the nationalistic dogma tended always to maintain that uniformity of race, language and culture throughout the population was of the essence of a state. It became characteristic of political science half a century ago to propound one or both of two doctrines: first, that every population of ethnic and cultural unity and geographic continuity is

entitled of right to self-government and to independence of all other governments; second, every national state thus constituted is entitled of right to precisely the same recognition as any other sovereign power. Thus, since a nation was in the final analysis a people, and since the national state was specifically a sovereign, the creed of the nineteenth century may be formulated concisely thus: All peoples are by nature free and equal. To the dogma of the Roman jurist in the third century and to that of the French jurist in the sixteenth, the political science of our own age has added the logical supplement. All *men* are by nature free and equal; all *states* are by nature free and equal; all *peoples* are by nature free and equal.

This last dogma, whether expressed or tacit, conscious or unconscious, was a controlling factor in the international relations of the last hundred years of history. It was operative in the establishment of an independent Greece, of the Kingdom of Italy, of the German Empire, of the Kingdom of the Belgians, of the various Balkan states, and of the numerous states of Latin America. It played a great part in the repeated and desperate efforts of the Poles to throw off the yoke of the Czar, and in the equally desperate, though happily not repeated, effort of our Southern states to sever their connection with the North. Within the last four years we have seen it, reformulated as the principle of self-determination, dismember Germany, Russia and Turkey, restore Poland to life, and reduce Austria-Hungary to a chaos of nationalistic atoms.

These spectacular achievements must not blind us, however, to certain realities that illustrate again our earlier thesis. The peoples that have become free have almost invariably forgotten that peoples are by nature also equal. The liberty achieved has proved to be the liberty that means dominion, not that which means equality. Germany and Italy were no sooner secure in their national integrity than they sought lordship over other peoples. Belgium rules in Africa over populations and areas that make her own look ridiculous. The United States, with some hesitation, took up after the Spanish war her share of the white man's burden, but apologized for the operation by a formal

registration of her altruistic motive and purpose. Greece and the recently emancipated Balkan states have devoted a striking proportion of their time and energy to extending their areas and populations with scant respect for the equality of other peoples. Poland has just narrowly escaped destruction in seeking to extend her sway over Russians. The latest history of civilized mankind, like the earliest, shows that to both nations and individuals the choicest badge of liberty for one is the servitude of another.

v

It seems the inevitable conclusion from our review that the theories of political science and the practice of international relations are hopelessly at variance. The generous ideals of liberty, equality, fraternity and peace that shape and pervade the theory are painfully hard to detect in the sordid record of the practice. Democracy among the nations produces as little real equality and harmony as democracy within any single nation. The individual of genius, of sagacity, of wealth or other source of power is not today, and never has been, in any sense the absolute equal of one lacking such endowments. Nor is the nation of superior resources, material or moral, on a political parity with others less fortunately placed. But it will be said, it ought to be on a parity. Perhaps so; but just there lies the crux of the problem.

Is the wide variance between the dogma of political science and the facts of international practice attributable to error in the theory or to error in the practice? Possibly both, but certainly in the theory. The importance of liberty in the scheme of human social existence has been greatly exaggerated in modern political science. With equality as the characteristic attribute of liberty, social existence becomes inconceivable. Authority is what makes any form of human society possible. It is as indispensable to a society of peoples as it is to a society of individuals. It is incompatible with absolute equality and with absolute liberty; but it is an indispensable guaranty of proportional equality and of qualified and practicable liberty. No aggregate of individuals or of peoples has ever existed or ever can exist without some insti-

tutional expression of the relation of ruler and ruled. Recent political science has tended to lose sight of this fact and to centre its attention on the units that make up the political group rather than the group as a whole. The doctrine that is needed to explain and to guide the international relations of the twentieth, or for that matter any other, century must rest on these dogmas: Peoples, like individuals, are not by nature free; peoples, like individuals, are not by nature equal. Authority is prior to liberty and makes liberty possible. Self-determination for peoples is what anarchy is for individuals.

On that platform the world would be displaying today in its international relations certainly more of order and possibly more of progress than are revealed in the chronicles.